

Report to the Governor and Legislature
Family Day Care and School Age Child Care Registration
(With Comparisons to Day Care Center/Group Family Day Care Licensing):
April 1, 2012 – March 31, 2013
(Pursuant to Chapter 750 of the Laws of 1990)



New York State Office of Children and Family Services
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1. Executive Summary

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 new system of registration for family day care (FDC) and school age child care (SACC) programs, reforms to the system already in place for licensing day care center (DCC) and group family day care (GFDC) programs, and coordination of the two systems. 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, 2012, and ending March 31, 2013, drawing comparisons both to the preceding year and to the three-year period ending March 31, 2013, based on CCFS data. Like the 2011 – 2012 review, this one focuses not just on registered programs (FDC and SACC facilities) – the segment of the day care universe targeted with a new registration system under Chapter 750 and thus focused on, in reports prior to the last – but also on licensed programs (DCC and GFDC facilities) – also addressed under the Act – in order to satisfy both the mandate's reporting requirement and the need for the most complete and useful overview, possible, of the entire regulated universe of providers in New York State.¹ Because orientation is no longer a prerequisite for registration,² 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

¹ Beginning with the last (2011 – 2012) report, the inclusion of licensed as well as registered providers rectified the problem of *arbitrariness* in earlier 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 2010 – 2011 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.

² See the discussion under *Introduction and Background* (pg. 1, below) about upcoming changes to future reports resulting from the recent reinstatement – not yet implemented – of orientation as a pre-application requirement for startup, for regulated providers of all modalities.

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 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.³

Number of Registered and Licensed Providers

- For the year ending March 2013, total **registered** provider counts – primarily representing FDC and SACC programs⁴ – decreased similarly in New York City, the balance of the state and statewide (–6 percent, each), compared with the prior year, with each decline steeper than its analog in the last report. For the three-year period ending the same month,⁵ the corresponding declines were –8 percent, –11 percent and –9 percent, respectively – each again an acceleration – confirming a longer-term trend of declines in total registrants in recent years,⁶ but with declines smaller in the City than elsewhere except in the latest year.
- The declines in the number of FDC programs in the year ending March 2013 for the City, rest of state, and statewide (–9 percent, –8 percent, –8 percent, respectively) exceeded those (if any) for SACC programs (+0.2 percent, –2 percent, –0.6 percent). For the three years ending March 2013, the FDC declines were –10 percent, –13 percent and –12 percent for the City, rest of state and statewide, respectively, with SACC declines of –3 percent, –2 percent and –3 percent. Except for the latest year, FDC declines were smaller in the City than elsewhere, while SACC declines were slightly larger in the City than elsewhere.
- In contrast, total **licensed** provider counts, representing DCC and GFDC programs,⁷ consistently increased each year in New York City (reflecting only GFDC) but effectively stopped growing outside the City over the three years. Compared with the prior year, the year ending March 2013 saw the total number of licensed providers increase 5 percent for the City but decline marginally (–0.4 percent) for the rest of the

³ See the section, *Rate of Complaints and Department Response to Complaints* (beginning on pg. 21, below) for further discussion.

⁴ 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 and all prior reviews’ “total” calculations, but each year accounts for minimal numbers of programs, statewide, as confirmed again below. Given the small numbers involved, that modality is not broken out separately in the report’s Figures, but its effects on counts are broken out in certain tables. Note, also, that counts here are based on providers “ever registered” – i.e., registered *at any point* during the respective intervals (see n. 34, pg. 9).

⁵ Each “three-year” percentage cited in this report refers to the change between the first of the three years (beginning April 1, 2010) and the third – the report year beginning April 1, 2012.

⁶ Cf. *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* (DCCS, 2013), pg. 9.

⁷ 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.

state; the corresponding “three-year” changes for the period ending March 2013 were both gains (+13 percent and +1 percent),⁸ but with larger increases each year in New York City than elsewhere.

- Based on the available statewide data for the year ending March 2013, GFDC licensee numbers increased in New York City (5 percent), compared with the year before, but decreased in the balance of the state (–1 percent), for a statewide total of 3 percent. Outside of the City, both DCC and GFDC numbers changed by less than 1 percent that year (+0.2 percent, –0.7 percent, respectively). For the three-year period ending March 2013, GFDC gains were 13 percent, 1 percent and 8 percent for the City, outside the City and statewide, respectively, while outside of New York City, DCC program counts increased by 1 percent.

Complaint Handling

Numbers of complaints

- Returning to the predominant downward trend in the number of complaints seen in two of the last three reviews, complaint counts for the year ending March 2013 for **registered** programs decreased from the prior year in five of seven regions and increased in two others (Buffalo, Spring Valley).⁹ While all of the decreases ranged between –12 percent and –18 percent (RRO), only one of the increases approached that size: +16 percent, for SVRO. Two regions also sustained declines throughout the entire three years ending March 2013: New York City and Rochester (–33 percent and –22 percent, respectively), while one region showed consistent increases over the period (+19 percent, Buffalo).
- Except in one region (Syracuse), more complaints were logged for **licensed** programs than for registered programs for each year of the triennium ending March 2013. Unlike the predominant trend for licensees in the prior review but similar to registered programs in this review, all seven regions showed one-year declines in complaint numbers for licensed programs for the year ending March 2013, including three with declines exceeding –10 percent (Rochester, Spring Valley and Syracuse at –25 percent, –15 percent and –12 percent, respectively). For the entire three-year period, the three largest declines were –18 percent, –17 percent and –13 percent (Rochester, Long Island and New York City, respectively).
- As in every review since the one for 2003 – 2006, there was an apparent disparity in the number of complaints made in and outside of New York City. Over the three years ending March 31, 2013, 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 3:1 each year for **licensed** programs.¹⁰ When expressed in *standardized* complaint rates (per 100

⁸ 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 New York City and balance-of-state data strictly comparable) or based on “total” counts that make the data less comparable.

⁹ 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. 31; however referenced, all designations should be understood as relating to those wider regions, not the named places cited.

¹⁰ For licensed programs, this ratio dropped to under 2:1 when limiting the comparison to GFDC programs (with statewide data available) rather than also including DCC information (unavailable to the review for the City).

registered or licensed providers, respectively), rates for both **registered** and **licensed** programs outside the City were at least three times greater than those in the City, each year.

Complaint categorizations

- Categorizations of complaints’ “seriousness” in New York City and elsewhere in the state continued to show clear differences between the City and the balance of the state: 1) Each year of the three-year period ending March 31, 2013, the City designated between 90 percent and 98 percent of its total complaints as “imminent danger” compared with just 0 percent to 2 percent of complaints elsewhere; 2) in parallel fashion, “serious” complaints represented anywhere from 69 percent to 91 percent of total complaints outside of the City each year, but only 1 percent – 8 percent of complaints within New York City.
- For the balance of the state only, regulatory status, more so than modality, per se, also appears correlated with how complaints are categorized, with “non-emergency” complaints relatively more common for licensed programs than for registered programs, irrespective of modality (20 percent – 30 percent, versus 8 percent – 16 percent of complaints, respectively), and “serious” complaints correspondingly less common for licensed programs than for registered programs (69 percent – 79 percent, versus 84 percent – 91 percent of complaints, respectively).

Timeliness initiating and determining/closing complaints

- **Registered** programs - For the year ending March 2013, New York City again maintained its prior-year 100 percent timeliness level in *initiating* complaint investigations, while the balance of the state showed a small decline over the same period (to 97 percent), reversing the prior year’s 1 percent gain on its still-strong performance. Both the City and the rest of the state generally maintained their prior-year (and still not equal) timeliness in *determining and closing* complaint investigations for registered programs (holding at 95 percent for the City and rising from 89 percent to 90 percent outside of the City, compared with the prior year).¹¹
- **Licensed** programs - Complaint investigations outside of New York City continued to be *initiated* less promptly than they were for registered programs (four – nine percentage point differences in each of three years ending March 2013). For all practical purposes, this was not true for the City, where timeliness in initiating complaint investigations for licensed programs *declined* to 99 percent the third year of the period but never fell below 97 percent throughout the interval. This compared with a promising one-year gain from 89 percent to 93 percent, outside the City, in initiating such investigations on time for the year ending March 2013. Complaint *determination and closures* were also less likely to be timely for licensed programs than for registered programs, but this effect was both more pronounced outside of New York City than within the City (5 percent – 9 percent,

¹¹ See *Background* (under *Complaints*, pg. 15) for details on complaint timeliness calculations for this review. As detailed in Appendix A.3 (pg. 52), 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 measurements from the corresponding OCFS performance standards for registered programs, especially for years further removed in time from the present, due to limitations of the *retrospective* measurements required.

vs. 3 percent – 6 percent differences per year, respectively), and diminishing over time, statewide. For the year ending March 2013, New York City’s timeliness in determining/closing investigations for licensed programs improved to 92 percent, from 89 percent the prior year, while in the rest of the state, it improved to 85 percent, from 80 percent the previous year.

Complaint substantiation rates

- As in the last several reports in this series, in the three-year period ending March 31, 2013, there were modest, but inconclusive 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 complaints rated as serious, substantiation rates in New York City were at least 12 percentage points lower than in the balance of the state, as a whole, for each of the three years preceding March 2013, although the number of complaints in this category in New York City was small. For complaints categorized as reflecting imminent danger, the substantiation rate was at least 15 percentage points lower in New York City than in the rest of the state for the earliest and latest of the three years, but the number of complaints in the category was small outside of the City.

Application Processing

Number of applications¹²

- Virtually doubling the trends in the last review, total **registration** application counts for the year ending March 2013 decreased in New York City (–19 percent), the balance of the state (–14 percent) and statewide (–16 percent), compared to the prior year. As a consequence of the acceleration, the corresponding decline over the three years ending March 2013 was sharper in the City than elsewhere (–27 percent versus –20 percent, respectively) – the reverse of the last review. The downward trend was broad-based, *geographically*, with six of seven DCCS regions showing one-year declines in these applications and all seven showing three-year declines as of March 2013. In contrast, the downward trend was selective in terms of *modality* – occurring for FDC programs (with three-year declines of –37 percent and –23 percent as of March 2013 in the City and elsewhere, respectively) but not for SACC programs (with strong three-year gains the same period: +29 percent and +11 percent in the City and elsewhere, respectively, but seen to varying degrees in all seven DCCS regions).
- Total **license** application numbers also decreased, consistent with declines the prior year except for a sharp slowing of the City’s –14 percent previous-year decline¹³ to levels below that seen outside the City. For the year ending March 2013, the one-year declines were –2 percent, –7 percent and –4 percent for New York City, the balance of the state and overall, respectively, bringing the areas’ three-year declines as of that month roughly on par (–16 percent, –13 percent, –15 percent, respectively). Despite the overall downward patterns, license application trends also varied *geographically*, with two DCCS regions showing sizable increases for the year ending March 2013 (Buffalo: +29 percent; Rochester: +18 percent), one region showing a moderate gain over the three-year

¹² Counts here represent applications received by DCCS during the respective years, and then resolved, not those requested by prospective providers during those years. See *Applications for Registration or Licensure* (p. 33).

