

**Report to the Governor and Legislature  
on Family Day Care and School Age Child Care Registration:  
April 1, 2009 – March 31, 2010  
(Pursuant to Chapter 750 of the Laws of 1990)**



**New York State Office of Children and Family Services  
February, 2011**

**Andrew M. Cuomo, Governor**

**Gladys Carrión, Esq., Commissioner**



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# Table of Contents

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<b>Executive Summary .....</b>	<b>iii</b>
<b>1. Introduction and Background .....</b>	<b>1</b>
a) Purpose and Focus of the Study.....	1
b) Background on Child Care and Registration .....	2
c) Methodology and Data Sources .....	4
<b>2. Registered Providers.....</b>	<b>8</b>
a) Overview.....	8
b) Regional Detail .....	9
<b>3. Complaints.....</b>	<b>11</b>
a) Background.....	11
b) Types of Complaints Received.....	11
c) Rate of Complaints and Department Response to Complaints.....	14
<b>4. Administrative Actions Including Applications and Inspections .....</b>	<b>22</b>
a) Registration Applications .....	22
b) "50% Inspections" .....	27
<b>5. Table of Appendices.....</b>	<b>31</b>



## 1. Executive Summary

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There have been pronounced improvements in child day care in New York State resulting from the passage of *The Quality Child Care and Protection Act* of 2000, which mandated pre-licensure and pre-registration inspections for child day care programs as well as stronger training requirements and criminal history checks for prospective child care providers, and the statewide implementation (in 2001) of the *Child Care Facility System* (CCFS), which is New York State's database of record for regulated child care. Many of those changes owe their existence, ultimately, to Chapter 750 of the Laws of 1990 which helped to enable all of the improvements in monitoring, accountability and child health and safety protection that were to come, by mandating a consistent system of registration for family day care (FDC) and school age child care (SACC) programs. As detailed in the Introduction, Chapter 750 of the Laws of 1990 also required annual reporting on the following key indicators of the new system's implementation – the focus of this report:

1. the number and types of child care providers registered and licensed,
2. the number and types of orientation sessions offered,
3. the number and types of complaints received and a summary of responses to and resolution of the same, and
4. the number of registrants and applicants for licensing awaiting inspection or other administrative action.

This review examines the year beginning April 1, 2009 and ending March 31, 2010, drawing comparisons both to the preceding year and to the three-year period ending March 31, 2010, based on CCFS data. Throughout, the report focuses on only one segment of the regulated day care universe – FDC and SACC providers, to whom the legislation's registration mandate applied – rather than other types of providers already subject to more regulation prior to 1990.<sup>1</sup> Because orientation is no longer a prerequisite for registration,<sup>2</sup> this report modifies the original reporting charge above by replacing that topic with detailed performance information on the analogous, equally critical process of handling registration applications.

### Registered Providers

- For the year ending March 31, 2010, registered FDC provider counts<sup>3</sup> *decreased* in New York City (2%), the balance of the state (5%) and statewide (4%), compared with the prior year – somewhat slowing, but continuing each region's trend since April, 2007; for the entire three-year period through March, 2010, the corresponding declines were 11% in each region.<sup>4</sup>

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<sup>1</sup> Notably, some of this report's findings are reversed among other types of providers. For example, the declining numbers of FDC providers referenced for this and prior report periods are more than offset by increases in Group Family Day Care providers in recent years, especially in New York City. (See *Background on Child Care...*, below, for an overview of the different modalities of care.)

<sup>2</sup> See the discussion under *Introduction and Background*.

<sup>3</sup> Counts here are based on providers registered *at any point during the respective intervals* (see p. 8).

<sup>4</sup> Each "three-year" percentage cited here and below refers to the change between the first of the three years (beginning April 1, 2007) and the third – the report year beginning April 1, 2009.

- In contrast, SACC provider counts *increased* in New York City (1%), the balance of the state (2%) and statewide (2%), compared with the prior year – also continuing each region’s trend since 2007; for the three years culminating March 31, 2010, the corresponding increases were 4%, 6% and 5%, respectively.
- Compared with the three-year period ending March 31, 2010, the slowing of change during the 2009 – 2010 year reinforces the impression (in prior reviews) of the emergence of a consistently-sized, relatively stable population of providers.

### Complaint Handling

- Complaint counts declined moderately from the prior year (4% – 29%) in all regions except the Rochester region (24% gain); five of seven regions (excepting the Rochester and Long Island regions) showed declines for two years running, suggesting a continued stabilization of complaint activity compared with earlier levels.
- Consistent with trends observed for the 2003 – 2006 and 2006 – 2009 reviews, complaint counts in and outside of New York City appeared disproportionate in view of the statewide distribution of providers. For the second consecutive year, the ratio of complaints filed outside the City, to those filed within the City, exceeded 5:1 during the year ending March 31, 2010; standardized complaint *rates* outside the City were about four times greater than those in the City, for each of the three years culminating with this report year.
- Complaint categorizations across the state continued to show limited, yet clear differences between New York City and the balance of the state: 1) For the third consecutive year, the City designated over 90% of complaints for the 2009 – 2010 year as "imminent danger" while the balance of the state designated 2% in that category, and the great majority (over 80%) as "serious"; 2) statewide, roughly similar proportions of complaint investigations confirmed one or more additional regulatory violations beyond those originally reported for the complaints, but only five regions – all outside of New York City – reported substantial *increases* in this proportion (15 percentage points or greater) compared with the prior year.
- New York City maintained its level of timeliness in initiating complaint investigations during the 2009 – 2010 year (unchanged from the prior year at 99%) while the balance of the state showed improved performance almost as timely in this respect (rising to 93% from 90% the prior year). Areas outside the City concluded investigations according to required timeframes as often as they initiated investigations on time (rising to 92% from 90% the prior year), while New York City reported improved performance almost as timely in concluding investigations as for initiating investigations (rising to 94% from 89% the preceding year).<sup>5</sup>
- For each of the three years culminating with the 2009 – 2010 report period, there were nominal differences by region in the disposition of investigations, but only for complaints rated as "serious." For these, substantiation rates in New York City were 10 or more percentage points lower than elsewhere, each year, but reflected far smaller New York City sample sizes offering less confidence about the conclusion.

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<sup>5</sup> See the section, *Background* (under Complaints) for details on complaint timeliness calculations for this review.

### Application Processing

- Statewide, combined FDC/SACC application counts for the year beginning April 1, 2009 increased 1% compared with the prior year – a pronounced slowing from the double-digit growth in applications between April, 2007 and March, 2009. Underlying this change was a 10% increase in New York City but a 5% decline for the balance of the state reflecting reductions in five of the six regions outside of the City (ranging from -3% for the Long Island region to -12% for the Buffalo region).
- Driving the small statewide increase in applications for the 2009 – 2010 year were gains in SACC applications (+9%) but no change in FDC applications compared with the prior year.
- The proportion of combined FDC/SACC applications processed in timely fashion declined by 1% (to 93%) for the 2009 – 2010 year – the first such decrease after six consecutive annual gains beginning in 2003 – 2004. Underlying the decrease was a small decline in timeliness reported for areas outside of New York City (-3%) but no change in the consistent, increasingly timely processing of applications in the City. By the 2009 – 2010 year, New York City's advantage over the balance of the state in processing applications on time reached 11 points (99% vs. 88%).
- Outside of New York City, declines in timeliness at processing applications for the 2009 – 2010 year were driven by delays among FDC applications (where timeliness fell from 91% to 88%), not among SACC applications (where timeliness increased from 89% to 90%).

### "50% Inspections"

Section 390(4)(a) of Social Services Law requires annual inspections of at least 50% of all registered providers of each modality per county, in order to maintain compliance with regulatory and statutory quality-of-care requirements.

- Both New York City and the balance of the state completed more "50% inspections" than required during the year ending March 31, 2010, just as in the prior two years. For the 2009 – 2010 report year, the City's goal for such inspections was met and exceeded by almost two times, while that for the balance of the state was exceeded by 15%.
- Departing from the 2003 – 2006 and 2006 – 2009 trends, the proportion of 50% inspections identifying violations of applicable statutes and regulations stopped falling and instead rose marginally (1% – 2%, compared with the prior year) during the 2009 – 2010 report period, statewide and in each major region. Upon examination, the increases were driven primarily by small increases in violations identified among FDC programs in New York City and among SACC programs outside of the City.



# 1. Introduction and Background

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## **a) Purpose and Focus of the Study**

Chapter 750 of the Laws of 1990 (SSL 390) established a system of mandatory registration for family day care (FDC) and school age child care (SACC) programs in New York State. It replaced a patchwork system marked by varying rules and authorities for registration with a single consistent system that was more capable of exerting strong emphases on training, support services and the protection of children's health and safety.<sup>6</sup> The legislation included the following reporting requirements:

"The commissioner of social services shall prepare an annual report to the Governor and legislature on the implementation of this act. Such report shall include information on

1. the number and types of child care providers registered and licensed,
2. the number and types of orientation sessions offered,
3. the number and types of complaints received and a summary of the department's responses to and resolution of the same, and
4. the number of registrants and applicants for licensing awaiting inspection or other administrative action."<sup>7</sup>

This report covers the year, April 1, 2009 – March 31, 2010 and is a continuation of the series of registration reports previously submitted to comply with the above statutory requirement for the years through March 31, 2009. Throughout, the focus of reporting is on FDC and SACC providers – those to whom the legislation's registration mandate applied – rather than other types of providers already subject to more regulation prior to 1990.<sup>8</sup> While the focus is the 2009 – 2010 report year, for consistency with prior reports in the series, the study also offers extensive comparisons with the three-year window ending the same year, for perspective, with each year broken out separately in the analysis, consistent with the Law's annual reporting requirement.

Beginning with the 2003 – 2006 report, all subsequent reports in the series depart from the original reporting charge as described above, due to legislative changes made after 1990. Effective early in 2001, the *Quality Child Care and Protection Act* lifted the 1990 legislation's requirement of mandatory orientation sessions by the New York State Office of Children and Family Services (OCFS) or contracted entities as a condition for new registrations of FDC and SACC programs in favor of mandatory pre-registration inspection as well as health and safety training for such registrants.<sup>9</sup> Because orientation is no longer a prerequisite for registration, that

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<sup>6</sup> Under the prior system, e.g., SACC programs operating relatively few hours were exempt from registration, while FDC programs were regulated through a confusing joint state–county system.

<sup>7</sup> *McKinney's 1990 Session Laws of New York* (West Publishing Co.), V. 1, pg. 1531. Numbering added.

<sup>8</sup> See *Background ...*, below, for an overview of different modalities of care and the corresponding regulatory framework.

<sup>9</sup> Chapter 416 (S. 7837-A), amending Section 390 of SSL, approved 9/6/2000, in *McKinney's 2000 Session Laws of New York* (West Publishing Co.), V. 1, pg. 1028. The requirement of pre-registration health and safety training applied to FDC, but not to SACC, registrants.

topic cannot remain a focus for reporting. Instead, readers will find substituted, beginning with the 2003 – 2006 report, detailed information on the analogous, equally critical process of handling registration applications.

Following the Introduction, then, this Review includes three major sections, corresponding to the legislative requirements above:

- a) Registered Providers – the number and types of child care providers registered and licensed;
- b) Complaints – the number and types of complaints received and a summary of the department's responses to and resolution of the same; and
- c) Administrative Actions – the number of registrants and applicants for licensing awaiting inspection or other administrative action.

### **b) Background on Child Care and Registration**

In New York State, persons caring for fewer than three children within home settings are considered “license-exempt” and are not subject to regulation. When persons provide care for three or more children for more than three hours a day in a home setting, that care *is* regulated by the state and is categorized as either “family day care” (FDC; up to eight children, depending on the ages of the children) or “group family day care” (GFDC; up to 16 children, depending on the ages of the children).<sup>10</sup> Programs in which children receive care outside of a home setting include “day care centers” (DCC; seven or more children) and “school age child care” (SACC; six or more school-age children receiving care during non-school hours, holidays or school vacations). Both DCC and GFDC programs are regulated by the state through a process known as *licensing*, while FDC and SACC programs are regulated through the analogous process of *registration*, the focus of this study.

Whether through licensing or registration, regulation of child care providers in New York State entails an array of detailed activities including application processing, background checks, safety and facility inspections, documentation of mandated and other training, ongoing monitoring and supervision – all aimed at protecting the health and safety of children in care by requiring that providers comply with minimum standards for care established in regulation (e.g., safety, sanitation, nutrition, prevention of child maltreatment). For FDC and SACC programs, these “registration services” have been provided under one of several arrangements, depending on local department of social services (LDSS) preferences. During the six years covered in the last two reports (2003 – 2009), **New York State** – through OCFS' seven regional child care offices<sup>11</sup> – provided registration services directly to a growing proportion of counties (+24%, reaching 21

<sup>10</sup> Shortly after the current report period (in June, 2010), Chapter 117 of the Laws of 2010 revised New York law to enable larger capacity limits for FDC and GFDC programs under limited circumstances when OCFS assesses individual programs to determine whether they are able to accommodate the specific number of children in care. After inspection and approval, FDC programs previously limited to caring for no more than two children under the age of two were permitted to care for more than two such children if at least one caregiver was available for each two children under that age who were in care. GFDC programs previously limited to serving up to 14 total children, including up to four school-age children, were permitted to serve as many as 16 children, upon approval of such a change (following an inspection). *For the entire present report period, however, the old capacity limits still applied.*

<sup>11</sup> Figure 1, below (repeated in Appendix A.1) maps the seven regions of the Division of Child Care Services (DCCS) whose offices oversee the regulation of child care providers in New York State.

counties in 2009),<sup>12</sup> while OCFS contracted with a dwindling proportion of **LDSS's that chose to provide registration services directly** (-63%, falling to 3 counties by 2009).<sup>13</sup> During the same period, OCFS contracted with LDSS's that chose to subcontract with **not-for-profit agencies, primarily Child Care Resource and Referral (CCR&R) agencies**, in a consistent majority of counties (+3%, reaching 33 counties in 2009),<sup>14</sup> and OCFS contracted with the **New York City Department of Health & Mental Hygiene (NYCDOHMH)** to provide the services in New York City (5 counties).<sup>15</sup> By 2010, one additional county previously serviced by an LDSS was provided registration services by a CCR&R, continuing the trend toward LDSS disengagement in this respect, seen since 2003. *Figure 1 maps and defines the seven DCCS regions, while Figure 2 documents this report period's latest example of the declining LDSS role in providing registration services (see Erie County).*

One possible consequence of these variations in who provides registration services could be differences (e.g., number of workers and/or skill-levels) among the workforces performing registration services in different geographic areas. For example, if disparities in wages, credentials, technology, or resources exist among New York State, CCR&R, LDSS or other employees charged with this work, performance of registration activities and the resulting statistics summarizing that performance could be affected, making comparisons that ignore such factors ill-advised. In order to mitigate this issue and provide the most equitable comparisons, this review, like the prior reports, emphasizes comparisons among larger areas (e.g., New York City versus the balance of the state), rather than county-level contrasts that easily could involve (for example) exclusively New York State versus exclusively CCR&R staff.<sup>16</sup>

Other consequences of these different registration service arrangements flow from DCCS' implementation of performance-based contracting for this work. Effective January 1, 2005 and continuing into 2006 and beyond, all contracts for the provision of registration services by non-State entities such as CCR&R's, NYCDOHMH or LDSS's were converted into performance-based arrangements in an effort to maximize accountability and oversight by conditioning payments for services on localities' attainment of a variety of accepted standards in completing the work. Integral to this change, all contractors were required to use a common reporting system of record, described below, and DCCS developed a series of automated "performance standards," keyed to that reporting system, to enable rigorous, routine monitoring (on an as-needed, usually quarterly, basis) of all key registration activities by those performing the services.

The transition to performance-based contracting probably had both *direct* and *indirect* effects on registration statistics, potentially contributing to differences in performance between those

<sup>12</sup> See Figure 2, pg. 7, (green cross-hatch).

<sup>13</sup> *Ibid.*, (dark blue hatch). See Appendix A.2 for maps for all of the remaining years cited in this discussion.

<sup>14</sup> *Ibid.*, (light blue hatch).

<sup>15</sup> *Ibid.*, (orange cross-hatch).

<sup>16</sup> Where informative for policy purposes, DCCS Regional results - *typically referred to by abbreviation, as detailed in Figure 1 and Appendix A.1* - are also offered, but illustrate the difficulty. For 2009, e.g., the percent of each DCCS Region's counties which involved New York State-provided registration services ranged from 0% (Spring Valley Region) to 57% (Syracuse Region); for CCR&R-provided services, the corresponding proportions ranged from 43% (Syracuse Region) to 100% (Spring Valley Region). As a result, the role of potential staffing differences always warrants consideration when weighing certain comparisons.

counties with and those without performance-based contracts (e.g., counties with NYCDOHMH, LDSS or CCR&R-provided services and those with New York State-provided services, respectively). Almost certainly, this shift in administration produced direct salutary effects on the performance of key registration activities in those locales affected, by improving oversight. But performance-based contracting probably also influenced registration activities indirectly, such as by contributing to gains in staff skills and/or counts, and thereby leading to better caseload management and presumably better performance by those registration workers affected. Whether it was a result of the shift to performance-based contracting or not, it remains a fact that, as of 2001 (just after passage of the *Quality Child Care and Protection Act*), 327 workers were employed statewide providing registration services, both in State and contracted agencies, compared with 471 such workers in 2005 – a 44% increase. While some of this increase represented additional contracted staff dedicated solely to registration services and some represented additional state staff with somewhat broader responsibilities, it seems reasonable to conclude that the magnitude of the increase led to improvements in the monitoring of programs, and ultimately in the regulation of care – but perhaps also to variations in the monitoring of care among regions – during these years.

### **c) Methodology and Data Sources**

This report places primary emphasis on quantitative data from the database of record for child care services in New York State – the *Child Care Facility System (CCFS)* – in order to provide clear, replicable measurements addressing the specific reporting requirements at issue (above). As a result, this report affords a clear perspective on any changes that occurred during the year ending March 31, 2010, in comparison with the three years ending the same date, or with prior report periods.

