

**Report to the Governor and Legislature**  
**on Family Day Care and School Age Child Care Registration**  
**(With Comparisons to Day Care Center/Group Family Day Care Licensing):**  
**April 1, 2011 – March 31, 2012**  
**(Pursuant to Chapter 750 of the Laws of 1990)**



**New York State Office of Children and Family Services**  
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**Andrew M. Cuomo, Governor**

**Gladys Carrión, Esq., Commissioner**

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## 1. Executive Summary

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There have been pronounced improvements in child day care in New York State during the last decade. One factor driving these developments was 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. Another factor was 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. Ultimately, however, many of the improvements now in place owe their existence to the enactment of 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, much as already existed for licensing day care center (DCC) and group family day care (GFDC) programs. Chapter 750 also required annual reporting on the following key indicators of the new system's implementation, which are 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, 2011, and ending March 31, 2012, drawing comparisons both to the preceding year and to the three-year period ending March 31, 2012, based on CCFS data. Unlike prior reviews, this one focuses not just on registered programs (FDC and SACC facilities) – the segment of the day care universe subject to the 1990 mandate – but also on licensed programs (DCC and GFDC facilities), in order to satisfy both the reporting mandate for registered programs and the need for a complete and more useful overview of the entire regulated universe of providers in New York State.<sup>1</sup> Because orientation is no longer a prerequisite for registration,<sup>2</sup> this report also modifies the original reporting charge in Chapter 750 by replacing that topic with detailed performance information on the related, equally critical, process of handling applications for registration or licensure.

While the inclusion of both licensed and registered providers might seem to make the revised review a treasure trove of easy comparisons between the two major sectors of New York's regulated child care universe, such comparisons would be deceptive if used to make performance judgments about the respective staff charged with handling the regulation of registered and licensed providers. Absent a consideration of the context which is essential for evaluating what "difference" is actually being compared in each instance – e.g., number, training and

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<sup>1</sup> Notably, this rectifies the problem of *arbitrariness* in the prior reports' presentation of only a partial snapshot of New York's regulated child care universe that was occasionally at odds with developments among other providers not focused on. For example, see n. 1 in the last report (*Report to the Governor and Legislature on Family Day Care and School Age Child Care Registration: April 1, 2010 – March 31, 2011* [DCCS, 2012]) on the contradictory trends among FDC and GFDC providers not able to be addressed in the review.

<sup>2</sup> See the discussion under *Introduction and Background*, pg. 1.

responsibilities of staff, or other issues, all unavailable for this review – the report’s many comparisons juxtaposing registered and licensed programs, are best treated neutrally, as descriptive differences warranting more or less attention, as appropriate.<sup>3</sup>

### Number of Registered and Licensed Providers

- For the year ending March 2012, total **registered** provider counts – primarily representing FDC and SACC programs<sup>4</sup> – decreased in New York City (-2%), the balance of the state (-5%) and statewide (-3%), compared with the prior year. For the three-year period ending March 2012,<sup>5</sup> the corresponding declines were -4%, -9% and -7%, respectively, confirming a longer-term trend of declines in the number of registrants in recent years,<sup>6</sup> but with declines clearly smaller in the City than elsewhere.
- The decline in the number of FDC programs in the year ending March 2012 for the City, rest of state, and statewide (-1%, -6%, -4%, respectively) was generally more than for SACC programs (-3%, -1%, -2%). For the three years ending March 2012, the FDC declines were -5%, -11% and -8% for the City, rest of state and statewide, respectively, with SACC declines of -3%, -1% and -2%. For FDC programs only, declines were smaller in the City than elsewhere.
- In contrast, total **licensed** provider counts, representing DCC and GFDC programs,<sup>7</sup> consistently increased both in New York City and outside the City over the three years. Compared with the prior year, the year ending March 2012 saw the number of licensed-providers increase 8%, 1% and 5% for the City, rest of state and statewide, respectively, while the corresponding “three-year” gains for the period ending March 2012 were 20%, 4% and 11%,<sup>8</sup> with larger increases each year in New York City than elsewhere.
- Based on the available statewide data for the year ending March 2012, GFDC licensee numbers increased far more rapidly in New York City (8%) than in the balance of the state (1%), with a statewide average of 5%. Outside of the City, both DCC and GFDC programs had modest one-year gains of 1%. For the three-year period ending March

<sup>3</sup> See the section, *Rate of Complaints and Department Response to Complaints* (beginning on pg. 18) for further discussion.

<sup>4</sup> Unless noted otherwise, a third type of registered provider also included in the reporting mandate in Chapter 750 of the Laws of 1990, small day care centers (SDCC), is also included in this review’s “total” calculations, but accounts for minimal numbers of programs, statewide, as detailed below. Given the small numbers involved, that modality is not broken out separately in the report’s Figures, but its effects on counts are noted in certain tables. Note, also, that counts here are based on providers registered *at any point* during the respective intervals (see pg. 9).

<sup>5</sup> Each “three-year” percentage cited here and below refers to the change between the first of the three years (beginning April 1, 2009) and the third – the report year beginning April 1, 2011.

<sup>6</sup> Cf. *Report to the Governor and Legislature ... April 1, 2010 – March 31, 2011*, op cit., pg. 8.

<sup>7</sup> Throughout this report, data presented for licensed programs excludes New York City DCC facilities, which by law are licensed by New York City and not subject to OCFS’s regulatory authority. Thus, “total” licensee counts presented represent *only* GFDC facilities, in the case of New York City, but *both* DCC and GFDC programs for the balance of the state.

<sup>8</sup> Given the larger number of GFDC, than DCC programs, outside of New York City, the smaller licensee increases shown for that region, compared with the City, hold regardless of whether comparisons are restricted to GFDC programs (making the two regions’ data strictly comparable) or based on “total” counts that make the data less comparable.

2012, GFDC gains were 20%, 4% and 13% for the City, outside the City and statewide, respectively, while outside of New York City, DCC program counts increased by 3%.

## Complaint Handling

### Numbers of complaints

- Departing somewhat from the predominant downward trend in the number of complaints noted in the last two reviews, complaint counts for the year ending March 2012 for **registered** programs increased from the prior year in three regions (Albany, Buffalo, Long Island),<sup>9</sup> decreased in three others (New York City, Rochester, Spring Valley) and were approximately unchanged in one (Syracuse). While all of the increases were modest, two of the declines were at least -20% (New York City, Spring Valley). For the entire three years ending March 2012, three regions also showed longer-term declines of -32%, -21% and -19% (Spring Valley, Syracuse, New York City, respectively).
- In most regions, more complaints were logged for **licensed** programs than for registered programs for each year of the triennium ending March 2012. In contrast to the pattern among registered programs, most ( $n = 5$ ) regions showed modestly more complaints about licensed programs for the last of the three years (Spring Valley's 13% increase was the largest). For the entire three years, however, only one region showed a consistent increase in complaints for licensed programs (the Rochester region's 28% gain), while one other region showed a persistent decrease (the New York City region's 25% decline).
- As in every review since the one for 2003 – 2006, there has been an apparent disparity in the number of complaints made in and outside of New York City. During the triennium ending March 31, 2012, ratios of complaints filed outside the City to those filed within the City were at least 4:1 each year for **registered** programs, and at least 2:1 each year for **licensed** programs. When expressed in *standardized* complaint rates (per 100 registered or licensed providers, respectively), rates for **registered** programs outside the City were at least three times greater than those in the City, each year, while rates for **licensed** programs outside of the City were at least twice those in the City each year.

### Complaint categorizations and additional violations

- The categorizations of complaints in New York City and elsewhere in the state continued to show clear differences between the City and elsewhere: 1) Each year of the three-year period ending March 31, 2012, the City designated at least 92% of its total complaints as “imminent danger” compared with just 1% elsewhere; 2) in parallel fashion, “serious” complaints represented close to 80% of total complaints outside of the City each year, but only 5 – 7% within New York City.
- In all regions of the state, additional regulatory violations (beyond those originally reported for the complaints) were identified in a large percentage of complaint investigations for the year ending March 2012; in six of seven regions, 42%-51% of complaint investigations resulted in the identification of additional regulatory violations, while one region – Syracuse – reported a higher proportion (61%).

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<sup>9</sup> Throughout this review, DCCS's seven regions, which are named for the location of the DCCS regional offices, are referred to either by those names, for clarity, or by abbreviation, as described in detail in n. 27; however referenced, all designations should be understood as relating to those wider regions, not the named places cited.

### Timeliness initiating and determining complaints

- **Registered** programs - For the year ending March 2012, New York City maintained its prior-year 100% timeliness level in *initiating* complaint investigations, while the balance of the state was almost as timely and showed continued improvement (rising from 97% to 98% over the same period). Both major regions also showed improved, although not quite equal, timeliness in *determining* complaint investigations for registered programs for the same year (rising from 90% to 96% for the City and from 90% to 91% outside of the City, compared with the prior year).<sup>10</sup>
- **Licensed** programs - Complaint investigations outside of New York City were *initiated* somewhat less promptly than they were for registered programs (5 – 8 percentage point differences in each of three years ending March 2012). This was not true for the City: in the third year, the City improved its timeliness in initiating complaint investigations for licensed programs from 97% the prior year to 100% on time. Outside the City, timeliness in initiating investigations declined slightly in the year ending March 2012, from 91% to 90%. Complaint *determinations* for licensed programs were also less likely to be timely than determinations made for registered programs. This was more pronounced outside of New York City (6 – 9 percentage point differences each year) than within the City (3 – 7 point differences each year). For the year ending March 2012, New York City’s timeliness in determining investigations improved (to 89%, from 87% the prior year) while in the rest of the state, it declined (to 82%, from 84% the previous year).

### Complaint substantiation rates

- Just as in other recent reports in this series, in the three-year period ending March 31, 2012, there were modest differences between New York City and the rest of the state in the disposition of investigations for complaints categorized as “serious” and “imminent danger.” For serious complaints, substantiation rates in New York City were at least 15% lower than elsewhere in the state for each of the three years covered by this report, although the number of complaints in this category in New York City was small. For complaints categorized as imminent danger, the substantiation rate was at least 11% lower in New York City than in the rest of the state for the first two years only, but here the number of complaints categorized as imminent danger was small outside of the City.

### Application Processing

- Continuing trends seen in the last review, **registration** application counts for the year ending March 2012 as compared to the prior year, decreased in New York City (–10%), the balance of the state (–7%) and overall (–8%). Over the entire three years ending March 2012, the decline was sharper outside of the City than in the City (–19% and –9%, respectively). The downward trend was broad-based, with five of seven DCCS regions experiencing one-year declines and all seven experiencing three-year declines. There were decreases in both FDC applications and SACC applications (–11%, –34%, respectively, over the three years).

<sup>10</sup> See *Background* (under *Complaints*, pg. 14) for details on complaint timeliness calculations for this review. As detailed in Appendix A.3 (pg. 47), the measurements of timeliness for initiating and for determining complaint 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 standard measurements.

- **License** application trends were less consistently negative. While license application numbers showed one-year declines throughout the state for the year ending March 2012 (-14%, -6%, -11% for New York City, the balance of the state and overall, respectively), license applications increased in two DCCS regions over the entire three years ending the same date (+1%, +25% for New York City and Spring Valley regions, respectively).<sup>11</sup>
- The three year period ending March 2012 saw marked fluctuations in the number of GFDC applications, especially in the New York City region. For example, in the second year of the period, statewide GFDC application numbers increased by 11%; the same year, New York City region GFDC applications alone increased by 17% and total licensure (DCC/GFDC) applications for the balance of the state decreased by 4%.
- Statewide, the proportion of **registration** applications processed in timely fashion for the 2011 – 2012 year remained constant from the prior year at a relatively high 93% – one of only two years out of the last eight not showing an improvement in application processing timeliness. This rate did not change for either New York City or the rest of the state, although each has modestly different timeliness levels – an exemplary 99% for New York City versus 88% for the balance of the state. During the three years ending March 31, 2012, New York City’s advantage over the balance of the state in timeliness in processing registration applications ranged between 11% and 12% each year.
- Outside of New York City, timeliness in processing **registration** applications varied more by modality (as much as 8 percentage points a year) than within the City, where timeliness was consistent, differing by no more than two percentage points, by modality, for each of the three years preceding March 31, 2012. During the same period, the balance of the state showed no consistent improvements in processing SACC applications on time (rising from 88% to 90% before retreating to 81%) but made modest, steady improvements in resolving FDC applications on time (rising from 85% to 87% to 89%).
- Statewide, the number of **license** applications processed on time during the year ending March 2012 decreased 2 percentage points from the prior year (to 85%), but still exceeded the 84% mark set two years earlier. For each year of the triennium, the percentage of these applications handled on time ranged from 6 – 8 percent less than for registration applications. New York City showed even larger timeliness advantages in processing license applications than in processing registration applications – for the triennium ending March 2012, New York City exceeded the balance-of-state timeliness in processing license applications by 35 to 37 percentage points each year (e.g., 99% vs. 62%, respectively, for the year ending March 2012).
- Timeliness in resolving **license** applications did not vary appreciably by modality outside of New York City where information on both DCC and GFDC applications was available. For the three years ending March 2012, the balance of the state showed only modest timeliness, and limited improvement over time, in processing DCC applications (61%, 65%, 64% for each year, respectively), which was similar to its record of handling GFDC applications over the same period (63%, 65%, 61%). Taking both modalities together, the region’s overall timeliness in processing license applications (62%, 65%,

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<sup>11</sup> Notably, New York City’s small three-year increase (+1%) in applications included a much larger one-year gain (+17%, from 1536 applications to 1803 applications) mid-way through the three-year period.

62%, respectively) ranged from 23 – 26 percentage points lower each year than that for processing registration applications (86%, 88%, 88%).

#### “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 of these inspections than required for the year ending March 31, 2012 – a consistent pattern in recent years. For each of the three years preceding that date, the City's goal for the number of such inspections was exceeded by two to three times, while the required number of inspections for the balance of the state was exceeded by more than 50% – 80%.
- The proportion of “50% inspections” in which violations of applicable regulations were identified rose modestly (up 6% statewide) for the year ending March 2012 when compared to the previous year, continuing an increase noted in 2010 – 2011, and marking the reversal of a consistent downward trend seen between 2003 and 2009.<sup>12</sup> Unlike the prior, *broader* decrease, however, the last two years’ increases were driven entirely by larger numbers of violations identified in New York City (+11% for the latest year, rising to 69% of all “50% inspections”), which were partially offset by the somewhat smaller percentage of reports outside the City in which violations were identified (–7% last year, falling to 47%).

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<sup>12</sup> See Figure 4.10, pg. 30, *Report to the Governor and Legislature on Family Day Care and School Age Child Care Registration: April 1, 2006 – March 31, 2009* (DCCS, July, 2010), showing a steady decline in the proportion of these inspections flagging such violations, for both major state regions, over the period cited.

# 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, much as already existed for the licensing of day care center (DCC) and group family day care (GFDC) programs.<sup>13</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>14</sup>

This report covers the year April 1, 2011 – March 31, 2012 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, 2011. While the nominal focus of reporting is on registered (FDC and SACC) providers – those to which the legislation's registration mandate applied – the inclusion of licensed day care center (DCC) and group family day care (GFDC) program data beginning with this review permits a comprehensive overview of care that should make this and future reports far more useful for management and policy purposes.<sup>15</sup> In addition, while the focus is the 2011 – 2012 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.

Because orientation ceased being a requirement for registration early in 2001, this report, like its recent predecessors, substitutes detailed information on a closely related part of the regulatory process: the timeliness with which applications for registration or licensure are handled.<sup>16</sup>

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<sup>13</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>14</sup> *McKinney's 1990 Session Laws of New York* (West Publishing Co.), V. 1, pg. 1531. Numbering added.

<sup>15</sup> See *Background on Child Care Registration and Licensing*, pg. 2, for an overview of different modalities of care and the corresponding regulatory frameworks.

<sup>16</sup> See earlier reports in this series (e.g., *Report to the Governor and Legislature ... April 1, 2009 – March 31, 2010*, op cit., pp. 1-2) for the legislative context surrounding the discontinuation of orientation as a registration requirement for FDC and SACC programs.

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

- a) Registered and Licensed 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, licensees and applicants for registration or licensing awaiting inspection or other administrative action.

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

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>17</sup> Programs in which children receive care outside of a home setting include “day care centers” (DCC – seven or more children), “small day care centers” (SDCC – three 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, SACC and SDCC programs are regulated through the analogous process of *registration*.

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 DCC and GFDC programs, New York State – through OCFS’s regional child care offices – handles these “licensing” services directly, outside of New York City, while the New York City Department of Health and Mental Hygiene (NYCDOHMH) provides such services within the City.<sup>18</sup> For FDC and SACC programs, such “registration services” have been provided under one of several arrangements

<sup>17</sup> Only relatively recently, 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, therefore, the new capacity limits noted in the discussion applied.*

<sup>18</sup> Figure 1, below (repeated in Appendix A.1, pg. 42) 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. Six of these seven offices (all except the New York City office [NYCRO]), thus, are responsible for all DCC and GFDC licensing outside of New York City. Within the City, OCFS *contracts* with NYCDOHMH to license GFDC programs – the only such arrangement statewide.

(which have shifted over time), depending on local department of social services (LDSS) preferences. During the nine years ending with the present 2011 – 2012 report period, New York State’s regional child care offices provided these services directly to a sizable, relatively consistent proportion of counties (ranging between 17 and 21, and reaching 19 counties in 2011),<sup>19</sup> while OCFS contracted with a steadily dwindling proportion of LDSS’s that chose to provide registration services directly (falling from 8 counties in 2003 to 2 counties by 2011).<sup>20</sup> During the same period, OCFS contracted with a slowly growing number of LDSS’s subcontracting for the provision of these services by not-for-profit entities, primarily Child Care Resource and Referral (CCR&R) agencies (rising from 32 counties in 2003 to 36 counties by 2011),<sup>21</sup> and OCFS contracted with NYCDOHMH to provide the services in New York City (5 counties).<sup>22</sup> Between 2009 and 2012, one additional county previously providing direct LDSS registration services (Erie) and two others previously serviced by New York State staff (Seneca, Yates) all transitioned to CCR&R provision of registration services. *Figure 1 maps and defines the seven DCCS regions, while Figure 2 documents the latest transitions referenced.*

While New York State regional office staff have been responsible for all *licensing* activities (except in New York City), one possible consequence of the variations in who provides *registration* services could be differences (e.g., number of workers and/or skill-levels) among the workforces performing such 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 on regulatory activities and the statistics summarizing that performance could be affected, making comparisons that ignore such factors ill-advised. In order to mitigate (although not eliminate) 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>23</sup>

Other consequences of these different licensing and registration service arrangements flow from DCCS’s implementation of performance-based contracting for some of this work. While all licensing work (except in New York City) and some registration work (except in the City) has remained a State regional office responsibility, effective January 1, 2005, and continuing into 2006 and beyond, all contracts for the provision of registration services<sup>24</sup> 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

<sup>19</sup> See Figure 2, pg. 7, (green cross-hatch).

<sup>20</sup> *Ibid.* (dark blue hatch).

<sup>21</sup> *Ibid.* (light blue hatch).

<sup>22</sup> *Ibid.* (orange cross-hatch). See Appendix A.2 (pg. 43) for maps documenting all of the changes cited.

<sup>23</sup> Where informative for policy purposes, DCCS Regional results – *often referred to by abbreviation, as detailed in Figure 1 and Appendix A.1 (pg. 42)* – are also offered, but illustrate the difficulty. For 2011 – 2012, e.g., the percent of each DCCS Region’s counties which involved New York State-provided registration services ranged from 0% (Rochester, Spring Valley Regions) to 57% (Syracuse Region); for CCR&R-provided services, the corresponding proportions ranged from 43% (Syracuse Region) to 100% (Rochester, Spring Valley Regions). As a result, the potential role of such staffing differences and other distinctions flowing from them always warrants consideration when weighing certain comparisons.

<sup>24</sup> Alone among all the performance contracts in place, one exception is NYCDOHMH’s to provide *licensing* services for New York City GFDC facilities.

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 "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 regulatory statistics, potentially contributing to differences in performance not only between registration and licensing activity, on average, but also between registration activity as practiced in counties with, and as practiced by other counties without, performance-based contracts (e.g., counties with NYCDOHMH, LDSS or CCR&R-provided registration services and those with New York State-provided registration services, respectively). Almost certainly, this shift in administration produced direct salutary effects on performance for those modalities of care and those locales affected, by improving oversight. But performance-based contracting may have also influenced regulatory work indirectly, such as by contributing to gains in skills and/or staffing-levels, and thereby to better caseload management and presumably better performance by those workers affected. As a result, the adoption of performance-based contracting probably contributed not only to improvements in the monitoring of programs, and ultimately the regulation of care, but perhaps also to variations in the extent of such improvement between registered and licensed care, among counties and among regions, during the years since. One of the major benefits of this series of reports will be to uncover whether such differences have actually appeared, and thereby enable appropriate responses to such, to be developed.

### **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, 2012, in comparison with the three years ending the same date, or with prior report periods. Since CCFS excludes data on New York City DCC facilities, the report's focus is on all registered providers, statewide, and all licensed providers except New York City DCC programs (which are licensed by New York City and not subject to OCFS's regulatory authority).

For each topic reviewed, this involved either creating new reports keyed to CCFS data or modifying DCCS's 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's corresponding "performance standard," but also includes: a) all counties throughout the state and b) all regulated programs except New York City DCC facilities, and c) enhanced detail to facilitate regional comparisons, viz., standardized rates of complaints received.<sup>25</sup> For readers' reference, each chapter below overviews any computational

<sup>25</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 or licensed* (as appropriate)

details pertinent to understanding the respective chapter findings, while Appendix A.3 (pg. 47) provides narrative descriptions of all such rules and calculations employed for measures featured throughout the report.

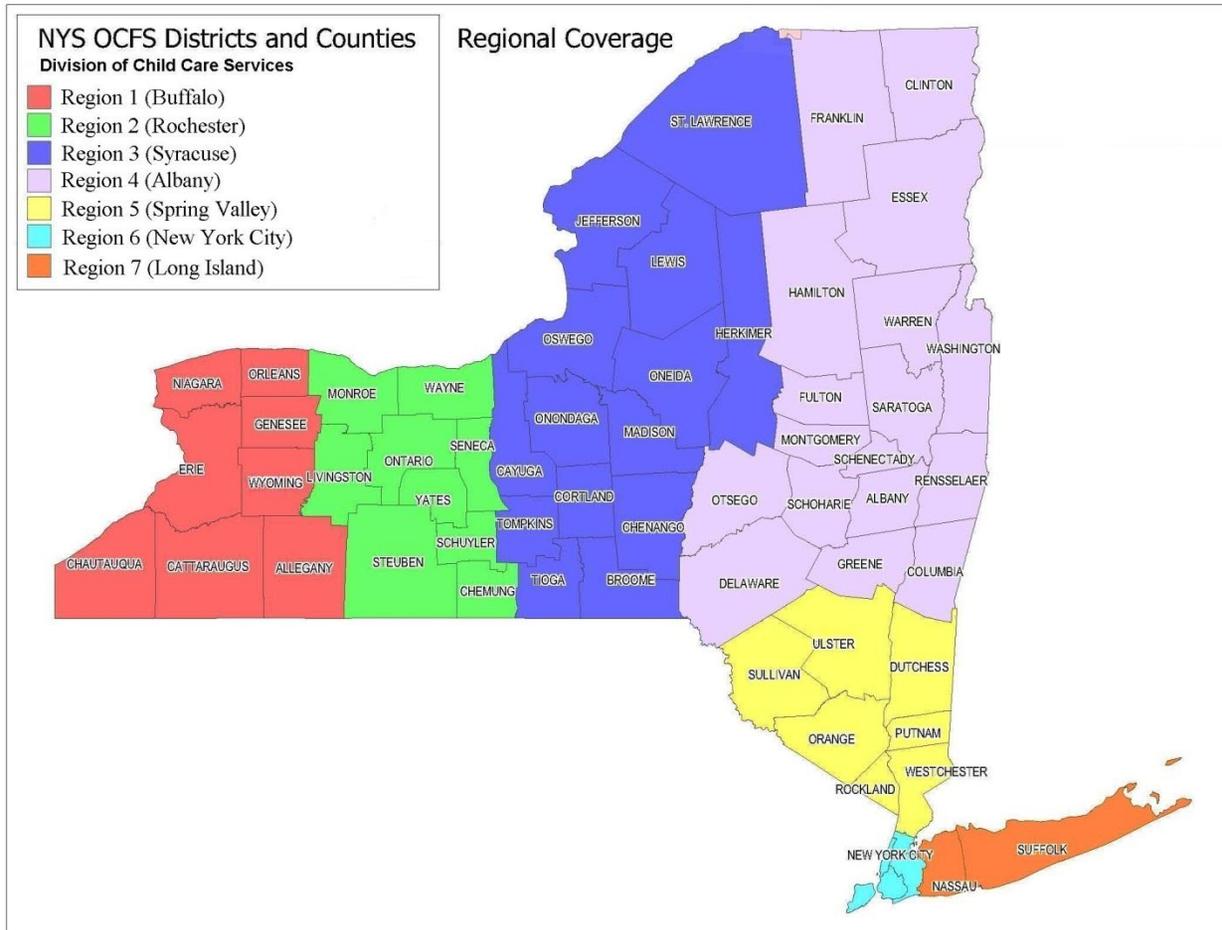
Given CCFS's status as the database of record for child care in New York, this report necessarily relies on that data set, but like its predecessors, continues to call attention, where informative, to instances where variations in reporting (e.g., definitional and/or practice issues) may have influenced findings.<sup>26</sup> The present report's continued finding of fewer complaints reported for New York City than might be expected, based on its 40%-50% share of the population of providers, is a primary example.