¹³ See the decline from 1,803 to 1,549 applications in Figure 4.1 (p. 34, right side).

period ending the same month (Buffalo: +17 percent) and one region that showed declines evidencing a breathtaking –37 percent change for the year ending March 2013 (Spring Valley¹⁴).

- **License** application trends also varied *over time* and *by modality*. While six of the seven DCCS regions shared declines in GFDC applications over the three years ending March 2013, three regions (esp. Buffalo, Rochester) reversed the pattern by showing corresponding gains the last year of the period. DCC application trends tracked quite a different pattern, with two regions marking declines over the three-year period (including Long Island: –25 percent), three regions showing gains (including Rochester, Syracuse: +24 percent, each) and one region remaining unchanged (Albany, at 35 percent).

Timeliness processing applications

- Statewide, the proportion of **registration** applications processed on time for the 2012 – 2013 year rose to 94 percent, from 93 percent the prior year – the seventh year of the last nine showing an improvement on this front. Since New York City’s rate remained unchanged at an exemplary 99 percent for the three years preceding that month, the statewide change for the latest year was creditable to the improved timeliness that year, to 91 percent from 88 percent, for the balance of the state. During the three years ending March 31, 2013, New York City maintained a consistent advantage over the balance of the state in processing registration applications on time (i.e., by meeting a six-month standard), which narrowed from 11, to 8, percentage points between the first and last years of the period, respectively.
- Outside of New York City, timeliness in processing **registration** applications varied more by modality (three – eight percentage points favoring SACC, then FDC, the first two years, but declining to one point, favoring FDC, the last year). Within the City, timeliness was more consistent with respect to modality (differing by just one percentage point the first two years, increasing to four points, and consistently favoring FDC over SACC) for each of the three years preceding March 31, 2013. During the same period, New York City handled almost all FDC applications on time (rising from 99 percent to 100 percent) as compared with slightly lower proportions of SACC applications (falling from 98 percent to 96 percent the last year); in contrast, the balance of the state reached a “plateau” of performance in processing SACC applications on time (falling from 90 percent to 81 percent before returning to 90 percent) but continued making modest, steady improvements in resolving FDC applications on time – as begun in the prior report (rising from 87 percent to 89 percent to 91 percent).
- Statewide, the number of **license** applications processed on time during the year ending March 2013 held constant at 85 percent, from the prior year – still short of the 87 percent mark set two years earlier. For each year of the triennium, the percentage of these applications handled on time ranged from six – nine points lower – with the gap increasing each year – 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 2013, New York City exceeded the balance-of-state timeliness in processing license applications by 34 to 38

¹⁴ See Figure 4.2.b, p. 36.

percentage points each year (e.g., 99 percent vs. 61 percent, respectively, for the year ending March 2013).

- 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 2013, the balance of the state showed only modest timeliness, and no improvement over time, in processing DCC applications (66 percent, 64 percent, 66 percent per year, respectively) – performance only slightly superior to its handling of GFDC applications over the same period (66 percent, 61 percent, 60 percent). Taking both modalities together, the region’s overall timeliness in processing license applications (66 percent, 62 percent, 61 percent, respectively) ranged from 22 – 30 percentage points lower each year than that for processing registration applications (88 percent, 88 percent, 91 percent). In contrast, New York City, with only GFDC data available on license application processing, continued to achieve almost universal timeliness in resolving those applications (100 percent, 99 percent, 99 percent per year).

“50 Percent Inspections”

Section 390 (4) (a) of Social Services Law requires annual inspections of at least 50 percent 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, 2013 – a consistent pattern in recent years. For each of the three years preceding that date, the City met and exceeded its goal for such inspections by anywhere from over 80 percent, to almost three times over, while the required number of inspections for the balance of the state was exceeded by nearly 40 percent, to almost two times over, for each of the years.
- For the first time since before the 2009 – 2010 year, the proportion of “50 percent inspections” in which violations of applicable regulations were identified, fell, statewide (–8 percentage points, from 59 percent to 51 percent) for the year ending March 2013, compared to the previous year.¹⁵ Like the widespread decrease before 2009 but unlike the last two years’ increases driven entirely by larger numbers of violations identified in New York City,¹⁶ this year both the City and the rest of the state contributed to the statewide decline, with each reporting fewer such inspections with violations (declines from 69 percent to 61 percent, and from 47 percent to 40 percent, respectively).

¹⁵ 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 New York City and the rest of the state, throughout the 2003 – 2009 period.

¹⁶ See the summary in *Report to the Governor and Legislature ...2011 – 2012*, op. cit., p. x.

1. Introduction and Background

a) Purpose and Focus of the Study

Chapter 750 of the Laws of 1990 (SSL 390) established a new mandatory system of registration for family day care (FDC) and school age child care (SACC) programs in New York State and coordinated that system with the one already in place for licensed day care center (DCC) and group family day care (GFDC) programs. It replaced New York's patchwork registration 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, as already existed for the state's licensed day care sector.¹⁷ 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.”¹⁸

This report covers the year April 1, 2012 – March 31, 2013 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, 2012. Prior to the last (2011 – 2012) review, the reports' focus was on registered (FDC and SACC) providers – the segment of the day care universe to which the legislation applied a new registration mandate. Like the last report, however, this one widens the focus by also including licensed (DCC and GFDC) providers – who were also addressed under Chapter 750 – in order to permit a more comprehensive overview of care that should make this and future reports far more useful for management and policy purposes.¹⁹ In addition, while the focus is the 2012 – 2013 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, the present 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

¹⁷ 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.

¹⁸ *McKinney's 1990 Session Laws of New York* (West Publishing Co.), V. 1, pg. 1531. Numbering added.

¹⁹ See *Background on Child Care Registration and Licensing*, pg. 2, for an overview of different modalities of care and the corresponding regulatory frameworks.

handled.²⁰ Effective May 1, 2014, however, newly adopted regulations for family-based (FDC and GFDC) settings will require pre-application orientations for those programs, once again making orientation a possible focus in future reports. (Regulations including the same provision, pertaining to the other modalities, are still pending at this writing.) Depending on when data on the new orientation activity become available under CCFS, therefore, the next (2013 – 2014) report in this series may add annual or part-year tracking of that activity, at least for family-based programs, to the other topics currently covered, consistent with the original 1990 reporting mandate.

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).²¹ 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 a detailed array of activities including application processing, background checks, safety and facility inspections, documentation of mandated and other training, ongoing monitoring and

²⁰ 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, early in 2001 as part of the *Quality Child Care and Protection Act*.

²¹ Four years ago, 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.*

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.²² For FDC and SACC programs, such “registration services” have been provided under one of several arrangements (which have shifted over time), depending on local department of social services (LDSS) preferences. During the ten years ending with the present 2012 – 2013 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 – 2013),²³ while OCFS contracted with a steadily dwindling proportion of LDSS’s that chose to provide registration services directly (falling from eight counties in 2003 to 2 counties by 2011 – 2013).²⁴ 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 – 2013),²⁵ and OCFS contracted with NYCDOHMH to provide the services in New York City (five counties).²⁶ Between 2010 and 2011 – 2013, two additional counties previously serviced by New York State staff (Seneca, Yates) requested that OCFS contract with them (and were approved) to provide registration services through subcontracting with their local CCR&R agency. *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.²⁷

²² Figure 1, below (repeated in Appendix A.1, pg. 47) 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.

²³ See Figure 2, pg. 7, (green cross-hatch).

²⁴ *Ibid.* (dark blue hatch).

²⁵ *Ibid.* (light blue hatch).

²⁶ *Ibid.* (orange cross-hatch). See Appendix A.2 (pg. 48) for maps documenting all of the changes cited.

²⁷ Where informative for policy purposes, DCCS Regional results – *often referred to by abbreviation, as detailed in Figure 1 and Appendix A.1* (pg. 47) – are also offered, but illustrate the difficulty. For 2012 – 2013, 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

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 services²⁸ by non-state entities such as CCR&R's, NYCDOHMH or LDSS's were converted into performance-based arrangements in an effort to maximize accountability and oversight by conditioning payments for services on localities' attainment of a variety of accepted standards in completing the work. Integral to this change, all contractors were required to use a common reporting system of record, described below, and DCCS developed a series of "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, 2013, 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

proportions ranged from 43% (Syracuse Region) to 100 percent (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.

²⁸ Alone among all the performance contracts in place, one exception is NYCDOHMH's to provide *licensing* services for New York City GFDC facilities.

programs (which are licensed by New York City and not subject to OCFS’s regulatory authority).

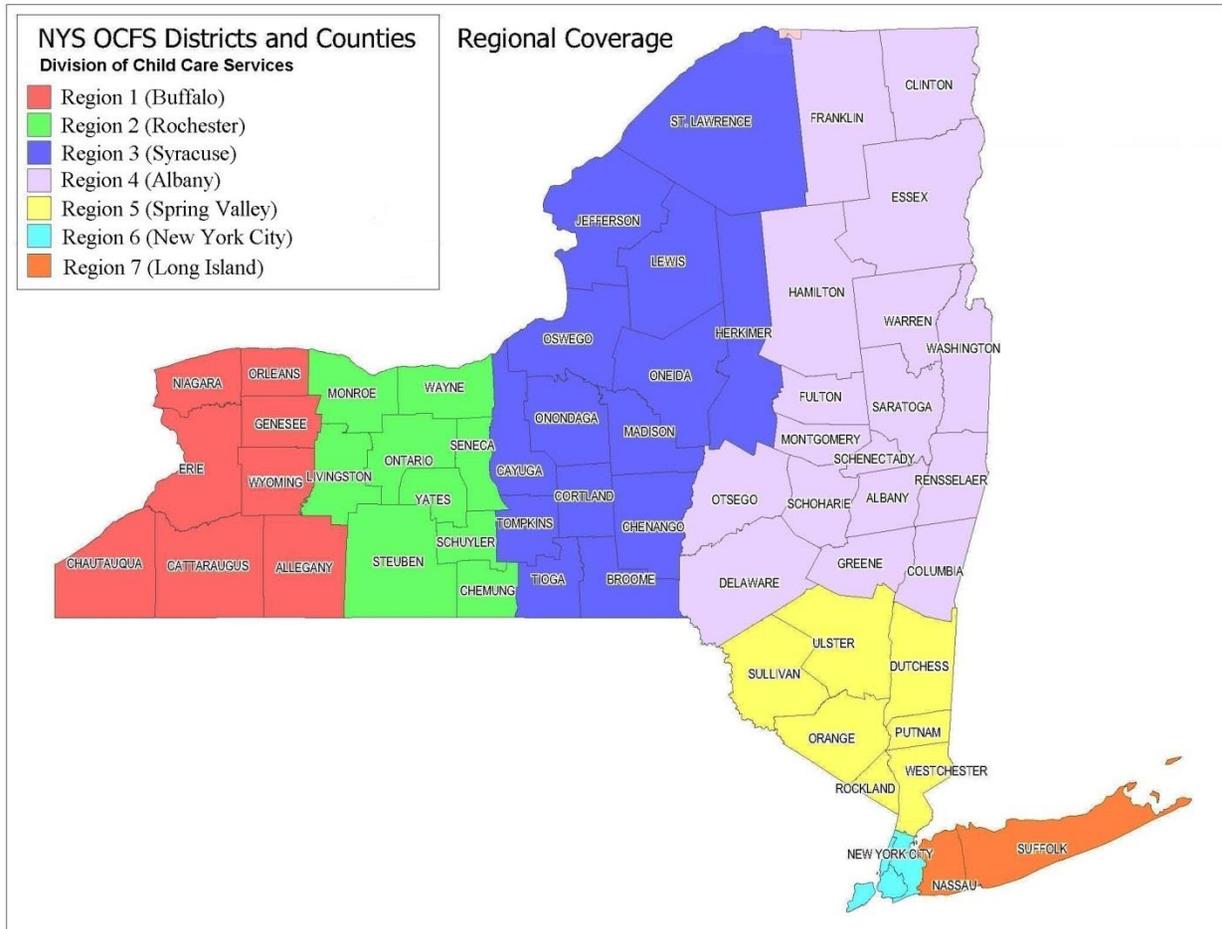
For each topic reviewed, this involved either creating new reports keyed to CCFS data or modifying DCCS’s existing performance standards, when feasible, to produce measures analogous to the originals, but customized and sometimes enhanced to fit the descriptive task at hand. For example, the analysis 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.²⁹ For readers’ reference, each chapter below overviews any computational details pertinent to understanding the respective chapter findings, while Appendix A.3 (pg. 52) provides narrative descriptions of all such rules and calculations employed for measures featured throughout the report. Appendix A.3, importantly, also provides further details on the respective chapters’ discussions of how measures presented in this report may vary from DCCS’s corresponding performance measures.