For each topic reviewed, this involved either creating new reports keyed to CCFS data or modifying DCCS' existing performance standards, when feasible, to produce measures analogous to the originals, but customized and sometimes enhanced to fit the descriptive task at hand. For example, the analysis of "response to complaints" in this report closely resembles – with some distinctions – the methodology used to assess the timeliness of complaint investigations in DCCS' corresponding "performance standard," but also includes: a) all counties throughout the state and; b) only FDC and SACC programs and c) enhanced detail to facilitate regional comparisons, viz., standardized rates of complaints received.<sup>17</sup> For readers' reference, each chapter below overviews any computational details pertinent to understanding the respective chapter findings, while Appendix A.3 provides narrative descriptions of all such rules and calculations employed for measures featured throughout the report.

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<sup>17</sup> As in the prior reviews, two standardized "complaint rate" measures are provided in this report: a "one-year" rate relating the number of complaints in a year to the number of providers *ever registered* during that year, and a "three-year" rate relating complaints received during a three-year period to providers ever registered during that period, with each measure expressed as the number of complaints "per 100" such providers. Aside from such refinements, the three major differences between measures presented here and DCCS' existing ones are: a) the inclusion of all counties (rather than just those with performance contracts, as in the original measures); b) the restriction to just FDC and SACC settings; and c) the focus on annual report periods here. Readers should note that this makes results here look decidedly different from performance measures typically published by DCCS.

Although first operational in 2000 in New York City, CCFS only went statewide as New York's child care database of record in April 2001. As late as 2005, reporting in CCFS remained incomplete, especially for certain topics and time-frames. However, performance-based contracts began to require the use of CCFS as the data system of record, effective on January 1, 2005, and this seems to have had a big effect on reporting before and after. For example, the number of complaints CCFS showed for New York City FDC and SACC providers grew by over 150% between the years ending March 31 for 2003 and 2006, respectively,<sup>18</sup> probably due more to a combination of reporting changes and the requirement to use CCFS than to any actual surge in complaint activity during the corresponding years.<sup>19</sup> Even by the start of the 2006 – 2009 report period, the number of complaints CCFS showed for New York City versus the balance of the state appeared somewhat disproportionate, with smaller counts for the City than might be expected based on its 40%-50% share of the population of providers. Given CCFS' status as the database of record for child care in New York, this report necessarily relies on that data set, but calls attention to such findings, where potentially useful. For other data fields, such as registered provider and registration applications counts, reporting under CCFS was more complete relatively soon after implementation of CCFS.

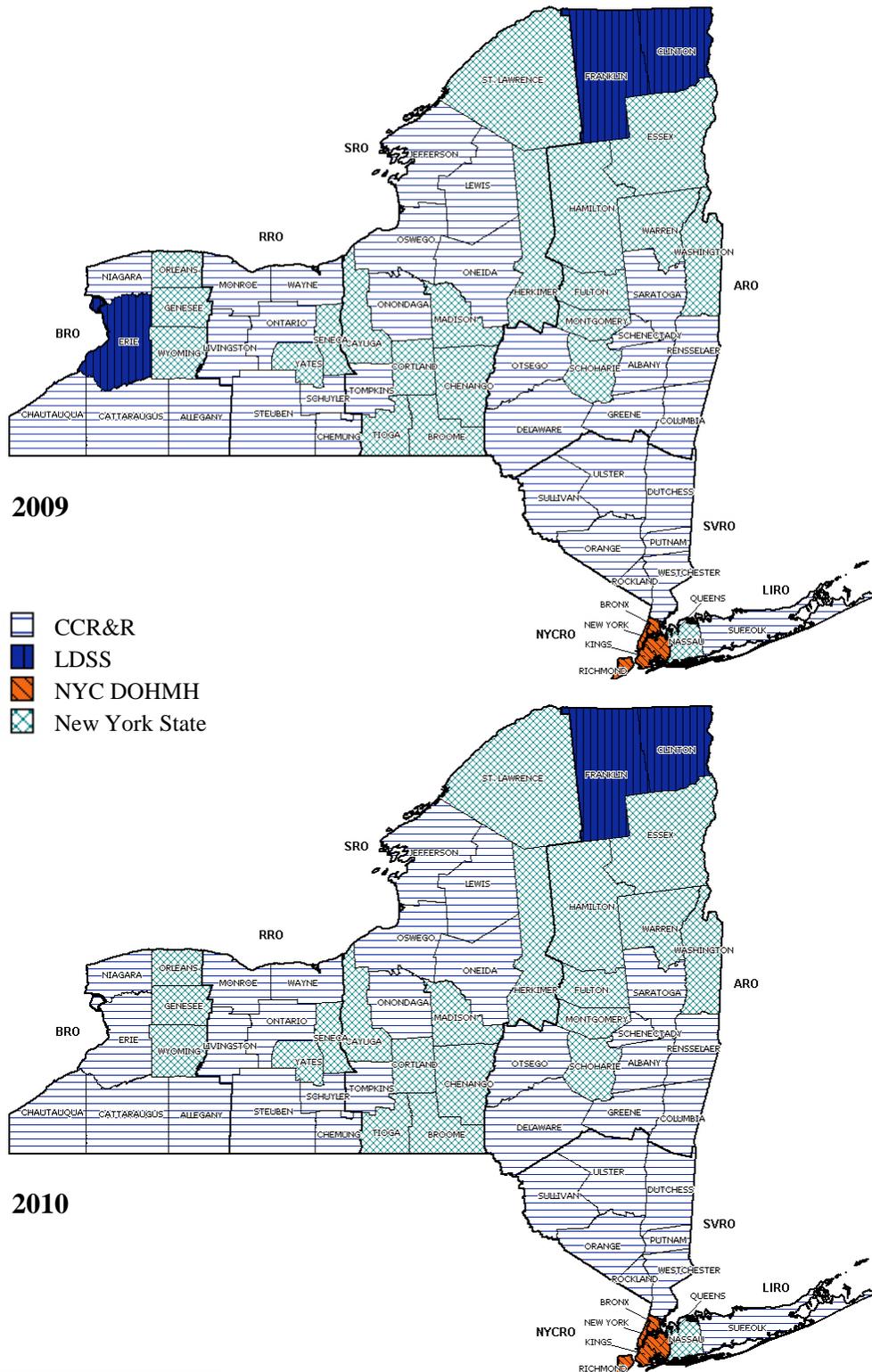
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<sup>18</sup> From 158 in the year ending March 31, 2003 to 396 in that ending March 31, 2006, respectively. See Table 3.1 from the earlier report in this series, *Report to the Governor and Legislature on Family Day Care and School Age Child Care Registration: April 1, 2003 – March 31, 2006* (DCCS, 2010) as compared with Table 3.1 in the successor, *Report to the Governor and Legislature on Family Day Care and School Age Child Care Registration: April 1, 2006 – March 31, 2009* (DCCS, 2010).

<sup>19</sup> See the discussions under *Methodology and Data Sources* in each of the prior reports, *Ibid.*



**Figure 2. Changes in Registration Service Provider by County: 2009 – 2010<sup>21</sup>**



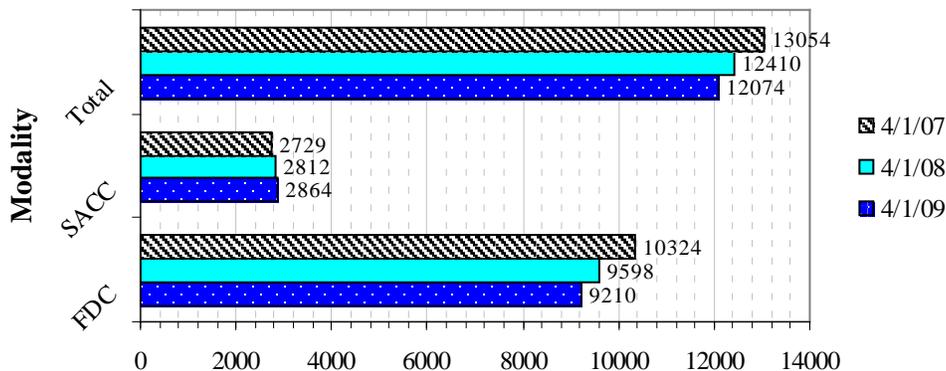
<sup>21</sup> Status at the end of the year (2009) or as of September, 2010. For both maps, one county (Oneida) served by a not-for-profit agency which was not a CCR&R agency is grouped under the “CCR&R” category displayed. See Appendix A.2 for full-page versions of these and other maps referenced in the discussion.

## 2. Registered Providers

### a) Overview

The year beginning April 1, 2009 saw a continuation of statewide trends from the 2006 – 2009 review period, including a modest decrease (-3%) in total FDC/SACC programs registered at any point during the year, a somewhat greater decline (-4%) in FDC programs, and modest growth (+2%) in SACC programs compared with the preceding year. For the three-year period ending March 31, 2010, the corresponding cumulative changes statewide among those registered at any point during each year, -8%, -11% and +5%, respectively, were remarkably similar to those observed for the 2006 – 2009 review.<sup>22</sup> Figure 2.1 displays the corresponding changes in numbers of providers ever registered during the three years culminating with the present report year, by modality.<sup>23</sup>

**Figure 2.1**  
**Total (FDC/SACC) Providers Registered at Any Point**  
**During Reporting Period, By Modality, For Year Beginning:**



As described in the prior report in this series,<sup>24</sup> some of the factors influential to net declines in registered providers in recent years are probably no longer applicable, contributing to the slowing decline in providers during this report year (e.g., fluctuations after New York City's incorporation into CCFS; changes in standards implemented under the *Quality Child Care and Protection Act* of 2000). Other factors, such as transitions of existing FDC to GFDC programs for business reasons, probably now account for relatively stable, rather than growing, proportions of providers. Taken together with this review's findings of sustained strong performance or continuing improvements on key registration activities, this stability seems to confirm the

<sup>22</sup> The 2006 – 2009 review showed cumulative changes of -8%, -11% and +3% among combined FDC/SACC providers, FDC providers alone and SACC providers alone, respectively. See Figure 2.1 in *Report to the Governor and Legislature*, op cit., n.18, above.

<sup>23</sup> For both this and the following Figure, each year's counts represent those registered during that same year. Also, note the distinction between the "ever registered" counts cited and *point in time* counts, such as at the end of each year. Table 2.1 provides both types of counts, and just as in the prior review, reveals consistent declines in FDC providers "within" each year reported (compare the "first day" and "last day" counts shown).

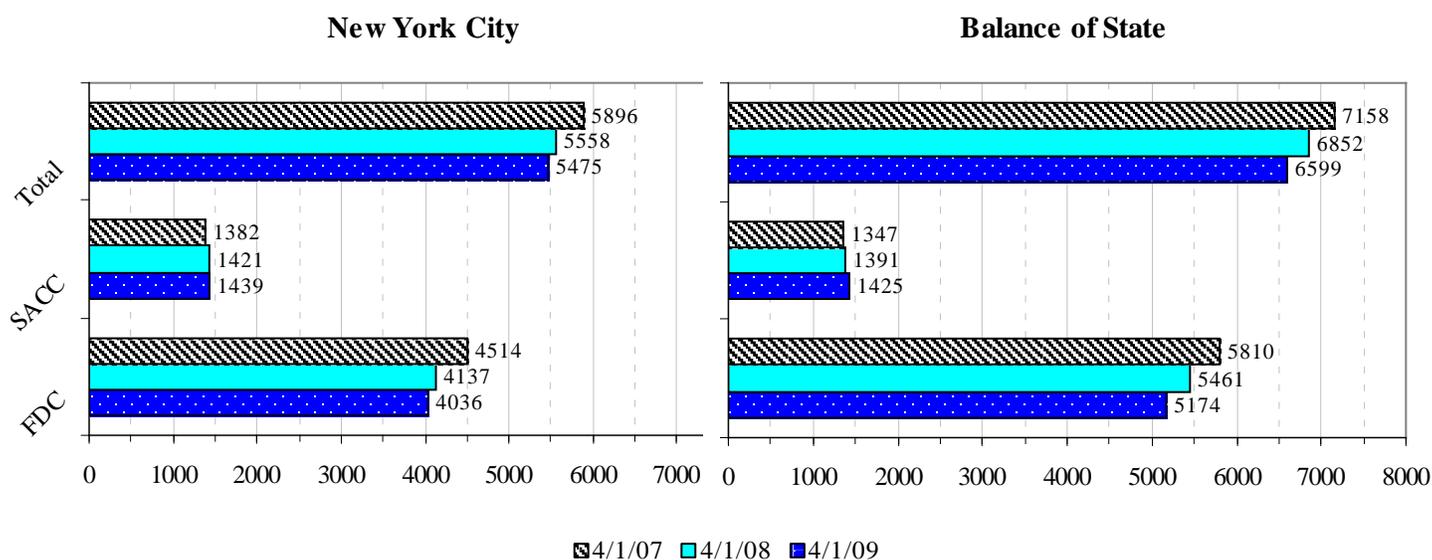
<sup>24</sup> *Report to the Governor and Legislature*, op cit.

emergence – noted in the prior report – of a consistently-sized (because viable over time) population of providers well adjusted to the more systematic regulation now required.

## b) Regional Detail

When broken down further by region (New York City versus the balance of the state), each area of the state partook about equally in these trends of modest decrease, and modest increase, respectively, among FDC and SACC providers during the 2009 – 2010 report year. Figure 2.2 displays the corresponding changes in counts of providers by modality for the two regions, for that year and the preceding two years, as summarized more completely in Table 2.1. Just as in the 2006 – 2009 review, New York City and other regions showed relatively similar patterns of change in numbers of providers, for the three years ending March, 2010.<sup>25</sup>

**Figure 2.2. Total (FDC/SACC) Providers Registered at Any Point During Reporting Period, By Major State Region and Modality, For Year Beginning:**



**Table 2.1. Number of Registered Providers (FDC/SACC), By Major State Region and Modality: As of Any Point, As of the First Day and as of the Last Day, For Three Years, 4/1/07 - 3/31/10**

Region	Year Starting April 1,	Any Point During Year			First Day			Last Day		
		FDC	SACC	FDC+ SACC	FDC	SACC	FDC+ SACC	FDC	SACC	FDC+ SACC
New York City	2007	4,514	1,382	5,896	3,739	1,214	4,953	3,537	1,244	4,781
	2008	4,137	1,421	5,558	3,535	1,244	4,779	3,358	1,268	4,626
	2009	4,036	1,439	5,475	3,356	1,267	4,623	3,307	1,309	4,616
Balance of State	2007	5,810	1,347	7,158	4,840	1,263	6,104	4,606	1,269	5,876
	2008	5,461	1,391	6,852	4,605	1,269	5,874	4,428	1,292	5,720
	2009	5,174	1,425	6,599	4,426	1,294	5,720	4,260	1,314	5,574

<sup>25</sup> Appendix A.4 documents generally similar modest changes (continuing declines in registered FDC programs and relative stability or small increases in SACC programs) for specific DCCS regions, for the years 2007 – 2010.

Region	Year Starting April 1,	Any Point During Year			First Day			Last Day		
		FDC	SACC	FDC+SACC	FDC	SACC	FDC+SACC	FDC	SACC	FDC+SACC
Total	2007	10,324	2,729	13,054	8,579	2,477	11,057	8,143	2,513	10,657
	2008	9,598	2,812	12,410	8,140	2,513	10,653	7,786	2,560	10,346
	2009	9,210	2,864	12,074	7,782	2,561	10,343	7,567	2,623	10,190

### 3. Complaints

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#### **a) Background**

In New York State, complaints about child care are received through a variety of channels by a variety of staff ranging from those in OCFS' central and regional offices, to local or subcontracted staff responsible for registration services in particular localities,<sup>26</sup> to individual child care programs, but in every instance, are required to be immediately entered into CCFS for appropriate handling. Under its authority for implementing the Law and regulation in this area, OCFS categorizes complaints into three types, corresponding to their degree of "seriousness": non-emergency, serious or imminent danger. The classification of a complaint determines how quickly it must be investigated. As detailed in the Appendix, both the measurements of timeliness for initiating, and for determining, investigations, that are used for this review, are conservative in the sense of slightly *understating* the timeliness of performance involved, as compared with the corresponding OCFS performance standards.<sup>27</sup> The findings on timeliness of complaint "determinations," in particular, concern a wider range of agency activity (were complaints *closed and corrected* within 60 days?) than that involved in OCFS' compliance monitoring (were complaint allegations *judged substantiated or not* within 60 days?), but for convenience are referenced throughout this report under the abbreviation, "determination."

Based on an investigation, a complaint is found to be: 1) either substantiated or unsubstantiated (regarding the original allegation[s]), and 2) either involving or not involving additional regulatory violation(s) requiring corrective action in order for the program to continue operating.

#### **b) Types of Complaints Received**

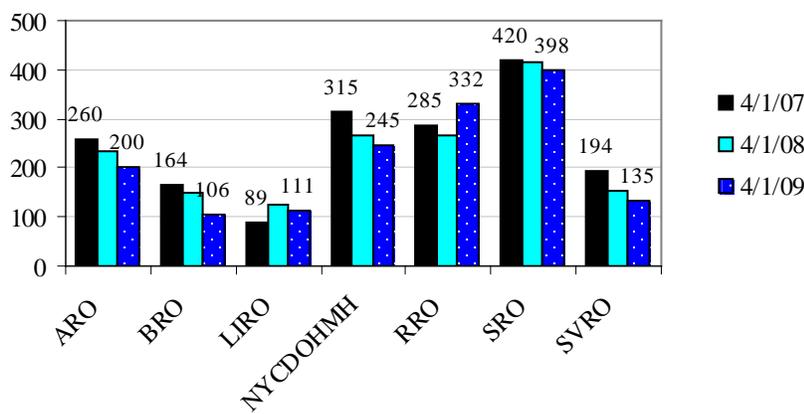
For the year ending March 31, 2010, the combined number of complaints received for FDC and SACC programs decreased in six of seven DCCS regions (all except Rochester), compared with the prior year, although one of the six (Long Island) – along with the Rochester region – showed an upward trend during the three years ending March 31, 2010. Figure 3.1 details the numbers of complaints received in each region during the three years, showing one-year decreases ranging from 4% to 29% (in six regions) and a single one-year increase of 24% (for the Rochester region) for the 2009 – 2010 year.