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during that year, and a "three-year" rate relating complaints received during a three-year period to the corresponding ever registered/licensed tally, 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's existing ones are: a) the inclusion of all counties (rather than just those with performance contracts, as in the original measures); b) the inclusion of settings of any modality (except New York City DCC), also irrespective of whether performance-contracted; 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.

<sup>26</sup> For example, see the 2009 – 2010 report's description of factors that influenced the completeness of reporting early in CCFS's implementation. Op cit., *Methodology and Data Sources*.

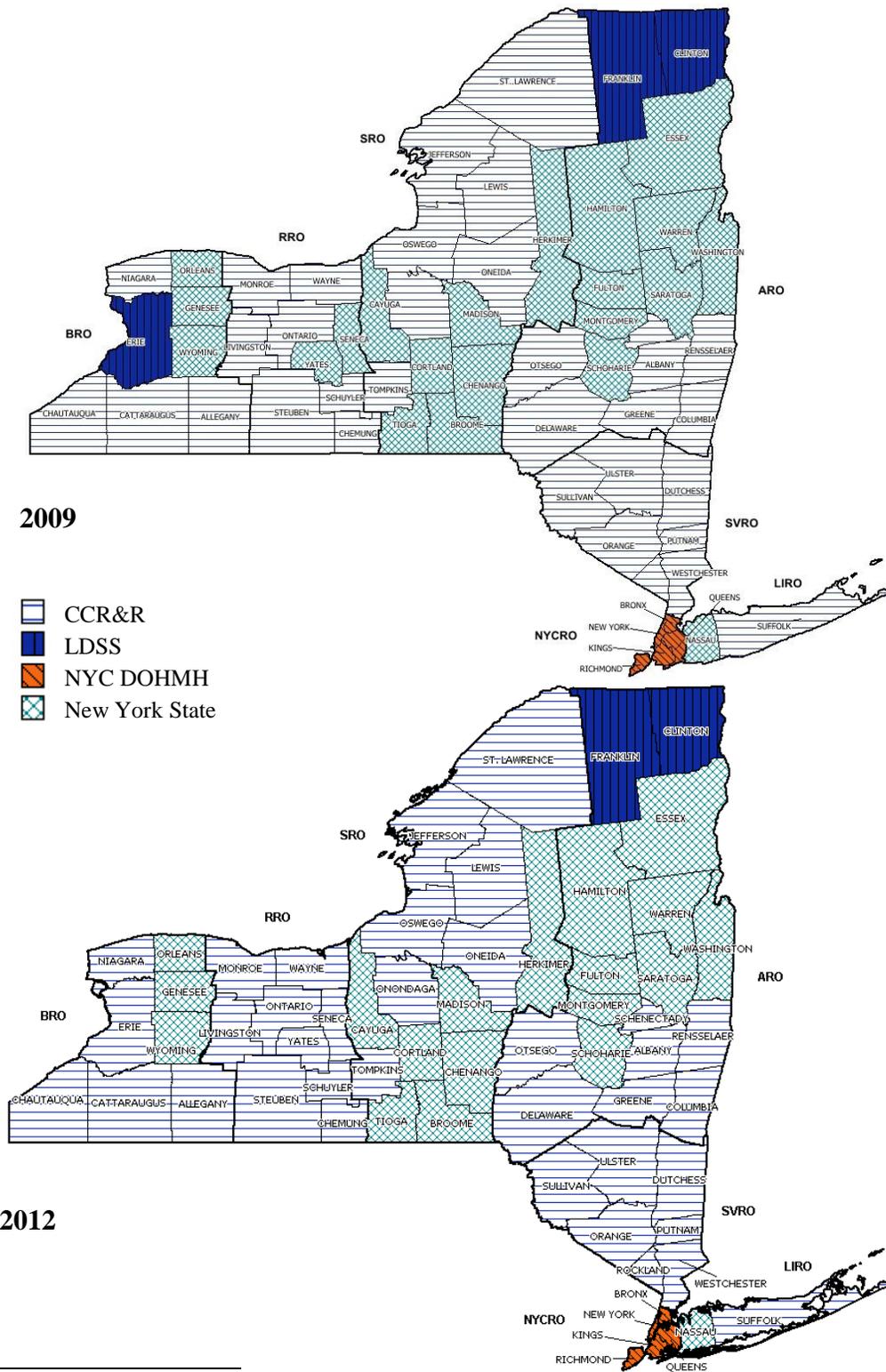
**Figure 1. OCFS Division of Child Care Services Regions and Constituent Counties<sup>27</sup>**



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>Spring Valley Region</b>
Otsego	<b>Region</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	
Richmond	

<sup>27</sup> Throughout this report, DCCS Regions, which are named for the location of the DCCS regional offices, are often referred to by abbreviation – ARO (Albany Regional Office), BRO (Buffalo ...), LIRO (Long Island ...), NYCRO (New York City ...), RRO (Rochester ...), SVRO (Spring Valley ...) and SRO (Syracuse ...).

**Figure 2. Changes in Registration Service Provider by County: 2009 – 2012<sup>28</sup>**



<sup>28</sup> 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 (pg. 43) for notes regarding corrections made to maps from earlier reports in this series and for full-page versions of selected maps documenting the changes discussed.

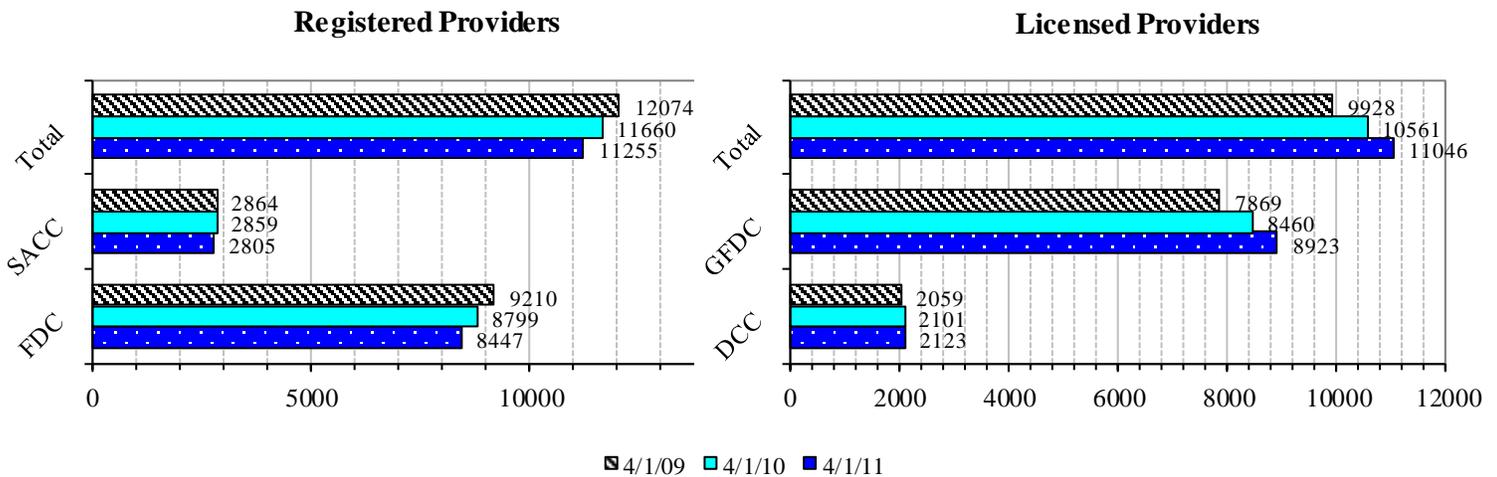


## 2. Registered and Licensed Providers

### a) Overview

The year ending March 31, 2012, saw a clear continuation of the downward statewide trends reported for registered providers in the prior review, but equally clear, sustained growth among the universe of licensed providers not included in prior reviews. Compared with the prior year, the total number of programs registered at any point during that year declined by 3% while the corresponding count of total licensees increased by 5%. Among the former universe, declines were larger for FDC than for SACC programs (-4% vs. -2%, respectively) while among the latter, GFDC programs easily showed the largest increase (+5% vs. +1% for DCC facilities, respectively). For the entire three-year period ending March 31, 2012, the statewide trends among registrants, -7% (total FDC/SACC), -8% (FDC) and -2% (SACC), closely mirrored those reported in the last review (-6%, -8% and +2%, respectively) except for the latter small decline in SACC programs, confirming a consistent overall decline among registrants in recent years.<sup>29</sup> Over the same three years, licensee numbers steadily increased, a bit more than registrants declined (+11%), based on 13% and 3% increases among GFDC and DCC programs, respectively. Figure 2.1 displays the corresponding changes in numbers of providers ever registered or licensed during the three years concluding March 2012, by modality.<sup>30</sup>

**Figure 2.1**  
**Providers Registered or Licensed at Any Point During Reporting Period,**  
**By Modality, For Year Beginning:**<sup>31</sup>



<sup>29</sup> Cf. *Report to the Governor and Legislature ... April 1, 2010 – March 31, 2011*, op cit., pg. 8.

<sup>30</sup> Unless noted otherwise, yearly counts cited throughout this Section represent programs registered or licensed at any point during the respective years. Note the distinction between these “ever registered/licensed” counts and point-in-time counts, such as registrants as of the end of a year. Table 2.1, summarizing, provides both types of counts, and just as in the prior review, reveals what appear to be fairly steady declines in FDC providers over time (e.g., compare the “first day” and “last day” counts shown for individual years). See *Regional Detail*, below, for more point-in-time evidence.

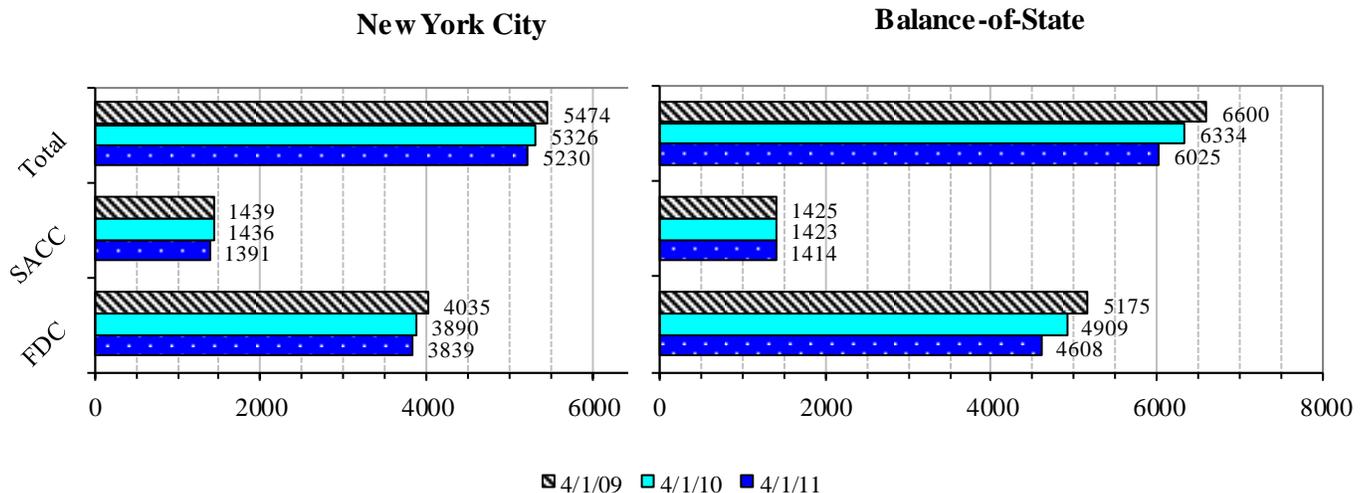
<sup>31</sup> Registered totals include  $n = 2$  and  $n = 3$  small day care center (SDCC) programs for the 2<sup>nd</sup> year (RRO) and 3<sup>rd</sup> year ( $n = 2$ , RRO;  $n = 1$ , SRO), respectively; licensed DCC counts exclude New York City programs.

As described in the last report in this series,<sup>32</sup> some of the factors influential in net declines in registered providers during the last decade are probably no longer applicable, while others (e.g., transitions of existing FDC to GFDC programs for financial reasons since GFDC providers are paid a higher child care subsidy rate than FDC providers) still apply, undoubtedly contributing to the continuing declines in registered providers and increases in licensed programs seen for this review. Taken together with the consistency of the recent reviews' findings of sustained strong performance on key regulatory activities, the broad stability in numbers this implies for the total universe of regulated providers suggests a durable population of provider-businesses well-adjusted to meeting the regulatory, market and operating requirements they face.

## b) Regional Detail

When broken down further by location, both New York City and the balance of the state generally mirrored these trends of decline among registered programs and growth among licensed programs, but with the City clearly showing smaller declines and more growth, and the balance of the state larger declines and less growth, respectively, in almost every instance, both for one-year and three-year change. For the three years ending March 31, 2012, e.g., total registrant counts declined by -4% and -9% in New York City and elsewhere in the state, respectively, while FDC registrants declined by -5% and -11%, respectively, and GFDC licensees increased by +20% and +4%, respectively.<sup>33</sup> Figures 2.2.a - b display the corresponding changes in registrant and licensee counts, respectively, within, and outside of the City over these years, as summarized more completely in Table 2.1. As shown in the Appendix, each individual DCCS region outside of New York City also shared in these trends of greater

**Figure 2.2.a. Providers Registered at Any Point During Reporting Period, By Major State Region and Modality, For Year Beginning:**<sup>34</sup>



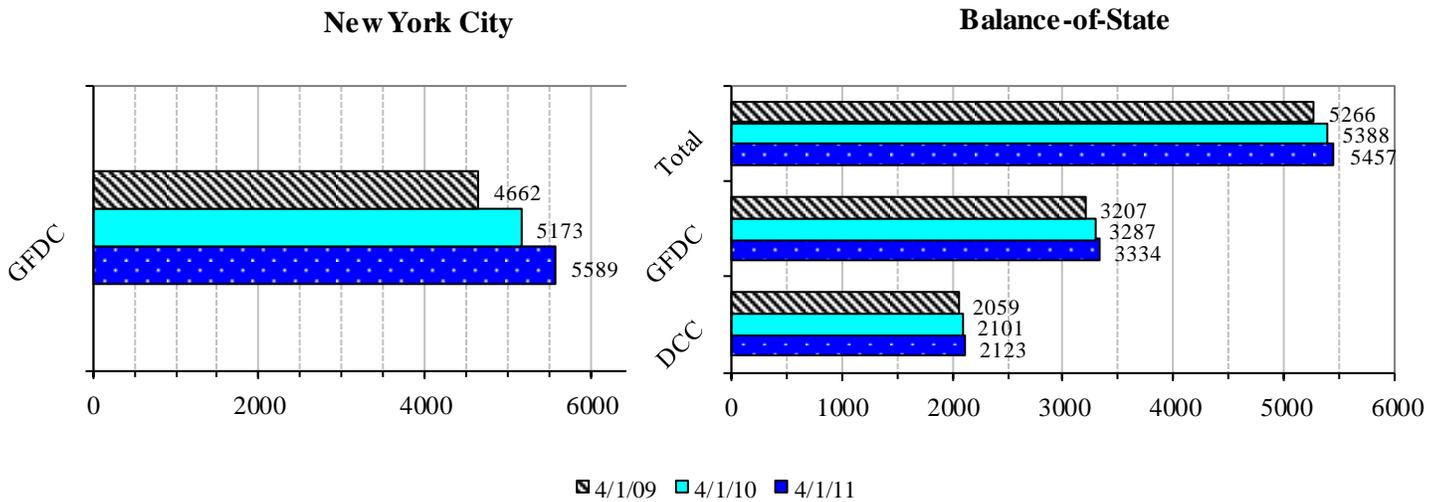
<sup>32</sup> *Report to the Governor and Legislature ... April 1, 2010 – March 31, 2011*, op cit. pp. 8-9.

<sup>33</sup> New York City's more rapid growth among licensed providers was not simply an artifact of the lack of information presented on DCC programs there – the reason for confining this one comparison to GFDC programs (for which data were available from both regions). See below for more detail on DCC licensees outside of the City.

<sup>34</sup> Balance-of-state totals include  $n = 2$  and  $n = 3$  small day care center (SDCC) programs for 2<sup>nd</sup> and 3<sup>rd</sup> years, respectively (see note on Figure 2.1) and thus exceed the sums of FDC and SACC counts shown for those years.

decline in registered programs, and less growth in licensed programs, as compared with New York City, during this period.<sup>35</sup>

**Figure 2.2.b. Providers Licensed at Any Point During Reporting Period, By Major State Region and Modality, For Year Beginning:<sup>36</sup>**



**Table 2.1. Registered (FDC/SACC) & Licensed (DCC/GFDC) Providers, By Major Region & Modality: As of Any Point, As of the First Day and as of the Last Day, For Three Years, 4/1/09 - 3/31/12<sup>37</sup>**

Region	Year Starting April 1,	Any Point During Year				First Day				Last Day			
		FDC	SACC	DCC	GFDC	FDC	SACC	DCC	GFDC	FDC	SACC	DCC	GFDC
New York City	2009	4,035	1,439	na	4,662	3,355	1,267	na	3,683	3,301	1,308	na	4,234
	2010	3,890	1,436	na	5,173	3,301	1,308	na	4,237	3,273	1,299	na	4,626
	2011	3,839	1,391	na	5,589	3,271	1,299	na	4,628	3,035	1,264	na	4,978
Balance of State	2009	5,175	1,425	2,059	3,207	4,426	1,294	1,932	2,776	4,260	1,314	1,946	2,851
	2010	4,909	1,423	2,101	3,287	4,259	1,314	1,946	2,852	3,993	1,317	1,996	2,933
	2011	4,608	1,414	2,123	3,334	3,993	1,317	1,996	2,931	3,744	1,292	1,995	2,951
Total	2009	9,210	2,864	2,059	7,869	7,781	2,561	1,932	6,459	7,561	2,622	1,946	7,085
	2010	8,799	2,859	2,101	8,460	7,560	2,622	1,946	7,089	7,266	2,616	1,996	7,559
	2011	8,447	2,805	2,123	8,923	7,264	2,616	1,996	7,559	6,779	2,556	1,995	7,929

<sup>35</sup> Appendix A.4 (pg. 50) documents specific DCCS regions’ trends for the years 2009 – 2012. In illustration, four of the six regions outside of New York City showed FDC declines at least twice as large as the City’s -4.9% decline for the three-year period through March 2012, while the other two (LIRO, ARO) also showed larger declines; in contrast, none of the six had GFDC gains even half as large as the +19.9% City gain over the same interval (the largest were +9.4% for SVRO and +7.2% for LIRO).

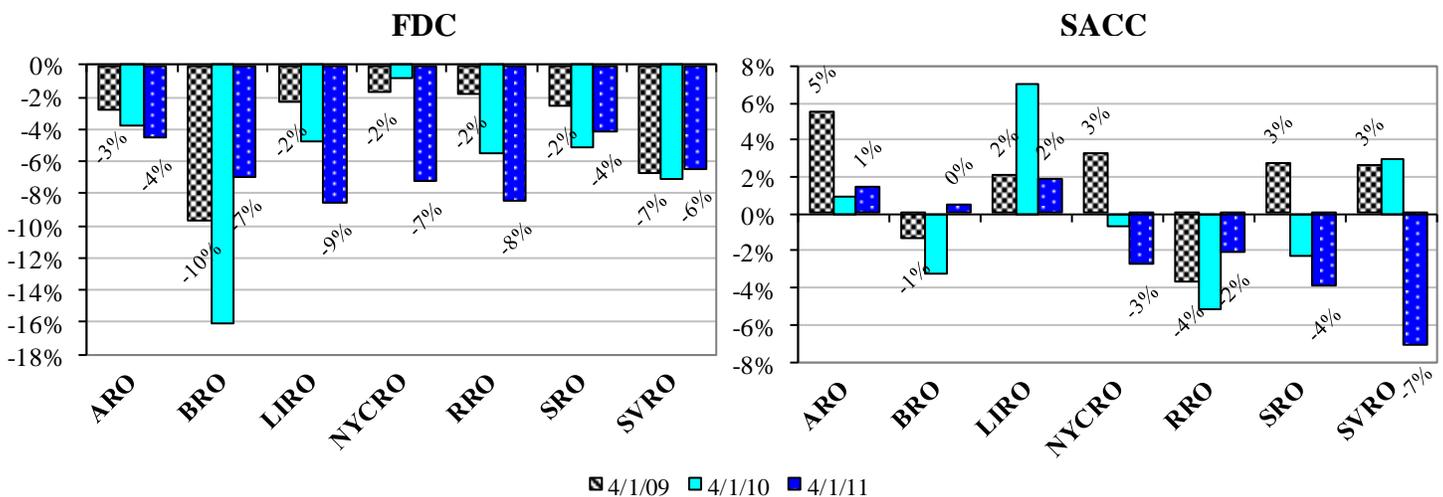
<sup>36</sup> Excluding day care center (DCC) programs for New York City

<sup>37</sup> *Ibid.*

In marked contrast to the more pronounced growth among licensed GFDC programs in New York City, outside of the City where licensee data reflected both DCC and GFDC programs, the total number of such programs licensed at any point during the year ending March 31, 2012, increased by just +1% over the prior year (the same as for DCC and GFDC facilities there, individually) as compared with +8% in the City (for GFDC programs only). For the three years ending the same date, the corresponding changes were +4% (total licensees and GFDC programs, each) and +3% (DCC programs) as compared with +20% for New York City GFDC programs alone. (Figure 2.2.b and Table 2.1, above, detail the counts underlying these trends).

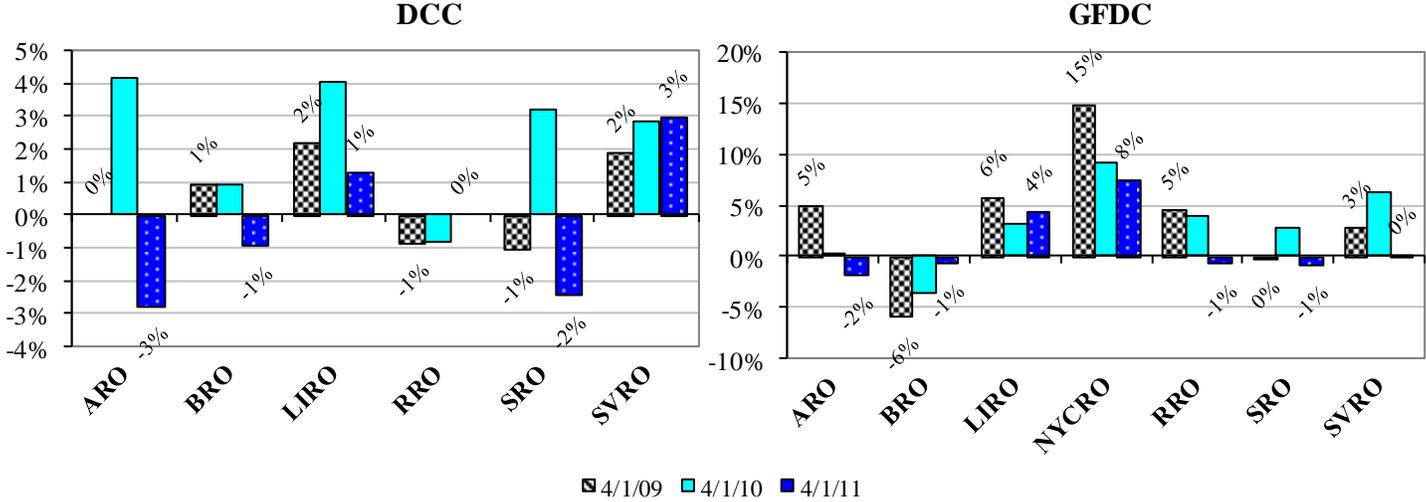
A different perspective useful for illuminating program trends within individual DCCS regions results from measuring *intra-year* change through comparisons of point-in-time measures, such as “first day” and “last day” provider counts as introduced in Table 2.1. Figures 2.3.a – b chart the change in such registrant and licensee counts, by region, for each of the three years ending March 2012. Among registered programs, FDC populations declined every single year in all seven regions, while SACC populations reflected a more balanced mix of positive and negative change among and within regions during these years (Fig. 2.3.a). In contrast with the strikingly uniform declines seen for FDC programs, Figure 2.3.b shows both DCC and GFDC populations generally more likely to have grown than declined during these years, but with declines also evident for certain regions and years.<sup>38</sup>

**Figure 2.3.a. Percent Change in Registered Providers From First Day to Last Day of Interval, By Region and Modality, For Year Beginning:**



<sup>38</sup> Table 2.2 in Appendix A.4 (beginning on pg. 50) details the regional provider counts summarized in Figures 2.3.a and 2.3.b.