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.³⁰ The present report’s continued finding of fewer complaints reported for New York City than might be expected, based on its 40 percent-50 percent share of the population of providers, is a primary example.

²⁹ 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) 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 four 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; c) the focus on annual report periods here; and d) in some instances – detailed in each chapter – the report’s retrospective measures differ unavoidably from the performance measure due to *CCFS* data limitations or other computational factors. Readers should note that the combination of all of these factors makes certain results here look decidedly different from performance measures typically published by DCCS.

³⁰ 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*.

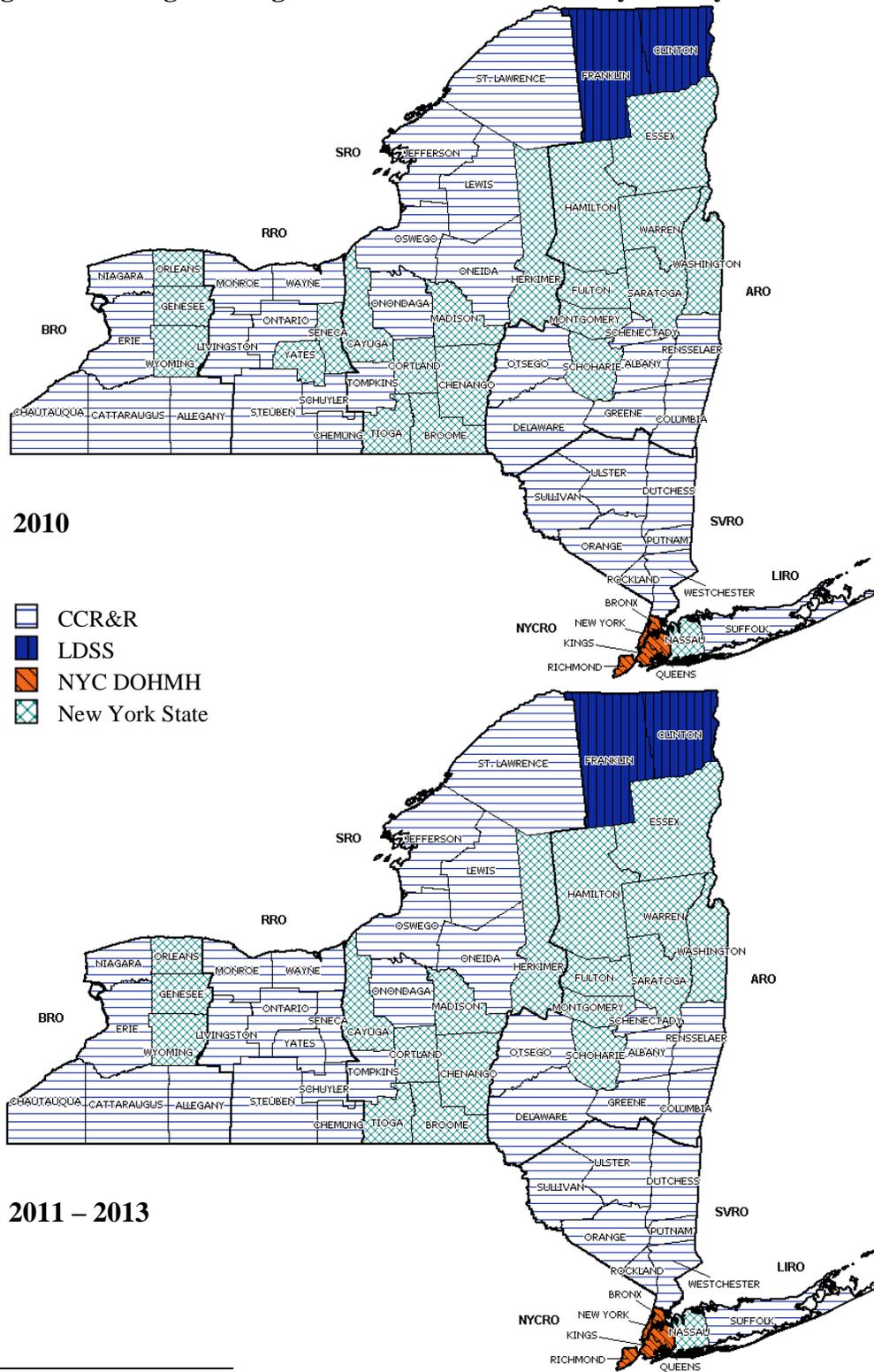
Figure 1. OCFS Division of Child Care Services Regions and Constituent Counties³¹



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

³¹ 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: 2010 – 2013³²



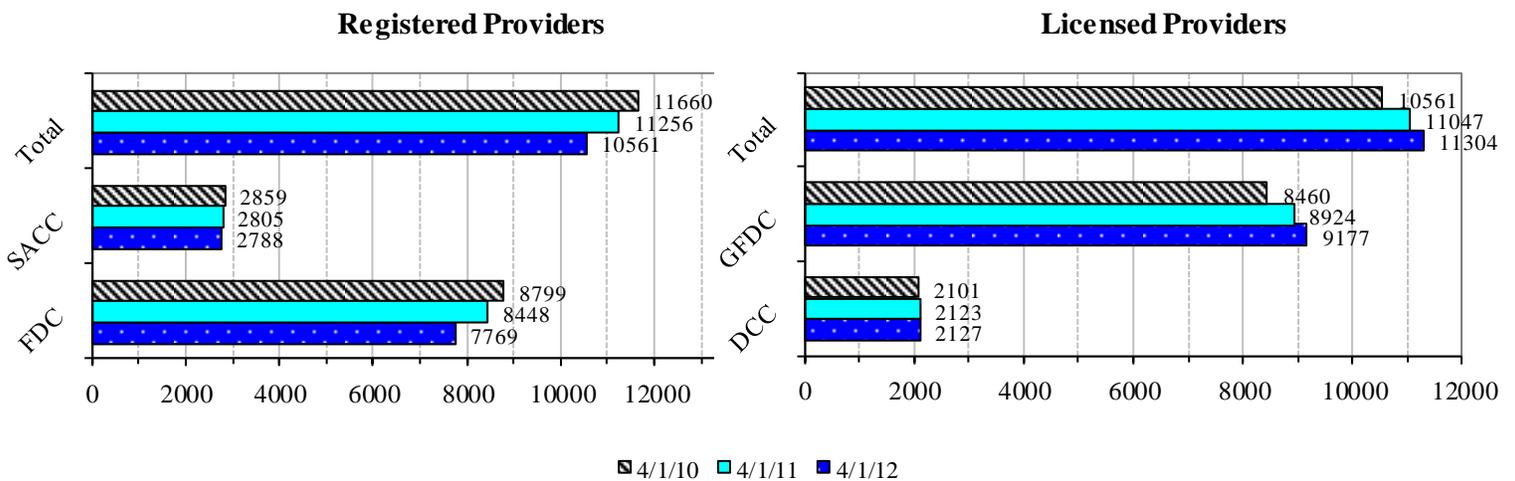
³² For both maps, one county (Oneida) served by a not-for-profit agency which was not a CCR&R agency is grouped under the “CCR&R” category displayed. See Appendix A.2 (pg. 48) for notes regarding corrections made to maps from earlier reports in this series and for full-page versions of selected maps documenting the changes discussed and other context (e.g., see 2011 – 2013 map note, pg. 51, regarding changes not reflected on map.)

2. Registered and Licensed Providers

a) Overview

The year ending March 31, 2013, saw a continuation of the downward statewide trend reported for registered providers in the prior review, as well as a clear upward trend among the universe of licensed providers first included in that review. Compared with the year before, the total number of programs registered at any point during that year declined by 6 percent (cf. last report's -3 percent change) while total licensees increased by 2 percent (cf. last report's 5 percent gain). Among the former universe, declines were far larger for FDC than for SACC programs (-8 percent vs. <-1 percent, respectively) while among the latter, GFDC programs easily showed the largest increase (+3 percent vs. <+.2 percent for DCC facilities, respectively). For the entire three-year period ending March 31, 2013, the statewide trends among registrants, -9 percent (total FDC/SACC), -12 percent (FDC) and -2 percent (SACC), closely mirrored those reported in the last review (-7 percent, -8 percent and -2 percent, respectively), reinforcing the picture of a sustained overall decline among registrants in recent years.³³ Over the same three years, total licensee numbers steadily increased, but at a slower rate (+7 percent) than registrants declined, based on increases of 8 percent and 1 percent among GFDC and DCC programs, respectively. Figure 2.1 summarizes the corresponding changes in numbers of providers ever registered or licensed during the three years concluding March 2013, by modality.³⁴

Figure 2.1
Providers Registered or Licensed at Any Point During Reporting Period,
By Modality, For Year Beginning:³⁵



³³ For example, cf. *Report to the Governor and Legislature ... April 1, 2010 – March 31, 2011*, op cit., pg. 8.

³⁴ 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.