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<sup>26</sup> See the section, *Background on Child Care and Registration*, for a discussion of the entities responsible for registration services in different locales.

<sup>27</sup> Appendix A.3 details the specific timeframes applicable for initiating and completing complaint investigations, as used in OCFS's performance standards and as implemented for the *Response to Complaints* section, below. See pg. 39, especially, for details on the (slight) understatement of timeliness in relation to complaint processing, in the present review, and how this could impact certain of the comparisons made.

**Figure 3.1**  
**Total Complaints (FDC/SACC), By Region, for Year**  
**Beginning:**



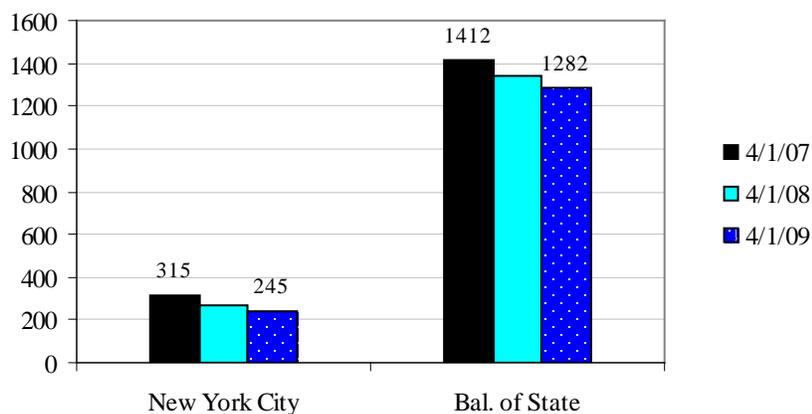
One consistent finding from the 2009 – 2010 report year as well as the preceding two years concerns the relative numbers of complaints filed in New York City and the balance of state. Figure 3.2 (next page) shows the trend in numbers of total complaints filed in each major region during each of the three years. For each year, this shows a large preponderance of complaints filed in areas outside of New York City; for the latest two years including the 2009 – 2010 report year, the ratio of complaints filed outside of New York City, to those filed within the City, exceeded 5:1 for registered providers.

In addition to the differing complaint counts reported for New York City and the balance of the state during this report period, the two major state regions continued to report different mixes of "seriousness" among complaint categorizations but – once investigations had occurred – relatively similar (and increasing) proportions of complaint investigations that confirmed one or more additional regulatory violations beyond those originally reported.<sup>28</sup> Table 3.1, further below, details the numbers of complaints filed during the three-year window ending with the present report year, by initial seriousness ratings and additional violations status, for New York City and the balance of the state. Figure 3.3 reveals extremely stable, low proportions of imminent danger classifications, and gradually increasing proportions of serious complaints (at the expense of non-emergency complaints) filed outside of New York City, but an increasing concentration of imminent danger classifications within the City.<sup>29</sup> Figure 3.4, finally, illustrates broadly similar (and for five of six regions outside of New York City, sharply increasing) proportions of complaints judged to involve additional regulatory violations for each of the state's regions, during the three years ending with this report year.

<sup>28</sup> Here and below, "additional violations" refers to regulatory violations confirmed during investigation, but not included among the original complaint allegation(s).

<sup>29</sup> As discussed in the 2003 – 2006 review, rather than reflecting a shift in the characteristics of complaints filed, the concentration of imminent danger classifications for New York City complaints reflects a policy shift toward emphasizing that categorization, introduced during the 2003 – 2006 period. See *Types of Complaints Received* section, *Report to the Governor and Legislature*, op cit., n.18, above.

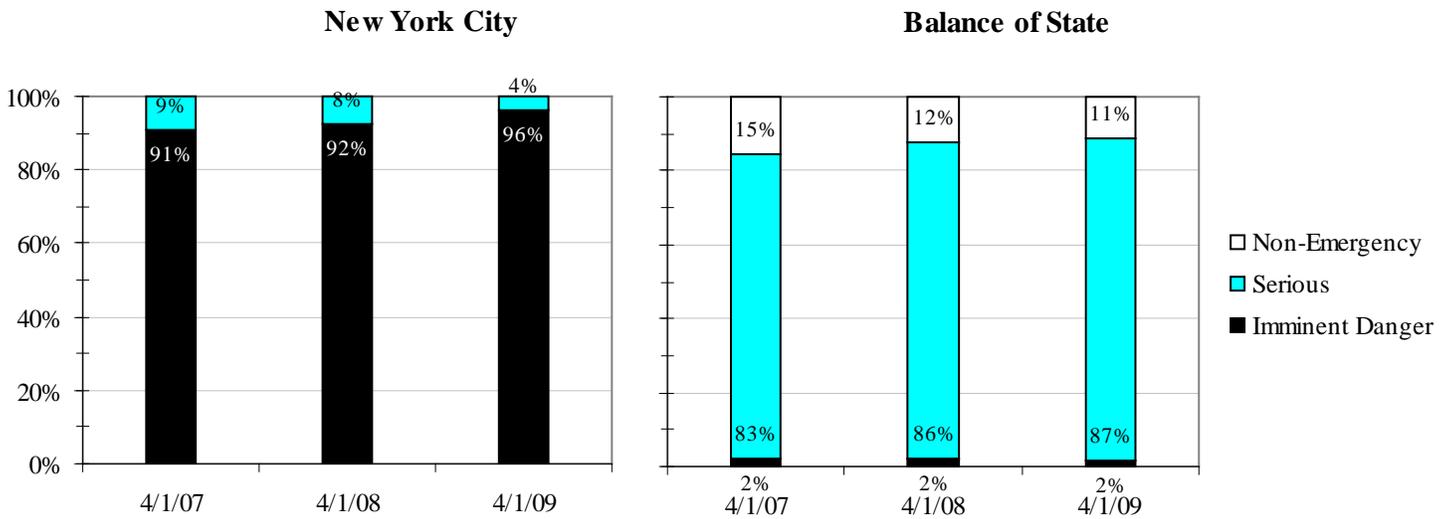
**Figure 3.2**  
**Total Complaints (FDC/SACC), By Major State**  
**Region, for Year Beginning:**



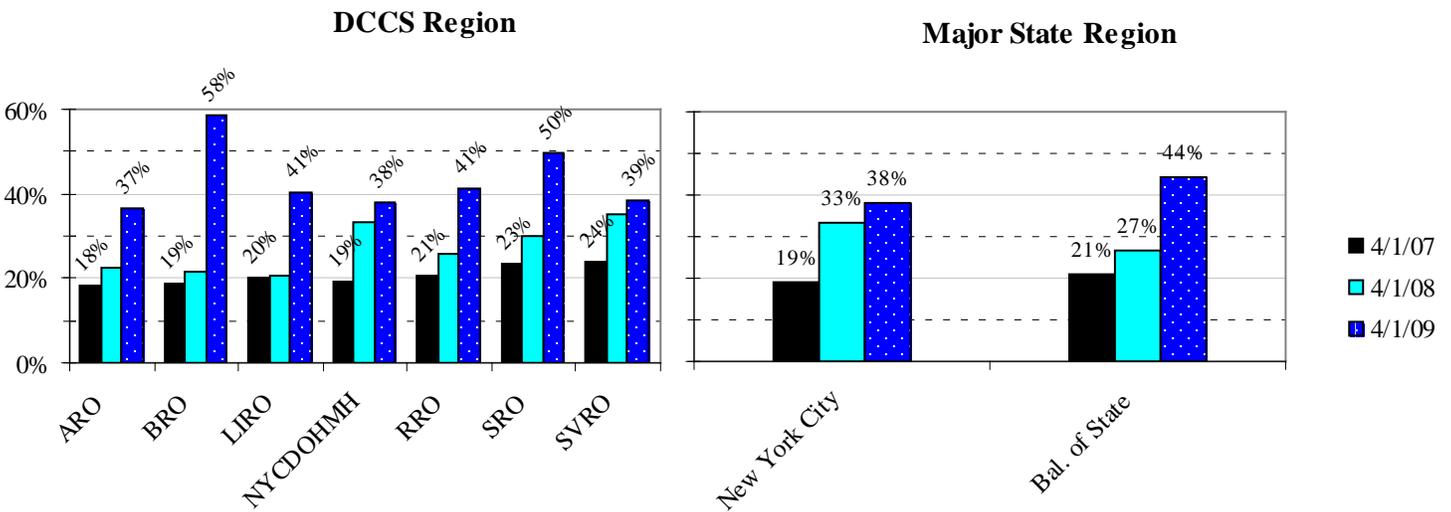
**Table 3.1. Number of Complaints by Seriousness and Whether Additional Regulatory Violation(s) Involved, By Major State Region, For Years, 4/1/07 - 3/31/10**

Region	Year Starting April 1,	Number of Complaints					Percent of Total Complaints			
		Seriousness			With Additional Violation(s)	Total	By Seriousness			With Additional Violation(s)
		Non-Emergency	Serious	Imminent Danger			Non-Emergency	Serious	Imminent Danger	
New York City	2007	0	28	287	60	315	0%	9%	91%	19%
	2008	0	20	246	89	266	0%	8%	92%	33%
	2009	0	9	236	93	245	0%	4%	96%	38%
Balance of State	2007	216	1,165	31	299	1,412	15%	83%	2%	21%
	2008	166	1,152	26	358	1,344	12%	86%	2%	27%
	2009	144	1,117	21	567	1,282	11%	87%	2%	44%
Total	2007	216	1,193	318	359	1,727	13%	69%	18%	21%
	2008	166	1,172	272	447	1,610	10%	73%	17%	28%
	2009	144	1,126	257	660	1,527	9%	74%	17%	43%

**Figure 3.3. Percent Distribution of Complaints (FDC/SACC) By Seriousness, For Major State Regions, For Year Beginning:**



**Figure 3.4. Percent of Complaints (FDC/SACC) with Additional Regulatory Violation(s) Reported, By DCCS and Major State Regions, for Year Beginning:<sup>30</sup>**



**c) Rate of Complaints and Department Response to Complaints**

Once a complaint is received, it is classified and investigated according to the timeframes for initiating and completing investigations set for the classification (see *Background*, pg. 11). Table 3.3 provides information (by major state region) on the number of complaints received, the timeliness of response to those complaints, and standardized rates of complaints (number of

<sup>30</sup> See Appendix A.5 for the underlying numbers of complaints by individual DCCS region, seriousness and additional violation status (Table 3.2).

complaints per 100 providers registered at any point during an interval) that facilitate comparisons among geographic areas and over time.<sup>31</sup> Figure 3.5 and Figure 3.6 then summarize the information relating to timeliness of response and rate of complaints received for the three years culminating in the 2009 – 2010 report year.

Major Region	Year Starting April 1,	Number of Complaints			Percent of Complaints:		Rate of Complaints	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
New York City	2007	315	16	31	95%	90%	5,896	5
	2008	266	3	30	99%	89%	5,558	5
	2009	245	2	15	99%	94%	5,475	4
Balance of State	2007	1,412	159	157	89%	89%	7,158	20
	2008	1,344	141	138	90%	90%	6,852	20
	2009	1,282	90	106	93%	92%	6,600	19
<b>Total</b>	<b>2007</b>	<b>1,727</b>	<b>175</b>	<b>188</b>	<b>90%</b>	<b>89%</b>	<b>13,054</b>	<b>13</b>
	<b>2008</b>	<b>1,610</b>	<b>144</b>	<b>168</b>	<b>91%</b>	<b>90%</b>	<b>12,410</b>	<b>13</b>
	<b>2009</b>	<b>1,527</b>	<b>92</b>	<b>121</b>	<b>94%</b>	<b>92%</b>	<b>12,075</b>	<b>13</b>

For the 2009 – 2010 report year, Figure 3.5 (next page) shows a continuation of the prior two years' improvements in timeliness in complaint-processing for the balance of the state (reaching 93% and 92% for initiating and completing investigations, respectively), and, for New York City, either no change or a modest improvement in timeliness compared with the prior two years (maintaining 99% for initiating investigations, and reaching 94% for completing investigations). Given the short timeframe allowed for initiating investigations of imminent danger complaints, the City's increasing reliance on that classification (see Figure 3.3, above) makes its sustained timeliness in initiating investigations noteworthy for this reporting period.

<sup>31</sup> As already noted, see Appendix A.3 for the specific timeframes for initiating and completing complaint investigations pertinent to each complaint category (non-emergency, etc.) used in all calculations in this section. Also, note that Table 3.3 groups all complaints relating to FDC or SACC providers (with calculations specific to the category of complaint), while the complaint rates shown are based on combined numbers of FDC/SACC providers registered at any point during the respective years. Readers will find numbers here corresponding to those shown in the *Registered Providers* and *Types of Complaints* sections, above.

**Figure 3.5. Percent of Investigations (FDC, SACC) Initiated or Determined Timely, By Major State Region, for Year Beginning:**

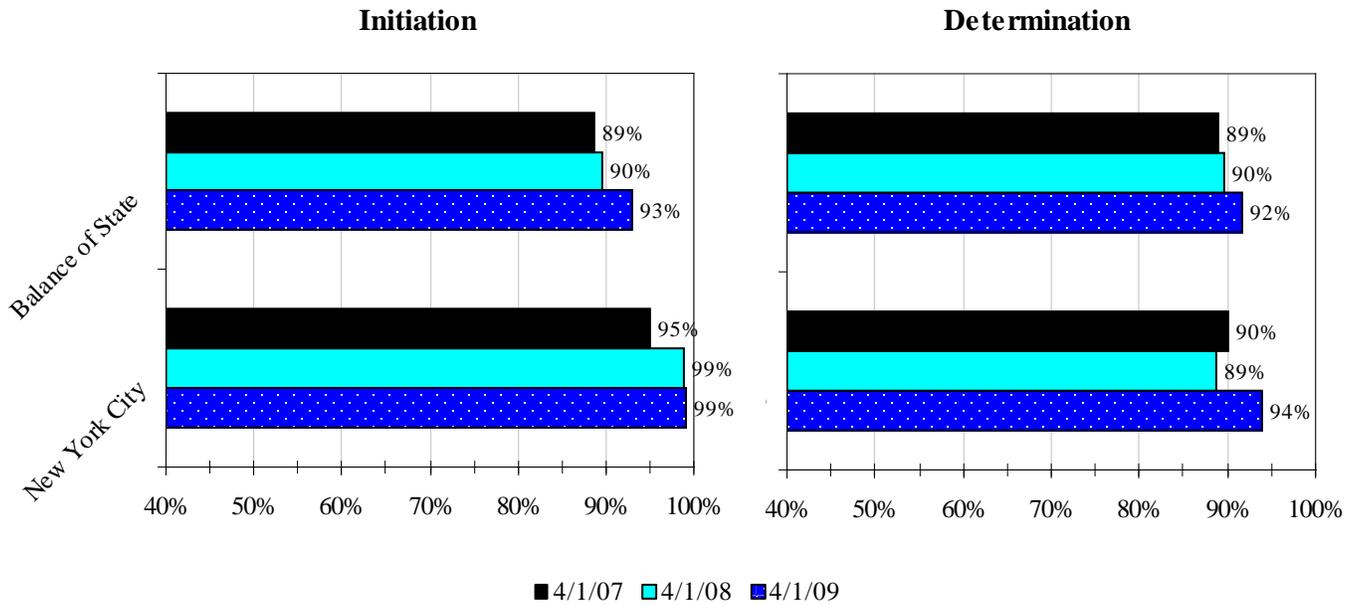
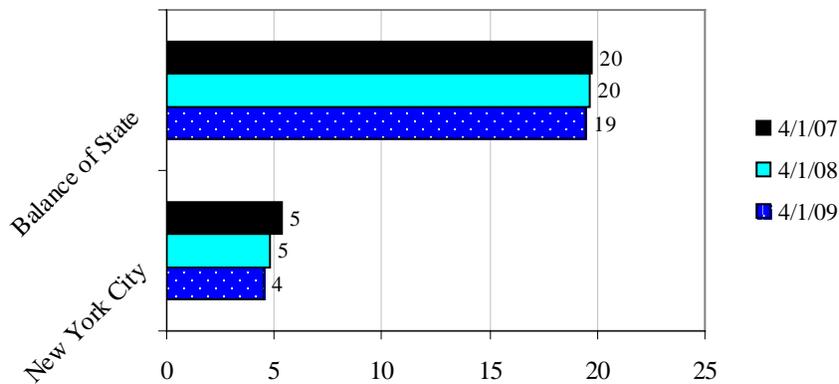


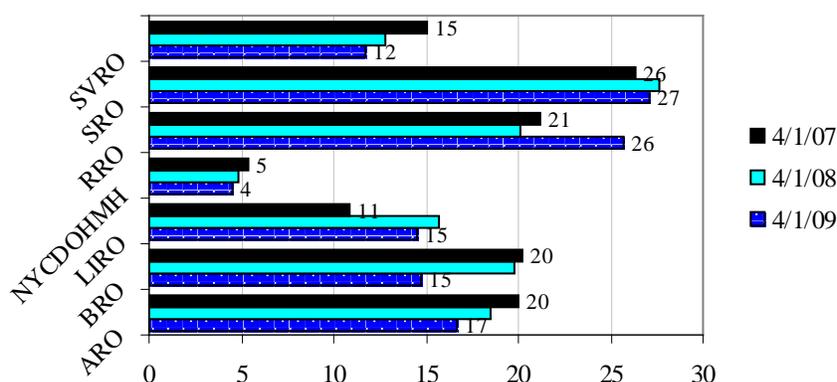
Figure 3.6 below provides a rigorous metric that refines the evidence (above) on the disproportionate number of complaints reported for New York City and the balance of the state. By the 2009 – 2010 report year, almost five times more complaints were reported for every 100 registered FDC/SACC providers outside of New York City than for every 100 such providers within the City – an increase from 4:1 during the two earlier years shown.