**Figure 2.3.b. Percent Change in Licensed Providers<sup>39</sup> From First Day to Last Day of Interval, By Region and Modality, For Year Beginning:**



<sup>39</sup> Day care center (DCC) counts excluding New York City programs

### 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's central and regional offices, to local or subcontracted staff responsible for registration services in particular localities,<sup>40</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>41</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's 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, 2012, the combined number of complaints received for **registered** (FDC or SACC) programs increased or decreased in about half of DCCS regions, respectively ( $n = 3$  each), and showed no appreciable change in the remaining region, compared with the prior year. (See Figure 3.1.) While all of the increases (Albany [ARO], Buffalo [BRO], Long Island [LIRO]) were modest, some of the declines were substantial either as one-year, or as part of longer-term, declines. Two of the regions' one-year declines (New York City [NYCRO] and Spring Valley [SVRO]) were at least -20% while three (SVRO, Syracuse [SRO] and NYCRO) showed 3-year declines of -32%, -21% and -19%, respectively.<sup>42</sup>

With few exceptions,<sup>43</sup> larger numbers of complaints were logged for **licensed** (DCC or GFDC) programs than for registered ones for each region during each of the three years ending March

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<sup>40</sup> See *Background on Child Care Registration and Licensing*, pg. 2, for a discussion of the entities responsible for registration services in different locales.

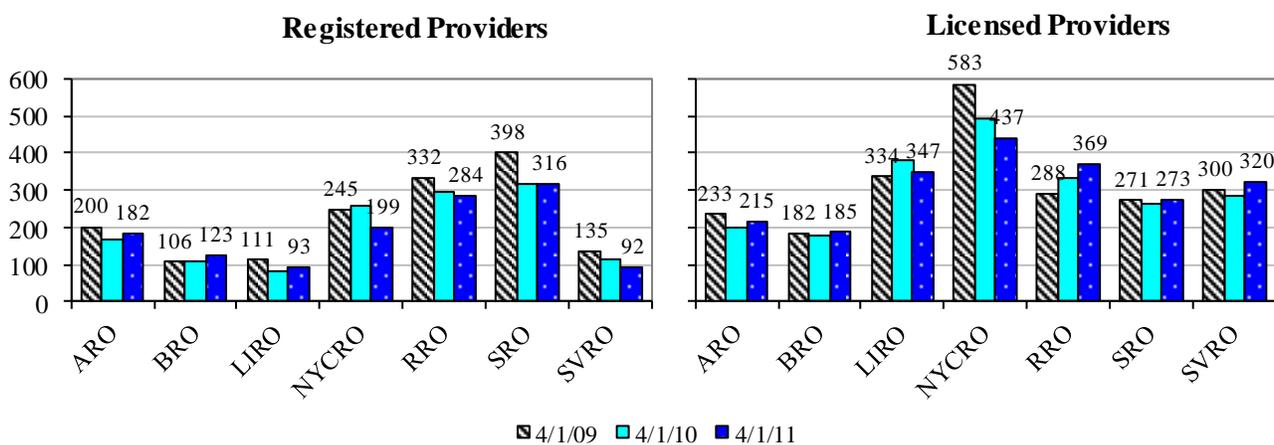
<sup>41</sup> Appendix A.3 details the specific time frames applicable for initiating and completing complaint investigations, as used in OCFS's performance standards and as implemented for the *Response to Complaints* section, below. See pg. 47, especially, for details on the (slight) understatement of timeliness in relation to complaint processing in the present review, and how this could impact certain of the comparisons made.

<sup>42</sup> See Figure 3.1, left and right sides, for the annual counts summarized in this and the following paragraph, respectively. (Appendix A.6, beginning on pg. 54, includes the middle-year counts not labeled.)

<sup>43</sup> Compare Figure 3.1, left and right sides: RRO (year 1), SRO (all years).

2012. In contrast to the mix of increasing and decreasing one-year complaint trends seen for regions' registered programs, most regions ( $n = 5$ ) showed rising complaint numbers (compared with the prior year) for licensed programs. All of these short-term gains were modest, however (SVRO's +13% increase, to 320, was the largest), and only one region showed a consistent increase of longer duration: Rochester's (RRO) +28% gain, to 369, over the three years ending March 2012. Of the two regions showing (modest) one-year declines in complaints for licensed programs (NYCRO's -11%, to 437, and LIRO's -9%, to 347), only one did so as part of a more substantial, longer-term decline: NYCRO's -25% drop during the three years ending March 2012. Figure 3.1 details the numbers of complaints received for registered and licensed programs, by region, during the same three-year period.<sup>44</sup>

**Figure 3.1. Total Complaints Received for Registered and Licensed Providers,<sup>45</sup>  
By Region, for Year Beginning:**



As in other recent reports in this series, one trend continuing into the present report period concerns the relative numbers of complaints filed in New York City and the balance of the state. Figure 3.2 (next page) compares the trends in total complaints filed for registered, and for licensed, programs, in each major region during each year summarized in this report. For each year, this shows a large preponderance of complaints filed in areas outside of New York City. For registered programs, ratios of complaints filed outside of the City, to those filed within the City exceeded 4:1 every year (over 5:1 for two of the years), while for licensed programs these exceeded 2:1 every year (over 3:1 for two of the years). Like the gross counts of complaints by region, discussed above, however, these differences are hard to evaluate in and of themselves, absent information on the numbers of programs to which they relate, and readers are referred to the Section further below on standardized rates that facilitate such comparisons.<sup>46</sup>

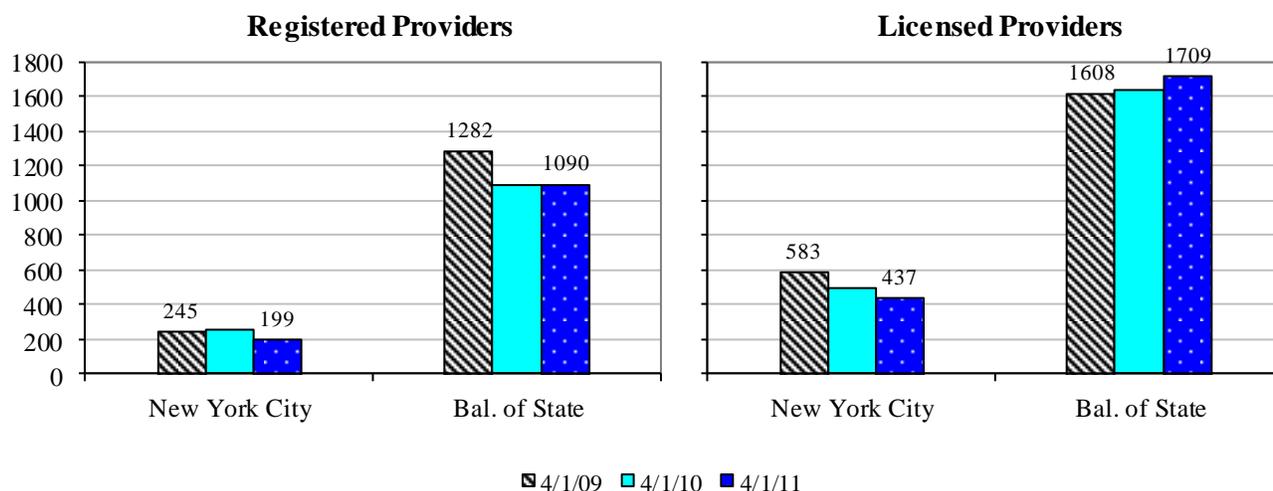
<sup>44</sup> Appendix A.6, Table 3.4.a (pg. 55) and Table 3.4.b (pg. 55), detail all of the annual counts including the middle-years depicted, but not labeled, in Figure 3.1.

<sup>45</sup> Registered programs including FDC, SACC and SDCC facilities, or licensed programs including GFDC and DCC facilities except for New York City DCC programs. See n. 62 (pg. 23) on SDCC facilities' inclusion in this report.

<sup>46</sup> The section, *Rate of Complaints* ..., beginning on pg. 18, provides a more meaningful perspective on complaint numbers by recasting this section's raw counts as standardized measures (i.e., complaints per registered or licensed provider) that might elicit useful policy insights (e.g., about workload).

In addition to the differing scale of complaint-reporting for New York City versus the balance of the state during this and other recent report periods, the two regions continued to report different mixes of “seriousness” among complaint categorizations but – once investigations had occurred – relatively similar trends in the proportions of complaint investigations involving one or more additional regulatory violations beyond those originally reported.<sup>47</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 then illustrates the regional distinctions in seriousness, revealing stable 1% proportions of imminent danger classifications, and large, almost-as-stable proportions of serious and non-emergency complaints (fluctuating around 80% and 19%, respectively) filed outside of New York City, as compared with very high (92% - 94%), slightly increasing rates of imminent danger classifications within the City.<sup>48</sup> Figure 3.4, finally, illustrates the regional similarities in trends in the proportion of complaints judged to involve additional regulatory violations, with six regions’ latest rates clustering between 42% and 51%, one region – Syracuse (SRO) – showing a higher (61%) rate, and the two major state regions also close to parity in this respect (51% versus 48% for New York City and the balance of the state, for the latest year, respectively).

**Figure 3.2**  
**Total Complaints Received for Registered or Licensed Providers,<sup>49</sup>**  
**By Major State Region, for Year Beginning:**



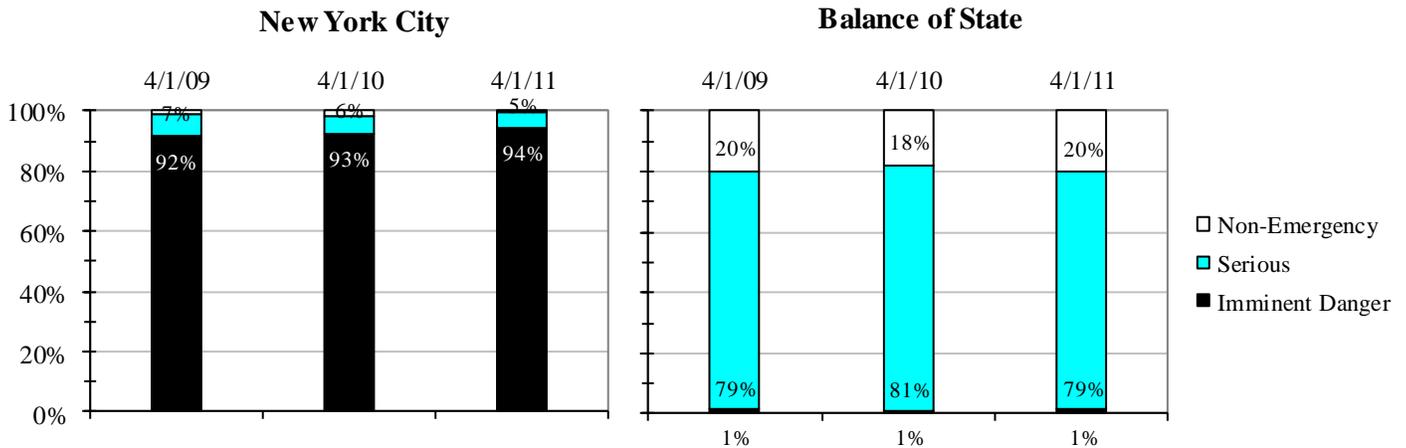
<sup>47</sup> Here and below (e.g., Table 3.1), “additional violations” refers to regulatory violations confirmed during investigation, but not included among the original complaint allegation(s).

<sup>48</sup> As explained in the 2003 – 2006 review, rather than reflecting an initial shift followed by a disparity in the characteristics of complaints filed, the continuing predominance of imminent danger classifications for New York City complaints reflects a policy shift by the City, toward emphasizing that categorization, introduced during the 2003 – 2006 period. See *Types of Complaints Received* section, *Report to the Governor and Legislature on Family Day Care and School Age Child Care Registration: April 1, 2003 – March 31, 2006*, (DCCS, 2009).

<sup>49</sup> See Figure 3.1 note (pg. 15) on definitions of registered and licensed providers included.

Region	Year Starting April 1,	Number of Complaints					Percent of Total Complaints:				
		Seriousness			With Additional Violation(s)	Total	By Seriousness				
		Non-Emergency	Serious	Imminent Danger			Non-Emergency	Serious	Imminent Danger	With Additional Violation(s)	
New York City	2009	7	62	759	383	828	1%	7%	92%	46%	
	2010	11	45	693	330	749	1%	6%	93%	44%	
	2011	4	32	600	324	636	1%	5%	94%	51%	
Balance of State	2009	571	2,280	39	1,412	2,890	20%	79%	1%	49%	
	2010	484	2,201	34	1,377	2,719	18%	81%	1%	51%	
	2011	556	2,205	38	1,349	2,799	20%	79%	1%	48%	
Total	2009	578	2,342	798	1,795	3,718	16%	63%	21%	48%	
	2010	495	2,246	727	1,707	3,468	14%	65%	21%	49%	
	2011	560	2,237	638	1,673	3,435	16%	65%	19%	49%	

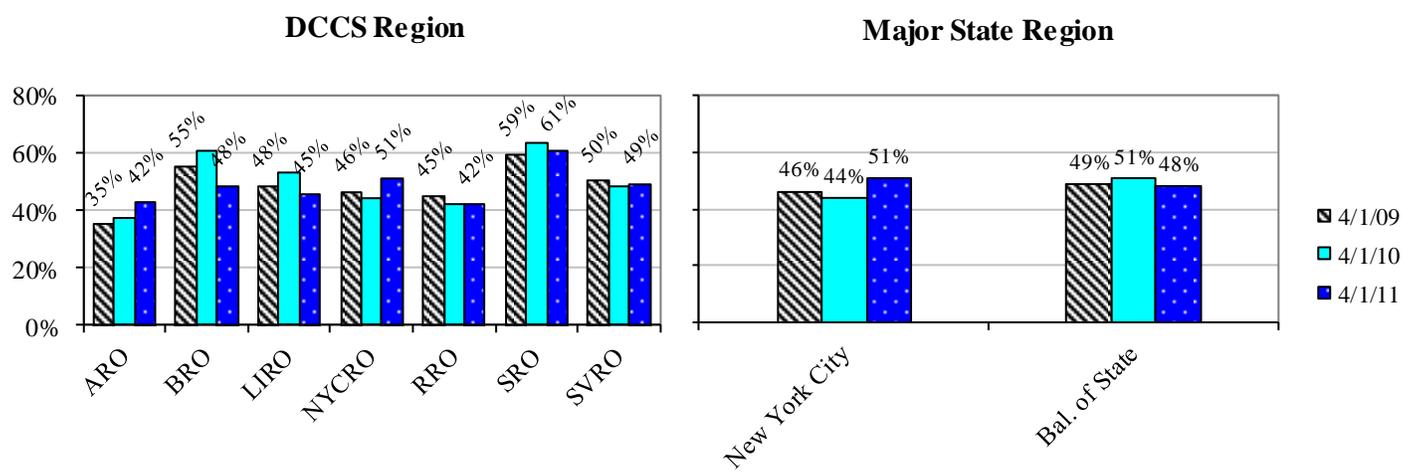
Figure 3.3. Percent Distribution of Total Complaints By Seriousness, For Major State Regions, For Year Beginning:<sup>51</sup>



<sup>50</sup> Unlike the preceding summaries (such as Figure 3.2), this table is based on pooled complaints for registered and licensed facilities except for DCC programs in New York City. For example, total New York City  $n = 636$  shown for year-3 here =  $199 + 437$  as shown for the City in Figure 3.2 (left + right side).

<sup>51</sup> *Ibid.* As shown in Table 3.1, above, the numbers of complaints summarized for each year/bar displayed are, in order: 828, 749 and 636 (for New York City) and 2890, 2719 and 2799 (for the Balance of State), respectively.

**Figure 3.4. Percent of Total Complaints with Additional Regulatory Violation(s) Reported, By DCCS and Major State Regions, for Year Beginning:<sup>52</sup>**



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

Once a complaint is received, it is classified and investigated according to the time frames for initiating and completing investigations set for the classification (see *Background*, pg. 14). Tables 3.3.a – b, below, detail (by major state region) the number of complaints received for registered and licensed programs, respectively, together with the timeliness of response to those complaints, and standardized rates of complaints (number of complaints per 100 providers registered or licensed at any point during an interval) that facilitate comparisons among geographic areas and over time.<sup>53</sup> Figures 3.5.a – b (*beginning pg. 20*) then illustrate the information relating to timeliness of response (initiation and determination of investigations, respectively) while Figure 3.6 illustrates the information on the rate of complaints received for the three years culminating in the 2011 – 2012 report year.

For the 2011 – 2012 report year, Figures 3.5.a – b (*left side*) show a continuation of the 2010 – 2011 year improvements in timeliness at initiating complaint investigations relating to **registered** programs, for both New York City and the balance of the state (rising from nearly 100% to 100%, and from 97% to 98%, respectively) as well as improvements in timeliness at determining such investigations both in the City and the balance of the state (rising from 90% to

<sup>52</sup> *Ibid.* See Appendix A.5 (Table 3.2, pg. 53) for the underlying numbers of complaints by individual DCCS region, seriousness and additional violation status reflected in each bar of Figure.

<sup>53</sup> As already noted, see Appendix A.3 (pg. 47) 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 Tables 3.3.a – b each group all complaints relating to registered or licensed providers, respectively (with calculations specific to the category of complaint), while the complaint rates shown are based on total numbers of providers registered or licensed, respectively, at any point during the respective years. Readers will find numbers here corresponding to those shown under *Registered and Licensed Providers (Regional Detail*, pg. 10) and *Types of Complaints Received* (e.g., Table 3.1, pg. 17), above.

96% for the City and from 90% to 91% elsewhere in the state).<sup>54</sup> For **licensed** programs, the same Figures (*right side*) show improvements in New York City's timeliness both in initiating, and in determining investigations (rising from 97% to 100%, and from 87% to 89%, respectively) but corresponding small declines in timeliness for the balance of the state (falling from 91% to 90%, and from 84% to 82%, respectively).

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	2009	245	3	18	99%	93%	5,474	4
	2010	257	1	26	100%	90%	5,326	5
	2011	199	0	8	100%	96%	5,231	4
Balance of State	2009	1,282	91	123	93%	90%	6,600	19
	2010	1,083	36	108	97%	90%	6,334	17
	2011	1,090	22	97	98%	91%	6,025	18
<b>Total</b>	<b>2009</b>	<b>1,527</b>	<b>94</b>	<b>141</b>	<b>94%</b>	<b>91%</b>	<b>12,074</b>	<b>13</b>
	<b>2010</b>	<b>1,340</b>	<b>37</b>	<b>134</b>	<b>97%</b>	<b>90%</b>	<b>11,660</b>	<b>11</b>
	<b>2011</b>	<b>1,289</b>	<b>22</b>	<b>105</b>	<b>98%</b>	<b>92%</b>	<b>11,256</b>	<b>11</b>

\* For all registered (FDC/SACC/SDCC) providers. Total providers (and rates) are based on providers registered *as of any point* during the respective periods, as discussed under *Registered and Licensed Providers* section.

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	2009	583	11	58	98%	90%	4,662	13
	2010	492	14	64	97%	87%	5,173	10
	2011	437	1	47	100%	89%	5,589	8
Balance of State	2009	1,608	190	265	88%	84%	5,266	31
	2010	1,636	143	267	91%	84%	5,388	30
	2011	1,709	179	316	90%	82%	5,458	31
<b>Total</b>	<b>2009</b>	<b>2,191</b>	<b>201</b>	<b>323</b>	<b>91%</b>	<b>85%</b>	<b>9,928</b>	<b>22</b>
	<b>2010</b>	<b>2,128</b>	<b>157</b>	<b>331</b>	<b>93%</b>	<b>84%</b>	<b>10,561</b>	<b>20</b>
	<b>2011</b>	<b>2,146</b>	<b>180</b>	<b>363</b>	<b>92%</b>	<b>83%</b>	<b>11,047</b>	<b>19</b>

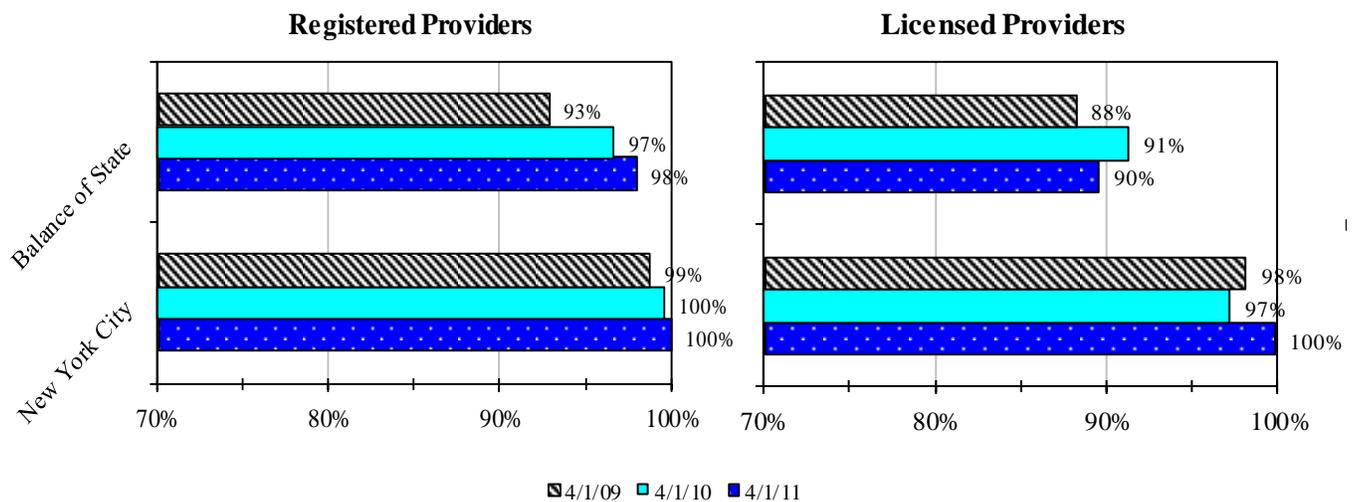
\*\* For all licensed providers except DCC programs in New York City. Total providers (and rates) are based on providers licensed *as of any point* during the respective periods, as discussed under *Registered and Licensed Providers* section.

<sup>54</sup> Given the short time frame allowed for initiating investigations of imminent danger complaints, New York City's predominant reliance on that classification (*see Figure 3.3, pg. 17*) makes its continued improvements in timeliness at initiating investigations during this and other recent reporting periods especially noteworthy.

Summarizing from Figures 3.5.a – 3.5.b, complaint investigations outside of New York City were generally initiated slightly less promptly for licensed, than for registered programs (Figure 3.5.a, left/right differences of 5 – 8 percentage points), but this was not as true, if at all, within the City (differences of 0 – 3 percentage points). Complaint determinations, likewise, were modestly less likely to be completed in timely fashion for licensed, than for registered programs, but this was also more pronounced outside of New York City (Figure 3.5.b, left/right differences of 3 – 7 and 6 – 9 percentage points in and outside of the City, respectively). Before proceeding further, the question of how to *interpret* such differences, however, may be critical to any appropriate use and understanding of this year’s revised report data.

The inclusion of licensed as well as registered programs now affords seemingly easy comparisons between two sectors of New York’s regulated child care universe which have not been readily compared, heretofore. While potentially extremely useful, however, such comparisons also invite misinterpretation, absent a consideration of the context which is essential to evaluating what “difference” is actually being compared, in each instance. To cite two examples, state personnel responsible for licensing functions outside of New York City have additional responsibilities, such as “enforcement” duties, not required of contracted registration staff; secondly, regional differences in staffing numbers can be stark, putting a lie to the “all else equal” assumption normally implied in order to clarify comparisons. Absent the context essential for weighing the report’s many comparisons – unavailable to this review – such contrasts are best treated neutrally, as descriptive differences, rather than as evidence of the “performance” of alternative staffing groups (e.g., registrars operating under performance contracts versus licensors who are not). *Where, for example, state licensors also handle program registration in many, but not all counties outside of New York City, and City registrars also handle licensing GFDC programs, the differing expectations of staff make drawing conventional performance judgments from comparisons of performance indicators applied to registered and licensed providers simply inadvisable – a point bearing attention throughout this review.*

**Figure 3.5.a. Percent of Investigations Initiated Timely for Registered and Licensed Providers, By Major State Region, for Year Beginning:<sup>55</sup>**



<sup>55</sup> Tables 3.3.a – b (pg. 19, “Totals”) detail the counts of complaints summarized in each bar in Figures 3.5.a – b.

