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Dear Child Care Provider:

This letter is a reminder that providers eligible to provide child care services to families receiving child care subsidies are expected to be compliant with all applicable federal, state, and local laws, regulations, and policies.

Eligible provider responsibilities can be found in 18 NYCRR 415.12 (<http://government.westlaw.com/linkedslice/default.asp?SP=nycrr-1000>)

These responsibilities include the following:

- 1) Compliance with relevant state regulations.
- 2) Maintenance of daily attendance records for each child showing:
 - date of attendance
 - time of arrival and
 - time of departure or
 - a notation of full day absence
- 3) Certification that all documentation and information provided to NYC ACS is true and accurate.
- 4) Not charging more for subsidized child care than a provider charges for non-subsidized care.
- 5) Admission of inspectors and other representatives of the enrollment agency, social services district (New York City Administration of Children Services and New York City Department of Social Services), and New York State Office of Children and Family Services (NYS OCFS).
 - NYS OCFS may deny, suspend, or terminate a provider's enrollment if a provider or an employee, volunteer, visitor, or household member of the provider does not admit or cooperate with an inspector or representative or threatens an inspector or representative with physical or verbal force.

Attendance Maintenance Policy

By regulation, child care providers and programs must maintain onsite daily attendance records with time of arrival and departure for each child and/or notation of full day absences for each child. In accordance with ACS policy, providers and programs should also record program closure days in CAPS Online or the ACS-2 attendance forms. The ACS-2 will enable time-in/time-out reporting on paper.

Children should not be marked as absent on attendance records, either via CAPS Online or the ACS-2 form when there is a program closure.

Attendance records should be kept on file for a period of two years. You are not required to send daily attendance records to ACS unless they are requested. Daily attendance records may be inspected by ACS or other government officials at any time. This inspection may be at your home or center or you may be asked to submit copies of the records by mail.

State regulations allow NYC ACS to prevent a provider who is not in compliance with the subsidy regulations (18 NYCRR Part 415) from receiving payment from an eligible family's child care subsidy. Failure of a child care provider to comply with these regulations may also result in a delay or denial of payment invoices.

Legally Exempt Child Care Providers

Providers of legally exempt child care are also responsible for continued adherence to the agreements contained in the provider enrollment forms (OCFS-LDSS-4699 for family and in-home child care providers, or OCFS-LDSS-4700 for group child care providers). Responsibilities include allowing representatives of NYC ACS and WHEDCo, (the enrollment agency for legally exempt child care providers), access to the premises where subsidized child care is provided to confirm that information on your enrollment form and/or attendance records are accurate, and that child care services are being provided as stated on these forms.

NYS OCFS has provided NYC ACS with written approval to conduct announced and unannounced visits to licensed and legally- exempt group programs providing subsidized child care. Please be prepared to provide documentation demonstrating compliance with the above stated provider responsibilities when NYC ACS visits your program.

The enrollment forms also stipulate that providers inform WHEDCo immediately if there are changes in any information provided on the enrollment form or attachments. This includes the location of the child care program and the address where the child care is being provided.