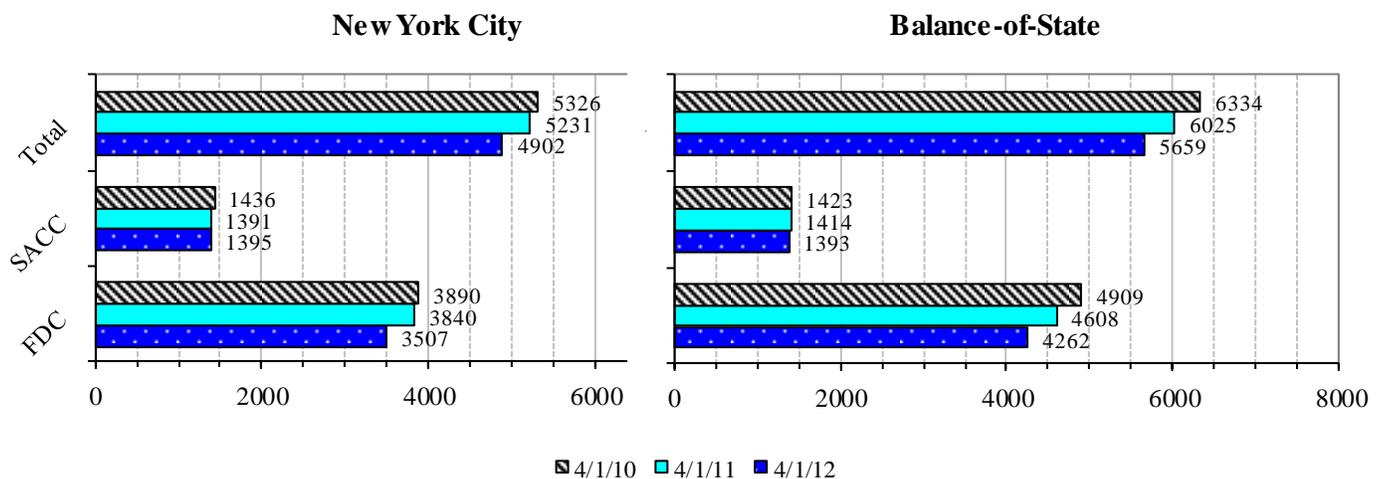
³⁵ Registered totals include $n = 2$, $n = 3$ and $n = 4$ small day care center (SDCC) programs for the 1st year (RRO), 2nd year ($n = 2$, RRO, $n = 1$, SRO) and 3rd year ($n = 1$, ARO, $n = 2$, RRO, $n = 1$, SRO), respectively; licensed DCC counts exclude New York City programs.

As detailed in an earlier report in this series,³⁶ 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) almost surely still apply, contributing to the continuing declines in registered providers and increases in licensed programs seen for this review.

b) Regional Detail

When broken down further by location, both New York City and the balance of the state mirrored these declining trends among registered (and especially FDC) programs (**Figure 2.2.a**) but the City alone (unlike in the last report) accounted for the statewide growth among licensed programs on account of the strong GFDC growth there which was absent elsewhere (**Figure 2.2.b**). As for the last review period, the City again showed somewhat smaller declines for regulated care and greater growth for licensed care, compared with the balance of the state, across the entire three-year period. For the three years ending March 31, 2013, e.g., total registrant counts changed by –8 percent and –11 percent in New York City and elsewhere in the state, respectively, while FDC registrants changed by –10 percent and –13 percent for the City and the rest of the state, respectively, and GFDC licensees increased by 13 percent and < 1 percent, respectively.³⁷ 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, with only one exception, all DCCS regions outside of New York City also shared in these trends of greater decline in registered programs, and less growth in licensed programs, as compared with New York City, during this

Figure 2.2.a. Providers Registered at Any Point During Reporting Period, By Major State Region and Modality, For Year Beginning:³⁸



³⁶ *Report to the Governor and Legislature ... April 1, 2010 – March 31, 2011*, op cit. pp. 8-9.

³⁷ 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.

³⁸ See Figure 2.1 note on a few SDCC programs' inclusion (and their locations) in registered "total" counts shown. As a result, the latter can exceed the sums of FDC and SACC counts shown for certain years and locations.

period.³⁹

Figure 2.2.b. Providers Licensed at Any Point During Reporting Period, By Major State Region and Modality, For Year Beginning:⁴⁰

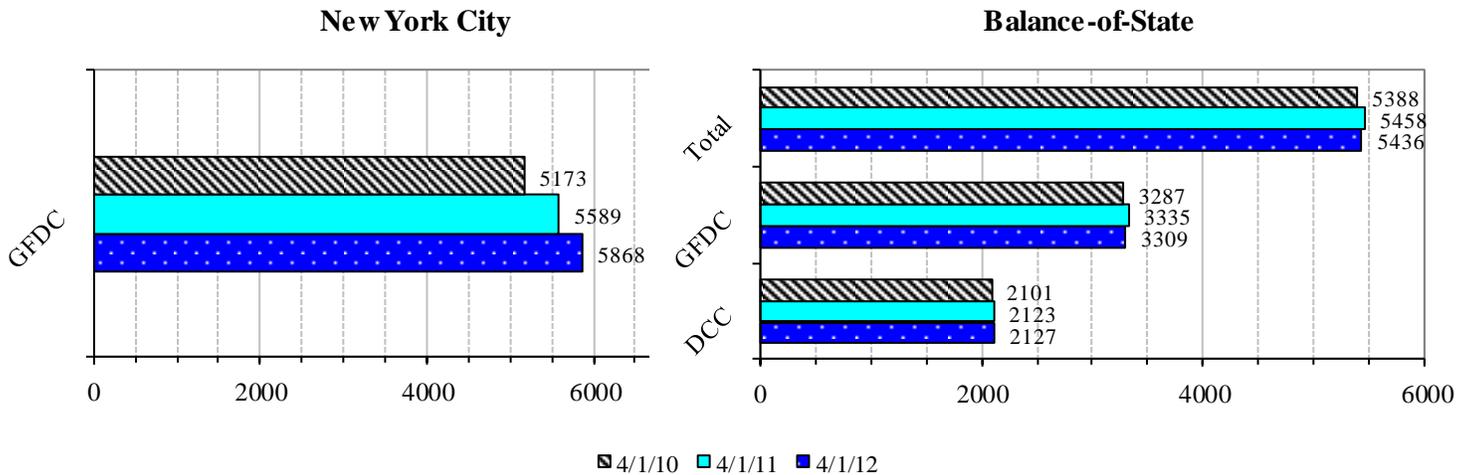


Table 2.1. Registered (FDC/SACC) & Licensed (DCC/GFDC) Providers, By Major Region & Modality: As of Any Point, As of the First Day and as of the Last Day, For Three Years, April 1, 2010 – March 31, 2013⁴¹

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	2010	3,890	1,436	Na	5,173	3,301	1,308	na	4,237	3,273	1,299	na	4,626
	2011	3,840	1,391	Na	5,589	3,271	1,299	na	4,628	3,036	1,264	na	4,976
	2012	3,507	1,395	Na	5,868	3,036	1,264	na	4,975	2,938	1,257	na	5,296
Balance of State	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	3,335	3,993	1,317	1,996	2,931	3,741	1,292	1,994	2,948
	2012	4,262	1,393	2,127	3,309	3,741	1,292	1,994	2,948	3,557	1,282	2,014	3,023
Total	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	8,448	2,805	2,123	8,924	7,264	2,616	1,996	7,559	6,777	2,556	1,994	7,924
	2012	7,769	2,788	2,127	9,177	6,777	2,556	1,994	7,923	6,495	2,539	2,014	8,319

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, 2013,

³⁹ Appendix A.4 (pg. 55) documents specific DCCS regions’ trends for the years 2010 – 2013. Specifically, five of the six regions outside of New York City (all except SRO) showed FDC declines larger than the City’s –10 percent decline for the three-year period through March 2013; in contrast, none of the six had GFDC gains even half as large as the +13 percent City gain over the same interval (the largest gain was +6 percent, for LIRO, with four of the six actually showing GFDC declines).

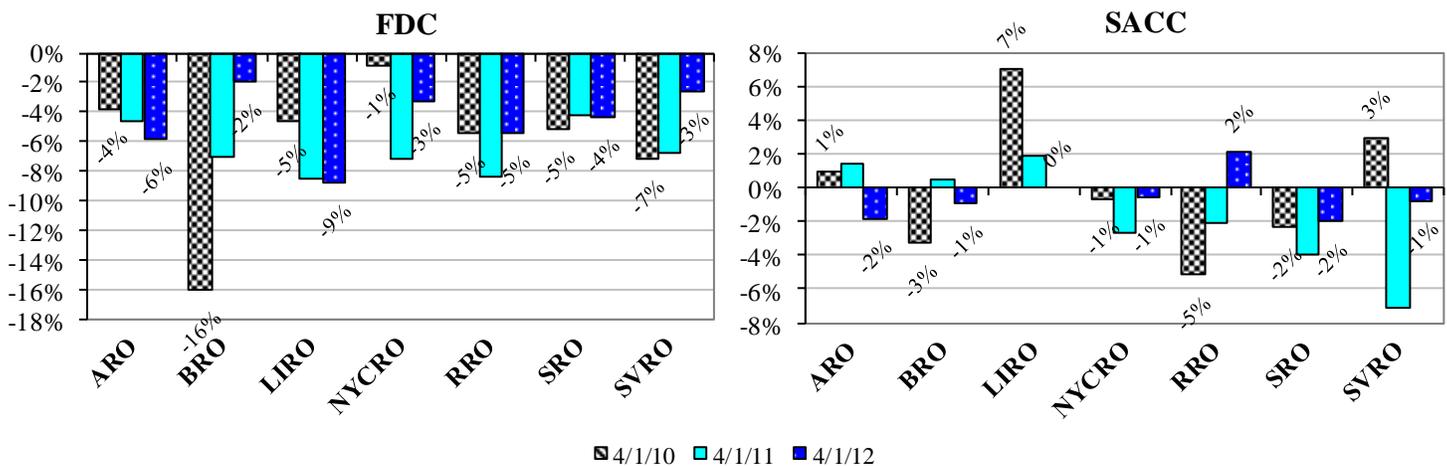
⁴⁰ Excluding day care center (DCC) programs for New York City

⁴¹ *Ibid.*

actually fell slightly (< 1 percent) from the prior year (including only marginal changes for DCC and GFDC facilities there, individually) as compared with a gain of 5 percent in the City (for GFDC programs only). For the three years ending the same date, the corresponding changes were +1 percent (total licensees and GFDC programs, each) and +1.2 percent (DCC programs) as compared with +13 percent for New York City GFDC programs alone. (Figure 2.2.b and Table 2.1, above, detail the counts underlying these trends).