**Figure 3.5.b. Percent of Investigations Determined Timely for Registered and Licensed Providers, By Major State Region, for Year Beginning:**

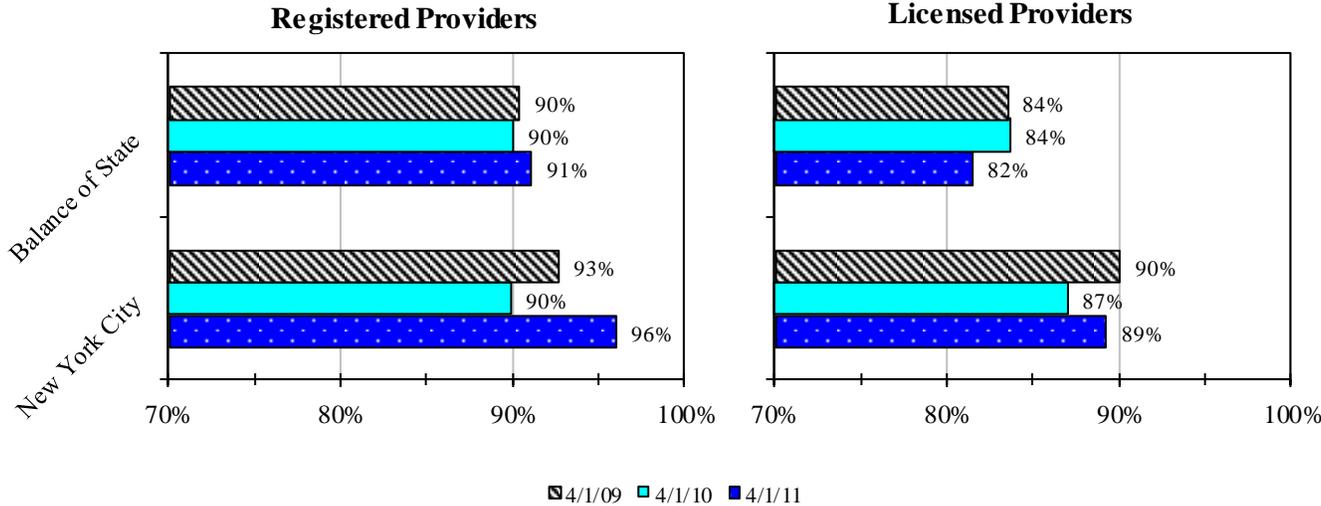
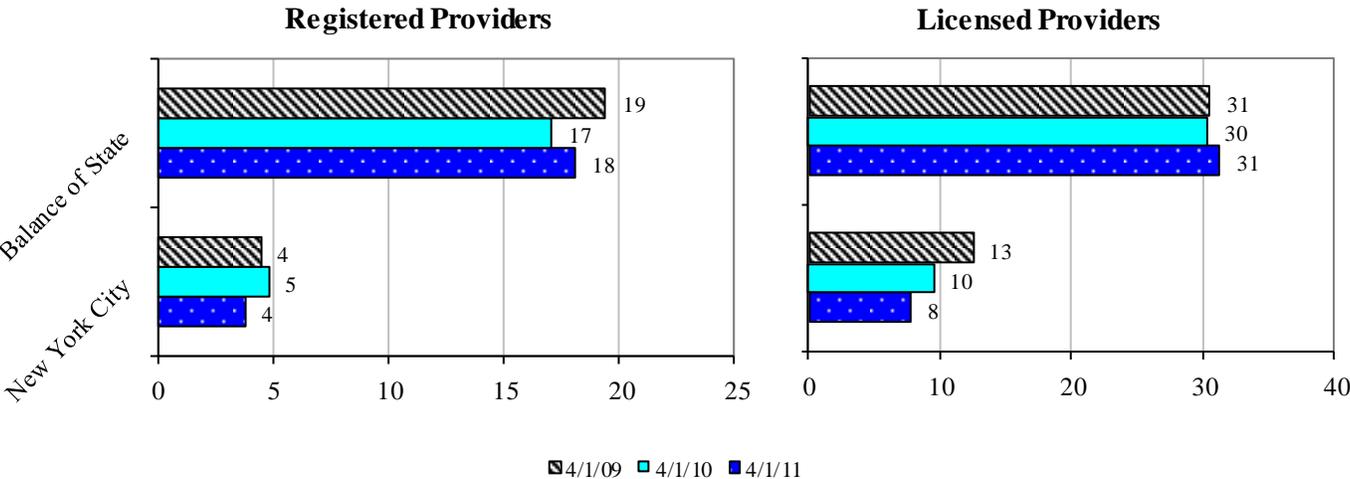


Figure 3.6 below provides a more rigorous metric that refines and confirms the evidence presented above suggesting a disproportionality of complaint numbers by geographic area (i.e., New York City and the balance of the state) and by regulatory category.<sup>56</sup> By the 2011 – 2012 report year, over four times more complaints per year were reported for every 100 registered providers outside of New York City than for every 100 such providers within the City (*see ratio of 18:4*), while for licensed providers a similar disproportion (31:8) appeared. For the same year, 1.7 times more complaints per year were reported for every 100 providers licensed outside of New York City than for every 100 providers registered there, while within the City a similar, slightly larger disproportion existed (*see ratios of 31:18 and 8:4, respectively*).

**Figure 3.6. Number of Complaints Per Year Per 100 Registered or Licensed Providers, By Major State Region, for Year Beginning:**



<sup>56</sup> The fact that greater complaint numbers are perhaps to be expected, in a sense, for licensed programs (given the larger number of children presumably served in the typical licensed, as opposed to registered, facility) may suggest that the geographic complaint disproportion observed is more noteworthy, programmatically.

Underlying the modest upward trends in timeliness at initiating and resolving investigations of registered programs, and the more mixed trends for licensed programs, seen above, were clear differences among specific DCCS regions' complaint-handling trends. For **registered** programs, the latest gains in timeliness at *initiating* investigations (to 98%, for the balance of the state, in Figure 3.5.a) left scant room for regional variation, with 5 of 6 regions meeting a 95% standard for the year ending March 2012.<sup>57</sup> The modest gains in *resolving* such investigations, seen above (to 91%, outside the City, in Figure 3.5.b), concealed greater regional variation, with 3 regions' timeliness improving and 3 declining, compared with the prior year, but none of the 6 meeting a 95% standard for the year ending March 2012.<sup>58</sup> With respect to **licensed** programs, the small downturn in *initiating* investigations on time (to 90%, outside the City, in Figure 3.5.a) concealed clear differences in the parity of improvements achieved for registered and licensed programs, with 4 regions meeting or nearly meeting a 95% standard for both types of programs (ARO, BRO, NYCRO, SRO) but others showing more or less prominent differences usually favoring registered programs in this respect<sup>59</sup>. Finally, in *resolving* complaint investigations for licensed programs outside of the City, the latest decline (to 82%, in Figure 3.5.b) concealed regional differences which nevertheless had no impact on meeting the standard for performance since none of the 6 regions in question met a 95% timeliness standard for this activity either for the year ending March 2012 or the year before.

There were also clear differences in annual complaint *rates* among regions, even apart from the major-region (New York City versus balance of the state) disparities already discussed. Compared with the overall "balance of state" complaint rate reported for **registered** programs for 2011 – 2012 (18 per 100 registered providers, Figure 3.6), rates for that same year for some regions outside New York City ranged from as low as 50% less (9 per 100, for the Spring Valley region [SVRO]) to as high as 33% more (24 per 100, for the Rochester region [RRO]). For the same year, for **licensed** programs, similarly, two upstate regions showed complaint rates exceeding the corresponding balance of state rate (31 per 100 licensed providers, Figure 3.6) by 23% and 58%, respectively (Syracuse [SRO], with 38 per 100, and RRO, with 49 per 100). Figure 3.7 (*next page*) summarizes this information.<sup>60</sup>

Given the wide disparity in numbers of complaints received by major state region each year, especially when taking modality of care into account,<sup>61</sup> this review also examined the handling of complaints *by modality* by focusing on performance during the three-year period ending March 2012, as a whole, rather than on annual rates, to insure comparisons involving at least the low hundreds (of complaints) for each modality and region. Table 3.5 details this information for New York City and the balance of the state, while Figures 3.9.a – b illustrate the findings on

<sup>57</sup> One of the (all) seven regions meeting the standard the prior year, the Buffalo region (BRO), showed a 94% rate for the 2011 – 2012 year. See Appendix A.6 (beginning on pg. 54) for the detailed results on timeliness of response and rates of complaints, by DCCS region, summarized here.

<sup>58</sup> Both regions meeting the standard the prior year (RRO, SVRO) showed small declines (to 93%) the latest year.

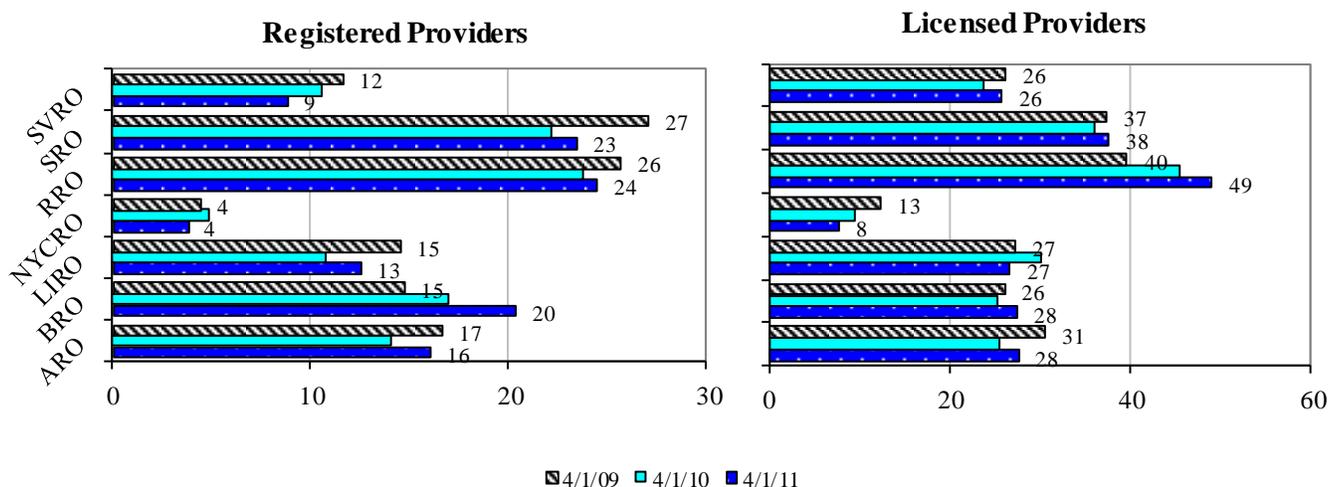
<sup>59</sup> For example, see SVRO's 15 – 20 percentage point differences, each year, in Figure 3.8.a, Appendix A.6, pg. 54.

<sup>60</sup> See Appendix A.6 for the source data summarized.

<sup>61</sup> For instance, note Figure 3.2's (pg. 16) annual complaint counts by major region, *not* broken out by modality.

timeliness of response in initiating and in determining complaint investigations, respectively, and Figure 3.10 summarizes the findings on three-year complaint rates by modality.<sup>62</sup>

**Figure 3.7. Number of Complaints Per Year Per 100 Registered or Licensed Providers, By Region, for Year Beginning:**



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	DCC	na	na	na	na	na	na	na
	FDC	504	1	28	100%	94%	5,195	10
	GFDC	1,512	26	169	98%	89%	6,568	23
	SACC	197	3	24	98%	88%	1,659	12
Balance of State	DCC	2,780	261	420	91%	85%	2,341	119
	FDC	3,157	130	279	96%	91%	6,447	49
	GFDC	2,173	251	428	88%	80%	4,049	54
	SACC	296	19	48	94%	84%	1,631	18

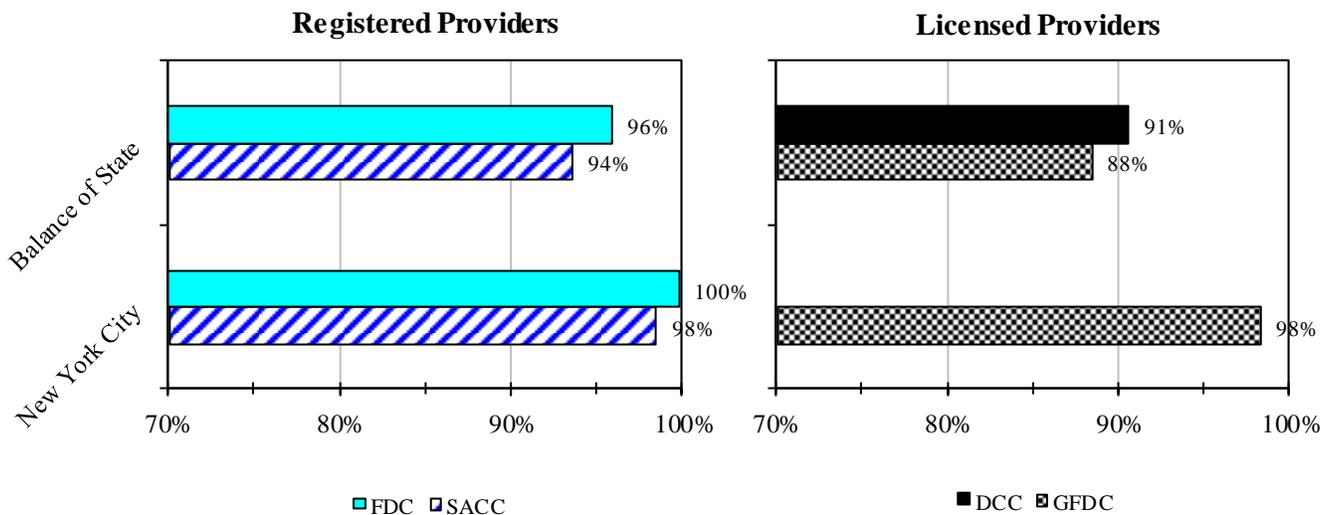
<sup>62</sup> Note that counts of complaints *by modality* for this report (as in Table 3.5) do not sum to “total” counts shown (e.g., annual counts in Table 3.2, pg. 53 or Table 3.4.a, pg. 55) due to 2 complaints (both in SRO) showing “small day care center” for modality (the only such complaints observed throughout the state 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. Due to the small numbers involved, however, that modality is not broken out separately in other measures in the report. Appendix A.7 (pg. 57) details the results on handling and rates of complaints by specific DCCS region and modality for the three years ending with the 2011 – 2012 report year.

<sup>63</sup> For all regulated providers except DCC programs in New York City. Note that “total providers” and complaint rates shown in this table differ from those shown earlier. The former are *unduplicated* counts of providers (by modality) registered/licensed at any point during the three years and are far smaller than the sums of the corresponding numbers registered/licensed at any point during each of the three years. (For example, compare this table's New York City sum [13,422] with that [all modalities except DCC, at “any point”] from Table 2.1 on pg. 11 [31,454].) In contrast, numbers of complaints here represent *three-year* totals, making this Section's three-year rates considerably larger than the one-year rates shown previously.

For complaints relating to **registered** programs, Figures 3.9.a – b (*left side*) show somewhat greater timeliness, statewide, both in initiating (2 percentage points) and in determining (6 – 7 points) complaint investigations for FDC settings than for SACC programs – just as in the last (2008 – 2011) review. For **licensed** programs outside of New York City, the same Figures (*right side*) show complaint investigations both initiated and determined more timely for day care centers (DCC) than for group family day care (GFDC) programs (3 and 5 percentage points, respectively), while within the City, investigations of GFDC programs were initiated somewhat more timely than they were determined (98% and 89%, respectively).

With respect to **registered** programs, even though both major areas of the state showed better timeliness in processing FDC complaints than SACC complaints, in New York City the three-year complaint rates per provider are marginally lower for FDC providers than for SACC providers (10 and 12 per 100, respectively) while elsewhere in the state the three-year rates are far higher for FDC than for SACC providers (49 and 18 per 100, respectively) – a pattern unchanged since the 2003 – 2006 review. With respect to **licensed** programs, even though investigations of DCC settings were both initiated and determined more timely than those for GFDC programs outside of New York City, three-year complaint rates per provider were far higher for DCC providers than for GFDC providers (119 and 54 per 100, respectively).<sup>64</sup> Figure 3.10 summarizes all of these details.

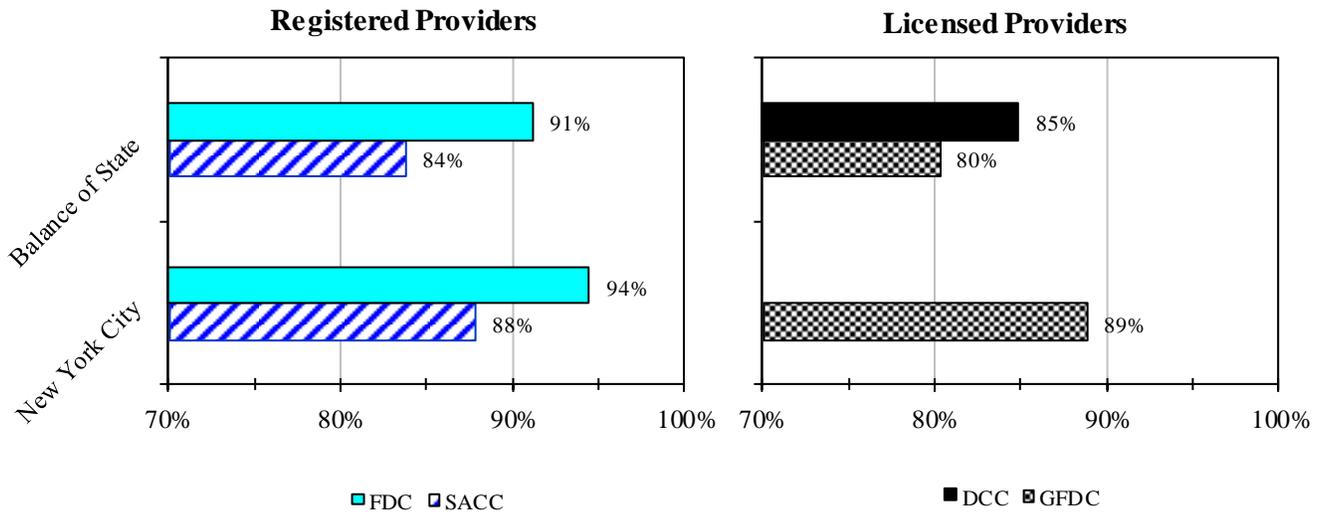
**Figure 3.9.a. Percent of Investigations Initiated Timely for Registered and Licensed Providers, By Major State Region and Modality: 4/1/09 – 3/31/12<sup>65</sup>**



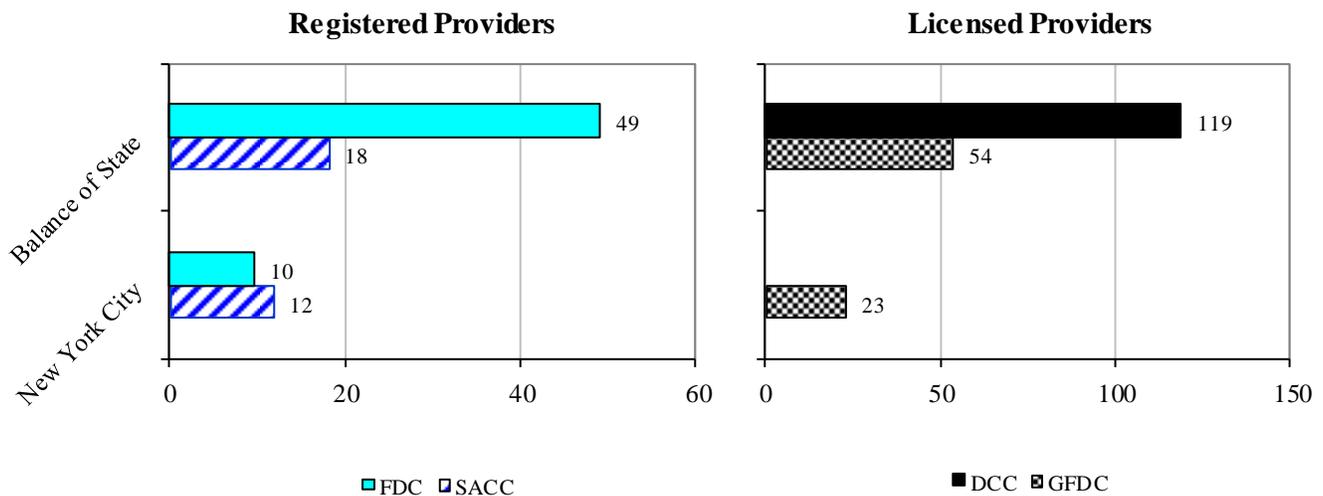
<sup>64</sup> Readers should note the distinction, once again, between the modality-specific *three-year* rates discussed here (and in Table 3.5, pg. 23) and the *annual* rates shown earlier in this Section for registered or licensed providers, overall.

<sup>65</sup> Complaints for registered programs including *only* FDC and SACC facilities, or licensed (DCC or GFDC) facilities except for New York City DCC programs, which by law are licensed by New York City and not subject to OCFS's regulatory authority. Table 3.5 (pg. 23) details the three-year total complaints summarized in each bar in Figures 3.9.a – b, as follows: 3157 and 504 (FDC for Balance of State [BOS], NYC, respectively), 296 and 197 (SACC for BOS, NYC, respectively), 2780 (DCC for BOS), 2173 and 1512 (GFDC for BOS, NYC, respectively).

**Figure 3.9.b. Percent of Investigations Determined Timely for Registered and Licensed Providers, By Major State Region and Modality: 4/1/09 – 3/31/12<sup>66</sup>**



**Figure 3.10. Three-Year Number of Complaints Per 100 Registered or Licensed Providers, By Major State Region and Modality: April 1, 2009 – March 31, 2012**



As in other recent reports in this series, there was suggestive but inconclusive evidence of continuing regional differences in the *disposition* of investigations (i.e., were complaint allegations substantiated or not?) for complaints received during the 2011 – 2012 year, with moderately larger proportions of complaints found to be substantiated outside of New York City than within the City, but mainly in relation to complaints rated as “serious” or “imminent

<sup>66</sup> For the definitions of registered or licensed programs included or excluded from both Figures on this page, see *Ibid.*

danger.”<sup>67</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,<sup>68</sup> by major state region, while Figures 3.11 – 3.13 illustrate the regional contrasts in dispositions reported for each category of complaint, separately.<sup>69</sup>

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	2009	57%	43%	0%	69%	21%	10%	67%	27%	6%
	2010	55%	45%	0%	76%	7%	18%	67%	26%	7%
	2011	75%	25%	0%	78%	22%	0%	64%	29%	7%
Balance of State	2009	61%	36%	2%	58%	38%	4%	44%	38%	18%
	2010	64%	34%	2%	57%	39%	4%	41%	41%	18%
	2011	59%	37%	4%	56%	37%	7%	42%	26%	32%
Total	2009	61%	37%	2%	58%	38%	4%	66%	27%	7%
	2010	64%	34%	2%	57%	39%	4%	66%	27%	8%
	2011	59%	37%	4%	56%	36%	7%	63%	29%	8%

\* Based on complaints for all registered and licensed providers except for DCC programs in New York City.

For complaints rated as serious, substantiation rates reported for New York City were 15 or more percentage points lower than elsewhere in the state for each of the three years preceding March 2012, but reflected only modest numbers of complaints in New York City ranging from 62 to 32 (Figure 3.12, next page); for imminent danger complaints, the corresponding gap was 11 or more percentage points for the first two years but absent for the latest year ending March 2012, this time reflecting only modest numbers of complaints outside of the City (ranging just under 40, each year) but with other exceptional circumstances perhaps also clouding the comparison, as well.<sup>70</sup>

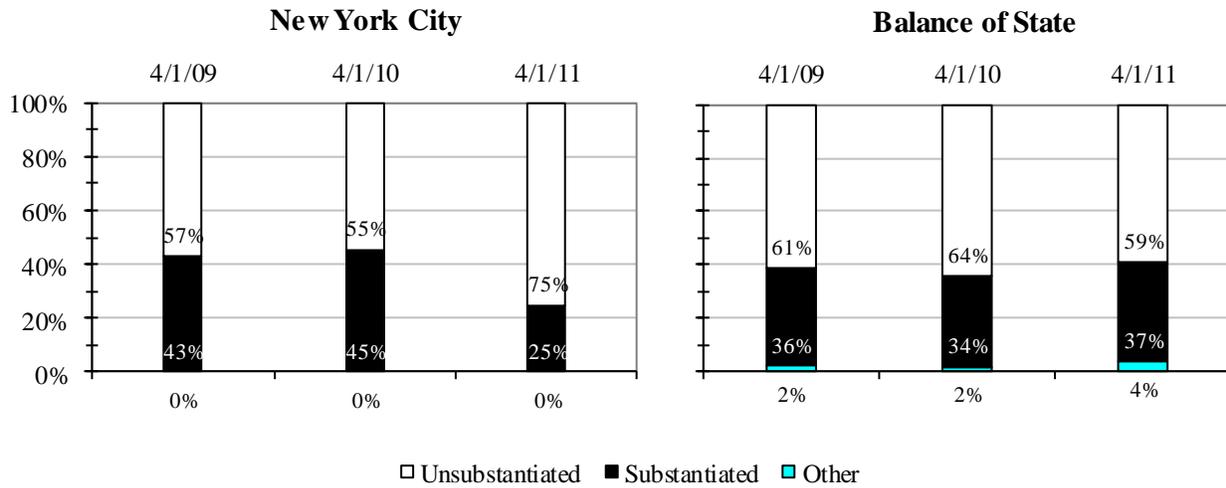
<sup>67</sup> “Non-emergency” complaints were so rare in the City (< one dozen for each of the three years here) that the City’s seemingly higher rate of substantiations for such complaints, compared with elsewhere in the state (e.g., Figure 3.11), rated less confidence for this discussion.