**Figure 3.6  
Number of Complaints (FDC, SACC) Per Year Per  
100 Registered Providers, By Major State Region,  
for Year Beginning:**



In addition, although large proportions of complaint investigations in regions outside of New York City were reported initiated and resolved in timely fashion during the 2009 – 2010 report year, these overall performance benchmarks masked considerable differences among these regions' complaint-handling profiles. While DCCS regions outside of New York City reported consistently timely complaint processing,<sup>32</sup> there was also substantial variation in their complaint *rates* this year, as in prior years. Compared with the overall "Balance of state" complaint rate reported for 2009 – 2010 (19 per 100 registered providers, Figure 3.6), rates for some regions outside New York City ranged from as low as 37% less (12 per 100, for the Spring Valley region [SVRO]) to as high as 42% more (27 per 100, for the Syracuse region [SRO]). Figure 3.7 summarizes this information (as detailed in Appendix A.6).

**Figure 3.7**  
**Number of Complaints Per Year Per 100 Registered**  
**Providers (FDC, SACC), By Region, for Year**  
**Beginning:**



Since there are far fewer SACC than FDC programs (and correspondingly fewer complaints), this review, like its predecessors, also looked at the handling of complaints by modality by focusing on performance during the three years ending with the 2009 – 2010 report year as a whole rather than during individual years (to insure adequate sample sizes). Table 3.5 details this information for New York City and the balance of the state, while Figure 3.9 and Figure 3.10 summarize the specific findings on timeliness of response and complaint rates by modality.<sup>33</sup>

<sup>32</sup> Four of the six DCCS regions outside of New York City reported over 95% of investigations initiated timely during the 2009 – 2010 report year (with two reporting from 86% – 88%), compared with only slightly lower proportions for completing investigations in a timely fashion (five of six regions reported 90% or greater, with one reporting 88%). See Appendix A.6 for detailed results on timeliness of response and rates of complaints for individual DCCS regions.

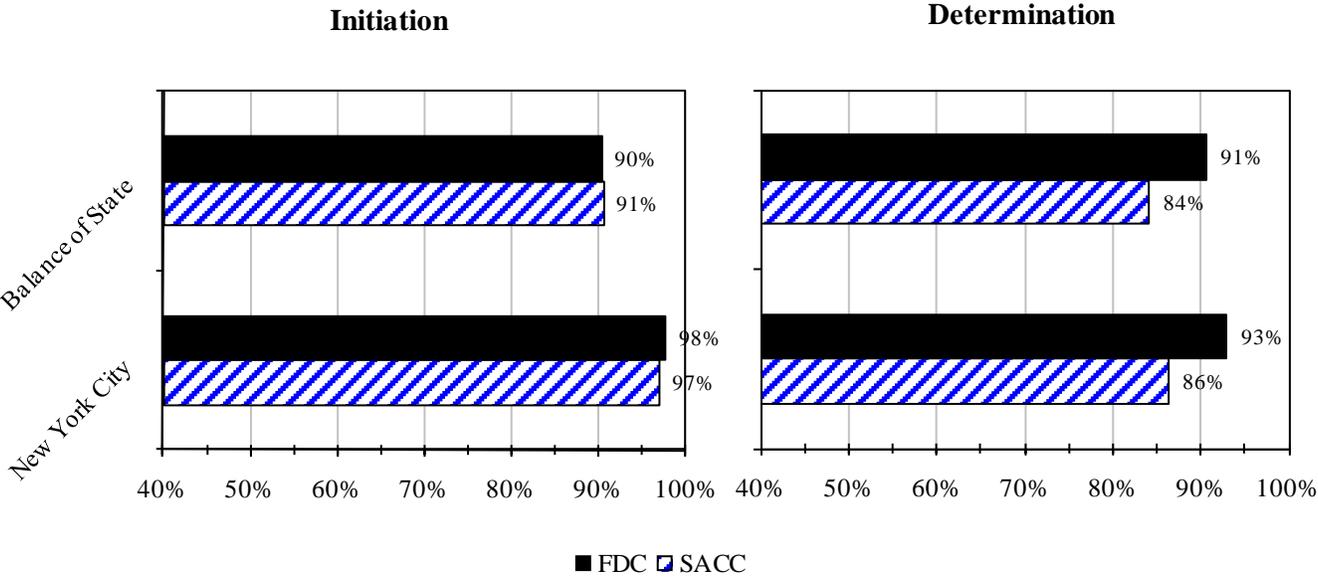
<sup>33</sup> Note that counts of complaints by modality for this report (in Table 3.5) do not sum to total complaint counts shown (e.g., Table 3.2 in Appendix A.5) due to one complaint (in the LIRO region) showing "small day care center" for modality (the only such complaint observed throughout the state for the three years reported), which was not removed from the analyses since SDCC providers were included under the registration mandate laid out in Chapter 750 of the Laws of 1990. Appendix A.7 details the results on handling and rates of complaints by specific DCCS region and modality for the three years ending with the 2009 – 2010 report year.

Major Region	Modality	Number of Complaints			Percent of Complaints:		Rate of Complaints*	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
New York City	FDC	564	13	40	98%	93%	5,797	10
	SACC	262	8	36	97%	86%	1,731	15
Balance of State	FDC	3742	362	353	90%	91%	7,420	50
	SACC	295	28	47	91%	84%	1,602	18

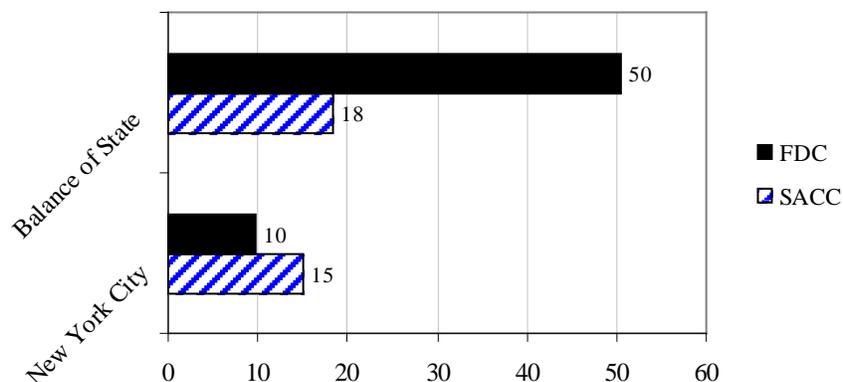
\* Note that "total providers" and complaint rates shown in this table are *not* directly comparable to those shown earlier. The former are *unduplicated* counts of providers (by modality) registered at any point during the three years and are far smaller than the sums of those registered in each of the three years. (For example, compare this table's New York City sum [7,528] with that [FDC+SACC] from Table 2.1 [16,929].) In contrast, numbers of complaints here represent three-year totals. As a result, the three-year rates shown are considerably larger than the one-year rates shown previously.

Figure 3.9 shows somewhat greater timeliness, statewide, in completing complaint investigations concerning FDC settings than for those concerning SACC programs, but marginal if any differences in initiating investigations. While both areas report better timeliness for completing FDC complaints than for SACC complaints, in New York City the complaint rates per provider are lower for FDC providers than for SACC providers while elsewhere in the state the complaint rates are higher for FDC than for SACC providers (Figure 3.10, next page) – a pattern consistent with both the 2003 – 2006 and 2006 – 2009 reviews.

**Figure 3.9. Percent of Investigations (FDC, SACC) Initiated or Determined Timely, By Major State Region and Modality: 4/1/07 – 3/31/10**



**Figure 3.10**  
**Three-Year Number of Complaints Per 100**  
**Registered Providers, By Major State Region and**  
**Modality: 4/07 - 3/10**



There was nominal, but ultimately inconclusive evidence of continuing regional differences in the disposition of investigations reported during the 2009 – 2010 year and prior years – i.e., were complaint allegations substantiated or not? – with larger proportions of complaints found to be substantiated outside of New York City than within the City, but only in relation to complaints rated as "serious."<sup>34</sup> Table 3.6 details the proportion of each category of complaints (non-emergency, serious, etc.) judged to be unsubstantiated, substantiated or classed under other dispositions, by major state region, while Figures 3.11 – 3.13 illustrate the regional contrasts in dispositions reported for each category of complaint, separately.<sup>35</sup>

Table 3.6. Percent of Complaints by Seriousness and Major Disposition Category, By Major State Region, For Years, 4/1/07 - 3/31/10										
Region	Year Starting April 1,	Seriousness of Complaints								
		Non-Emergency			Serious			Imminent Danger		
		Closed, Unsubst.	Closed, Subst.	Other	Closed, Unsubst.	Closed, Subst.	Other	Closed, Unsubst.	Closed, Subst.	Other
New York City	2007	na	na	na	68%	25%	7%	67%	28%	5%
	2008	na	na	na	80%	15%	5%	65%	31%	4%
	2009	na	na	na	89%	11%	0%	68%	26%	6%
Balance of State	2007	59%	36%	5%	60%	35%	5%	48%	29%	23%
	2008	57%	41%	2%	61%	33%	6%	42%	27%	31%
	2009	63%	32%	5%	60%	36%	5%	43%	29%	29%

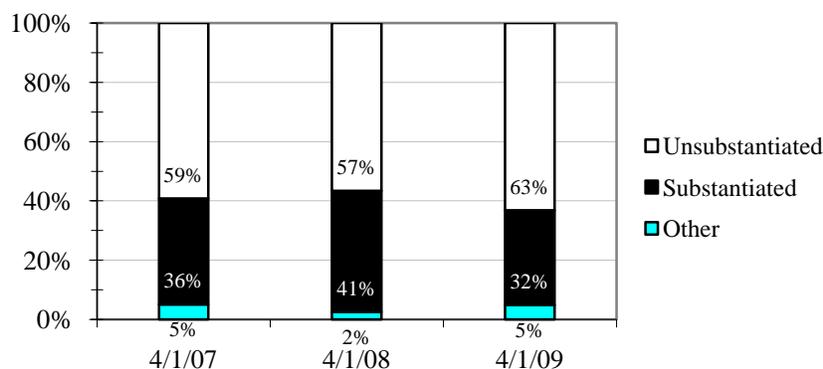
<sup>34</sup> A variety of dispositions other than the major two cited are possible in connection with complaint investigations, of course (such as facility closings), but sometimes account for only small numbers of complaints; these were grouped together under the "Other" disposition shown, for this review. For all tables, additionally, "Closed, unsubstantiated" and "Closed, substantiated" counts shown actually pool all relevant complaints showing such dispositions, as well (e.g., "Open, substantiated").

<sup>35</sup> See either Table 3.1 or Table 3.3 for the total annual complaint counts used to calculate the percentages shown for each bar in Figures 3.11 – 3.13. These are highlighted in the Figures' footnotes.

Region	Year Starting April 1,	Seriousness of Complaints								
		Non-Emergency			Serious			Imminent Danger		
		Closed, Unsubst.	Closed, Subst.	Other	Closed, Unsubst.	Closed, Subst.	Other	Closed, Unsubst.	Closed, Subst.	Other
Total	2007	59%	36%	5%	60%	35%	5%	65%	28%	7%
	2008	57%	41%	2%	62%	32%	6%	63%	31%	7%
	2009	63%	32%	5%	60%	36%	5%	66%	26%	8%

For complaints rated as serious, substantiation rates reported for New York City were 10 or more percentage points lower than elsewhere in the state for each of the three years culminating in the 2009 – 2010 report period, but reflected marginal New York City sample sizes (declining over time) that reduce confidence in this finding (Figure 3.12, next page); for imminent danger complaints, in contrast, roughly comparable substantiation rates were reported in the City and elsewhere for these years (Figure 3.13). But upon examination, small sample sizes outside of New York City, as well as exceptional circumstances, probably clouded this comparison, as well.<sup>36</sup>

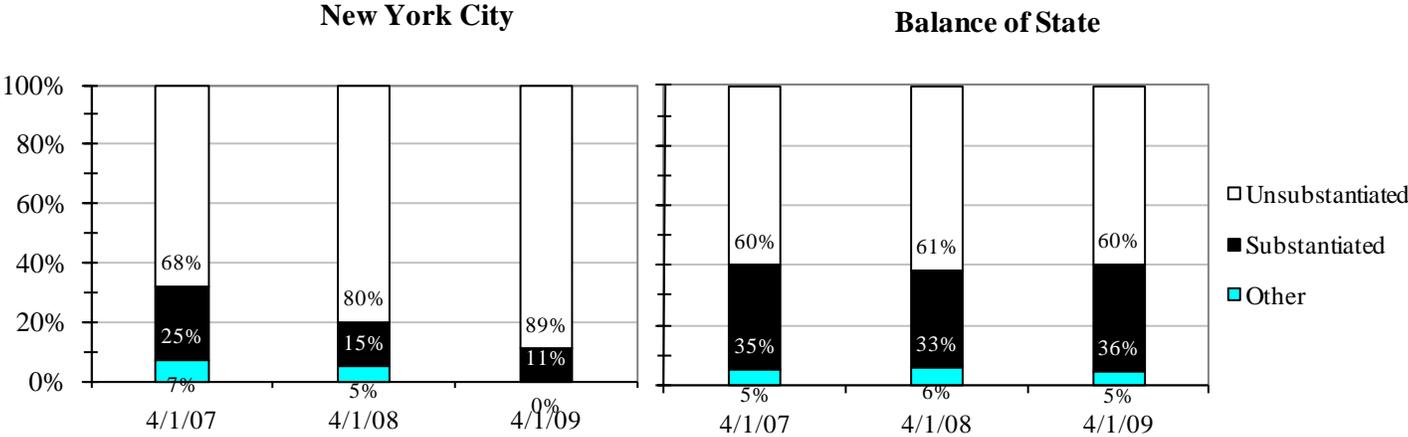
**Figure 3.11. Percent Distribution of Non-Emergency Complaints (FDC/SACC) For Balance of State Outside of New York City, By Disposition, for Year Beginning:<sup>37</sup>**



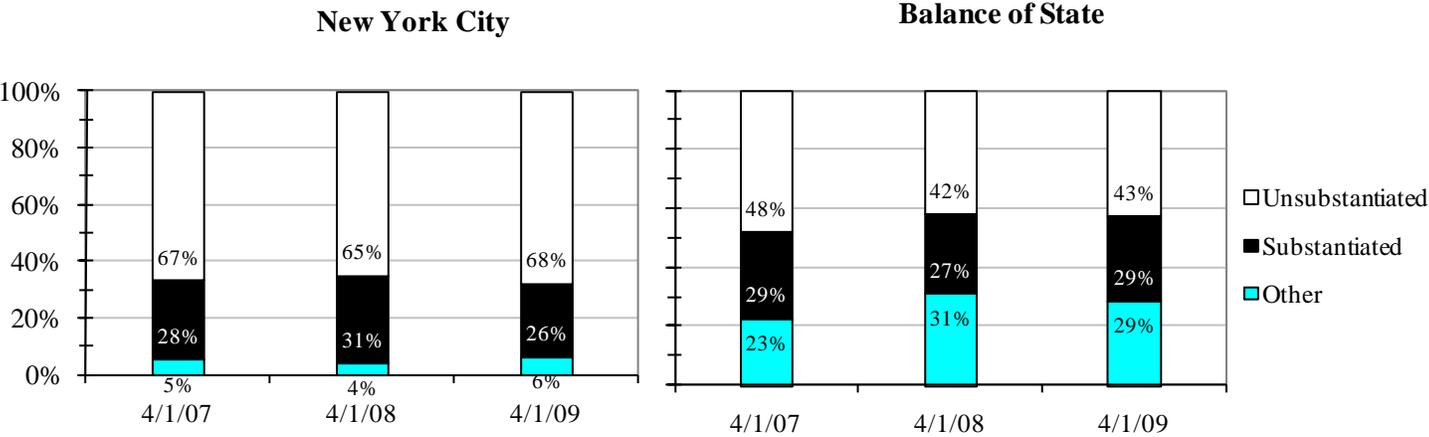
<sup>36</sup> Upon examination, larger-than-usual numbers of imminent danger complaints outside New York City were reported resolved for the reason "facility closed" for each of the three years, accounting for Figure 3.13's unusually high proportions of "Other" dispositions for that region. In the absence of this circumstance, more disparate regional substantiation rates (perhaps even resembling those for serious complaints) may have been observed for these complaints.

<sup>37</sup> New York City is not displayed because it reported no non-emergency complaints for these years. As shown in Table 3.1 (data col. 1), the numbers of non-emergency complaints represented for each year/bar displayed for the balance of the state are: 216, 166 and 144, respectively.

**Figure 3.12. Percent Distribution of Serious Complaints (FDC/SACC) For Major State Regions, By Disposition, for Year Beginning:<sup>38</sup>**



**Figure 3.13. Percent Distribution of Imminent Danger Complaints (FDC/SACC) For Major State Regions, By Disposition, for Year Beginning:<sup>39</sup>**



<sup>38</sup> As shown in Table 3.1 (data col. 2), the numbers of serious complaints represented for each bar in this Figure are: 28, 20, 9, 1165, 1152 and 1117, respectively.

<sup>39</sup> As shown in Table 3.1 (data col. 3), the numbers of imminent danger complaints represented for each bar in this Figure are: 287, 246, 236, 31, 26 and 21, respectively.