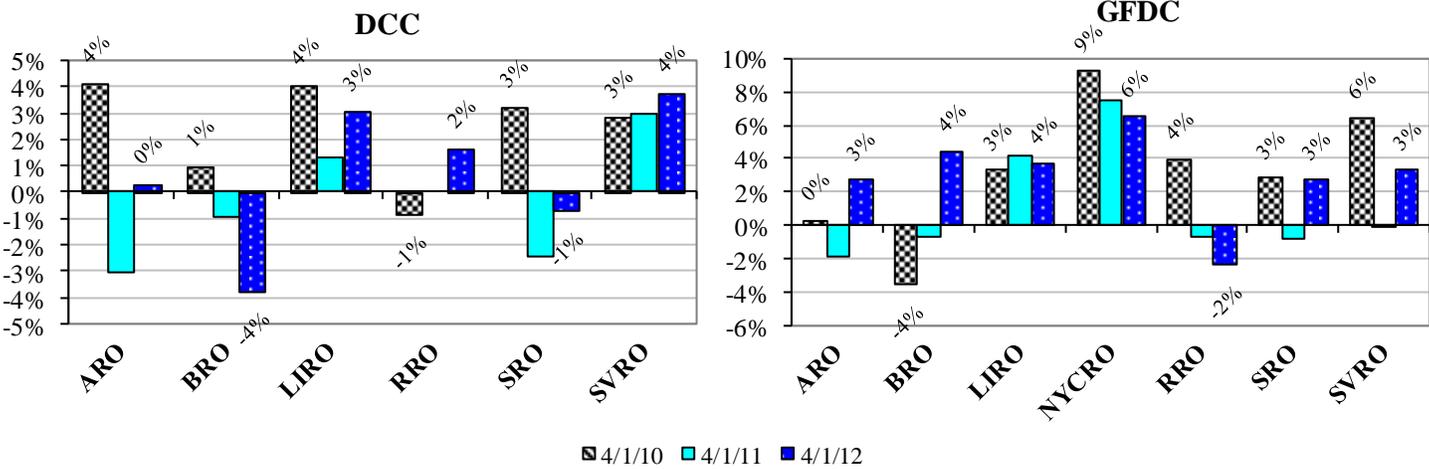
A different perspective useful for illuminating program trends within individual DCCS regions results from measuring *intra-year* change through comparisons of point-in-time measures, such as “first day” and “last day” provider counts as introduced in Table 2.1. Figures 2.3.a – b chart the change in such registrant and licensee counts, by region, for each of the three years ending March 2013. Among registered programs, FDC populations declined every single year in all seven regions, while SACC populations increased about one-third of the time, from year to year, across all regions over 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.⁴²

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



⁴² Table 2.2 in Appendix A.4 (beginning on pg. 55) details the regional provider counts summarized in Figures 2.3.a and 2.3.b.

Figure 2.3.b. Percent Change in Licensed Providers⁴³ From First Day to Last Day of Interval, By Region and Modality, For Year Beginning:



⁴³ Day care center (DCC) counts excluding New York City programs.

3. Complaints

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,⁴⁴ 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 the corresponding investigation must be *initiated*, while each allegation included in a complaint must also be *determined* (as either substantiated or unsubstantiated) within 60 days of receiving the complaint.⁴⁵ As detailed in the Appendix, both this review's measurements of timeliness for initiating, and for determining, investigations, under this framework, are conservative in slightly *understating* the timeliness of performance involved, as compared with the corresponding OCFS performance standards for registered programs, in large part due to CCFS data limitations that constrain key *retrospective* measurements employed here.⁴⁶ Due to such limitations, for clarity, the review's findings on timeliness of "determination," in particular, are usually annotated, "determination *and closure*," to emphasize that they concern a wider range of agency activity (were findings determined, corrective action plans developed, *and* complaints closed, within 60 days?) than that involved in OCFS's compliance monitoring of determinations (were *allegations substantiated or not* within 60 days?).

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, 2013, the total numbers of complaints received for **registered** (FDC or SACC) programs decreased in 5 of 7 DCCS regions and increased in only two (Buffalo [BRO], Spring Valley [SVRO]), compared with the prior year. (See *Figure 3.1.*) While all of

⁴⁴ See *Background on Child Care Registration and Licensing*, pg. 2, for a discussion of the entities responsible for registration services in different locales.

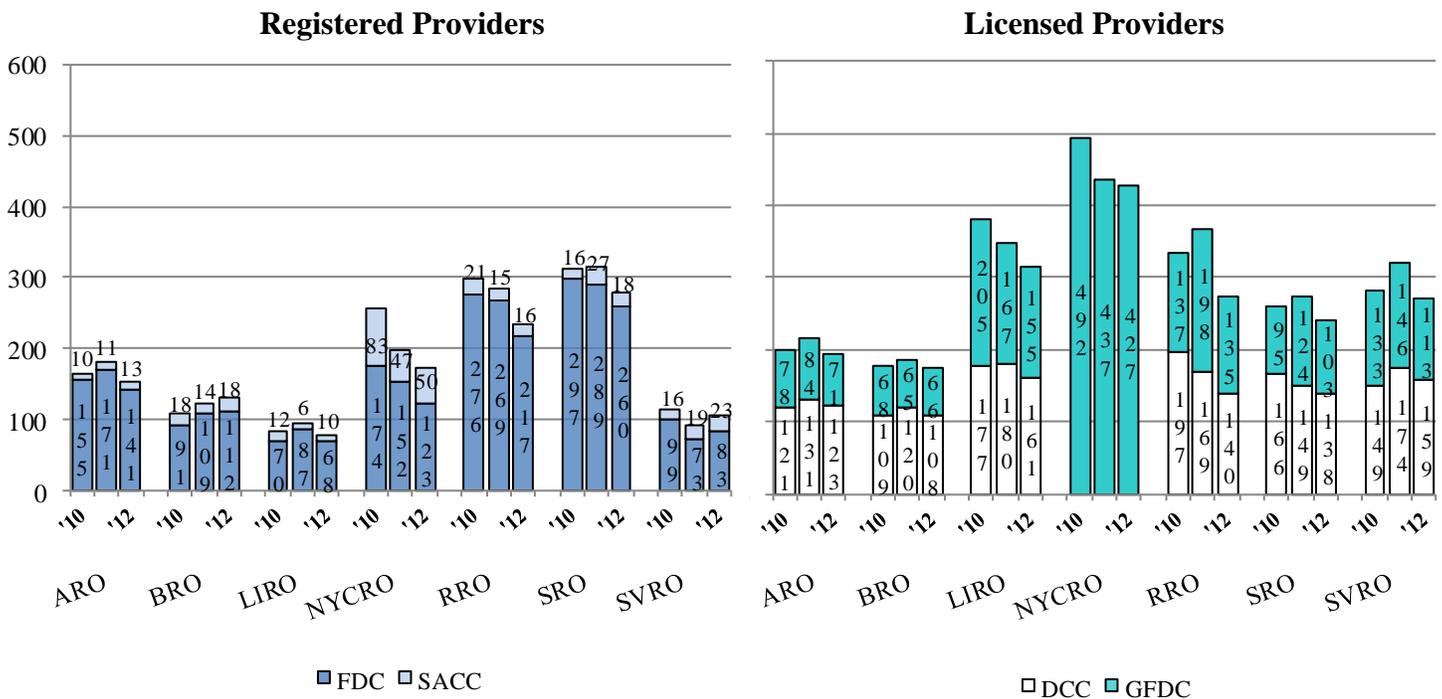
⁴⁵ This review adopts the 60-day "determination" standard nominally used in the state's performance contracting for **registered** programs in order to emphasize a conservative, consistent frame of reference (anchored in practice) in the report's broader comparisons across modalities. That standard, nonetheless, is best understood as a compromise that reconciles two 30-day standards which are technically now in effect but problematic to operationalize in practice as separate events – one for "determination" in the sense discussed, and another for closure once a determination is made. Given a window of as long as 15 days for initiating investigations, and allowances of as long as 30 days for implementation of corrective actions responding to a determination, neither determinations nor closures are *reliably* constrained to 30 days, each, prompting adoption of a conservative 60-day standard for completing "at least" determination, or both activities, as a more defensible and valid compromise measurement.

⁴⁶ Appendix A.3 details the specific time frames, definitions and situational factors that enter into measures 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. 52, especially, for details on the (slight) understatement of timeliness in complaint processing in this review, and how this could impact the comparisons made.

these changes were moderate (Rochester’s [RRO] 18 percent drop, from 284 to 233, was the largest), the fact that SACC complaints generally *increased* (in all regions but Syracuse [SRO]) despite the broader decline reveals that FDC complaints were disproportionately responsible for total declines but that both modalities’ complaints tended to contribute to total complaint increases where that occurred. All five regions (ARO, LIRO, NYCRO, RRO, SRO) showing one-year declines in total complaints for registered programs tallied drops of at least –12 percent from the prior year while two of them (NYCRO, RRO) showed substantial three-year declines of –33 percent and –22 percent, respectively. Among the minority of regions showing increases in these complaints, one evidenced a moderate one-year gain (SVRO, +16 percent, from 92 to 107) while the other showed a moderate three-year trend (BRO, +19 percent, from 109 to 130).⁴⁷

Except for the Syracuse region,⁴⁸ larger numbers of complaints were logged for **licensed** (DCC or GFDC) than for registered programs for each region during each of the three years ending March 2013. In contrast to the *mostly* decreasing one-year complaint trends seen for regions’ registered programs, total complaint numbers *universally* decreased for the latest year (compared with the prior year) for all regions’ licensed programs. While four regions’ short-term declines were modest (< 10 percent), three others’ declines were more substantial (SRO, SVRO, RRO with –12 percent, –15 percent and –25 percent changes, respectively), including one region that

Figure 3.1. Total Complaints Received for Registered and Licensed Providers, By Region and Modality for Three Years Beginning April 1: 2010 – 2012⁴⁹



⁴⁷ See Figure 3.1, left and right sides, for the annual counts relating to registered and licensed providers summarized in this and the following paragraph, respectively (from Appendix A.6, Table 3.4.a [pg. 60] and Table 3.4.b [pg. 60]).

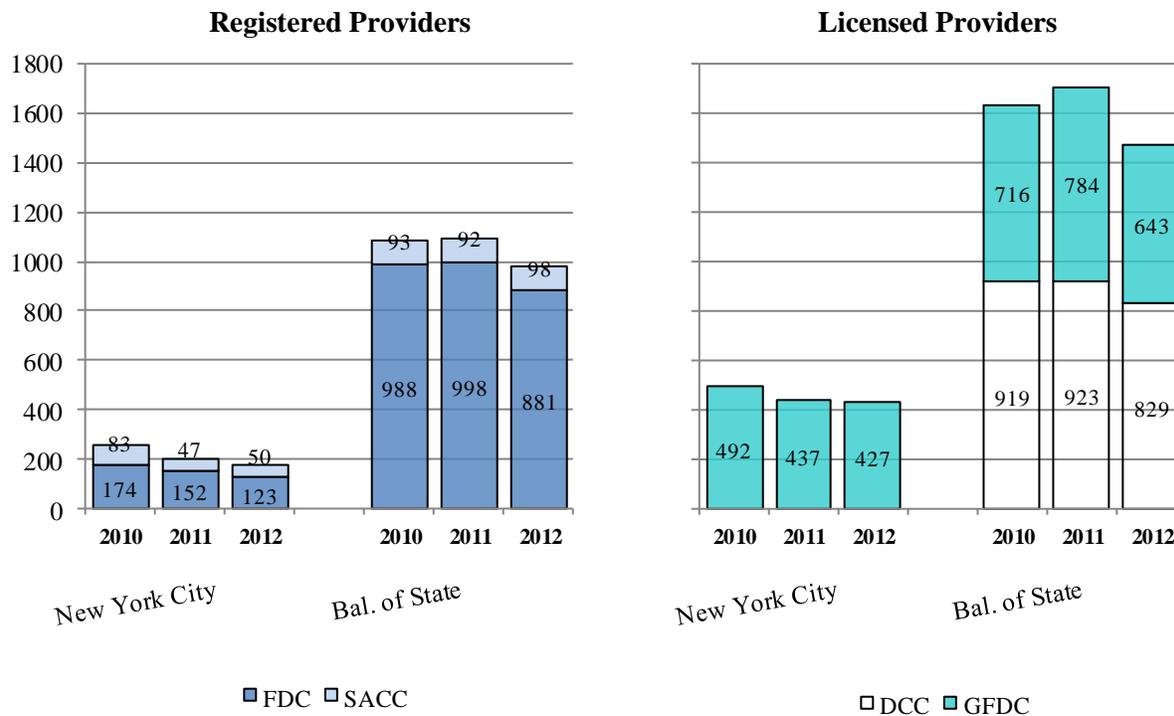
⁴⁸ Compare Figure 3.1, left and right sides (SRO, all three years).