<sup>68</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”).

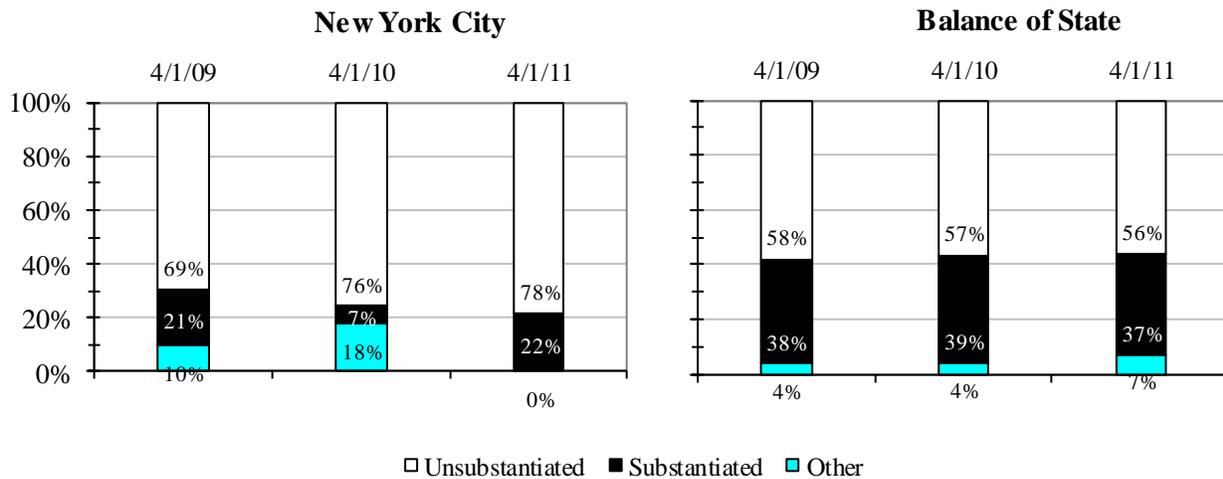
<sup>69</sup> See Table 3.1 (pg. 17) for the total annual complaint counts used to calculate the percentages shown for each bar in Figures 3.11 – 3.13. These are highlighted in the Figures’ footnotes.

<sup>70</sup> Upon examination, substantial numbers of imminent danger complaints outside New York City (compared with elsewhere) 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. Given the small samples obtained in this region, predicting how the *absence* of this circumstance may have influenced the substantiation rates reported appears next to impossible.

**Figure 3.11. Percent Distribution of Non-Emergency Complaints By Disposition, For Major State Regions, for Year Beginning:<sup>71</sup>**



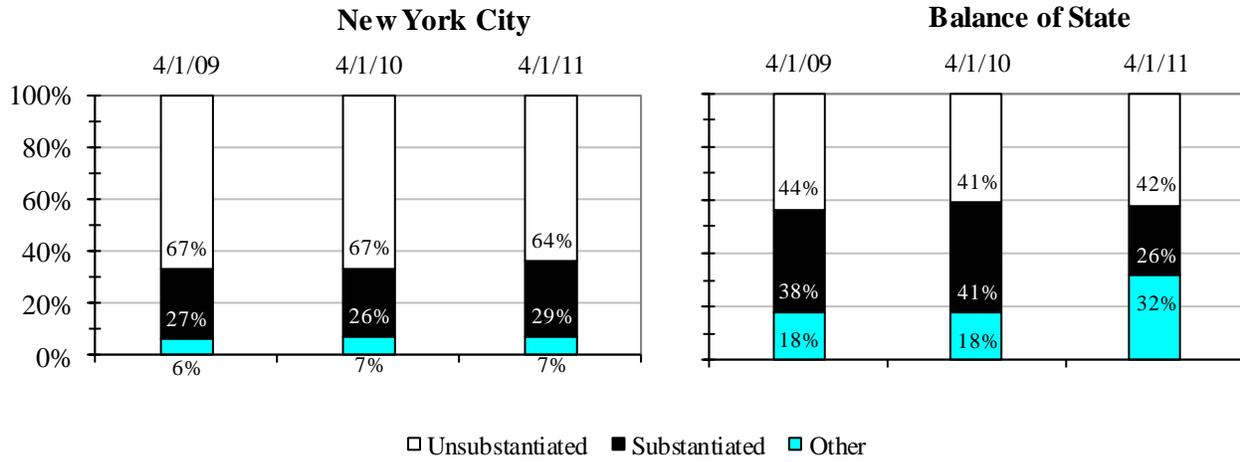
**Figure 3.12. Percent Distribution of Serious Complaints By Disposition, For Major State Regions, for Year Beginning:<sup>72</sup>**



<sup>71</sup> As shown in Table 3.1 (pg. 17, data col. 1), the numbers of non-emergency complaints represented for each year/bar displayed for New York City and the balance of the state are: 7, 11, 4, 571, 484 and 556, respectively.

<sup>72</sup> As shown in Table 3.1 (pg. 17, data col. 2), the numbers of serious complaints represented for each bar in this Figure are: 62, 45, 32, 2280, 2201 and 2205, respectively.

**Figure 3.13. Percent Distribution of Imminent Danger Complaints By Disposition, For Major State Regions, for Year Beginning:<sup>73</sup>**



<sup>73</sup> As shown in Table 3.1 (pg. 17, data col. 3), the numbers of imminent danger complaints represented for each bar in this Figure are: 759, 693, 600, 39, 34 and 38, respectively.

## 4. Administrative Actions Including Applications and Inspections

### a) Applications for Registration or Licensure

After receipt of an application to operate a regulated child care facility, workers responsible for registration or licensing 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 time frame are considered not handled timely (provided that applicant issues are not responsible).<sup>74</sup>

Partially fueling the (analogous) regional trends seen for registered and licensed providers, the number of registration applications received during the three-year period ending March 2012 fell throughout the state, but much more sharply outside New York City than in it (-19% versus -9%, respectively; *Figure 4.1*);<sup>75</sup> license application growth, in contrast, was spottier than provider growth, driven entirely by the City's GFDC gains the second year (+17%), and (more modestly) over all three years, of the same period (+1% versus -10% elsewhere). Compared with the prior year, the year ending March 2012 alone saw declines in the numbers of both registration and license applications in both major state regions. *Figure 4.1 (next page)* displays these trends in registration and license application numbers, by major state region.

Upon examination, the declining pattern of registration applications was broad-based whereas regional trends in license application numbers were somewhat more variable. For registration applications, five of seven DCCS regions showed one-year declines in application numbers for the year ending March 2012<sup>76</sup> while all seven showed such declines over the three-year period ending the same date.<sup>77</sup> License application numbers, in contrast, revealed latest-year declines in four regions, three-year declines in five regions and three-year increases in two others.<sup>78</sup> *Figures 4.2.a – b (beginning next page)* detail these regional results for registration and license application numbers, respectively.

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<sup>74</sup> As part of its quality assurance efforts, OCFS conducts 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; similar incentivized reviews occur in relation to the other performance standards focused on complaint investigations, contract renewals and "50% inspections."

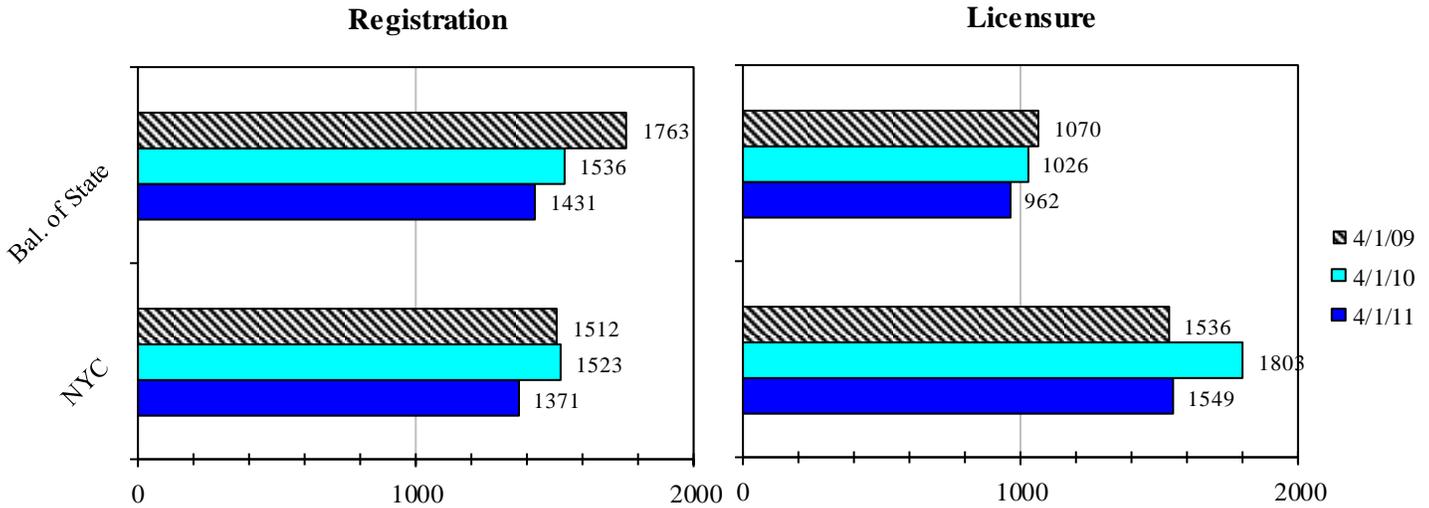
<sup>75</sup> Each percentage given in parentheses (or otherwise referenced here) refers to the change in application numbers between the implied "base" year and the last year of the period involved (e.g., 19% represents the balance-of-state decline from 1763 to 1431 registration applications, left side of *Figure 4.1*, while 1% [in later parentheses] represents New York City's increase in license applications from 1536 to 1549, right side of *Figure 4.1*).

<sup>76</sup> Only BRO and LIRO showed latest-year increases in registration applications (12% and 14%, respectively); see *Figure 4.2.a*.

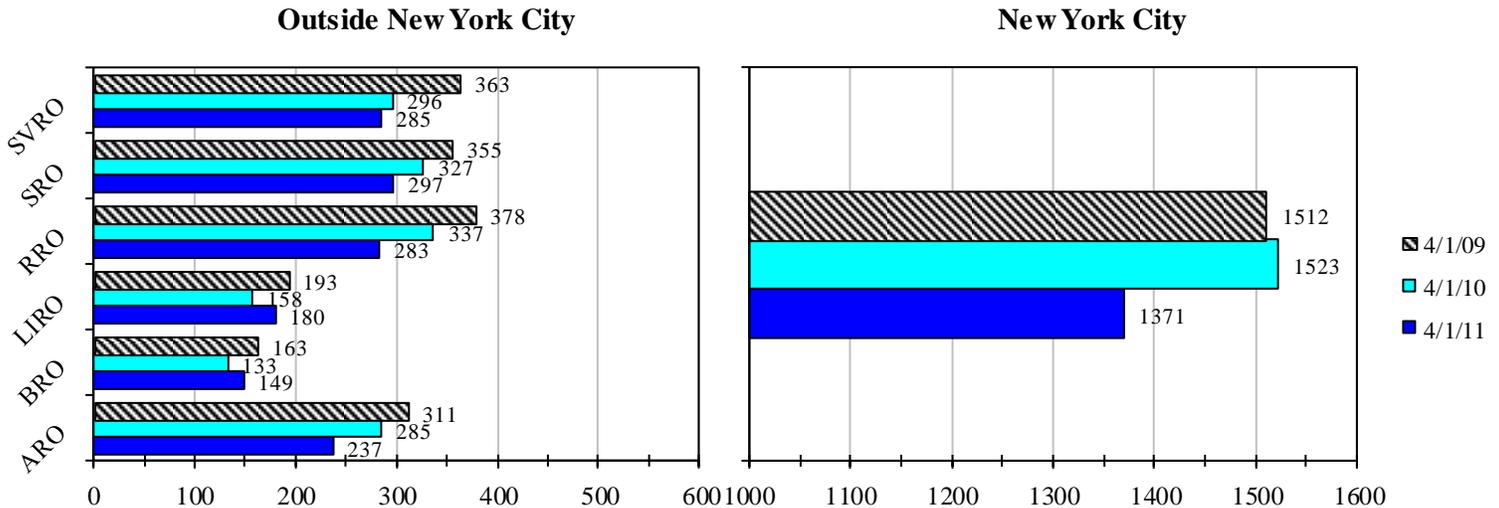
<sup>77</sup> See n. 75 regarding implied percentages.

<sup>78</sup> ARO, SRO and SVRO showed either no decrease, or else latest-year increases, in license applications. NYCRO and SVRO had increases (while the five other regions showed decreases) over the entire three-year period – referred to as "three-year" events, for brevity, throughout this discussion. See *Figure 4.2.b*

**Figure 4.1.<sup>79</sup> Number of Applications for Registration or Licensure Received, By Major State Region, for Year Beginning:**

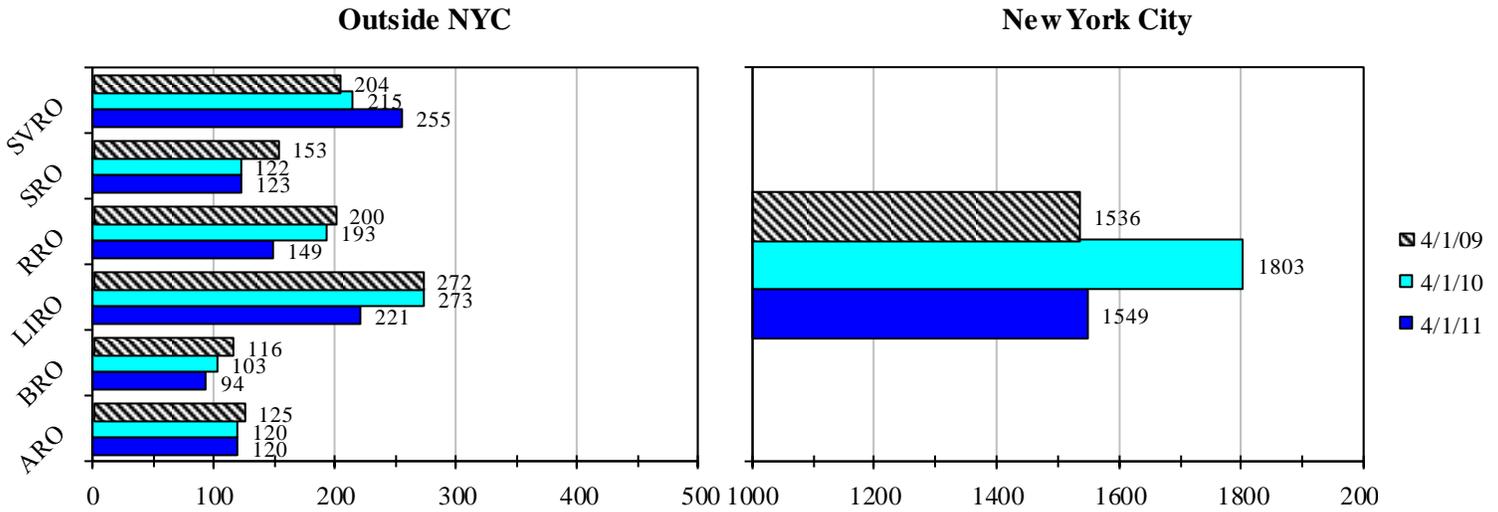


**Figure 4.2.a. Number of Applications for Registration Received, By Region, For Year Beginning:**



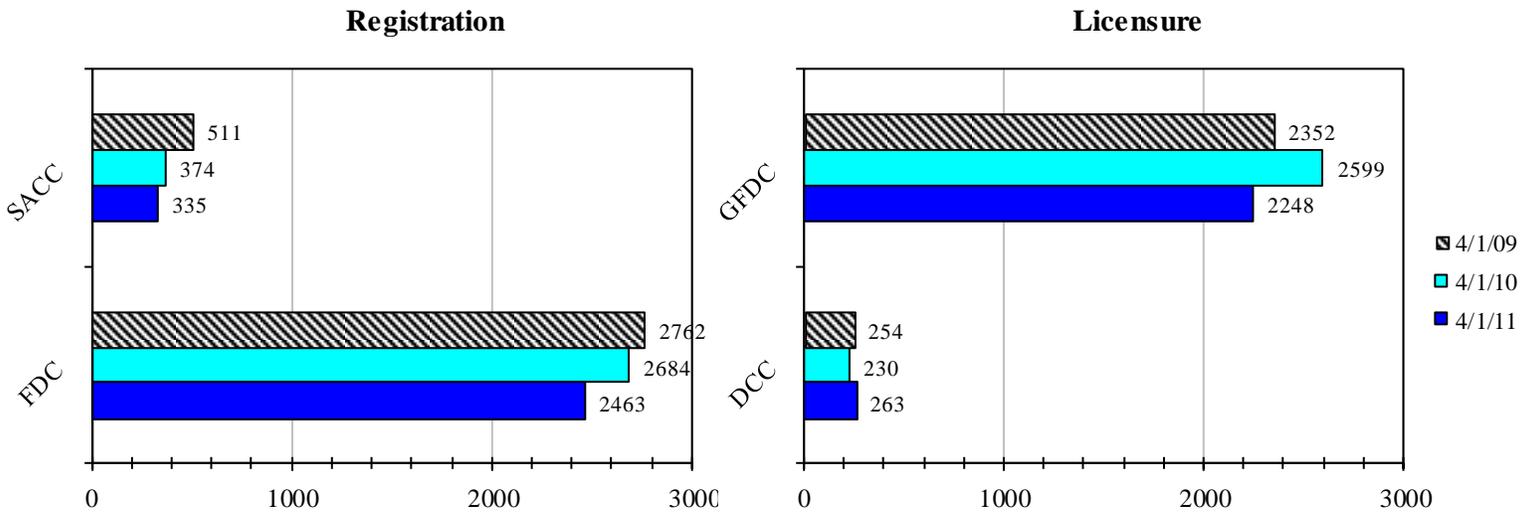
<sup>79</sup> Total **registration** applications counts in this Section (on which percentages are based) include tiny numbers of applications with “small day care center” reported for modality ( $n = 2, 1, 4$ , respectively, for the three years here), which were not removed from the analyses since SDCC 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, where the sums of counts for a given year (e.g.,  $335 + 2463 = 2798$  for year-three, left side of Figure 4.3) may be exceeded by the corresponding regional annual totals reported (e.g.,  $1431 + 1371 = 2802$  for year-three, left side of Figure 4.1). Counts for **license** applications throughout this Section include GFDC programs, statewide, and DCC programs *except in New York City*.

**Figure 4.2.b. Number of Applications for Licensure Received, By Region, For Year Beginning:**



When accounting for modality of care, increases in both FDC and SACC applications contributed to the relatively uniform annual declines seen for registration applications (-11%, -34%, respectively, over the entire three-year period), while fluctuations in GFDC – not DCC – applications primarily accounted for both the increases and decreases seen for license applications at different time points during the period (+11% for 2<sup>nd</sup> year, -4% over all three years). Figure 4.3 documents these changes in application numbers, by regulatory status and modality.

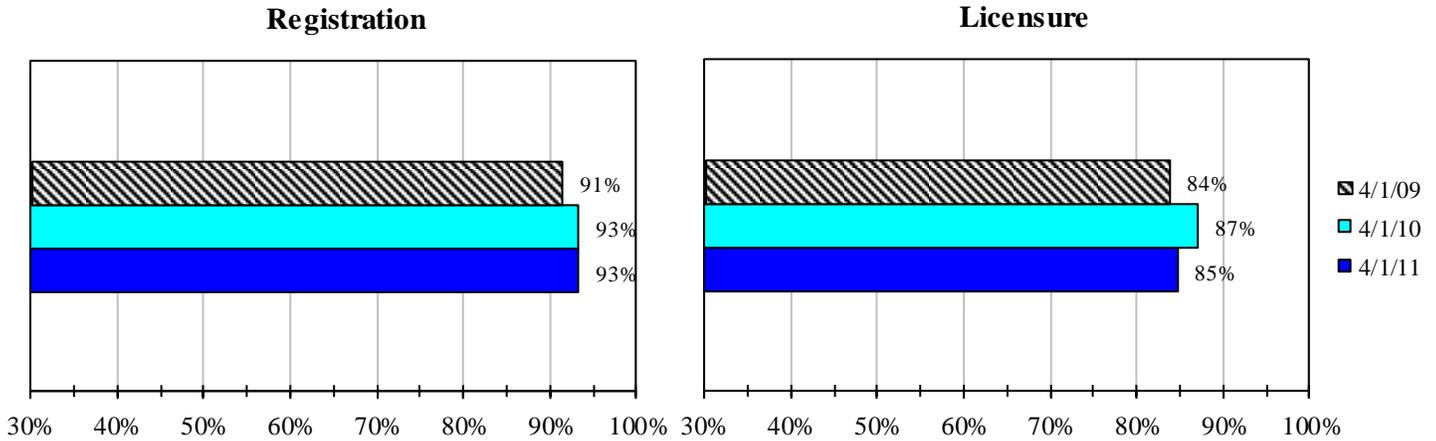
**Figure 4.3. Number of Applications for Registration or Licensure Received, By Modality of Care, for Year Beginning:**



Statewide, the proportion of registration applications that were processed in accordance with the six-month standard held constant from the prior year, at 93%, for the year ending March 2012 –

one of only two years out of the last eight (since 2003 – 2004) not showing an improvement on these applications.<sup>80</sup> For the same year, the proportion of license applications processed in accord with the same standard, statewide, decreased by two percentage points, to 85%, compared with the year before, but still exceeded the 84% timeliness mark set two years earlier. Figure 4.4 documents the latest performance on this standard.

**Figure 4.4. Percent of Applications for Registration or Licensure Processed Timely, for Year Beginning:<sup>81</sup>**

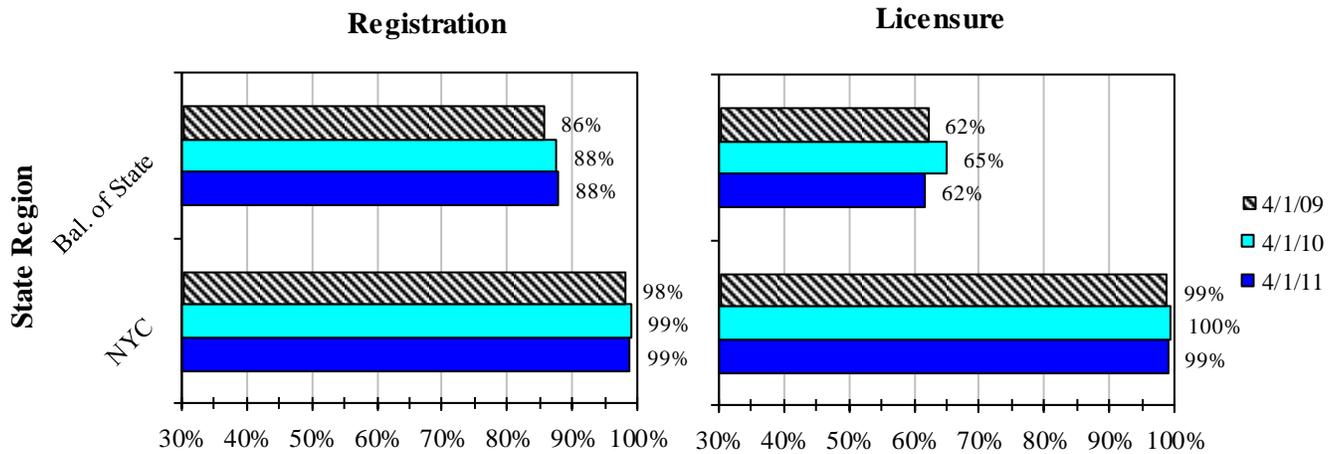


Examining these timeliness results by region (*Figure 4.5, next page*), New York City showed greater timeliness in processing registration applications than the balance of the state for the year ending March 2012 (99% versus 88%, respectively) although both regions’ performance clearly contributed to the three-year trend seen in Figure 4.4: in each instance, mirroring the small improvement, the second year, before holding steady, the final year. In processing license applications, the City and balance-of-state roles were exactly analogous, with New York City showing an even larger timeliness advantage (99% vs. 62% elsewhere, for 2011 – 2012), but each region’s performance clearly mirroring the statewide three-year trend observed in Figure 4.4: improving slightly the second year, before deteriorating slightly for 2011 – 2012. Figure 4.5 illustrates the notable, persistent timeliness differences between New York City and the balance of the state in processing registration applications (11 – 12 percentage points each year, favoring the City) and – outside of the City – in processing registration applications as compared to license applications (23 – 26 percentage points each year, favoring the former). Tables 4.1.a – b (*beginning next page*) detail the application activity underlying these results.