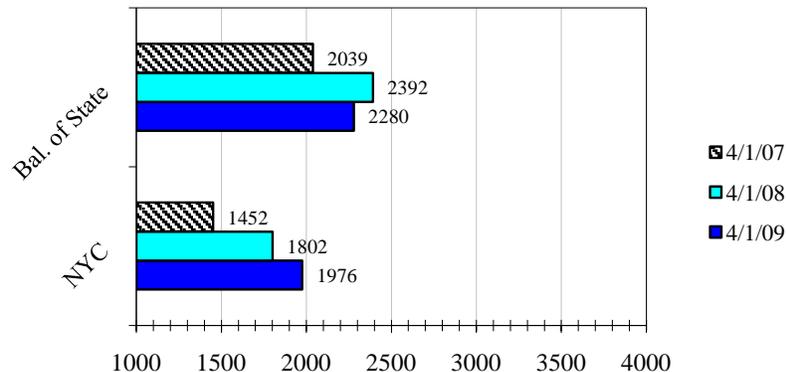
## 4. Administrative Actions Including Applications and Inspections

### a) Registration Applications

After receipt of an application to operate a regulated child care facility, workers responsible for registration services in the county are expected to process and completely resolve the application within six months of receipt by satisfying a wide array of requirements including pre-registration facility safety inspections, clearing personnel on criminal background and other checks, arranging for mandatory training on health, safety and other issues, when appropriate, and providing applicants with all appropriate notifications regarding the status of their applications, to name just a few. Applications not resolved within this timeframe are considered not handled timely (provided that applicant issues are not responsible).<sup>40</sup>

Contributing to the decline in the number of registered FDC/SACC programs during the year beginning April, 2009 was a pronounced slowing in the growth of applications during the same period. While both New York City and the balance of the state showed double-digit rates of growth in applications filed between the year beginning April, 2007 and that beginning April, 2008 (+24%, +17%, respectively),<sup>41</sup> only the City reported continued modest growth in applications between the latter year and that beginning April, 2009 (+10%) – gains that were partially offset by declines in applications filed elsewhere in the state during the latter two years (-5%). Figure 4.1 displays these trends in applications filed in the two major state regions.

**Figure 4.1.<sup>42</sup> Number of Applications (FDC/SACC) Received, By Major State Region, for Year Beginning:**



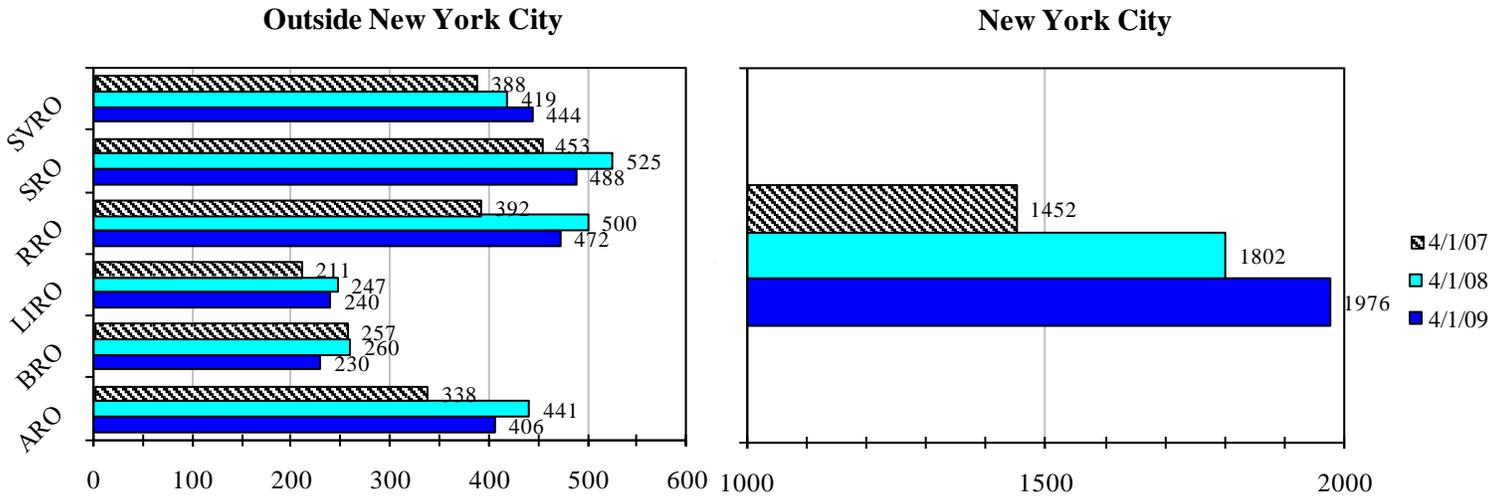
<sup>40</sup> As part of its quality assurance efforts, OCFS requires statistically valid quarterly samplings and reviews of registration services within each district to assess compliance with this and other standards for registration activities. In districts with performance-based contracts, contractors not achieving 95% compliance with the six-month application standard face the prospect of financial penalties (partial withholding of contract monies) as a means of encouraging continued improvements in applications-processing.

<sup>41</sup> Each percentage cited refers to the change between the first and last year referenced.

<sup>42</sup> Throughout this section, total applications counts (on which percentages are based) include tiny numbers of applications with "small day care center" reported for modality (n = 1, 1, 2, respectively, for the three years reported), which were not removed from the analyses since SDCC providers were included under the registration mandate laid out in Chapter 750 of the Laws of 1990. This results in small discrepancies which are evident in breakdowns by modality, e.g., where the sums of modality counts for a given year may be exceeded by the corresponding annual state totals reported. (For example, compare corresponding annual sums from Figure 4.1 and Figure 4.3, below.)

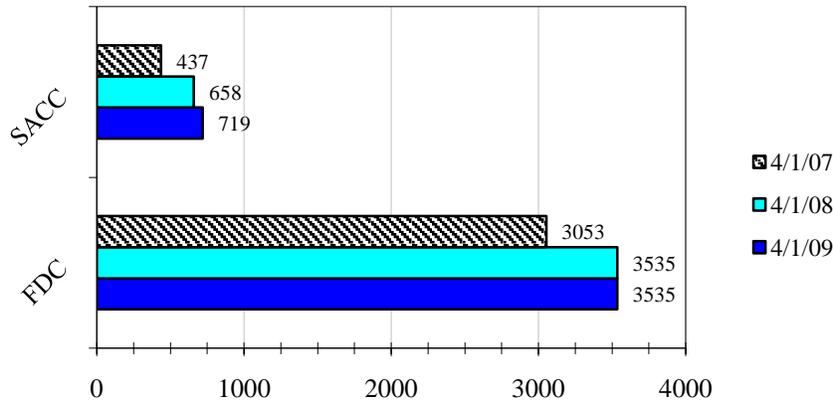
Upon further examination, five of six regions shared in the one-year decline in applications outside of New York City for the year beginning April, 2009, with decreases ranging from -3% (Long Island Region [LIRO]) to -12% (Buffalo Region [BRO]) and only the Spring Valley (SVRO) region posting a gain for the year (+6%).<sup>43</sup> Figure 4.2 details these regional results.

**Figure 4.2. Number of Applications (FDC, SACC) Received, By Region, For Year Beginning:**



Considering each modality of care separately, entirely driving the small net increase in applications for the year beginning April, 2009 were increases in SACC applications (+9% compared with the prior year); in contrast, FDC application counts remained unchanged for the same comparison. Figure 4.3 documents these changes.

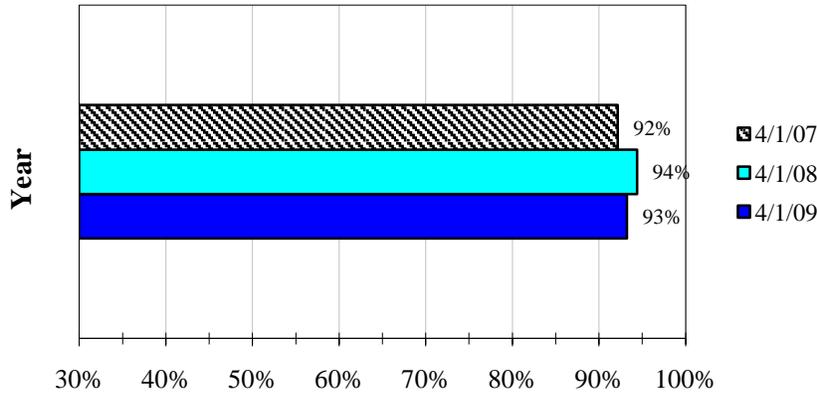
**Figure 4.3  
Number of Applications (FDC/SACC) Received,  
By Modality of Care, for Year Beginning:**



<sup>43</sup> See n. 41 on percentages.

Statewide, the proportion of combined FDC/SACC applications that were processed in accordance with the six-month standard declined marginally (-1%) for the year beginning April, 2009 – the first time since the six-year upward trend documented in the April, 2006 – March, 2009 review. Figure 4.4 shows the latest decline in relation to the strong performance achieved at the end of the prior report period.

**Figure 4.4**  
**Percent of Applications (FDC, SACC)\* Processed Timely, for Year Beginning:**



\* Based on total counts including SDCC applications (n = 1, 1, 2 for respective years). See n. 42.

Upon examination, the small net decline in timeliness during the year beginning April, 2009 can be attributed to a somewhat larger decline in performance reported for areas outside of New York City (-3%) which was partially offset by sustained timeliness in application-processing within the City for this period. Figure 4.5 illustrates the relatively stable performance in this respect for the two major regions during the last three years, but also a growing advantage in performance emerging for New York City (reaching 11 percentage points for the year beginning April, 2009). Table 4.1 details the application activities underlying these results for the three years ending with this report year.

**Figure 4.5**  
**Percent of Applications (FDC, SACC) Processed Timely, By Major State Region, for Year Beginning:**

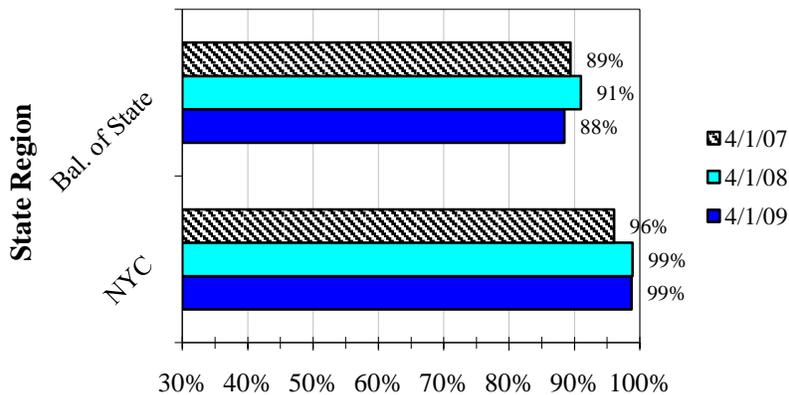
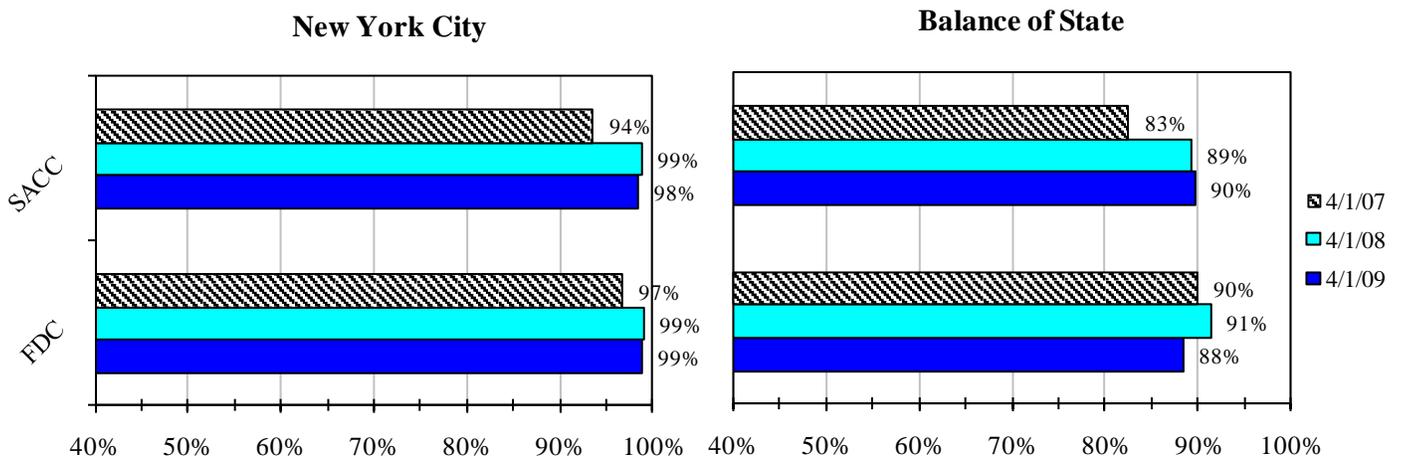


Table 4.1. Number and Timeliness of Processing of Registration Applications (FDC/SACC), By Major State Region And Year: 4/1/07 – 3/31/10					
Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
New York City	2007	1,395	57	1,452	96%
	2008	1,782	20	1,802	99%
	2009	1,951	25	1,976	99%
Balance of State	2007	1,823	216	2,039	89%
	2008	2,177	215	2,392	91%
	2009	2,017	263	2,280	88%
State Total	2007	3,218	273	3,491	92%
	2008	3,959	235	4,194	94%
	2009	3,968	288	4,256	93%

Contributing to these large-area trends in timeliness were relatively comparable trends (and timeliness levels) for each modality in New York City but slightly more uneven performance by modality, elsewhere in the state. Table 4.2 reveals a 5 percentage point improvement statewide in this respect among SACC providers (90% to 95%) but no net gain (93% to 93%) among FDC providers for the three years beginning April 1, 2007. Figure 4.6 breaks down these changes by region and modality, showing, for New York City, similar levels of timeliness and similar gains for each modality (ranging from 2 – 4 percentage points across the three years). Elsewhere in the state, Figure 4.6 shows moderate timeliness improvements for SACC applications (rising from 83% to 90%) but minor slippage in resolving FDC applications on time (falling from 90% to 88%) over the same period. Figure 4.7, finally, decomposes the trends in timeliness among combined FDC/SACC applications to reveal clear (though modest) regional differences in timeliness changes among non New York City regions, with four of the six showing declines in timeliness for the year beginning April, 2009 (from 3 to 9 percentage points for Albany [ARO], Buffalo [BRO], Rochester [RRO], Long Island [LIRO]) and two (like New York City) showing gains or no change in timeliness for that year (1 percentage point each for Spring Valley [SVRO] and Syracuse [SRO]).

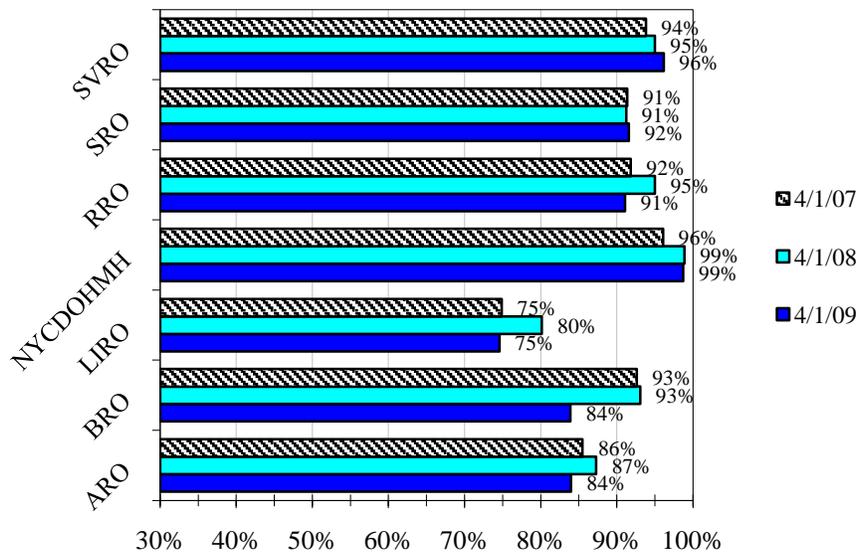
**Figure 4.6. Percent of Applications Processed Timely, By Major Region and Modality of Care, for Year Beginning:**



**Table 4.2. Number and Timeliness of Processing of Registration Applications, By Major State Region, Modality and Year: 4/1/07 – 3/31/10**

Region	Year Starting April 1,	Modality	Number of Applications		Percent of Applications Processed Timely
			Total	Not Timely	
New York City	2007	FDC	1,170	38	97%
		SACC	282	18	94%
	2008	FDC	1,386	14	99%
		SACC	416	5	99%
	2009	FDC	1,538	18	99%
		SACC	438	7	98%
Balance of State	2007	FDC	1,883	189	90%
		SACC	155	27	83%
	2008	FDC	2,149	186	91%
		SACC	242	26	89%
	2009	FDC	1,997	232	88%
		SACC	281	29	90%
State Total	2007	FDC	3,053	227	93%
		SACC	437	45	90%
	2008	FDC	3,535	200	94%
		SACC	658	31	95%
	2009	FDC	3,535	250	93%
		SACC	719	36	95%

**Figure 4.7.<sup>44</sup> Percent of Applications (FDC/SACC) Processed Timely, By Region, for Year Beginning:**



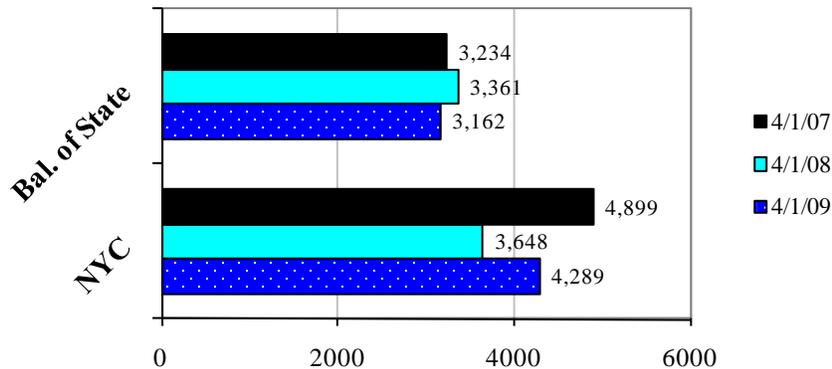
<sup>44</sup> Includes information on SDCC applications (n=1, 1, 2 for respective years). See Appendix A.8 (Table 4.3) for the underlying results on application handling by specific DCCS regions.