⁴⁹ Total registered programs excluding a small number of SDCC facilities; total licensed programs excluding New York City DCC facilities.

also showed the largest decrease over the entire three years ending March 2013: Rochester's (RRO) –18 percent decline, from 334 to 275. Among the four regions showing only modest one-year declines in complaints for licensed programs, half did so as part of larger, longer-term declines: LIRO's and NYCRO's –17 percent and –13 percent declines, respectively, during the three years ending March 2013 Figure 3.1 (above) details the numbers of complaints received for registered and licensed programs, by region, underlying these trends during the same three-year period.⁵⁰

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 compares the trends in numbers of complaints filed (by modality) for registered, and for licensed, programs, in the City and elsewhere, 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 the latter two years), while for licensed programs these exceeded 3:1 annually or somewhat under 2:1 when focusing on GFDC facilities alone (*shaded, right side of Fig. 3.2*) by excluding DCC information unavailable for New York City. 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

Figure 3.2
Total Complaints Received for Registered or Licensed Providers,⁵¹
By Major State Region and Modality for Three Years Beginning April 1: 2010 – 2012



⁵⁰ See n. 47 regarding Figure 3.1 sources.

⁵¹ Total registered programs excluding a small number of SDCC facilities and total licensed programs excluding New York City DCC facilities.

which they relate, and readers are referred to the Section further below on standardized rates that facilitate such comparisons.⁵²

In addition to the ostensibly different scale of complaint-reporting for New York City versus the balance of the state during this and other recent report periods, the City and balance-of-state continued to report dramatically different mixes of “seriousness” among complaint categorizations regardless of modality of care. Table 3.1, below, details the numbers of complaints filed during the three-year window ending with the present report year, by initial seriousness ratings, for New York City and the rest of the state. Figures 3.3.a – 3.3.b then illustrate the regional distinctions in seriousness of complaints relating to registered and licensed programs, respectively, revealing only minor differences by modality but marked differences between the two major state regions: outside of the City, consistently tiny 0 percent - 2 percent proportions of imminent danger classifications, and much larger if less consistent proportions of serious and non-emergency complaints (ranging from 69 percent - 91 percent and from 8 percent - 24 percent, respectively), as compared with uniformly high (90 percent - 98 percent), generally increasing rates of imminent danger classifications within the City. Rather than reflecting an implausible, dramatic disparity in the characteristics of complaints filed in different parts of the state, however, the continuing predominance of imminent danger complaint classifications in New York City in recent years needs to be understood as the result of a policy shift emphasizing that categorization as a broad precautionary measure to expedite investigations, introduced during 2005 – 2006.⁵³

Region	Year Starting April 1,	Number of Complaints				Percent of Total Complaints By Seriousness		
		By Seriousness			Total	By Seriousness		
		Non-Emergency	Serious	Imminent Danger		Non-Emergency	Serious	Imminent Danger
New York City	2010	11	45	693	749	1%	6%	93%
	2011	4	32	600	636	1%	5%	94%
	2012	7	21	572	600	1%	4%	95%
Balance of State	2010	484	2,200	34	2,718	18%	81%	1%
	2011	556	2,203	38	2,797	20%	79%	1%
	2012	409	2,016	27	2,452	17%	82%	1%

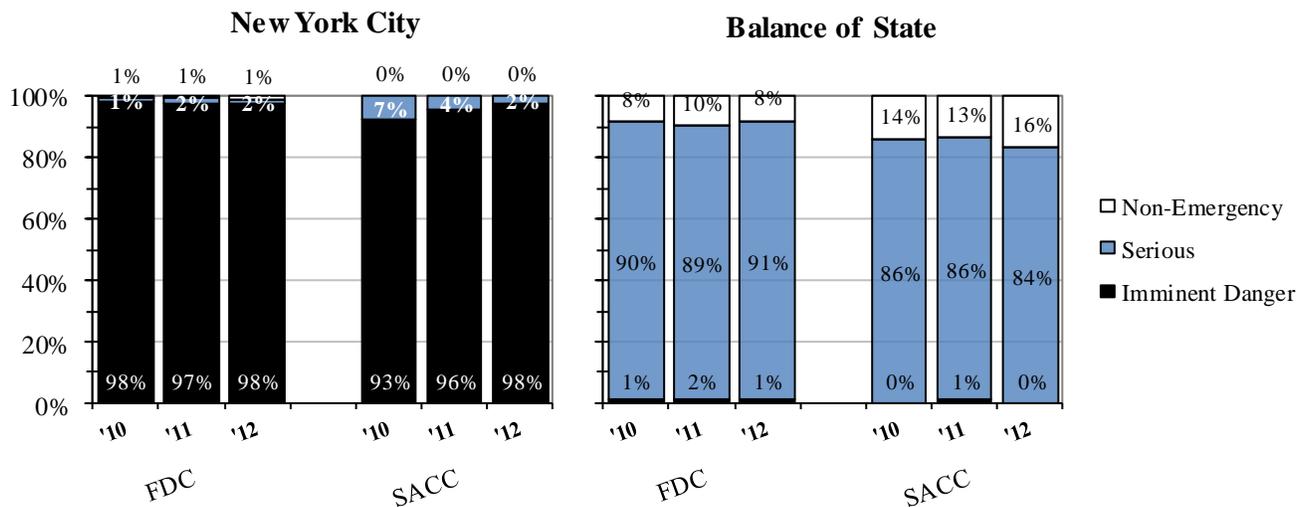
⁵² The section, *Rate of Complaints* ..., beginning on pg. 21, provides a more meaningful perspective on complaint numbers by recasting this section’s raw counts as standardized measures (i.e., complaints per registered or licensed provider) that might elicit useful policy insights (e.g., about workload).

⁵³ Given the stringent time requirements for initiating complaint investigations on imminent danger complaints, the precaution may have succeeded (see the City’s strong performance in initiating investigations: Figure 3.4.a, pg. 22). On the initial policy change, 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).

⁵⁴ Unlike the preceding summaries (such as Figure 3.2), this table is based on pooled complaints for registered and licensed facilities except for a small number of SDCC programs statewide and DCC programs in New York City. For example, total New York City $n = 600$ shown for 3rd year here = $(123 + 50) + 427$ as shown for the City’s 3rd year (FDC + SACC) and GFDC programs, respectively, in Figure 3.2 (left + right side).

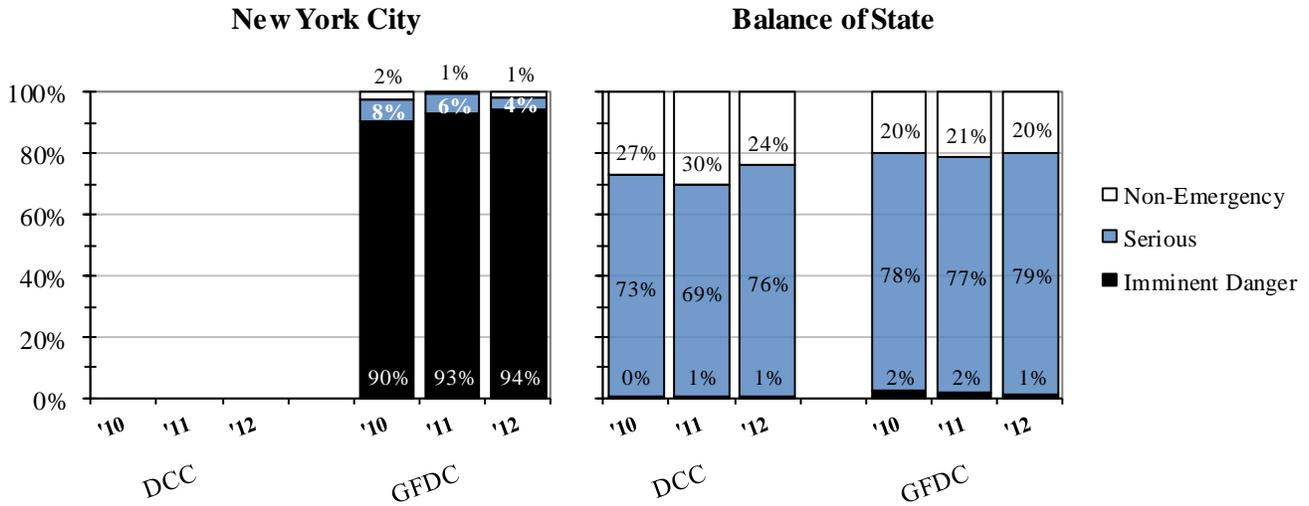
Region	Year Starting April 1,	Number of Complaints				Percent of Total Complaints By Seriousness		
		By Seriousness			Total	Non-Emergency	Serious	Imminent Danger
		Non-Emergency	Serious	Imminent Danger				
Total	2010	495	2,245	727	3,467	14%	65%	21%
	2011	560	2,235	638	3,433	16%	65%	19%
	2012	416	2,037	599	3,052	14%	67%	20%

Figure 3.3.a
Percent Distribution of Total Complaints for Registered Programs, By Seriousness, Modality and Major State Region for Three Years Beginning April 1: 2010 – 2012⁵⁵



⁵⁵ Based on complaints for registered facilities as described in n. 51 (pg. 17). As shown in Figure 3.2 (left side), above, the numbers of complaints summarized for each year/bar displayed are, in order: 174, 152 and 123 (for New York City FDC); 83, 47 and 50 (NYC SACC); 988, 998 and 881 (for Bal. of State FDC); and 93, 92 and 98 (Bal. of State SACC), respectively.

Figure 3.3.b
Percent Distribution of Total Complaints for Licensed Programs, By Seriousness,
Modality and Major State Region for Three Years Beginning April 1: 2010 – 2012⁵⁶



⁵⁶ Based on complaints for licensed facilities as described in n. 51 (pg. 17). As shown in Figure 3.2 (right side), above, the numbers of complaints summarized for each year/bar displayed are, in order: 492, 437 and 427 (for NYC GFDC); 919, 923 and 829 (for Bal. of State DCC); and 716, 784 and 643 (Bal. of State GFDC), respectively.