<sup>80</sup> See Figure 4.4, *Report to the Governor and Legislature ... April 1, 2006 – March 31, 2009*, op cit., showing annual improvements in timeliness during the period, 4/1/03 – 3/31/09, and Figure 4.4, *Report to the Governor and Legislature ... 2010 – 2011*, op cit., showing a small decline in timeliness for the year beginning April 2009 (also shown in Figure 4.4, here).

<sup>81</sup> Registration and license application counts as defined in n. 79. As shown in Tables 4.1.a – b (beginning pg. 33), the numbers of applications summarized for each year/bar displayed for registration are: 3275, 3059 and 2802, respectively, and for licensure, 2606, 2829 and 2511, respectively.

**Figure 4.5. Percent of Applications for Registration or Licensure Processed Timely, By Major State Region, for Year Beginning:<sup>82</sup>**



**Table 4.1.a. Number and Timeliness of Processing of Registration Applications, By Major State Region, For Three Years, 4/1/09 - 3/31/12**

Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
New York City	2009	1,485	27	1,512	98%
	2010	1,508	15	1,523	99%
	2011	1,356	15	1,371	99%
Balance of State	2009	1,510	253	1,763	86%
	2010	1,346	190	1,536	88%
	2011	1,258	173	1,431	88%
State Total	2009	2,995	280	3,275	91%
	2010	2,854	205	3,059	93%
	2011	2,614	188	2,802	93%

**Table 4.1.b. Number and Timeliness of Processing of Licensing Applications, By Major State Region, For Three Years, 4/1/09 - 3/31/12**

Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
New York City	2009	1,518	18	1,536	99%
	2010	1,795	8	1,803	100%
	2011	1,533	16	1,549	99%

<sup>82</sup> See *ibid.* regarding definitions of counts. The same note applies to all remaining Tables and Figures in this Section, except that those providing registration results *by modality*, show only FDC and SACC (but *not* SDCC) programs. See Figure 4.1 (pg. 30), summarizing Tables 4.1.a – b, for the numbers of applications summarized in each year/bar displayed in this Figure.

Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
Balance of State	2009	666	404	1,070	62%
	2010	668	358	1,026	65%
	2011	594	368	962	62%
State Total	<b>2009</b>	<b>2,184</b>	<b>422</b>	<b>2,606</b>	<b>84%</b>
	<b>2010</b>	<b>2,463</b>	<b>366</b>	<b>2,829</b>	<b>87%</b>
	<b>2011</b>	<b>2,127</b>	<b>384</b>	<b>2,511</b>	<b>85%</b>

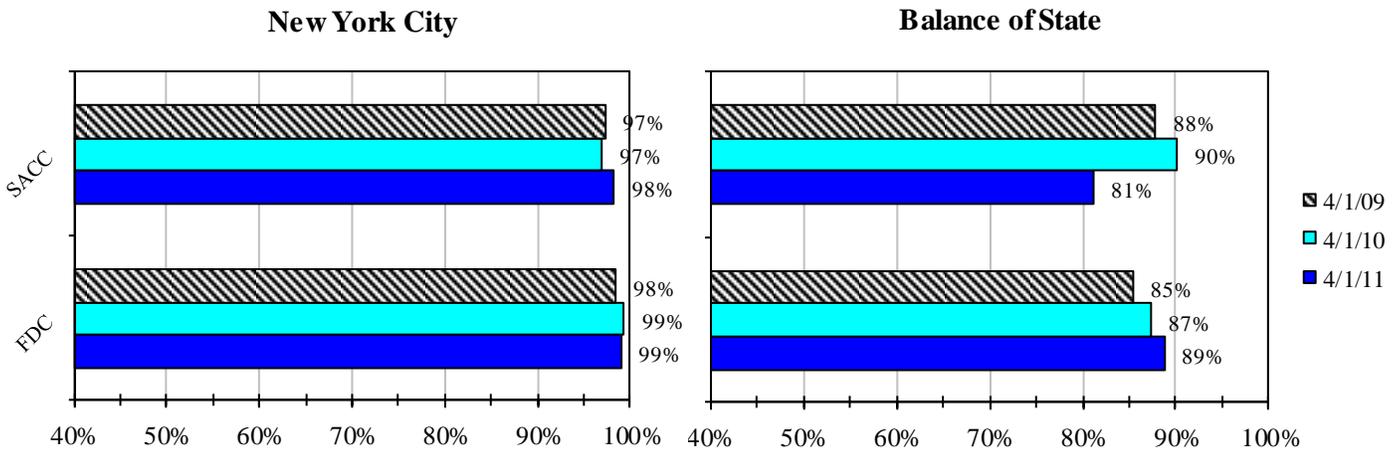
Contributing to these wide-area trends in timeliness were extremely similar and exemplary timeliness in processing registration and license applications for each modality in New York City, somewhat more variable performance by modality in processing registration applications elsewhere in the state, and notably less timely processing of license applications, *irrespective* of modality, elsewhere in the state. Statewide, for programs subject to registration, Table 4.2.a (pg. 36) reveals, first, moderate differences favoring New York City over the balance of the state in processing both FDC and SACC applications (from 7% – 17% each year); no clear improvement over time in processing SACC applications (rising from 93% to 94% before dropping to 90%); and modest improvements in resolving FDC applications (rising from 91% to 93% to 94%), for the three years ending March 2012. Figure 4.6.a breaks down these changes by region and modality, and shows, for New York City, consistently timely resolutions of applications for each modality (differing by no more than 2 percentage points for any year). Elsewhere in the state, Figure 4.6.a shows steady, modest timeliness improvements in resolving FDC applications (rising from 85% to 87% to 89%) but sizable fluctuations (including declines) in resolving SACC applications on time (rising from 88% to 90% before falling markedly to 81%) over the same period.

For programs subject to licensure, Table 4.2.b (pg. 36) shows, first, marked differences favoring New York City over the balance of the state in processing GFDC applications (from 35 – 38 percentage points each year); moderately timely performance, but no strong improvement underway, statewide, in resolving such applications (changing from 86% to 89% to 87%). Figure 4.6.b breaks down this information more usefully by region and modality, showing, for New York City, consistently timely resolution of such applications (99% – 100% each year) but far more modest timeliness and no notable improvement underway, over time, outside of the City (rising from 63% to 65% before falling to 61%). Elsewhere in the state, Figure 4.6.b also shows only moderate timeliness, and modest improvement over time in processing DCC applications (rising from 61% to 65% before falling to 64%).

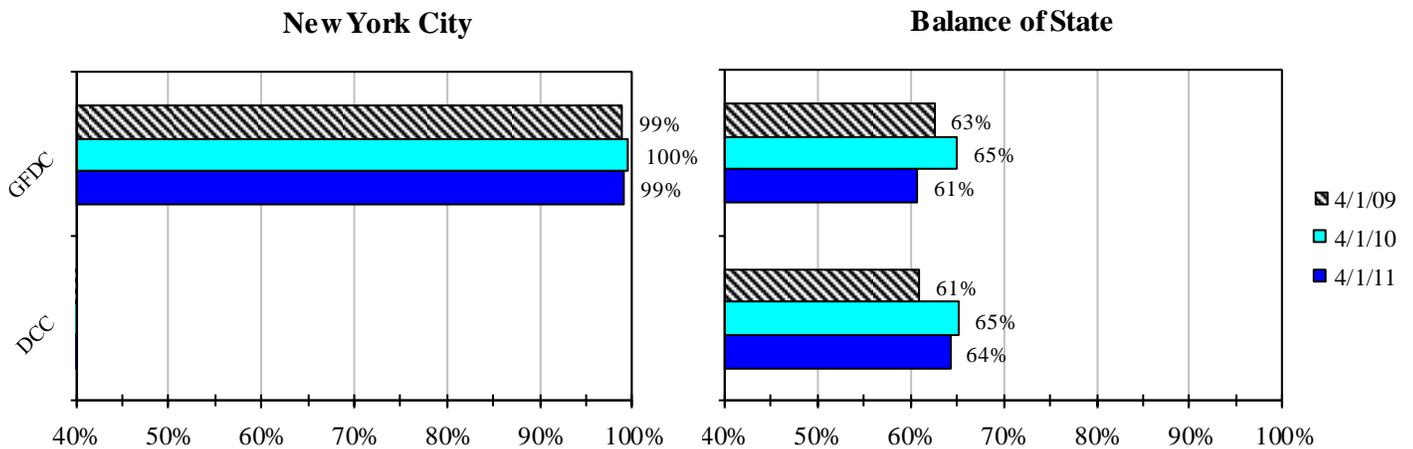
Figure 4.7, finally, decomposes these trends in resolving registration and license applications to examine the *geographic context* of the latest timeliness improvements, showing five of the seven regions (all except ARO and SRO) improving their handling of registration applications for the

year ending March 2012, but just three – reflecting widely different timeliness levels – doing the same with license applications (BRO, LIRO, SRO), compared with two years before.<sup>83</sup>

**Figure 4.6.a. Percent of Applications for Registration Processed Timely, By Major Region and Modality of Care, for Year Beginning:<sup>84</sup>**



**Figure 4.6.b. Percent of Applications for Licensure Processed Timely, By Major Region and Modality of Care, for Year Beginning:<sup>85</sup>**



<sup>83</sup> For example, in processing license applications, LIRO’s improvement found it completing just 43% of such applications on time, at the end of the three years, while SRO’s corresponding level was 79%. (See Figure 4.7.)

<sup>84</sup> Table 4.2.a (pg. 36) shows the numbers of registration applications involved for each year/bar displayed in Figure 4.6.a; for New York City: 296, 231, 175 (SACC), 1216, 1292, 1196 (FDC); for Balance of State: 215, 143, 160 (SACC), 1546, 1392, 1267 (FDC).

<sup>85</sup> See n. 7 (pg. vi) on New York City DCC facilities’ omission from this and other Figures and Tables throughout the report. Table 4.2.b (pg. 36) shows the numbers of license applications involved for each year/bar displayed in Figure 4.6.b; for New York City: 1536, 1803, 1549 (GFDC); for Balance of State: 816, 796, 699 (GFDC), 254, 230, 263 (DCC).

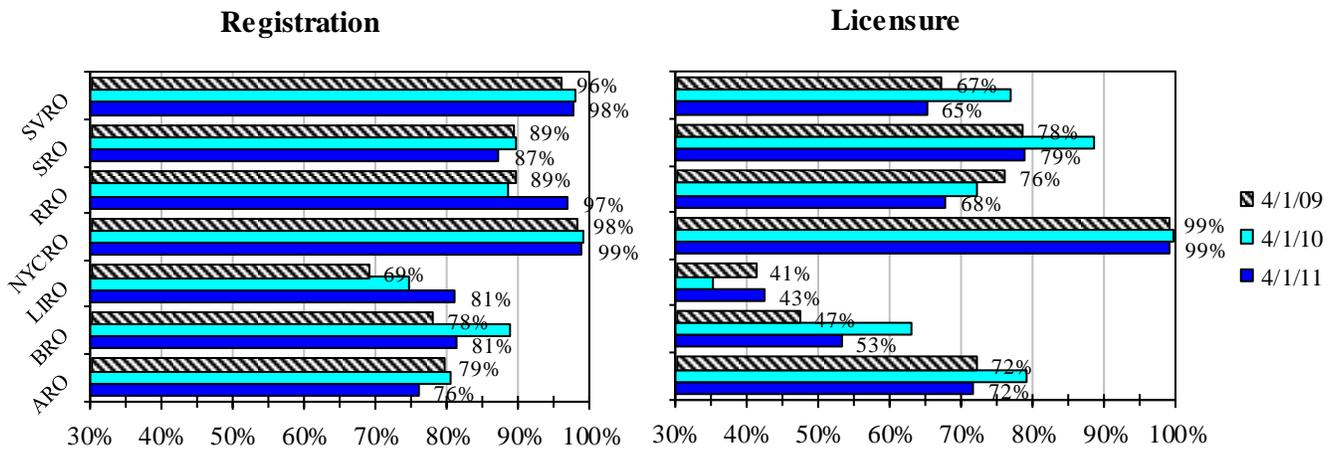
Table 4.2.a. Number and Timeliness of Processing of Registration Applications (FDC/SACC), By Major State Region, Modality and Year: 4/1/09 - 3/31/12					
Region	Year Starting April 1,	Modality	Number of Applications		Percent of Applications Processed Timely
			Total	Not Timely	
New York City	2009	FDC	1,216	19	98%
		SACC	296	8	97%
	2010	FDC	1,292	8	99%
		SACC	231	7	97%
	2011	FDC	1,196	12	99%
		SACC	175	3	98%
Balance of State	2009	FDC	1,546	225	85%
		SACC	215	26	88%
	2010	FDC	1,392	176	87%
		SACC	143	14	90%
	2011	FDC	1,267	142	89%
		SACC	160	30	81%
State Total	2009	FDC	2,762	244	91%
		SACC	511	34	93%
	2010	FDC	2,684	184	93%
		SACC	374	21	94%
	2011	FDC	2,463	154	94%
		SACC	335	33	90%

Table 4.2.b. Number and Timeliness of Processing of Licensure Applications (DCC/GFDC), By Major State Region, Modality and Year: 4/1/09 - 3/31/12 <sup>86</sup>					
Region	Year Starting April 1,	Modality	Number of Applications		Percent of Applications Processed Timely
			Total	Not Timely	
New York City	2009	DCC	na	na	na
		GFDC	1,536	18	99%
	2010	DCC	na	na	na
		GFDC	1,803	8	100%
	2011	DCC	na	na	na
		GFDC	1,549	16	99%
Balance of State	2009	DCC	254	99	61%
		GFDC	816	305	63%
	2010	DCC	230	80	65%
		GFDC	796	278	65%
	2011	DCC	263	94	64%
		GFDC	699	274	61%

<sup>86</sup> See *ibid.* (note on New York City DCC facilities).

Table 4.2.b. Number and Timeliness of Processing of Licensure Applications (DCC/GFDC), By Major State Region, Modality and Year: 4/1/09 - 3/31/12 <sup>86</sup>					
Region	Year Starting April 1,	Modality	Number of Applications		Percent of Applications Processed Timely
			Total	Not Timely	
State Total	2009	DCC	254	99	61%
		GFDC	2,352	323	86%
	2010	DCC	230	80	65%
		GFDC	2,599	286	89%
	2011	DCC	263	94	64%
		GFDC	2,248	290	87%

Figure 4.7.<sup>87</sup> Percent of Applications for Registration or Licensure Processed Timely, By Region, for Year Beginning:



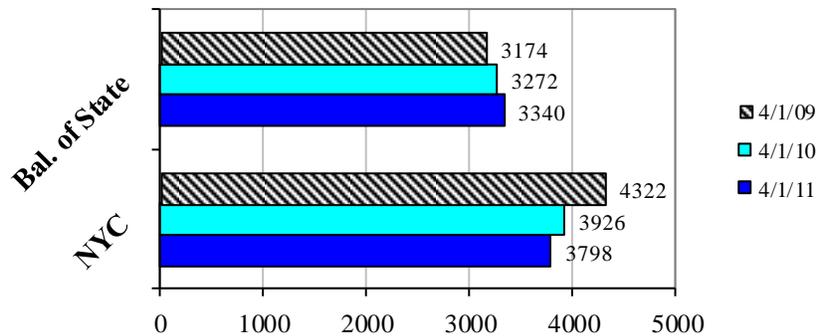
<sup>87</sup> Registration and license application counts as defined in n. 79. See Appendix A.8 (Tables 4.3.a – b, beginning on pg. 59) for the underlying results on application handling by specific DCCS regions, including the numbers of applications for registration and licensure summarized for each year/bar displayed in this Figure, respectively.

**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>88</sup> Each year, this requirement involves the identification of literally thousands of providers throughout the state who are scheduled for such inspections – the focus of this Section. Since “50% inspections” pertain, by definition, only to *registered* child care programs, this Section excludes the new content on licensed providers incorporated elsewhere in this review.

As detailed on the next page, New York City and the balance of the state each made well more than the required number of “50% inspections” for the year ending March 2012. Figure 4.8 documents the numbers of inspections conducted in each area during the three years ending the same date. Despite satisfying the requirements, New York City’s latest tally (n=3798) represented a 3% decline, while the balance-of-state number (n=3340) constituted a 2% increase, compared with the numbers of inspections conducted the preceding year, respectively. Across the entire three years ending March 2012, New York City showed a larger change in the number of “50% inspections” conducted, as compared with the balance of the state (-12%, +5%, respectively).

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

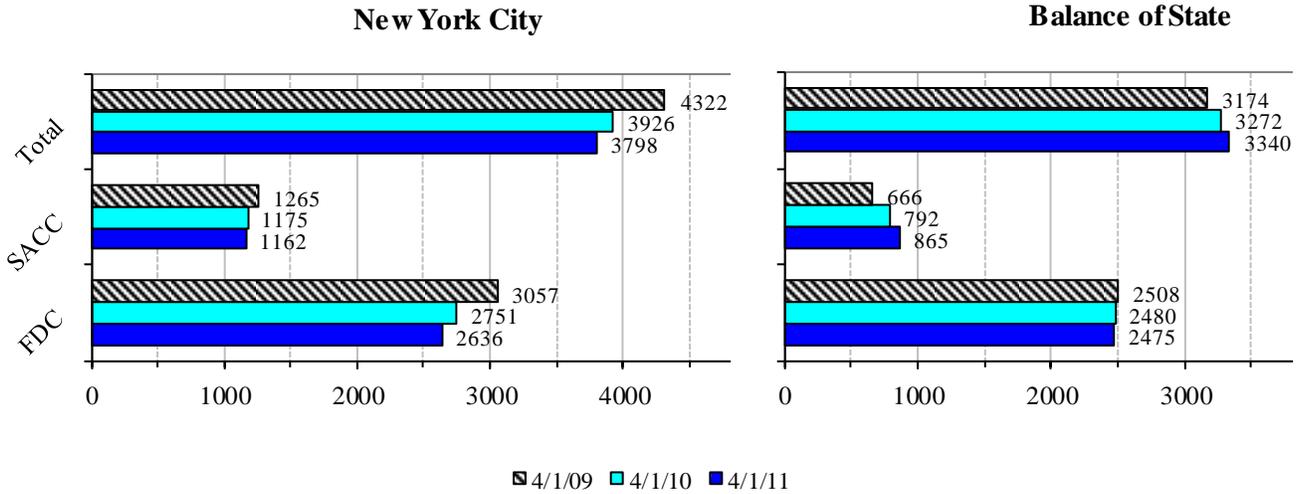


When broken down by modality, “50% inspection” activity during the three years concluding March 2012, showed similar trends for each modality within New York City (consistent annual declines) but different trends, by modality, outside the City, where a disproportionate share of the growth in these inspections during the same period related to SACC programs: among the

<sup>88</sup> See Appendix A.3 (pg. 47) for additional details defining these inspections (and other measurements used in the report).

latter, “50% inspection” counts increased by 30% during the three years, as compared with a 1% decline seen for such inspections of FDC programs (Figure 4.9).<sup>89</sup>

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



Despite the declines in “50% inspections” reported in New York City (both modalities) and the balance of the state (FDC programs only) for the 2011 – 2012 report year, both major areas of the state satisfied the “50% inspection” requirement not only that year but for each year of the three-year interval concluding the same year. Specifically, New York City’s “50% inspection” goal was met and exceeded by two, to three times over, for each of the three years, while that for the balance of the state was exceeded by 78 %, to over two times over, for each of the years. Table 4.4 details the inspection results underlying these and the preceding two Figures’ trends.<sup>90</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	2009	2,838	1,419	4,322	2,211	305%	51%
	2010	3,146	1,573	3,926	2,270	250%	58%
	2011	3,691	1,846	3,798	2,628	206%	69%

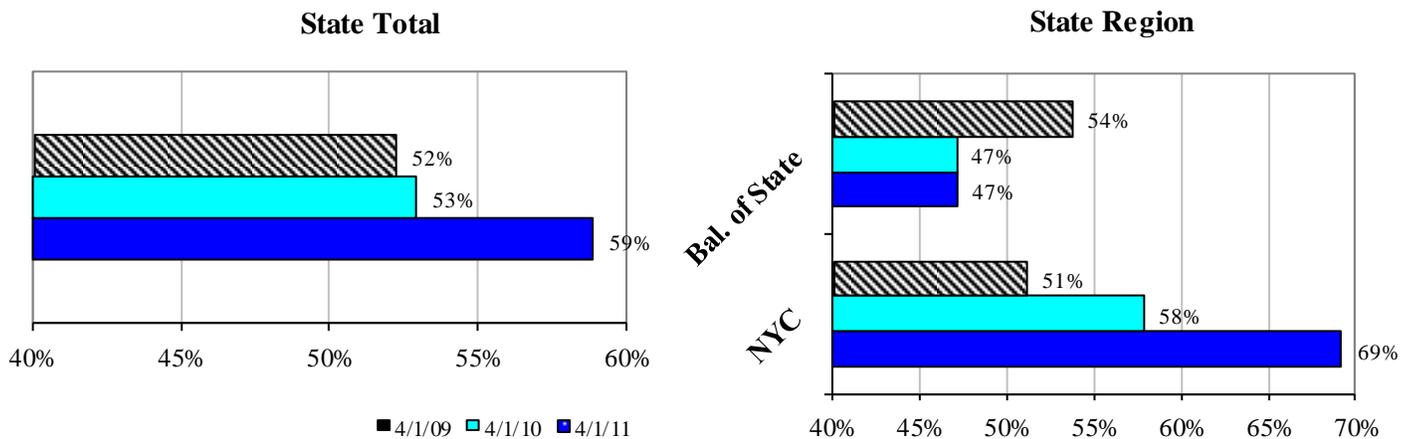
<sup>89</sup> See Appendix A.9 (Table 4.5, pg. 61), for the “50% inspection” results by major state region, modality and year, charted in Figure 4.9.

<sup>90</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. 11). 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. 30, pg. 9). Appendix A.3 (pg. 47) 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
Balance of State	2009	3,456	1,728	3,174	1,706	184%	54%
	2010	3,796	1,898	3,272	1,541	172%	47%
	2011	4,327	2,164	3,340	1,575	154%	47%
Total	2009	6,294	3,147	7,496	3,917	238%	52%
	2010	6,942	3,471	7,198	3,811	207%	53%
	2011	8,018	4,009	7,138	4,203	178%	59%

As in the 2010 – 2011 review, which continued a new (since 2009 – 2010) modest upward trend in the proportion of “50% inspections” in which violations of applicable regulations were identified, that proportion continued to increase, statewide (by 6 percentage points), for the 2011 – 2012 report year, driven again, this time, by a sizable New York City increase of 11 percentage points (from 58% to 69%, Figure 4.10).<sup>91</sup> Appendix A.9 (e.g., Figure 4.11, pg. 62) shows both the latest-year increase (in New York City) and decrease (in the balance of the state) to be driven somewhat more strongly by the incidence of violations identified among FDC, as opposed to SACC programs, in the two regions.

**Figure 4.10. Percent of “50% Inspections” (FDC/SACC) Involving Regulatory Violations, For State and Major Regions, For Year Beginning:<sup>92</sup>**



<sup>91</sup> Table 4.4, above, details the current-period numbers underlying these results. See Table 4.4 in *Report to the Governor and Legislature ... 2003 – 2006*, op cit., and Table 4.4 in *Report to the Governor and Legislature ... 2006 – 2009*, op cit., respectively, for the corresponding 2003 – 2006 and 2006 – 2009 source data involved, showing persistent decreases in regulatory violations observed in connection with “50% inspections” for the eight years preceding the current report period.

<sup>92</sup> Table 4.4, above, shows the numbers of 50% inspections summarized for each year/bar displayed in Figure 4.10; for New York State: 7496, 7198, 7138; for Balance of State: 3174, 3272, 3340; for NYC: 4322, 3926, 3798.