**b) "50% Inspections"**

Section 390(4)(a) of Social Services Law, effective December 31, 2001, requires that DCCS (or contractors designated as registration service providers in a given locale) inspect at least 50% of all registered providers of a given modality per county, annually, in order to maintain compliance with the regulatory and statutory requirements protecting the quality of care in New York. Such "50% inspections" need to be understood as distinct from others – e.g., those required during the application process that is described above – and represent a critical additional tool in regulating and monitoring care.<sup>45</sup> Each year, this requirement involves the identification of literally thousands of providers throughout the state who are scheduled for such inspections.

For the year beginning April 1, 2009, New York City showed a substantial increase (+18%) in the number of these inspections reported, while the balance of the state showed a modest decline (-6%) compared with the preceding year. Across the entire three-year interval ending March 31, 2010, New York City reported sizable fluctuations in the number of 50% inspections conducted, while the balance of the state showed relatively more stable numbers. Figure 4.8 documents the underlying changes in the number of inspections involved.

**Figure 4.8**  
**Number of 50% Inspections Conducted (FDC/SACC),**  
**By Major State Region, for Year Beginning:**

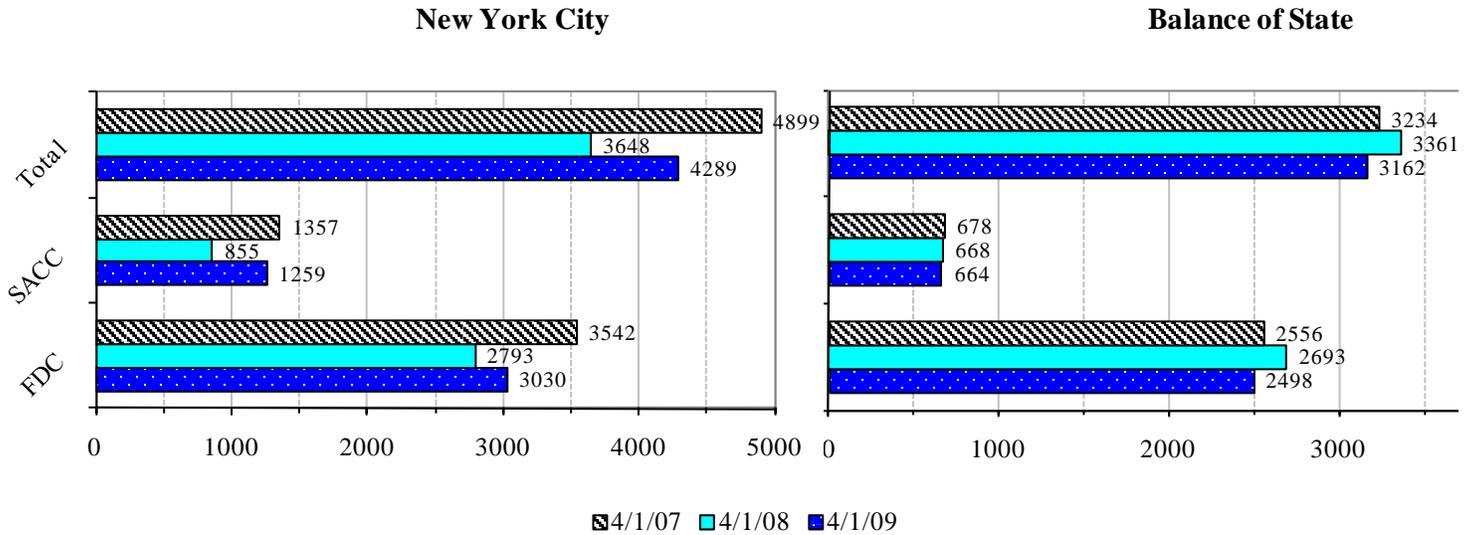


When broken down by modality, 50% inspection activity during the three years concluding March 31, 2010 showed similar patterns of change for each type of care within each region (greater annual fluctuations culminating in sizable final-year gains for New York City, versus relative stability and modest final-year declines for the balance of the state; Figure 4.9).<sup>46</sup>

<sup>45</sup> See Appendix A.3 for additional details defining these inspections (and other measurements used in the report).

<sup>46</sup> See Appendix A.9 (Table 4.5) for the 50% inspection results by major state region, modality and year, charted in Figure 4.9.

**Figure 4.9. Number of “50% Inspections” Conducted, By Major State Region and Modality of Care, For Year Beginning:**



Despite the nominal declines in 50% inspections reported outside of New York City for the 2009 – 2010 report year, both the City and the balance of the state reported conducting well more than the required 50% inspections for that period. Indeed, the same was true for the entire three-year interval concluding with that year, despite the fluctuations in 50% inspections already noted for New York City during that interval (Figure 4.8). Specifically, New York City's "50% inspection goal" was met and exceeded by almost two, to more than three times over, for each of the three years, while that for the balance of the state was exceeded by 15 – 62 % for each of the years. Table 4.4 details the inspection results underlying these and the preceding two Figures' trends.<sup>47</sup>

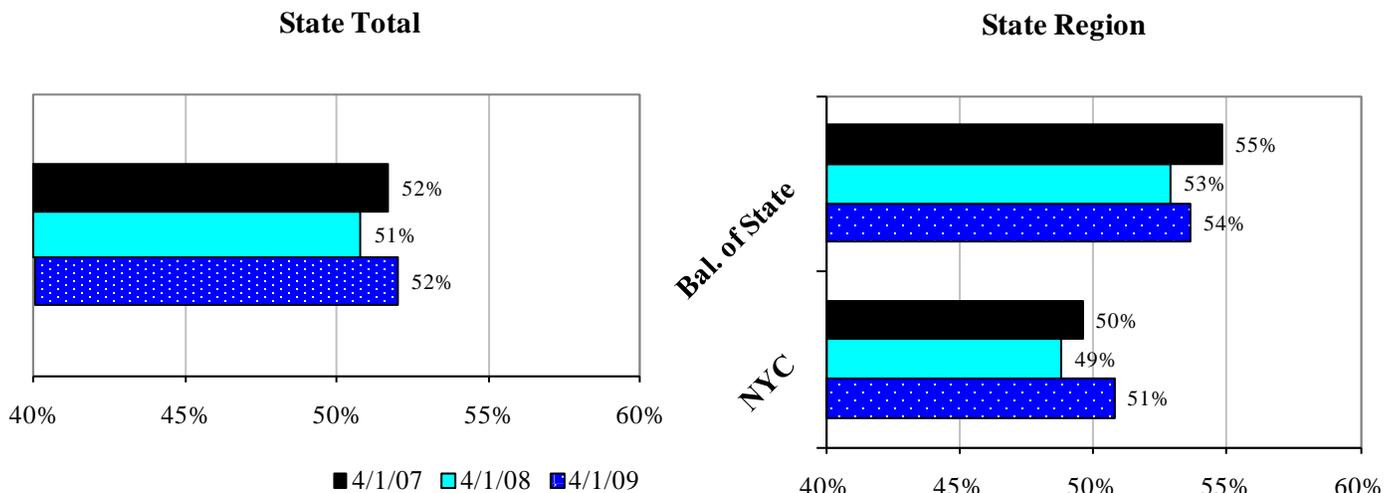
Region	Year Starting April 1,	Number Facilities	Number of Inspections			Percent of:	
			Goal	Conducted	With Violations	Goal Achieved	Inspections with Violations
New York City	2007	3,130	1,565	4,899	2,430	313%	50%
	2008	3,726	1,863	3,648	1,781	196%	49%
	2009	4,535	2,268	4,289	2,178	189%	51%
Balance of State	2007	3,983	1,992	3,234	1,773	162%	55%
	2008	4,692	2,346	3,361	1,778	143%	53%
	2009	5,493	2,747	3,162	1,696	115%	54%

<sup>47</sup> Readers should note the distinction between Table 4.4's facility counts – the base used to determine the number of 50% inspections required – and counts of total registered providers presented above (e.g., Table 2.1, pg. 10). The former are *point in time* tallies reflecting populations as of the start of a period while the latter include similar time-limited tallies as well as much larger “ever-registered” counts (see n. 23, pg. 8). Appendix A.3 (pg. 39) clarifies the distinctions between the two measures presented.

Region	Year Starting April 1,	Number Facilities	Number of Inspections			Percent of:	
			Goal	Conducted	With Violations	Goal Achieved	Inspections with Violations
Total	2007	7,113	3,557	8,133	4,203	229%	52%
	2008	8,418	4,209	7,009	3,559	167%	51%
	2009	10,028	5,014	7,451	3,874	149%	52%

Departing from the pattern seen in the 2003 – 2006 and 2006 – 2009 reviews, the proportion of 50% inspections in which violations of applicable regulations were identified stopped falling, and instead rose marginally (1% – 2%) for the 2009 – 2010 report year, statewide and in each major region (Figure 4.10).<sup>48</sup> Upon examination, Appendix A.9 (Figure 4.11) shows these increases driven by mounting violations identified among FDC (but not SACC) programs in New York City and among SACC (but not FDC) programs outside of the City.

**Figure 4.10. Percent of 50% Inspections (FDC/SACC) Involving Regulatory Violations, For State and Major Regions, For Year Beginning:**



<sup>48</sup> Table 4.4, above, details the current-period numbers underlying these results. See Table 4.4 in *Report to the Governor and Legislature*, op cit., for the corresponding 2003 – 2006 and 2006 – 2009 source data involved, showing persistent decreases in regulatory violations observed for the six years prior to the present report period.

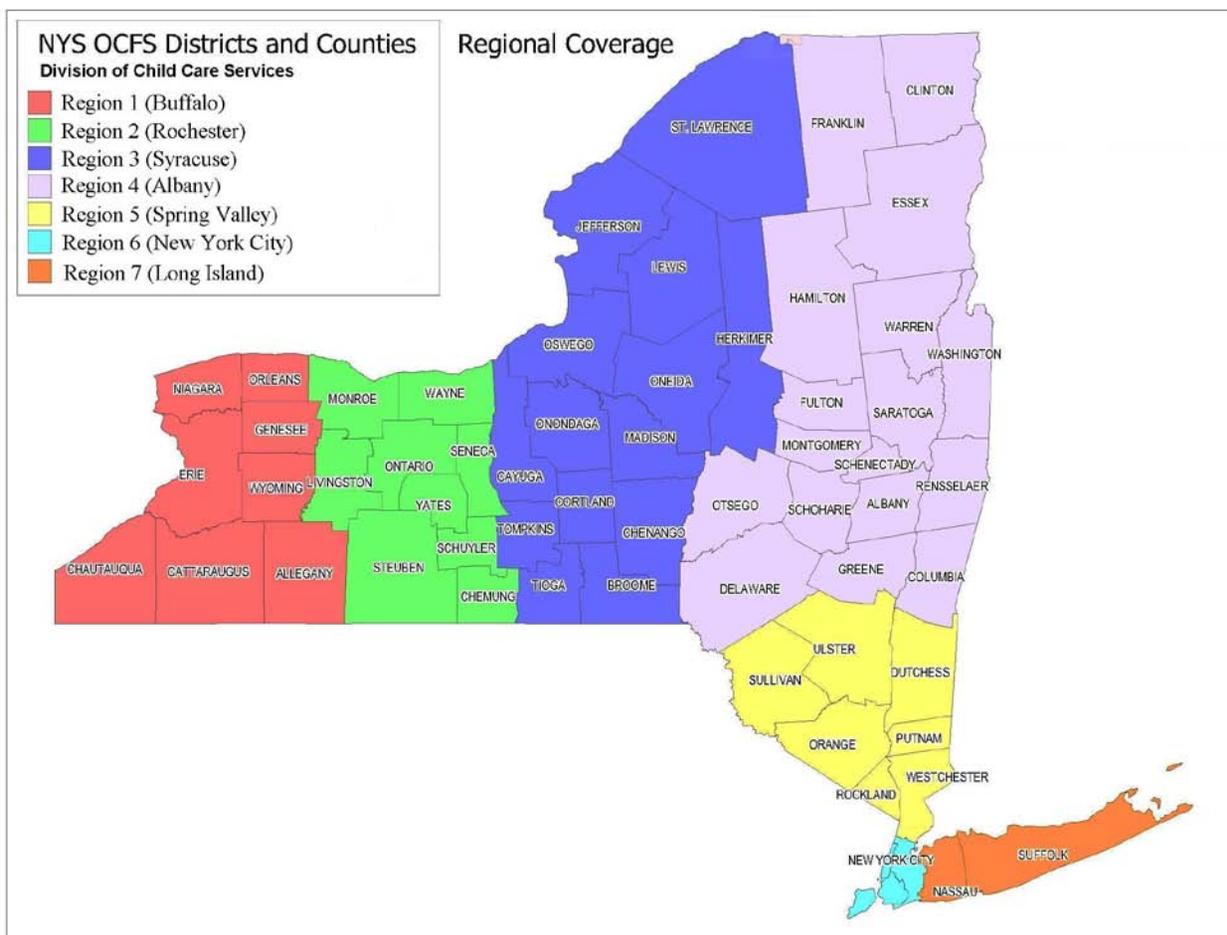


## 5. Table of Appendices

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(A.1) OCFS Division of Child Care Services Regions and Constituent Counties .....	32
(A.2) Changes in Registration Service Provider by County: 2003 – 2010 (Annual Maps)....	33
(A.3) Bases for Key Measurements (from <i>DCCS Registration Performance Standards</i> ) .....	39
(A.4) Additional Findings on Registered Providers by DCCS Region, Modality and Year (Figure 2.3, Figure 2.4, Table 2.2) .....	41
(A.5) Number of Complaints by Seriousness and Whether Additional Violation(s) Involved, By Region, For Years, 4/1/07 – 3/31/10 (Table 3.2) .....	43
(A.6) Additional Findings on Handling of Complaints by DCCS Region and Year (Figure 3.8, Table 3.4) .....	44
(A.7) Additional Findings on Handling of Complaints by DCCS Region and Modality: Three-Year Summary (Figure 3.14, Table 3.7) .....	46
(A.8) Number and Timeliness of Processing of Registration Applications (FDC/SACC), By DCCS Region and Year: 4/1/07 – 3/31/10 (Table 4.3) .....	47
(A.9) Additional Findings on 50% Inspections by Major State Region, Modality and Year (Table 4.5, Figure 4.11).....	48

### OCFS Division of Child Care Services Regions and Constituent Counties<sup>49</sup>



DCCS Regions / Counties	
<b>Albany Region</b>	<b>Rochester Region</b>
Albany	Chemung
Clinton	Livingston
Columbia	Monroe
Delaware	Ontario
Essex	Schuyler
Franklin	Seneca
Fulton	Steuben
Greene	Wayne
Hamilton	Yates
Montgomery	<b>Westchester-</b>
Otsego	<b>Lower-Hudson*</b>
Rensselaer	Dutchess
Saratoga	Orange
Schenectady	Putnam
Schoharie	Rockland
Warren	Sullivan
Washington	Ulster
<b>Buffalo Region</b>	Westchester
Allegany	<b>Syracuse Region</b>
Cattaraugus	Broome
Chautauqua	Cayuga
Erie	Chenango
Genesee	Cortland
Niagara	Herkimer
Orleans	Jefferson
Wyoming	Lewis
<b>Long Island Region</b>	Madison
Nassau	Oneida
Suffolk	Onondaga
<b>New York City Region</b>	Oswego
Bronx	St. Lawrence
Kings	Tioga
New York	Tompkins
Queens	* Also known as
Richmond	DCCS Spring Valley Region

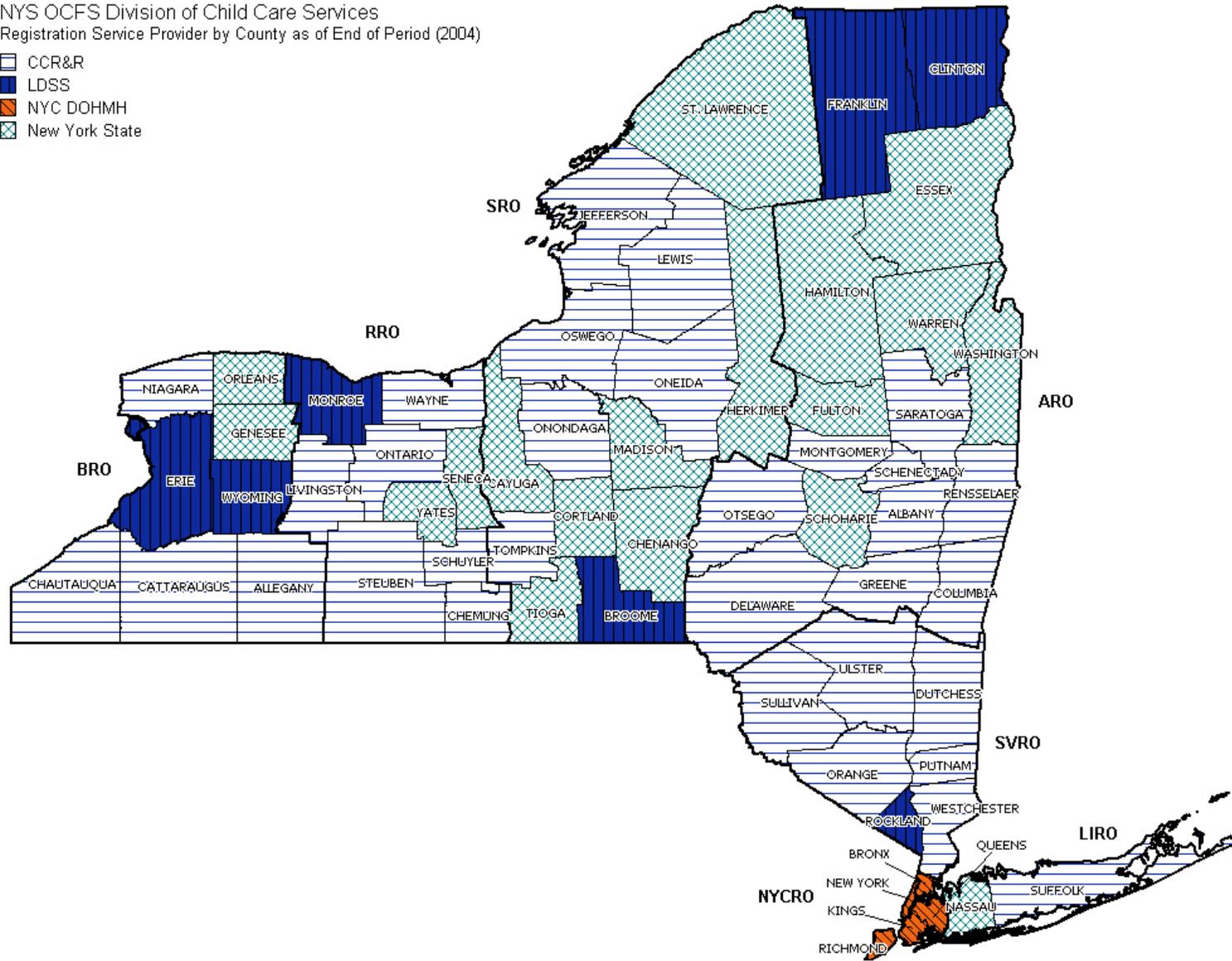
<sup>49</sup> Throughout this report, DCCS Regions, which are named for the location of the DCCS regional offices, are referred to by abbreviation - ARO (Albany Regional Office), BRO (Buffalo ...), LIRO (Long Island ...), NYCDOHMH (New York City's registration service provider; see *Background on Child Care and Registration*), RRO (Rochester ...), SVRO (Spring Valley ...) and SRO (Syracuse ...).  
New York State Office of Children and Family Services