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 determining investigations set for the classification (see *Background*, pg. 15). 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.⁵⁷ Figures 3.4.a – b (*beginning on pg. 22*) then chart the information on timeliness of response (initiation and determination of investigations, respectively) while Figure 3.5 displays the information on the rate of complaints received for the three years culminating in the 2012 – 2013 report year.

Major Region	Year Starting April 1,	Number of Complaints			Percent of Complaints		Rate of Complaints	
		Total	Investigation Initiated Late	Investigation Determination /Closure Late	Investigation Initiated Timely	Investigation Determination /Closure Timely	Total Providers	Complaints Per 100 Providers
New York City	2010	257	1	26	100%	90%	5,326	5
	2011	199	0	10	100%	95%	5,231	4
	2012	173	0	9	100%	95%	4,904	4
Balance of State	2010	1,083	36	109	97%	90%	6,334	17
	2011	1,090	22	115	98%	89%	6,025	18
	2012	980	28	94	97%	90%	5,659	17
Total	2010	1,340	37	135	97%	90%	11,660	11
	2011	1,289	22	125	98%	90%	11,256	11
	2012	1,153	28	103	98%	91%	10,563	11

* 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 /Closure Late	Investigation Initiated Timely	Investigation Determination /Closure Timely	Total Providers	Complaints Per 100 Providers
New York City	2010	492	14	65	97%	87%	5,173	10
	2011	437	1	49	100%	89%	5,589	8
	2012	427	3	35	99%	92%	5,868	7

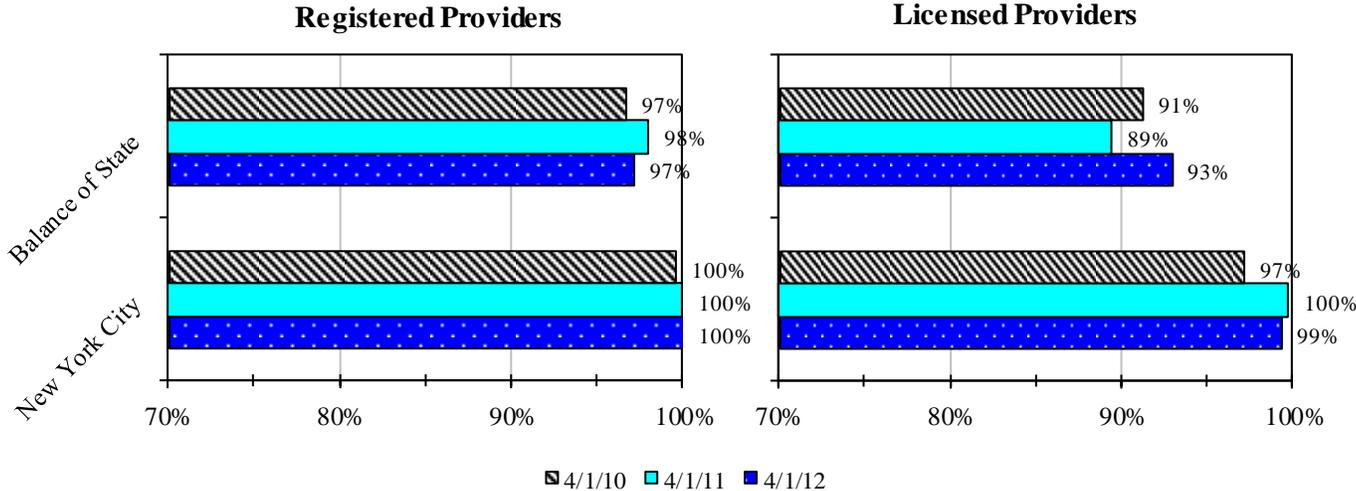
⁵⁷ As already noted, see Appendix A.3 (pg. 52) for the specific timeframes for initiating and determining complaint investigations pertinent to each complaint category (non-emergency, etc.) used in all calculations in this section. Also, note that Tables 3.3.a – b each group all complaints relating to registered or licensed providers, respectively (with calculations accounting for category of complaint), while the complaint rates shown are based on total providers registered or licensed, respectively, at any point during the respective years. Readers will find provider numbers here corresponding to those shown under *Registered and Licensed Providers* (pg. 10) and complaint counts as shown above in *Types of Complaints Received* (Table 3.1, pg. 18, summing registered and licensed facilities).

Table 3.3.b. Handling and Rate of Complaints for Licensed Programs, By Major Region and Year:** April 1, 2010 – March 31, 2013								
Major Region	Year Starting April 1,	Number of Complaints			Percent of Complaints		Rate of Complaints	
		Total	Investigation Initiated Late	Investigation Determination /Closure Late	Investigation Initiated Timely	Investigation Determination /Closure Timely	Total Providers	Complaints Per 100 Providers
Balance of State	2010	1,635	143	270	91%	83%	5,388	30
	2011	1,707	180	349	89%	80%	5,458	31
	2012	1,472	104	216	93%	85%	5,438	27
Total	2010	2,127	157	335	93%	84%	10,561	20
	2011	2,144	181	398	92%	81%	11,047	19
	2012	1,899	107	251	94%	87%	11,306	17

** 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.

For the 2012 – 2013 report year, Figures 3.4.a – b (left side) show a continuation of New York City’s uniform (100 percent) timeliness the prior year at initiating complaint investigations relating to **registered** programs, together with a slight fall-off (to 97 percent) from the balance of the state’s corresponding 98 percent level the prior year. In determining and closing such investigations, the City and balance of the state each showed somewhat similar performance about five percentage points lower than the preceding results (holding at 95 percent and rising from 89 percent to 90 percent, respectively).⁵⁸

Figure 3.4.a. Percent of Investigations Initiated On Time for Registered and Licensed Providers, By Major State Region, For Year Beginning:⁵⁹

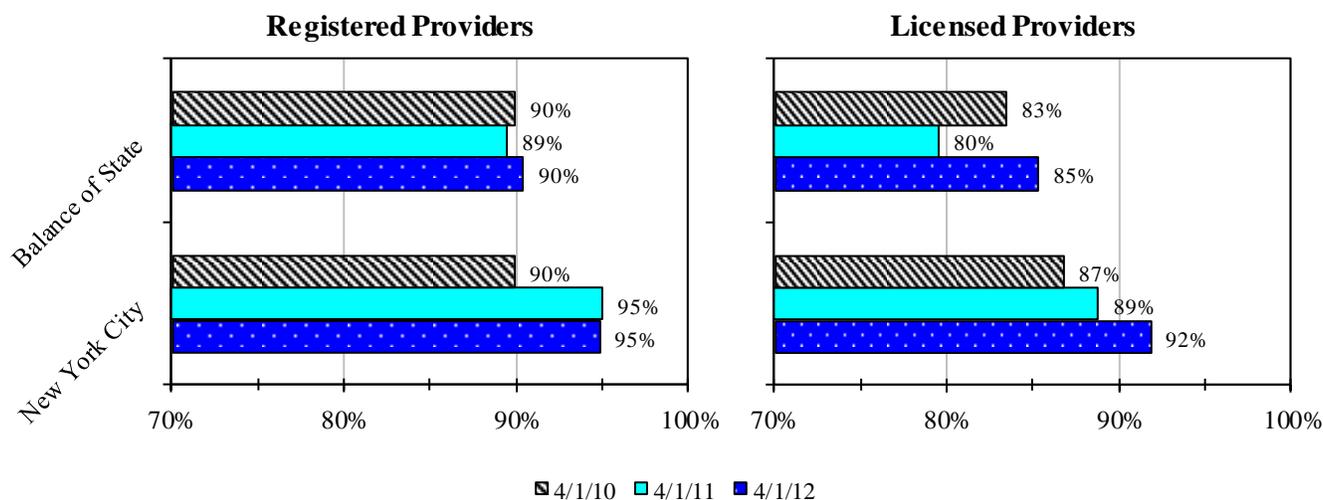


⁵⁸ Given the short time frame allowed for initiating investigations of imminent danger complaints, New York City’s reliance on that classification (see Figures 3.3.a - b, pg. 19) makes its uniform timeliness at initiating investigations for registered programs during this reporting period especially noteworthy – a consistent trend.

⁵⁹ Tables 3.3.a – b (pg. 21, “Totals”) detail the counts of complaints for registered and licensed providers summarized in each bar in the left and right sides, respectively, of Figures 3.4.a – b.

For **licensed** programs, the right side of Figures 3.4.a – b show that New York City maintained consistent timeliness in initiating investigations (100 percent-99 percent) and made modest improvements in determining/closing investigations on time (rising from 89 percent to 92 percent) while the balance of the state showed slightly larger improvements in timeliness (rising from 89 percent to 93 percent, and from 80 percent to 85 percent for initiating and determining/closing investigations, respectively).

Figure 3.4.b. Percent of Investigations with Timely Determinations/Closures for Registered and Licensed Providers, By Major State Region, For Year Beginning:



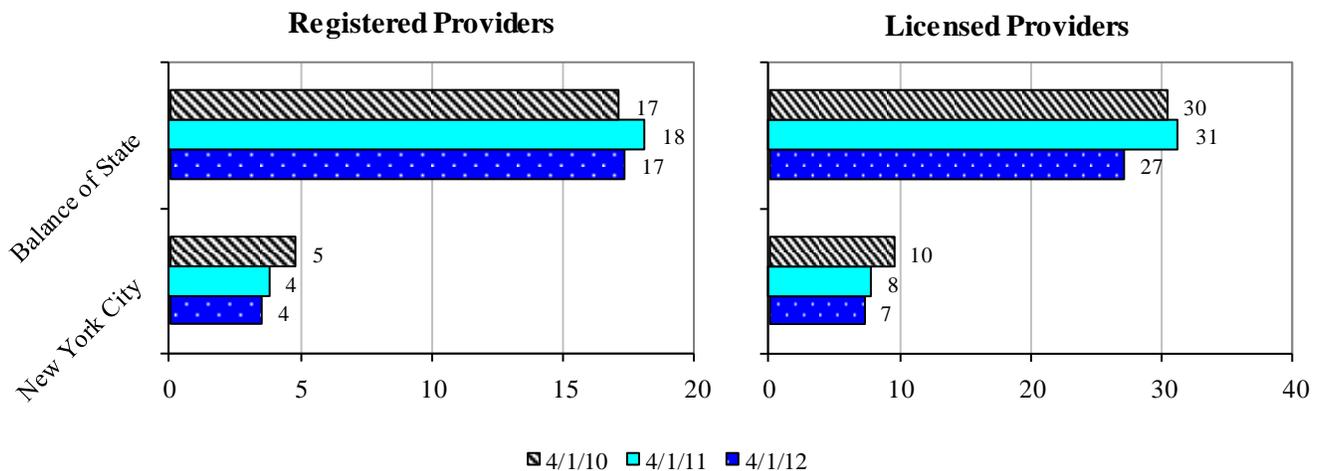
Summarizing Figures 3.4.a – 3.4.b in a different way, complaint investigations outside of New York City were generally initiated slightly less promptly for licensed, than for registered programs (Figure 3.4.a, left/right differences of four – nine percentage points per year), but this was not as true, if at all, within the City (differences of zero – three percentage points). Complaint determinations, likewise, were modestly less likely to be established in timely fashion for licensed, than for registered programs, but this was also more pronounced outside of New York City (Figure 3.4.b, left/right differences of three – six and five – nine percentage points in and outside of the City, respectively). Before proceeding further, the question of how to *interpret* such differences, however, is critical to any appropriate use and understanding of this report’s data.