## 5. Table of Appendices

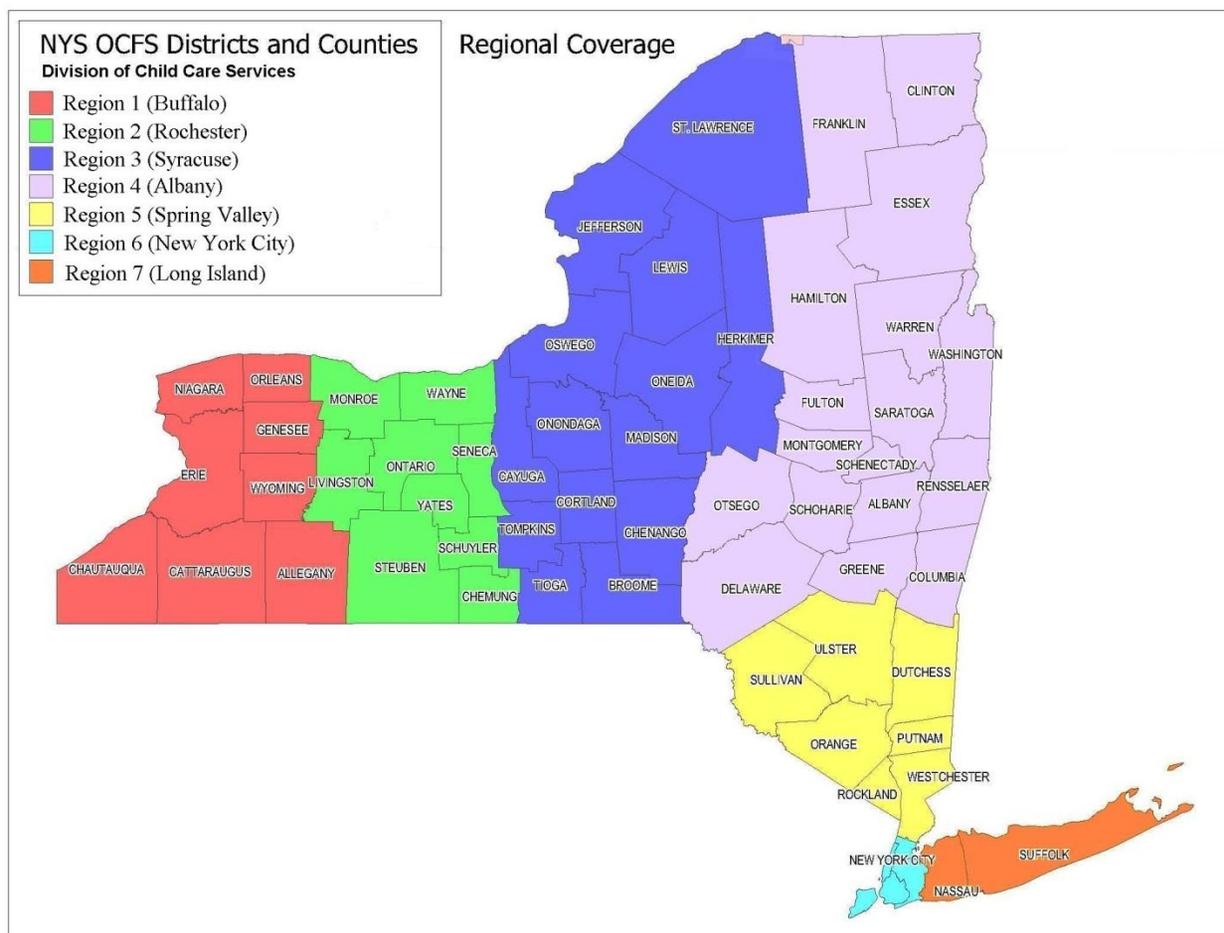
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<sup>93</sup> See note, pg. 43, regarding corrections made to selected maps from earlier reports in this series. See preceding report for 2004, 2005 – 2007 and 2008 maps.

### OCFS Division of Child Care Services Regions and Constituent Counties<sup>94</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>Spring Valley Region</b>
Otsego	Dutchess
Rensselaer	Orange
Saratoga	Putnam
Schenectady	Rockland
Schoharie	Sullivan
Warren	Ulster
Washington	Westchester
<b>Buffalo Region</b>	<b>Syracuse Region</b>
Allegany	Broome
Cattaraugus	Cayuga
Chautauqua	Chenango
Erie	Cortland
Genesee	Herkimer
Niagara	Jefferson
Orleans	Lewis
Wyoming	Madison
<b>Long Island Region</b>	Oneida
Nassau	Onondaga
Suffolk	Oswego
<b>New York City Region</b>	St. Lawrence
Bronx	Tioga
Kings	Tompkins
New York	
Queens	
Richmond	

<sup>94</sup> Throughout this report, DCCS Regions, which are named for the location of the DCCS regional offices, are often referred to by abbreviation - ARO (Albany Regional Office), BRO (Buffalo ...), LIRO (Long Island ...), NYCRO (New York City ...), RRO (Rochester ...), SVRO (Spring Valley ...) and SRO (Syracuse ...).  
New York State Office of Children and Family Services 42





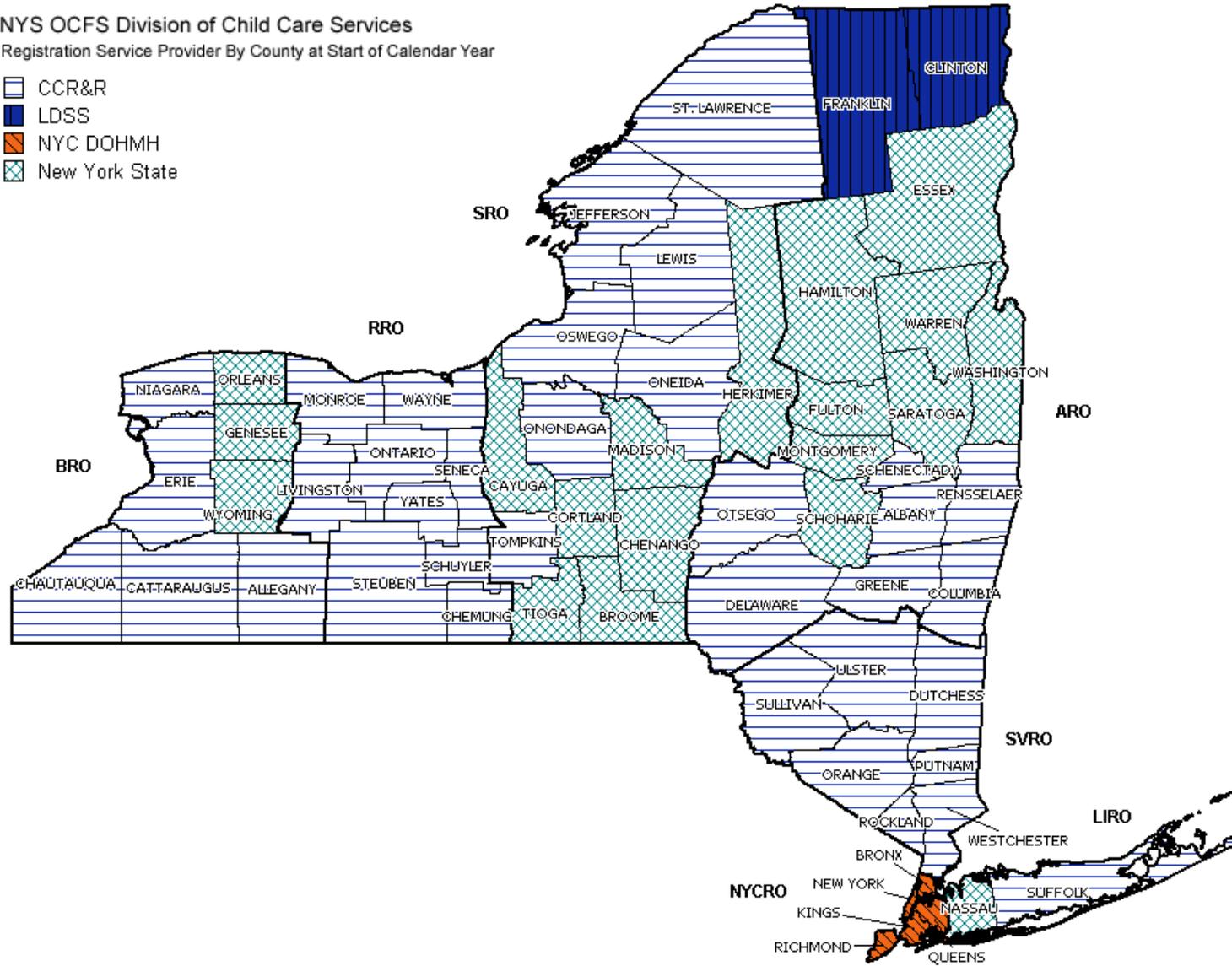


### Registration Service Provider by County: 2011 – 2012

NYS OCFS Division of Child Care Services

Registration Service Provider By County at Start of Calendar Year

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



**Bases for Key Measurements**  
(With Comparisons to *DCCS Registration Performance Standards Measures*)

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

For this report, timeliness of complaint investigations is based on data for both registered providers (FDC, SACC and perhaps a negligible number of SDCC programs sometimes appearing for particular time periods) and licensed providers (DCC programs except in New York City and GFDC programs, statewide). 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’s performance standards, registration and licensing 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, while included in the populations of complaints examined for both the performance standards and this report, are exempted from these time frames for determining timeliness under both sets of calculations.

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 the present (2011 – 2012) report year, the adjustment for business days (i.e., taking account of weekends and holidays) was *not* made, leading to a small understatement of timeliness calculated throughout this report with respect to this requirement. Since this bias would be expected to affect each year prior to the report year about equally, on average, findings of clear, marked trends toward greater timeliness across earlier years (e.g., as found for the 2003 – 2006 and 2006 – 2009 reports) would not be invalidated by this factor. But differences in timeliness (and any improvement) at initiating investigations seen between the latest year reviewed and prior years can be expected to be slightly exaggerated by this issue (at least for rising trends as in Figure 3.5.a on pg. 20).

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 except for a tiny fraction of *only the latest-year* complaints reviewed for this report – could include time associated with activities preceding the formal “closing” date for the complaint but following the key determination at issue under the 60-day requirement (i.e., *were complaint allegations substantiated/“unsubstantiated” on time?*). In contrast, the performance measure on this topic automatically runs within a few days of when timely determinations are due for complaints received in a given month, unambiguously identifying any complaints still showing statuses of “pending” or “under investigation” at that point, as “late determinations” – an impossibility under this report’s retrospective three-year measures which can only identify late

closures among complaints which are generally long-closed at the time of analysis. Conceptually, this should lead to small understatements of “determination” timeliness in this study – perhaps minimized for latest-year measurements – and perhaps corresponding overstatements of any improvement seen specifically for the latest year reviewed (at least for rising trends such as those in Figure 3.5.b on pg. 21). Just like the issue discussed above in measuring initiations, however, 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 close approximations to the measures required.

## **II. Registration/Licensing Applications**

The timeliness of initial applications for registration or licensure, like all measures included in this report, is based on applications data for the corresponding modalities (with the same proviso above regarding SDCC providers). Registration and licensing workers are expected to process and resolve such 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, registered child day care centers and registered school age child care programs” to determine compliance with applicable statutes and regulations.<sup>96</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.

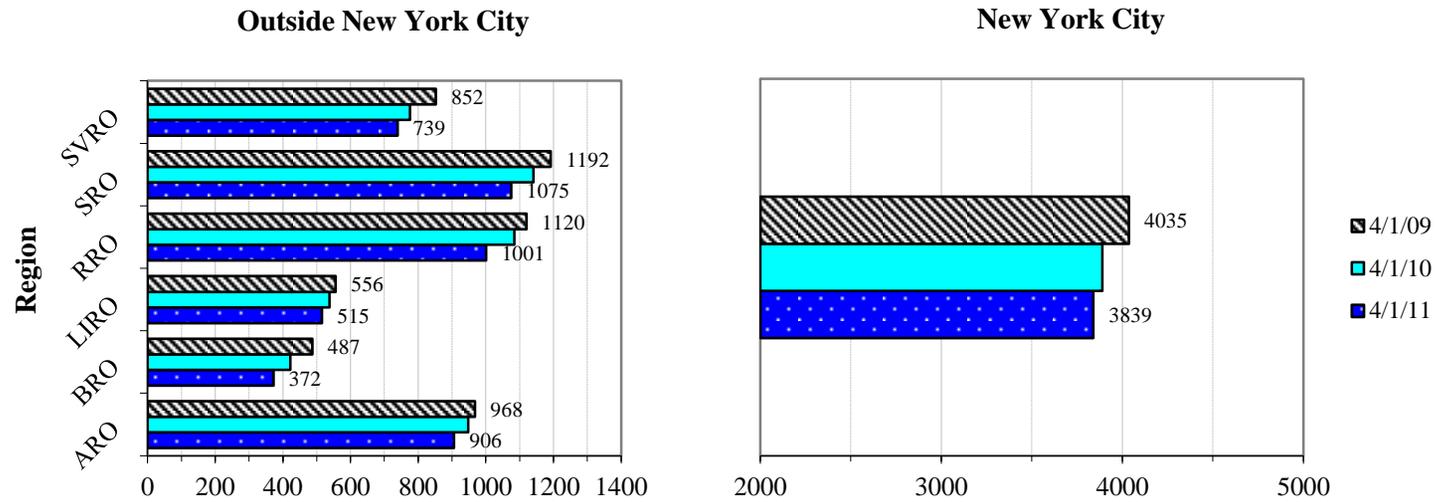
Unless small county provider populations require the pooling of counties, facilities to be inspected under this requirement are typically identified by randomly selecting those to be inspected in numbers equivalent to 50% (or more) of all providers (*not applicants*) of a given modality registered in 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 [pg. 39, pg. 61, respectively]) 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 [pg. 11, pg. 52, respectively]).

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

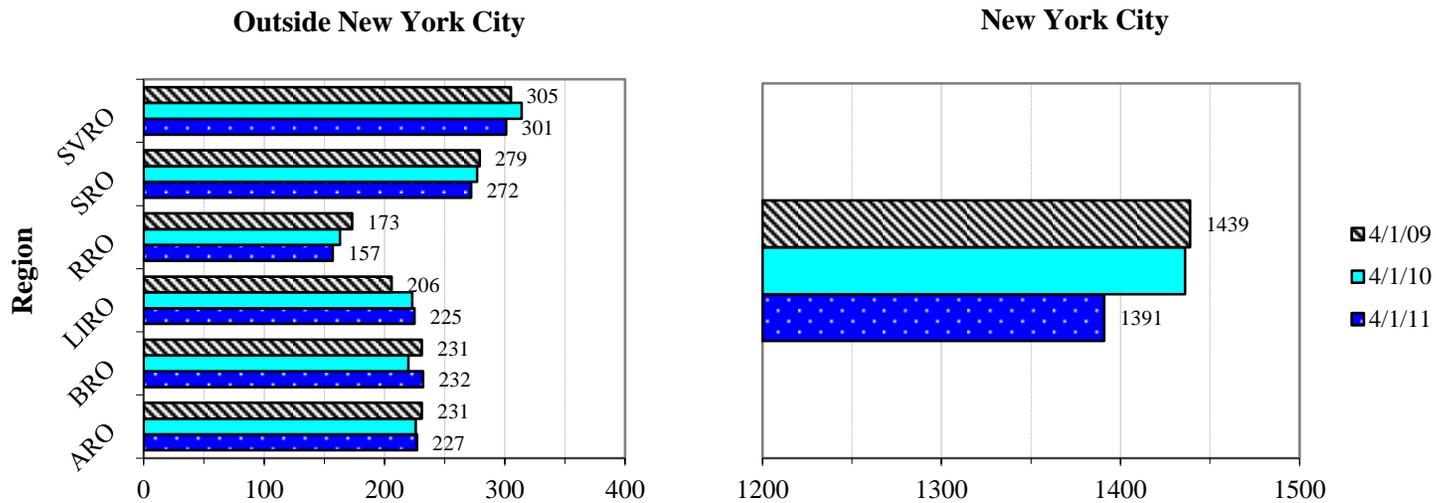
<sup>96</sup> OCFS, BECS Policy Statement 03-2 (12/5/03), *Registered Child Day Care Programs: 50% Inspection Requirement*.

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.

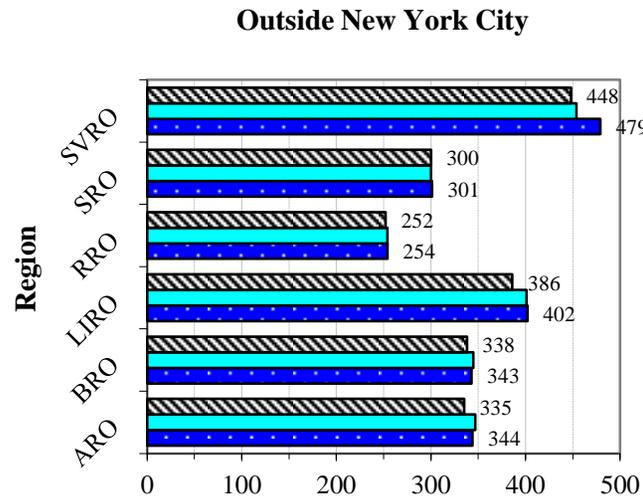
**Figure 2.4.a. Number of FDC Providers Registered at Any Point During Interval, By Region, for Year Beginning:**



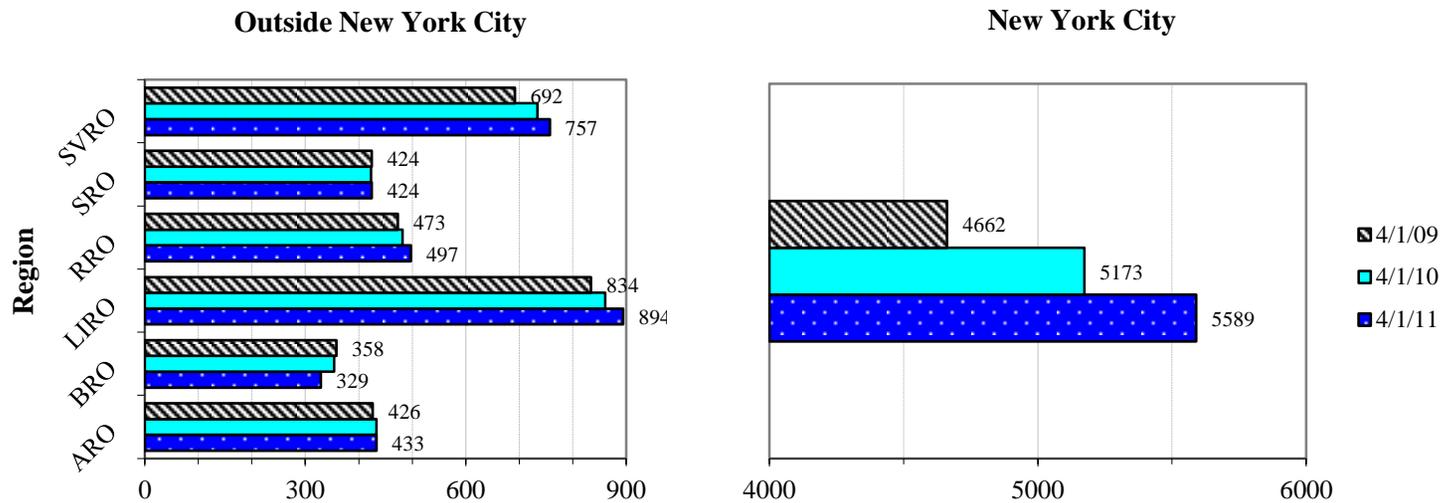
**Figure 2.4.b. Number of SACC Providers Registered at Any Point During Interval, By Region, for Year Beginning:**



**Figure 2.5.a. Number of DCC Providers Licensed at Any Point During Interval, By Region, for Year Beginning:<sup>97</sup>**



**Figure 2.5.b. Number of GFDC Providers Licensed at Any Point During Interval, By Region, for Year Beginning:**



<sup>97</sup> Day care centers (DCC) excluding New York City programs; see n. 7 (pg. vi) on the omission of the City’s DCC facilities from this and other Figures.  
 New York State Office of Children and Family Services

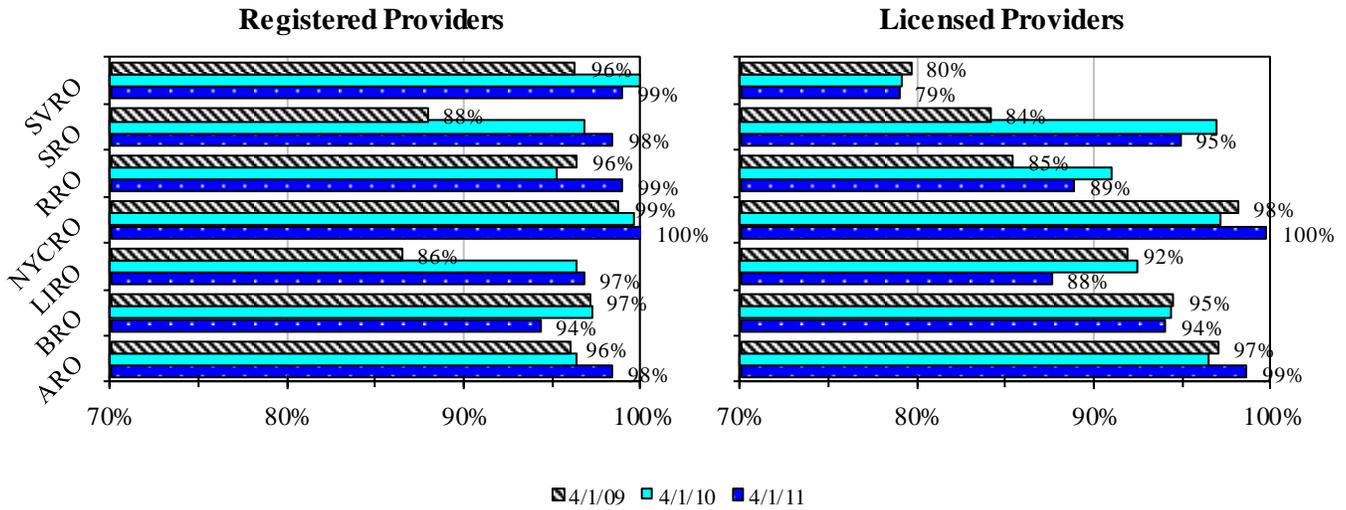
Table 2.2. Registered (FDC/SACC) & Licensed (DCC/GFDC) Providers, <sup>98</sup> By Region and Modality: As of Any Point, As of the First Day and as of the Last Day, For Three Years, 4/1/09 - 3/31/12													
Region	Year Starting April 1,	Any Point During Year				First Day				Last Day			
		FDC	SACC	DCC	GFDC	FDC	SACC	DCC	GFDC	FDC	SACC	DCC	GFDC
ARO	2009	968	231	335	426	834	201	314	361	811	212	314	379
	2010	948	226	347	433	811	212	314	379	780	214	327	380
	2011	906	227	344	433	781	214	327	380	746	217	318	373
BRO	2009	487	231	338	358	433	216	317	327	391	213	320	308
	2010	422	220	345	354	392	213	320	309	329	206	323	298
	2011	372	232	343	329	329	206	323	298	306	207	320	296
LIRO	2009	556	206	386	834	480	196	361	721	469	200	369	763
	2010	538	223	401	861	468	200	369	763	446	214	384	788
	2011	515	225	402	894	447	214	384	788	409	218	389	822
NYCRO	2009	4,035	1,439	na	4,662	3,355	1,267	na	3,683	3,301	1,308	na	4,234
	2010	3,890	1,436	na	5,173	3,301	1,308	na	4,237	3,273	1,299	na	4,626
	2011	3,839	1,391	na	5,589	3,271	1,299	na	4,628	3,035	1,264	na	4,978
RRO	2009	1,120	173	252	473	947	160	241	392	930	154	239	410
	2010	1,084	163	254	482	930	154	239	410	879	146	237	426
	2011	1,001	157	254	497	878	146	237	425	804	143	237	422
SRO	2009	1,192	279	300	424	1,012	254	282	363	987	261	279	362
	2010	1,141	277	300	423	986	261	279	362	935	255	288	372
	2011	1,075	272	301	424	934	255	288	371	895	245	281	368
SVRO	2009	852	305	448	692	720	267	417	612	672	274	425	629
	2010	776	314	454	734	672	274	425	629	624	282	437	669
	2011	739	301	479	757	624	282	437	669	584	262	450	670
Total	2009	9,210	2,864	2,059	7,869	7,781	2,561	1,932	6,459	7,561	2,622	1,946	7,085
	2010	8,799	2,859	2,101	8,460	7,560	2,622	1,946	7,089	7,266	2,616	1,996	7,559
	2011	8,447	2,805	2,123	8,923	7,264	2,616	1,996	7,559	6,779	2,556	1,995	7,929

<sup>98</sup> Balance-of-state registered total counts reported at certain points in report (e.g., Figures 2.1 – 2.2.a) include  $n = 2$  and  $n = 3$  small day care center (SDCC) programs for 2<sup>nd</sup> year ( $n = 2$ , RRO) and 3<sup>rd</sup> year, respectively ( $n = 2$ , RRO;  $n = 1$ , SRO) and thus exceed the corresponding sums of registered counts available in this table by the same numbers. Day care centers (DCC) excluding New York City programs (see *Ibid.*).