### Registration Service Provider by County: 2004

NYS OCFS Division of Child Care Services  
 Registration Service Provider by County as of End of Period (2004)

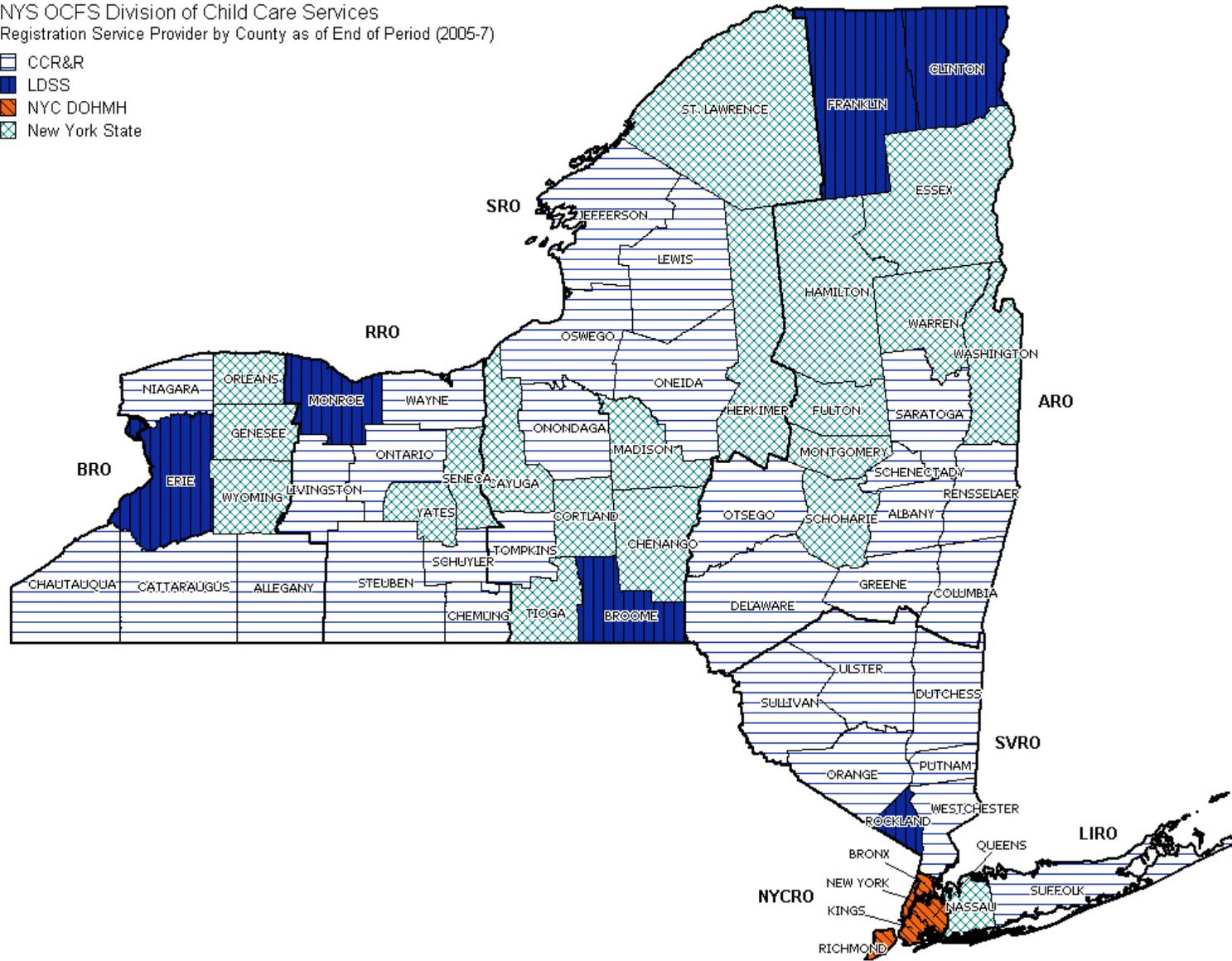
-  CCR&R
-  LDSS
-  NYC DOHMH
-  New York State



### Registration Service Provider by County: 2005 – 2007

NYS OCFS Division of Child Care Services  
 Registration Service Provider by County as of End of Period (2005-7)

-  CCR&R
-  LDSS
-  NYC DOHMH
-  New York State

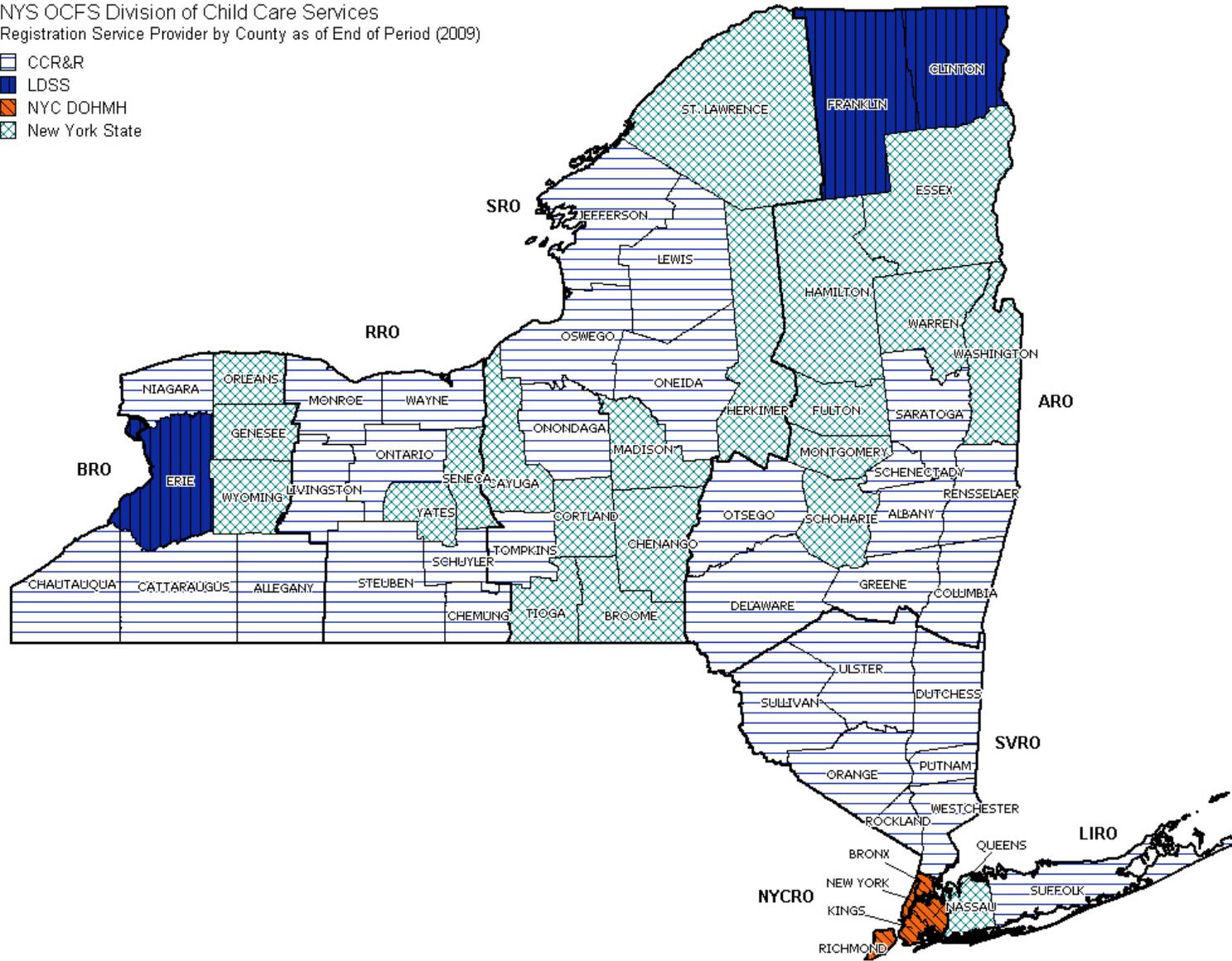




### Registration Service Provider by County: 2009

NYS OCFS Division of Child Care Services  
 Registration Service Provider by County as of End of Period (2009)

-  CCR&R
-  LDSS
-  NYC DOHMH
-  New York State





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## **Bases for Key Measurements (from *DCCS Registration Performance Standards Measures*)**

### **I. Department Response to Complaints (Complaint Investigations)**

For this report, timeliness of complaint investigations is based on data for family day care and school age child care providers, although a negligible number of "small day care center" (SDCC) providers sometimes appear for particular time periods. Two time frames are involved in assessing complaint investigations: time to initiate the investigation and time to make a final determination (or disposition) on the complaint. For purposes of OCFS' performance standards, registration service providers are expected to initiate investigations within **1 business day** (for complaints rated in the **imminent danger** category of severity) or within **5 or 15 calendar days** (for those rated as **serious or non-emergency**, respectively) and to make final determinations on complaints within **60 calendar days.** Complaints showing Child Protective Services investigation involvement are exempted from these timeframes for determining timeliness.

In comparison to the corresponding performance standards, two aspects of the measurement of the timeliness of response to complaints used for this report need to be understood: one relating to the requirements for initiating investigations, and one relating to the requirements for determining the findings of investigations.

Regarding the timeliness of *initiating* investigations, for years prior to 2009, the adjustment for business days (i.e., taking account of weekends and holidays) was *not* made, leading to a very small understatement of timeliness calculated throughout this report with respect only to this requirement. Since this bias would be expected to affect each such year about equally, on average, findings of clear, marked trends toward greater timeliness across such years (as found for the 2003 – 2006 and 2006 – 2009 reports) would not be invalidated by this factor. But differences in timeliness at initiating investigations which appeared between 2009 and prior years would be expected to be slightly exaggerated by this issue (at least for rising trends as in Figure 3.5 on pg. 16).

A different type of understatement also applies to this review's measurements of timeliness of determinations on investigations. Because *CCFS* provides only a single field ("Complaint\_Status\_Date") capturing the date for the latest status recorded for a complaint, all measurements calculated on that basis for complaints already reported closed – probably all of the complaints reviewed for this report – could include time associated with activities conducted prior to the formal "closing" date for the complaint, but following the key determination presumably at issue under the 60-day requirement (i.e., were complaint allegations substantiated or not?). Just like the issue in measuring initiations, discussed above, this limitation would not invalidate clear trends observed over time, making the review's measurements on this score somewhat more conservative than those based on the analogous OCFS performance standards but still eminently appropriate for the examinations required.

### **II. Registration Applications**

The timeliness of initial registration applications, like all measures included in this report, is based on data for family day care and school age child care providers (with the same proviso

above regarding SDCC providers). Registration workers are expected to process and resolve registration applications within six months of receipt, including providing applicants with all appropriate notifications regarding the status of their applications.

### **III. "50% Inspections"**

Section 390(4)(a) of Social Services Law requires that OCFS on an annual basis shall inspect "at least fifty percent of all registered family day care homes, licensed child day care centers and registered school age child care programs" to determine compliance with applicable statutes and regulations.<sup>51</sup> Only inspections covering all such statutory or regulatory program requirements (not those more limited in focus) can qualify as "50% inspections." In addition, either the primary or secondary reason for inspection reported in CCFS must be "50% sample." Finally, only one inspection of a particular registered provider per year can count toward the required number, but localities at their discretion can elect to inspect more than their minimum numbers.

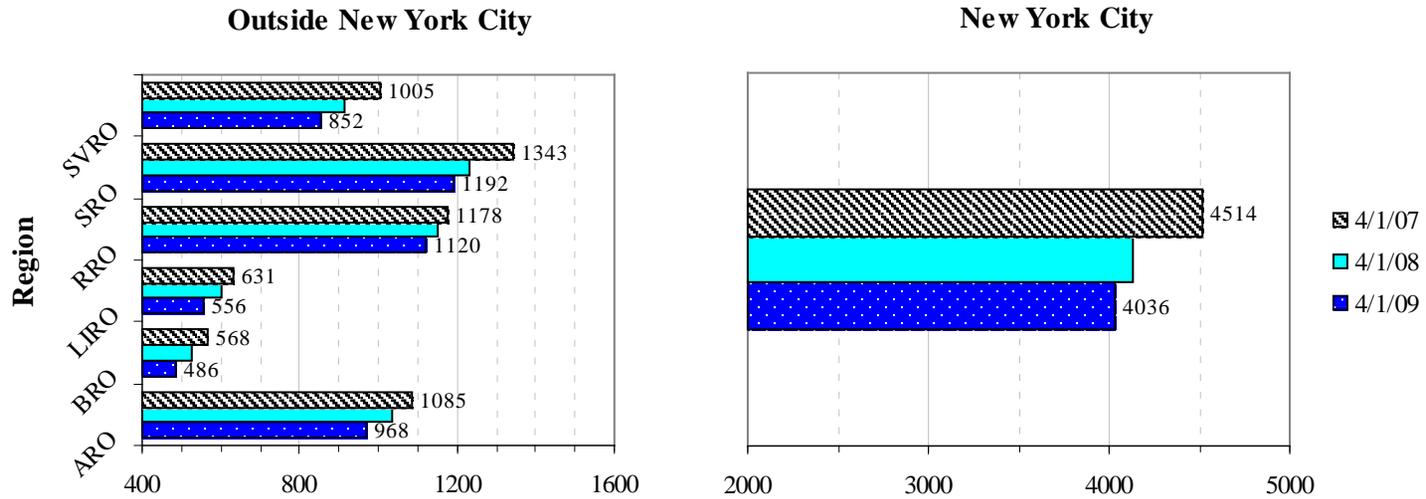
Unless small county provider populations require the pooling of counties, facilities to be inspected under this requirement are typically identified by randomly selecting those to be inspected in numbers equivalent to 50% (or more) of all providers (*not applicants*) of a given modality registered/licensed in the respective counties as of the point of sampling (usually near the beginning of the year). Since counts of facilities open as of any *one* point are typically far smaller than those open *at any point* during a period, this makes for clear differences between facility counts used to set 50% inspection goals (appearing in Tables 4.4 – 4.5) and certain of this report's counts of registered providers (e.g., those "ever registered," in contrast with those registered at the start of periods, as reported in Tables 2.1 – 2.2).

Another factor contributing to apparent discrepancies in facility counts appearing in the report concerns the types of facility statuses entering into the different counts presented. Perhaps understandably, facilities showing a variety of "closed" statuses are excluded for purposes of identifying the population of providers from which to sample those to be inspected, but not for purposes of identifying all facilities registered at some point of an interval (given appropriate open- and close-dates). In effect, the methodology for counting registered providers casts a "broader net" by counting all facilities registered anytime during an interval, regardless of what occurred with the facilities earlier or later during the interval.

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<sup>51</sup> OCFS, BECS Policy Statement 03-2 (12/5/03), *Registered Child Day Care Programs: 50% Inspection Requirement*.