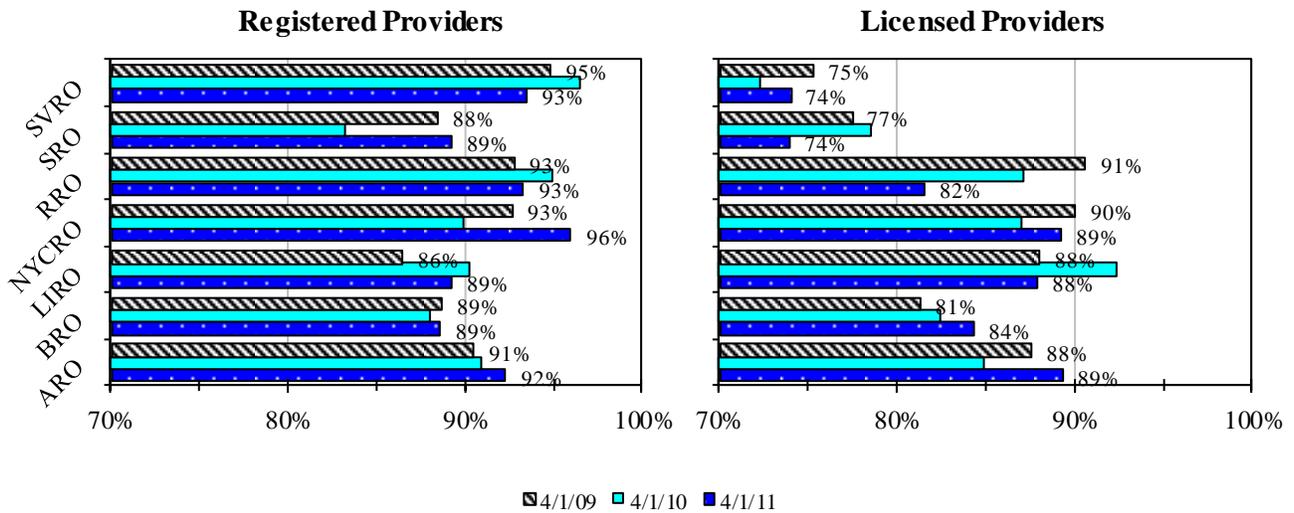
Region	Year Starting April 1,	Number of Complaints					Percent of Total Complaints				
		Seriousness			With Additional Violation(s)	Total	By Seriousness			With Additional Violation(s)	
		Non-Emergency	Serious	Imminent Danger			Non-Emergency	Serious	Imminent Danger		
ARO	2009	106	320	7	151	433	24%	74%	2%	35%	
	2010	67	293	4	136	364	18%	80%	1%	37%	
	2011	86	308	3	168	397	22%	78%	1%	42%	
BRO	2009	38	249	1	159	288	13%	86%	0%	55%	
	2010	43	239	4	173	286	15%	84%	1%	60%	
	2011	45	252	11	148	308	15%	82%	4%	48%	
LIRO	2009	154	287	4	213	445	35%	64%	1%	48%	
	2010	151	310	3	245	464	33%	67%	1%	53%	
	2011	144	292	4	200	440	33%	66%	1%	45%	
NYCRO	2009	7	62	759	383	828	1%	7%	92%	46%	
	2010	11	45	693	330	749	1%	6%	93%	44%	
	2011	4	32	600	324	636	1%	5%	94%	51%	
RRO	2009	117	488	15	277	620	19%	79%	2%	45%	
	2010	108	504	20	267	632	17%	80%	3%	42%	
	2011	134	500	19	274	653	21%	77%	3%	42%	
SRO	2009	90	575	4	395	669	13%	86%	1%	59%	
	2010	63	512	1	364	576	11%	89%	0%	63%	
	2011	86	503	0	357	589	15%	85%	0%	61%	
SVRO	2009	66	361	8	217	435	15%	83%	2%	50%	
	2010	52	343	2	192	397	13%	86%	1%	48%	
	2011	61	350	1	202	412	15%	85%	0%	49%	
Total	2009	578	2,342	798	1,795	3,718	16%	63%	21%	48%	
	2010	495	2,246	727	1,707	3,468	14%	65%	21%	49%	
	2011	560	2,237	638	1,673	3,435	16%	65%	19%	49%	

<sup>99</sup> Based on complaints for all registered and licensed facilities except for DCC programs in New York City. As described in the body of the report (pg. 14, under *Types of Complaints Received*), “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.a. Percent of Investigations Initiated Timely for Registered and Licensed Providers, By Region, For Year Beginning:<sup>100</sup>**



**Figure 3.8.b. Percent of Investigations Determined Timely for Registered and Licensed Providers, By Region, For Year Beginning:**



<sup>100</sup> For both Figures, includes complaints for all registered (FDC/SACC/SDCC) providers or all licensed (DCC/GFDC) providers except for New York City DCC facilities. Tables 3.4.a – b, beginning on the next page, detail the numbers of complaints relating to registered and licensed programs, respectively, summarized in each year/bar displayed on this page. Anywhere from 82 – 398 complaints annually were involved per DCCS region for both left-hand Figures (registered programs), compared with anywhere from 177 – 583 complaints per region and year for both right-hand Figures (licensed programs).

Table 3.4.a. Handling and Rate of Complaints for Registered Providers, By Region and Year: Apr. 1, 2009 - Mar. 31, 2012 <sup>101</sup>								
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	2009	200	8	19	96%	91%	1,199	17
	2010	165	6	15	96%	91%	1,174	14
	2011	182	3	14	98%	92%	1,133	16
BRO	2009	106	3	12	97%	89%	718	15
	2010	109	3	13	97%	88%	642	17
	2011	123	7	14	94%	89%	604	20
LIRO	2009	111	15	15	86%	86%	762	15
	2010	82	3	8	96%	90%	761	11
	2011	93	3	10	97%	89%	740	13
NYCRO	2009	245	3	18	99%	93%	5,474	4
	2010	257	1	26	100%	90%	5,326	5
	2011	199	0	8	100%	96%	5,231	4
RRO	2009	332	12	24	96%	93%	1,293	26
	2010	297	14	15	95%	95%	1,249	24
	2011	284	3	19	99%	93%	1,160	24
SRO	2009	398	48	46	88%	88%	1,471	27
	2010	315	10	53	97%	83%	1,418	22
	2011	316	5	34	98%	89%	1,348	23
SVRO	2009	135	5	7	96%	95%	1,157	12
	2010	115	0	4	100%	97%	1,090	11
	2011	92	1	6	99%	93%	1,040	9
<b>Total</b>	<b>2009</b>	<b>1,527</b>	<b>94</b>	<b>141</b>	<b>94%</b>	<b>91%</b>	<b>12,074</b>	<b>13</b>
	<b>2010</b>	<b>1,340</b>	<b>37</b>	<b>134</b>	<b>97%</b>	<b>90%</b>	<b>11,660</b>	<b>11</b>
	<b>2011</b>	<b>1,289</b>	<b>22</b>	<b>105</b>	<b>98%</b>	<b>92%</b>	<b>11,256</b>	<b>11</b>

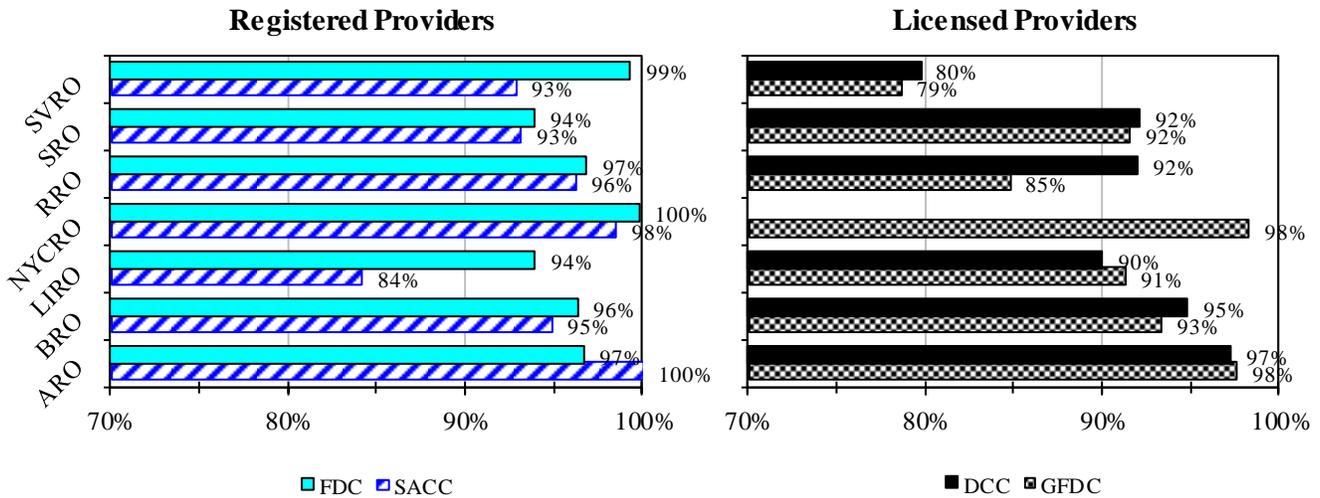
Table 3.4.b. Handling and Rate of Complaints for Licensed Providers, By Region and Year: Apr. 1, 2009 - Mar. 31, 2012 <sup>102</sup>								
Region	Year Starting April 1,	Number of Complaints			Percent of Complaints		Rate of Complaints	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
ARO	2009	233	7	29	97%	88%	761	31
	2010	199	7	30	96%	85%	780	26
	2011	215	3	23	99%	89%	777	28

<sup>101</sup> For all registered (FDC/SACC/SDCC) providers. Total providers and rates are defined as in Table 3.3.a (pg. 19).

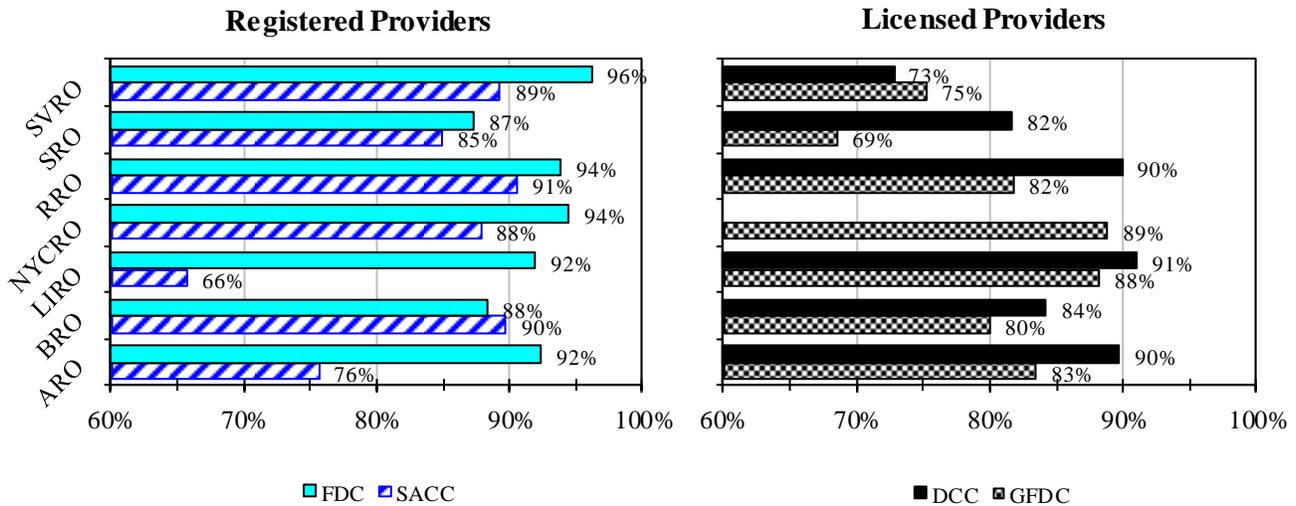
<sup>102</sup> For all licensed (DCC/GFDC) providers except DCC programs in New York City. Total providers and rates are defined as in Table 3.3.b (pg. 19).

Table 3.4.b. Handling and Rate of Complaints for Licensed Providers, By Region and Year: Apr. 1, 2009 - Mar. 31, 2012 <sup>102</sup>								
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
BRO	2009	182	10	34	95%	81%	696	26
	2010	177	10	31	94%	82%	699	25
	2011	185	11	29	94%	84%	672	28
LIRO	2009	334	27	40	92%	88%	1,220	27
	2010	382	29	29	92%	92%	1,262	30
	2011	347	43	42	88%	88%	1,296	27
NYCRO	2009	583	11	58	98%	90%	4,662	13
	2010	492	14	64	97%	87%	5,173	10
	2011	437	1	47	100%	89%	5,589	8
RRO	2009	288	42	27	85%	91%	725	40
	2010	335	30	43	91%	87%	736	46
	2011	369	41	68	89%	82%	752	49
SRO	2009	271	43	61	84%	77%	724	37
	2010	261	8	56	97%	79%	723	36
	2011	273	14	71	95%	74%	725	38
SVRO	2009	300	61	74	80%	75%	1,140	26
	2010	282	59	78	79%	72%	1,188	24
	2011	320	67	83	79%	74%	1,236	26
<b>Total</b>	<b>2009</b>	<b>2,191</b>	<b>201</b>	<b>323</b>	<b>91%</b>	<b>85%</b>	<b>9,928</b>	<b>22</b>
	<b>2010</b>	<b>2,128</b>	<b>157</b>	<b>331</b>	<b>93%</b>	<b>84%</b>	<b>10,561</b>	<b>20</b>
	<b>2011</b>	<b>2,146</b>	<b>180</b>	<b>363</b>	<b>92%</b>	<b>83%</b>	<b>11,047</b>	<b>19</b>

**Figure 3.14.a**  
**Percent of Investigations Initiated Timely for Registered and Licensed Providers, By Region and Modality of Care: Three-Year Summary (4/1/09 – 3/31/12)<sup>103</sup>**



**Figure 3.14.b**  
**Percent of Investigations Determined Timely for Registered and Licensed Providers, By Region and Modality of Care: Three-Year Summary (4/1/09 – 3/31/12)**



<sup>103</sup> Both Figures on this page show licensed providers except for New York City DCC programs; see n. 7 (pg. vi) on the omission of City DCC facilities from this and other Figures. Table 3.7, on the next page, details the three-year total number of complaints, by modality, summarized in each bar displayed on this page. From 248 – 954 total complaints were involved per DCCS region for FDC programs, from 37 – 197 complaints per region for SACC programs, from 349 – 525 complaints per region (except New York City) for DCC programs, and from 195 – 1512 complaints per region for GFDC programs.

Table 3.7. Handling and Rate of Complaints, By Region and Modality: Summary for Apr. 1, 2009 - Mar. 31, 2012*								
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	DCC	399	11	41	97%	90%	385	104
	FDC	510	17	39	97%	92%	1,231	41
	GFDC	248	6	41	98%	83%	533	47
	SACC	37	0	9	100%	76%	258	14
BRO	DCC	349	18	55	95%	84%	383	91
	FDC	299	11	35	96%	88%	562	53
	GFDC	195	13	39	93%	80%	435	45
	SACC	39	2	4	95%	90%	264	15
LIRO	DCC	522	52	47	90%	91%	436	120
	FDC	248	15	20	94%	92%	695	36
	GFDC	541	47	64	91%	88%	1,038	52
	SACC	38	6	13	84%	66%	240	16
NYCRO	DCC	na	na	na	na	na	na	na
	FDC	504	1	28	100%	94%	5,195	10
	GFDC	1,512	26	169	98%	89%	6,568	23
	SACC	197	3	24	98%	88%	1,659	12
RRO	DCC	525	42	53	92%	90%	284	185
	FDC	860	27	53	97%	94%	1,398	62
	GFDC	467	71	85	85%	82%	619	75
	SACC	53	2	5	96%	91%	193	27
SRO**	DCC	496	39	91	92%	82%	334	149
	FDC	954	58	121	94%	87%	1,488	64
	GFDC	309	26	97	92%	69%	538	57
	SACC	73	5	11	93%	85%	312	23
SVRO	DCC	489	99	133	80%	73%	519	94
	FDC	286	2	11	99%	96%	1,073	27
	GFDC	413	88	102	79%	75%	886	47
	SACC	56	4	6	93%	89%	364	15
<b>Total**</b>	<b>DCC</b>	<b>2,780</b>	<b>261</b>	<b>420</b>	<b>91%</b>	<b>85%</b>	<b>2,341</b>	<b>119</b>
	<b>FDC</b>	<b>3,661</b>	<b>131</b>	<b>307</b>	<b>96%</b>	<b>92%</b>	<b>11,642</b>	<b>31</b>
	<b>GFDC</b>	<b>3,685</b>	<b>277</b>	<b>597</b>	<b>92%</b>	<b>84%</b>	<b>10,617</b>	<b>35</b>
	<b>SACC</b>	<b>493</b>	<b>22</b>	<b>72</b>	<b>96%</b>	<b>85%</b>	<b>3,290</b>	<b>15</b>

\* For all regulated providers except SDCC programs (statewide) and DCC programs in New York City. Rates based on unduplicated three-year counts of providers, as discussed under Table 3.5 (pg. 23) in the body of the report. As described there, three-year rates shown here are not directly comparable to the single-year rates displayed elsewhere in the report.

\*\* See n. 62 (pg. 23) on small day care center (SDCC) programs and on total complaint counts versus the corresponding counts by modality shown in this report.

Table 4.3.a. Number and Timeliness of Processing of Registration Applications (FDC/SACC), By Region, For Three Years, 4/1/09 - 3/31/12 <sup>104</sup>					
Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
ARO	2009	247	64	311	79%
	2010	229	56	285	80%
	2011	180	57	237	76%
BRO	2009	127	36	163	78%
	2010	118	15	133	89%
	2011	121	28	149	81%
LIRO	2009	133	60	193	69%
	2010	118	40	158	75%
	2011	146	34	180	81%
NYCRO	2009	1,485	27	1,512	98%
	2010	1,508	15	1,523	99%
	2011	1,356	15	1,371	99%
RRO	2009	338	40	378	89%
	2010	298	39	337	88%
	2011	274	9	283	97%
SRO	2009	317	38	355	89%
	2010	293	34	327	90%
	2011	259	38	297	87%
SVRO	2009	348	15	363	96%
	2010	290	6	296	98%
	2011	278	7	285	98%
Total	2009	2,995	280	3,275	91%
	2010	2,854	205	3,059	93%
	2011	2,614	188	2,802	93%

Table 4.3.b. Number and Timeliness of Processing of Licensing Applications (DCC/GFDC), By Region, For Three Years, 4/1/09 - 3/31/12 <sup>105</sup>					
Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
ARO	2009	90	35	125	72%
	2010	95	25	120	79%
	2011	86	34	120	72%

<sup>104</sup> Total registration applications counts in this table and at selected other locations in the report include minimal numbers of applications with “small day care center” (SDCC) reported for modality ( $n = 2, 1, 4$  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. 79 in body of report.

<sup>105</sup> License applications except for New York City DCC programs; see n. 7 (pg. vi) on the omission of City DCC facilities’ data from this and other Tables.

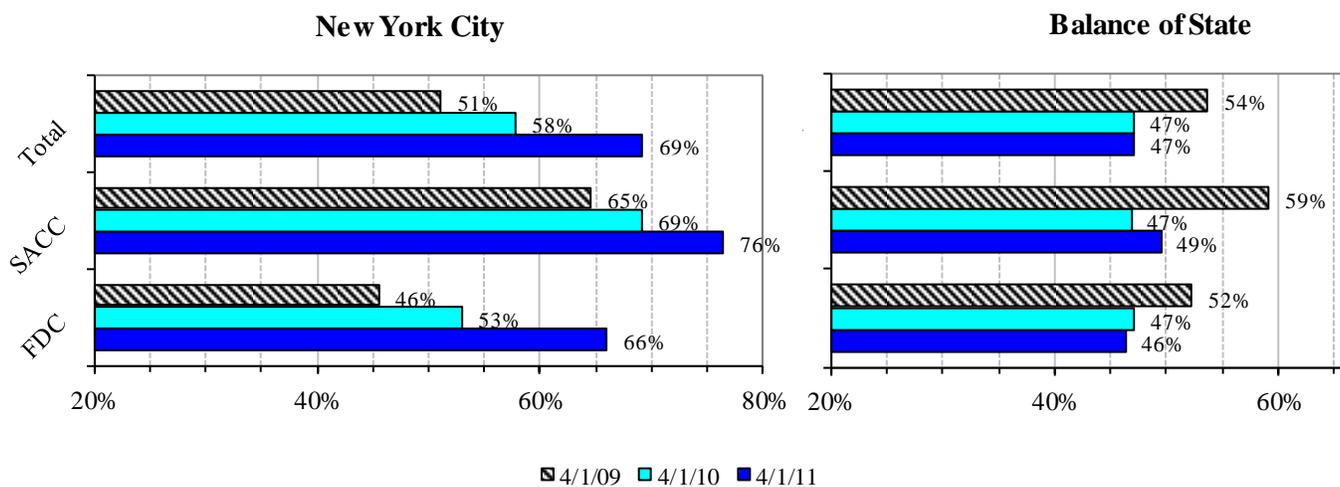
Table 4.3.b. Number and Timeliness of Processing of Licensing Applications (DCC/GFDC), By Region, For Three Years, 4/1/09 - 3/31/12 <sup>105</sup>					
Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
BRO	2009	55	61	116	47%
	2010	65	38	103	63%
	2011	50	44	94	53%
LIRO	2009	112	160	272	41%
	2010	96	177	273	35%
	2011	94	127	221	43%
NYCRO	2009	1,518	18	1,536	99%
	2010	1,795	8	1,803	100%
	2011	1,533	16	1,549	99%
RRO	2009	152	48	200	76%
	2010	139	54	193	72%
	2011	101	48	149	68%
SRO	2009	120	33	153	78%
	2010	108	14	122	89%
	2011	97	26	123	79%
SVRO	2009	137	67	204	67%
	2010	165	50	215	77%
	2011	166	89	255	65%
Total	2009	2,184	422	2,606	84%
	2010	2,463	366	2,829	87%
	2011	2,127	384	2,511	85%

<sup>106</sup>

<b>Table 4.5. “50% Inspections,” By Major State Region, Modality of Care and Year:</b>								
Region	Modality	Year Starting April 1,	Number Facilities	Number of Inspections			Percent of:	
				Goal	Conducted	With Violations	Goal Achieved	Inspections with Violations
New York City	FDC	2009	1,857	929	3,057	1,394	329%	46%
		2010	2,081	1,041	2,751	1,458	264%	53%
		2011	2,542	1,271	2,636	1,740	207%	66%
	SACC	2009	981	491	1,265	817	258%	65%
		2010	1,065	533	1,175	812	221%	69%
		2011	1,149	575	1,162	888	202%	76%
	<b>Total</b>	<b>2009</b>	<b>2,838</b>	<b>1,419</b>	<b>4,322</b>	<b>2,211</b>	<b>305%</b>	<b>51%</b>
		<b>2010</b>	<b>3,146</b>	<b>1,573</b>	<b>3,926</b>	<b>2,270</b>	<b>250%</b>	<b>58%</b>
		<b>2011</b>	<b>3,691</b>	<b>1,846</b>	<b>3,798</b>	<b>2,628</b>	<b>206%</b>	<b>69%</b>
Balance of State	FDC	2009	2,414	1,207	2,508	1,312	208%	52%
		2010	2,686	1,343	2,480	1,170	185%	47%
		2011	3,137	1,569	2,475	1,147	158%	46%
	SACC	2009	1,042	521	666	394	128%	59%
		2010	1,110	555	792	371	143%	47%
		2011	1,190	595	865	428	145%	49%
	<b>Total</b>	<b>2009</b>	<b>3,456</b>	<b>1,728</b>	<b>3,174</b>	<b>1,706</b>	<b>184%</b>	<b>54%</b>
		<b>2010</b>	<b>3,796</b>	<b>1,898</b>	<b>3,272</b>	<b>1,541</b>	<b>172%</b>	<b>47%</b>
		<b>2011</b>	<b>4,327</b>	<b>2,164</b>	<b>3,340</b>	<b>1,575</b>	<b>154%</b>	<b>47%</b>
State Total	FDC	2009	4,271	2,136	5,565	2,706	261%	49%
		2010	4,767	2,384	5,231	2,628	219%	50%
		2011	5,679	2,840	5,111	2,887	180%	56%
	SACC	2009	2,023	1,012	1,931	1,211	191%	63%
		2010	2,175	1,088	1,967	1,183	181%	60%
		2011	2,339	1,170	2,027	1,316	173%	65%
	<b>Total</b>	<b>2009</b>	<b>6,294</b>	<b>3,147</b>	<b>7,496</b>	<b>3,917</b>	<b>238%</b>	<b>52%</b>
		<b>2010</b>	<b>6,942</b>	<b>3,471</b>	<b>7,198</b>	<b>3,811</b>	<b>207%</b>	<b>53%</b>
		<b>2011</b>	<b>8,018</b>	<b>4,009</b>	<b>7,138</b>	<b>4,203</b>	<b>178%</b>	<b>59%</b>

<sup>106</sup> See n. 90 (pg. 39) and Appendix A.3 (pg. 47) 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:<sup>107</sup>**



<sup>107</sup> Table 4.5 (preceding page) documents the numbers of “50% inspections” summarized for each year/bar displayed in Figure; for New York City: 4322, 3926, 3798 (Total), 3057, 2751, 2636 (FDC), 1265, 1175, 1162 (SACC); for Balance of State: 3174, 3272, 3340 (Total), 2508, 2480, 2475 (FDC), 666, 792, 865 (SACC).