**Figure 2.3. Number of FDC Providers Registered at Any Point During Interval, By Region, for Year Beginning:**



**Figure 2.4. Number of SACC Providers Registered at Any Point During Interval, By Region, for Year Beginning:**

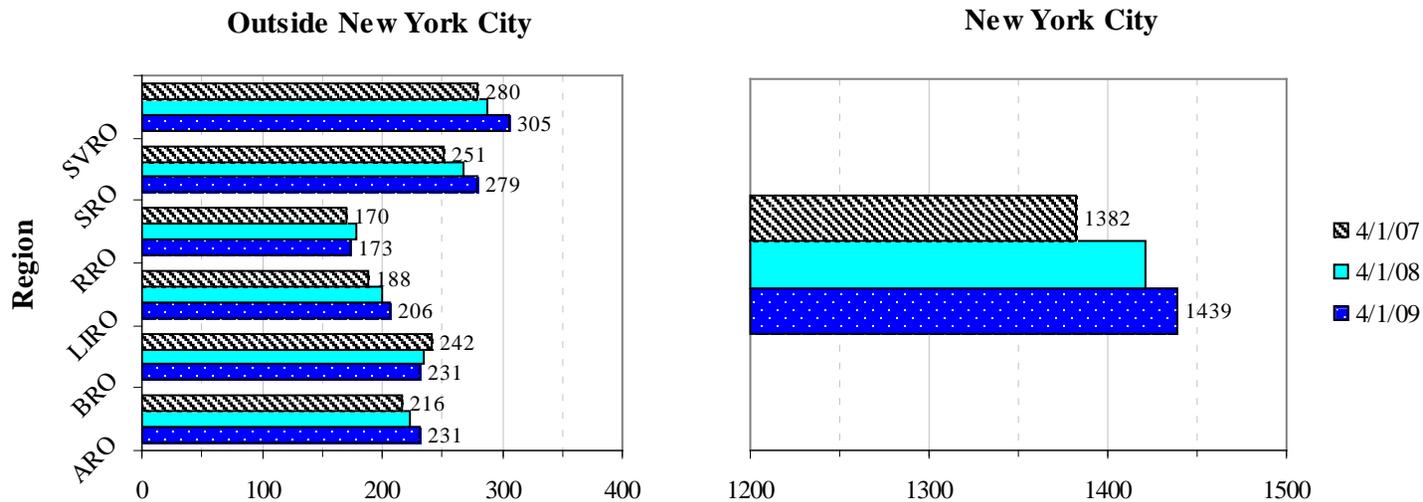


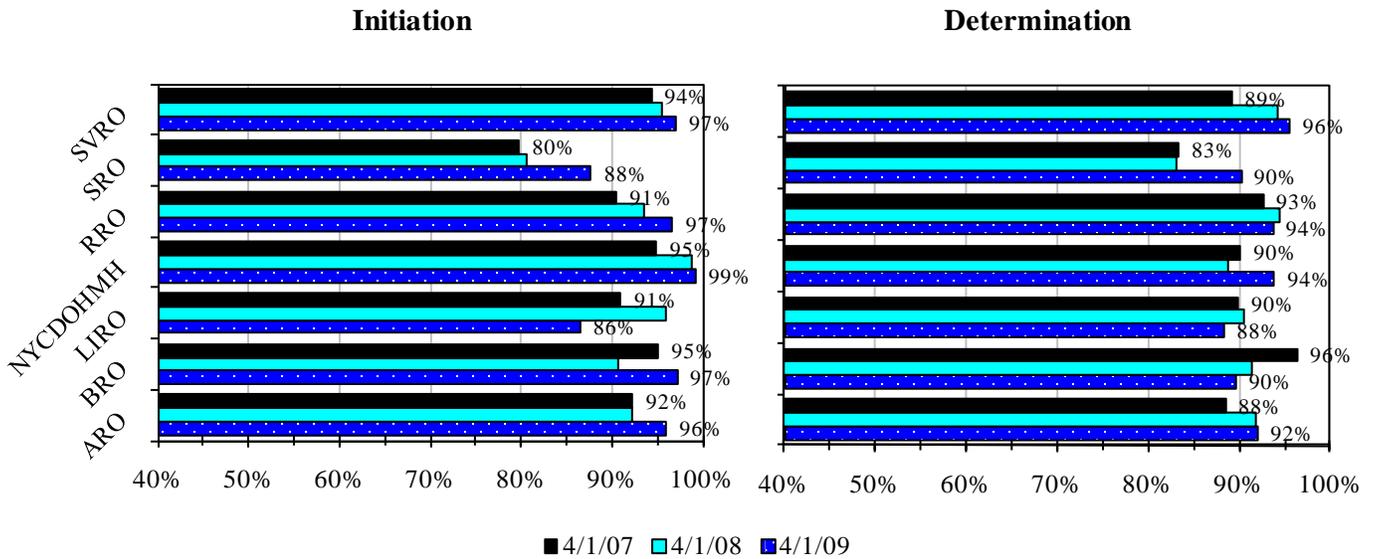
Table 2.2. Number of Registered Providers (FDC/SACC), By Region and Modality: As of Any Point, As of the First Day and as of the Last Day, For Three Years, 4/1/07 - 3/31/10										
Region	Year Starting April 1,	Any Point During Year			First Day			Last Day		
		FDC	SACC	FDC+SACC	FDC	SACC	FDC+SACC	FDC	SACC	FDC+SACC
ARO	2007	1,085	216	1,301	891	204	1,095	885	204	1,089
	2008	1,037	223	1,260	885	204	1,089	834	201	1,035
	2009	968	231	1,199	834	201	1,035	811	212	1,023
BRO	2007	568	242	810	473	217	690	457	216	673
	2008	525	235	760	456	216	672	434	215	649
	2009	486	231	717	433	216	649	390	213	603
LIRO	2007	631	188	819	542	184	726	509	182	691
	2008	602	200	802	509	182	691	480	196	676
	2009	556	206	762	480	196	676	469	200	669
NYCDOH	2007	4,514	1,382	5,896	3,739	1214	4,953	3,537	1,244	4,781
	2008	4,137	1,421	5,558	3,535	1,244	4,779	3,358	1,268	4,626
	2009	4,036	1,439	5,475	3,356	1,267	4,623	3,307	1,309	4,616
RRO	2007	1,178	170	1,348	993	158	1,151	949	165	1,114
	2008	1,150	178	1,328	949	165	1,114	948	159	1,107
	2009	1,120	173	1,293	947	160	1,107	930	154	1,084
SRO	2007	1,343	251	1,595	1,100	235	1,336	1,035	239	1,275
	2008	1,234	268	1,502	1,037	239	1,276	1,012	254	1,266
	2009	1,192	279	1,471	1,012	254	1,266	988	261	1,249
SVRO	2007	1,005	280	1,285	841	265	1,106	771	263	1,034
	2008	913	287	1,200	769	263	1,032	720	267	987
	2009	852	305	1,157	720	267	987	672	274	946
Total	2007	10,324	2,729	13,054	8,579	2,477	11,057	8,143	2,513	10,657
	2008	9,598	2,812	12,410	8,140	2,513	10,653	7,786	2,560	10,346
	2009	9,210	2,864	12,074	7,782	2,561	10,343	7,567	2,623	10,190

Table 3.2. Number of Complaints by Seriousness and Whether Additional Regulatory Violation(s) Involved,\*  
By Region, For Years, 4/1/07 - 3/31/10

Region	Year Starting April 1,	Number of Complaints					Percent of Total Complaints			
		Seriousness			With Additional Violation(s)	Total	By Seriousness			With Additional Violation(s)
		Non-Emergency	Serious	Imminent Danger			Non-Emergency	Serious	Imminent Danger	
ARO	2007	39	216	5	47	260	15%	83%	2%	18%
	2008	32	194	7	52	233	14%	83%	3%	22%
	2009	24	172	4	73	200	12%	86%	2%	37%
BRO	2007	15	145	4	31	164	9%	88%	2%	19%
	2008	10	136	4	32	150	7%	91%	3%	21%
	2009	6	99	1	62	106	6%	93%	1%	58%
LIRO	2007	13	74	2	18	89	15%	83%	2%	20%
	2008	25	96	5	26	126	20%	76%	4%	21%
	2009	17	92	2	45	111	15%	83%	2%	41%
NYCDOH	2007	0	28	287	60	315	0%	9%	91%	19%
	2008	0	20	246	89	266	0%	8%	92%	33%
	2009	0	9	236	93	245	0%	4%	96%	38%
RRO	2007	61	213	11	59	285	21%	75%	4%	21%
	2008	41	222	4	69	267	15%	83%	1%	26%
	2009	52	271	9	137	332	16%	82%	3%	41%
SRO	2007	58	358	4	98	420	14%	85%	1%	23%
	2008	50	365	0	125	415	12%	88%	0%	30%
	2009	31	365	2	198	398	8%	92%	1%	50%
SVRO	2007	30	159	5	46	194	15%	82%	3%	24%
	2008	8	139	6	54	153	5%	91%	4%	35%
	2009	14	118	3	52	135	10%	87%	2%	39%
Total	2007	216	1,193	318	359	1,727	13%	69%	18%	21%
	2008	166	1,172	272	447	1,610	10%	73%	17%	28%
	2009	144	1,126	257	660	1,527	9%	74%	17%	43%

\* As described in the body of the report (p. 12), "additional" violations shown in this and other tables on complaint-processing refers to regulatory violations confirmed during the complaint investigation but not reported within the original complaint allegation(s).

**Figure 3.8. Percent of Investigations (FDC, SACC) Initiated or Determined Timely, By Region, For Year Beginning:**

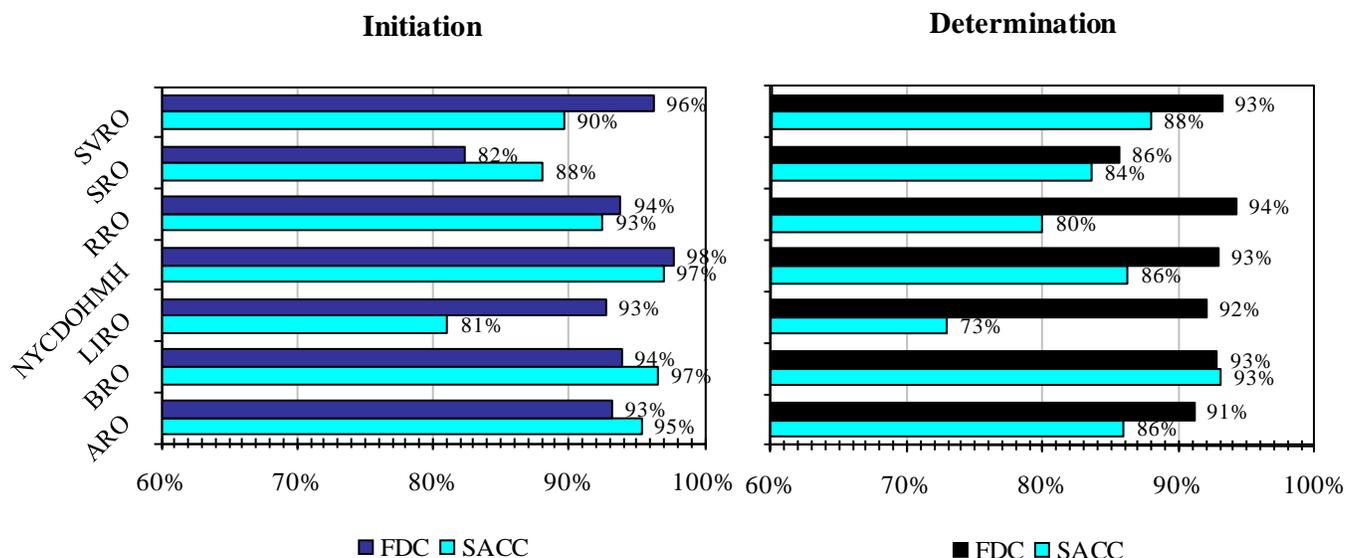


Region	Year Starting April 1,	Number of Complaints			Percent of Complaints		Rate of Complaints*	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
ARO	2007	260	20	30	92%	88%	1,301	20
	2008	233	18	19	92%	92%	1,260	18
	2009	200	8	16	96%	92%	1,199	17
BRO	2007	164	8	6	95%	96%	810	20
	2008	150	14	13	91%	91%	760	20
	2009	106	3	11	97%	90%	718	15
LIRO	2007	89	8	9	91%	90%	819	11
	2008	126	5	12	96%	90%	802	16
	2009	111	15	13	86%	88%	762	15
NYCDOH	2007	315	16	31	95%	90%	5,896	5
	2008	266	3	30	99%	89%	5,558	5
	2009	245	2	15	99%	94%	5,475	4
RRO	2007	285	27	21	91%	93%	1,348	21
	2008	267	17	15	94%	94%	1,328	20
	2009	332	11	21	97%	94%	1,293	26
SRO	2007	420	85	70	80%	83%	1,595	26
	2008	415	80	70	81%	83%	1,502	28
	2009	398	49	39	88%	90%	1,471	27
SVRO	2007	194	11	21	94%	89%	1,285	15
	2008	153	7	9	95%	94%	1,200	13
	2009	135	4	6	97%	96%	1,157	12

Region	Year Starting April 1,	Number of Complaints			Percent of Complaints		Rate of Complaints*	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
<b>Total</b>	<b>2007</b>	<b>1,727</b>	<b>175</b>	<b>188</b>	<b>90%</b>	<b>89%</b>	<b>13,054</b>	<b>13</b>
	<b>2008</b>	<b>1,610</b>	<b>144</b>	<b>168</b>	<b>91%</b>	<b>90%</b>	<b>12,410</b>	<b>13</b>
	<b>2009</b>	<b>1,527</b>	<b>92</b>	<b>121</b>	<b>94%</b>	<b>92%</b>	<b>12,075</b>	<b>13</b>

\* All rates in this section are based on counts of providers registered *as of any point* during the respective periods.

**Figure 3.14**  
**Percent of Investigations (FDC, SACC) Initiated or Determined Timely, By Region and Modality of Care: Three-Year Summary (4/1/07 – 3/31/10)**



Region	Modality	Number of Complaints			Percent of Complaints		Rate of Complaints*	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
ARO	FDC	629	43	56	93%	91%	1,371	46
	SACC	64	3	9	95%	86%	265	24
BRO	FDC	391	24	28	94%	93%	693	56
	SACC	29	1	2	97%	93%	277	10
LIRO**	FDC	288	21	23	93%	92%	801	36
	SACC	37	7	10	81%	73%	216	17
NYCDOH	FDC	564	13	40	98%	93%	5,797	10
	SACC	262	8	36	97%	86%	1,731	15
RRO	FDC	844	52	49	94%	94%	1,552	54
	SACC	40	3	8	93%	80%	197	20
SRO	FDC	1,166	206	168	82%	86%	1,722	68
	SACC	67	8	11	88%	84%	305	22
SVRO	FDC	424	16	29	96%	93%	1,281	33
	SACC	58	6	7	90%	88%	342	17
Total	FDC	4306	375	393	91%	91%	13,217	33
	SACC	557	36	83	94%	85%	3,333	17

\* Based on *unduplicated* three-year counts of providers, as discussed under Table 3.5 in the body of the report. As described there, three-year rates shown here are not directly comparable to the single-year rates computed elsewhere in the report.

\*\* For LIRO, counts of complaints by modality do not sum to other totals due to one complaint in that region showing "small day care center" for modality - the only such complaint observed throughout the state for this measure and time-period.

Table 4.3. Number and Timeliness of Processing of Registration Applications (FDC/SACC), By Region and Year: 4/1/07 – 3/31/10 <sup>52</sup>					
Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
ARO	2007	289	49	338	86%
	2008	385	56	441	87%
	2009	341	65	406	84%
BRO	2007	238	19	257	93%
	2008	242	18	260	93%
	2009	193	37	230	84%
LIRO	2007	158	53	211	75%
	2008	198	49	247	80%
	2009	179	61	240	75%
NYCDOH	2007	1,395	57	1,452	96%
	2008	1,782	20	1,802	99%
	2009	1,951	25	1,976	99%
RRO	2007	360	32	392	92%
	2008	475	25	500	95%
	2009	430	42	472	91%
SRO	2007	414	39	453	91%
	2008	479	46	525	91%
	2009	447	41	488	92%
SVRO	2007	364	24	388	94%
	2008	398	21	419	95%
	2009	427	17	444	96%
Total	2007	3,218	273	3,491	92%
	2008	3,959	235	4,194	94%
	2009	3,968	288	4,256	93%

<sup>52</sup> Registration applications counts in this table and elsewhere in the report include minimal numbers of applications with "small day care center" (SDCC) reported for modality (n=1, 1, 2 for the three years, respectively) which were not removed from the analyses since SDCC providers were included under the registration mandate laid out in Chapter 750 of the Laws of 1990. See n. 42 in body of report.

Region	Modality	Year Starting April 1,	Number Facilities	Number of Inspections			Percent of:	
				Goal	Conducted	With Violations	Goal Achieved	Inspections with Regulatory Violations
New York City	FDC	2007	2,153	1,077	3,542	1,703	329%	48%
		2008	2,592	1,296	2,793	1,230	216%	44%
		2009	3,240	1,620	3,030	1,367	187%	45%
	SACC	2007	977	489	1,357	727	278%	54%
		2008	1,134	567	855	551	151%	64%
		2009	1,295	648	1,259	811	194%	64%
	Total	2007	<b>3,130</b>	<b>1,565</b>	<b>4,899</b>	<b>2,430</b>	<b>313%</b>	<b>50%</b>
		2008	<b>3,726</b>	<b>1,863</b>	<b>3,648</b>	<b>1,781</b>	<b>196%</b>	<b>49%</b>
		2009	<b>4,535</b>	<b>2,268</b>	<b>4,289</b>	<b>2,178</b>	<b>189%</b>	<b>51%</b>
Balance of State	FDC	2007	2,913	1,457	2,556	1,354	175%	53%
		2008	3,516	1,758	2,693	1,388	153%	52%
		2009	4,187	2,094	2,498	1,302	119%	52%
	SACC	2007	1,070	535	678	419	127%	62%
		2008	1,176	588	668	390	114%	58%
		2009	1,306	653	664	394	102%	59%
	Total	2007	<b>3,983</b>	<b>1,992</b>	<b>3,234</b>	<b>1,773</b>	<b>162%</b>	<b>55%</b>
		2008	<b>4,692</b>	<b>2,346</b>	<b>3,361</b>	<b>1,778</b>	<b>143%</b>	<b>53%</b>
		2009	<b>5,493</b>	<b>2,747</b>	<b>3,162</b>	<b>1,696</b>	<b>115%</b>	<b>54%</b>
State Total	FDC	2007	5,066	2,533	6,098	3,057	241%	50%
		2008	6,108	3,054	5,486	2,618	180%	48%
		2009	7,427	3,714	5,528	2,669	149%	48%
	SACC	2007	2,047	1,024	2,035	1,146	199%	56%
		2008	2,310	1,155	1,523	941	132%	62%
		2009	2,601	1,301	1,923	1,205	148%	63%
	Total	2007	<b>7,113</b>	<b>3,557</b>	<b>8,133</b>	<b>4,203</b>	<b>229%</b>	<b>52%</b>
		2008	<b>8,418</b>	<b>4,209</b>	<b>7,009</b>	<b>3,559</b>	<b>167%</b>	<b>51%</b>
		2009	<b>10,028</b>	<b>5,014</b>	<b>7,451</b>	<b>3,874</b>	<b>149%</b>	<b>52%</b>

<sup>53</sup> See n. 47 (pg. 28) and Appendix A.3 regarding the distinction between facility tallies in this table and counts of registered providers appearing elsewhere in the report.

**Figure 4.11. Percent of "50% Inspections" Involving Regulatory Violations, By Major State Region and Modality of Care, For Year Beginning:**