The inclusion of licensed as well as registered programs beginning with the last report in this series (covering the year ending March, 2012) affords readers seemingly easy comparisons between two sectors of New York’s regulated child care universe which have not been readily compared, previously. 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 a prime example, 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 series’ many comparisons – for example, number, training and responsibilities of staff, or other issues, all unavailable to these annual reviews – 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 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.⁶⁰ For the 2012 – 2013 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 17:4*), while for licensed providers a similar disproportion (*27:7*) appeared. For the same year, 1.6 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 27:17 and 7:4, respectively*).

Figure 3.5. Number of Complaints Per Year Per 100 Registered or Licensed Providers, By Major State Region, For Year Beginning:



Underlying the almost always timely (97 percent - 100 percent) initiation of investigations of registered programs, the *nearly* as timely (90 percent - 95 percent) determination and closure of such investigations, and the generally improving but somewhat less timely corresponding activities for licensed programs, seen above, were clear differences among DCCS regions' complaint-handling trends. For **registered** programs, the broad success at initiating investigations on time (left-side of Figure 3.4.a) left scant room for regional variation, with 6 of

⁶⁰ 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.

7 regions meeting a 96 percent standard or better for the year ending March 2013.⁶¹ But the more modest performance and improvement in determining and closing such investigations on time, especially outside of New York City (reaching 90 percent, overall: Figure 3.4.b), concealed greater regional variation, with 4 regions' timeliness improving and 2 declining, compared with the prior year, but none of the 6 meeting a 95 percent standard for the year ending March 2013⁶² With respect to **licensed** programs, the promising upturn in *initiating* investigations on time outside the City (from 89 percent to 93 percent: Figure 3.4.a) concealed clear differences in the parity of improvements achieved for registered and licensed programs, with 5 regions exceeding or nearly meeting a 95 percent standard for both types of programs (ARO, BRO, LIRO, NYCRO, SRO) but two showing more or less prominent differences always favoring registered programs in this respect⁶³. Finally, in *determining* and closing complaint investigations for licensed programs outside of the City, the latest-year improvement seen (from 80 percent to 85 percent: Figure 3.4.b) concealed marked regional differences which nevertheless had little impact on meeting the standard for performance since only one of the six regions in question (LIRO) met a 95 percent timeliness standard for this activity for the year ending March 2013 while none did, the year before.⁶⁴

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 2012 – 2013 (17 per 100 registered providers, Figure 3.5, above), rates for that same year for some regions outside New York City ranged from as low as 35 percent less (11 per 100, for the Spring Valley region [SVRO]) to as high as 35 percent more (23 per 100, for the Buffalo region [BRO]). For the same year, for **licensed** programs, similarly, two upstate regions showed complaint rates exceeding the corresponding balance of state rate (27 per 100 licensed providers, Figure 3.5) by 22 percent and 40 percent, respectively (Syracuse [SRO], with 33 per 100, and RRO, with 38 per 100) – both reflecting differences, however, which had moderated since the 2011 – 2012 report. Figure 3.6 (*next page*) summarizes this information.⁶⁵

Given the wide disparity in numbers of complaints received by major state region each year, irrespective of modality of care,⁶⁶ this review also examined the handling of complaints *by modality* by focusing on performance during the three-year period ending March 2013 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 (*next page*) details this information for New York City and the balance of the state, while Figures 3.8.a – b (further below) illustrate the

⁶¹ One of the six regions meeting the same standard the prior year, the Long Island region (LIRO), showed a 94 percent rate for the 2012 – 2013 year. See Appendix A.6 (beginning on pg. 59) for the detailed results on timeliness of response and rates of complaints, by DCCS region, summarized here.

⁶² All four improving regions nearly met that standard (ARO, BRO and RRO at 94 percent, SVRO at 93 percent) while the remaining two regions outside of the City showed less timely performance (SRO at 85 percent, LIRO at 82 percent). See Figure 3.7.b (left side), Appendix A.6, pg. 59.

⁶³ For example, see SVRO's 15 – 21 percentage point differences, each year, in Figure 3.7.a, Appendix A.6, pg. 59.

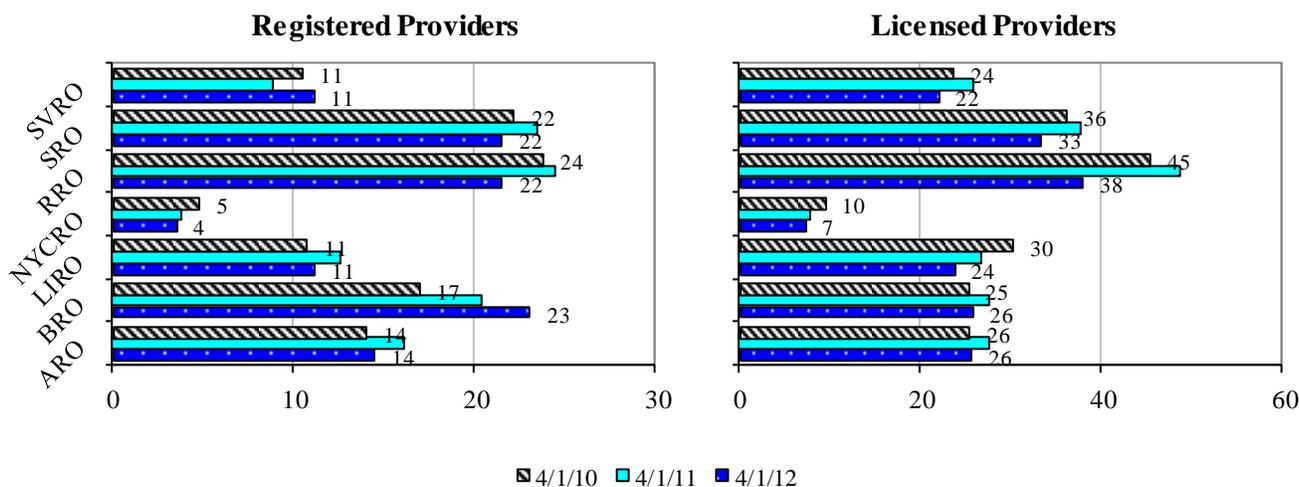
⁶⁴ Illustrating the magnitude of differences on this activity, LIRO's 97 percent rate was between 10 and 24 percentage points higher than those of half of the regions outside of the City (BRO [87 percent], SVRO [75 percent], SRO [73 percent]). See Figure 3.7.b, Appendix A.6, pg. 59.

⁶⁵ See Tables 3.4.a – b, Appendix A.6 (beginning on pg. 60), for the source data summarized.

⁶⁶ For instance, note *both sides* of Figure 3.2's (pg. 17) annual complaints picture by major region and modality.

findings on timeliness of response in initiating and in determining complaint investigations, respectively. Figure 3.9 (pg. 29) then summarizes the findings on three-year complaint rates by modality.⁶⁷

Figure 3.6. 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 /Closure Late	Investigation Initiated Timely	Investigation Determination /Closure Timely	Total Providers	Complaints Per 100 Providers
New York City	DCC	na	na	na	na	na	na	na
	FDC	449	0	23	100%	95%	4,933	9
	GFDC	1,356	18	149	99%	89%	7,031	19
	SACC	180	1	22	99%	88%	1,659	11

⁶⁷ 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. 58 or Table 3.4.a, pg. 60) 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. 62) details the results on handling and rates of complaints by specific DCCS region and modality for the three years ending with the 2012 – 2013 report year.

⁶⁸ For all regulated providers except DCC programs in New York City and tiny numbers of SDCC programs, statewide (as discussed elsewhere in report). Note that “total providers” and complaint rates shown in this table are not directly comparable to those shown earlier. The former are *unduplicated* counts of providers (by modality) registered/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 [13,623] with that [“any point”] from Table 2.1 [32,089].) In contrast, numbers of complaints here represent three-year totals. As a result, the three-year rates shown are considerably larger than the one-year rates shown previously.

Major Region	Modality	Number of Complaints			Percent of Complaints		Rate of Complaints	
		Total	Investigation Initiated Late	Investigation Determination /Closure Late	Investigation Initiated Timely	Investigation Determination /Closure Timely	Total Providers	Complaints Per 100 Providers
Balance of State	DCC	2,671	207	381	92%	86%	2,361	113
	FDC	2,867	77	269	97%	91%	6,050	47
	GFDC	2,143	220	454	90%	79%	4,056	53
	SACC	283	9	48	97%	83%	1,621	17

For complaints relating to **registered** programs, Figures 3.8.a – b (left side) show small (2-3 percent) regional differences in timeliness but no modality differences in initiating complaint investigations on time, in either region (unlike the last report's gap favoring FDC programs); at the same time, there was a seven-eight percentage point gap in determining and closing complaint investigations on time, statewide, favoring FDC programs – just as in the 2011 – 2012 review. For **licensed** programs, outside of New York City, the same Figures (right side) show complaint investigations more likely both to be initiated *and* determined/closed on time for day care centers (DCC) than for group family day care (GFDC) programs (2 and 7 percentage point differences, respectively), while within the City, investigations of GFDC programs were more likely to be initiated on time than to be determined/closed on time (99 percent and 89 percent, respectively).

With respect to **registered** programs, even though both New York City and the balance of the state showed better timeliness in determining/closing FDC complaint investigations than for SACC investigations, in the City the three-year complaint rates per provider were marginally lower for FDC providers than for SACC providers (9 and 11 per 100, respectively) while elsewhere in the state those rates were far higher for FDC than for SACC providers (47 and 17 per 100, respectively) – a pattern unchanged since the 2003 – 2006 review. With respect to **licensed** programs, even though complaint investigations of DCC settings outside of New York City were more often initiated and determined on time than those involving GFDC programs in the same area, three-year complaint rates per provider – perhaps counter-intuitively – were far higher for DCC providers than for GFDC providers (113 and 53 per 100, respectively).⁶⁹ Figure 3.9 summarizes all of these details.

⁶⁹ Readers should note the distinction, once again, between the modality-specific *three-year* rates discussed here (and in Table 3.5, pg. 26) and the *annual* rates shown earlier in this Section for registered or licensed providers, overall.

Figure 3.8.a. Percent of Investigations Initiated On Time for Registered and Licensed Providers, By Major State Region and Modality: 4/1/10 – 3/31/13⁷⁰

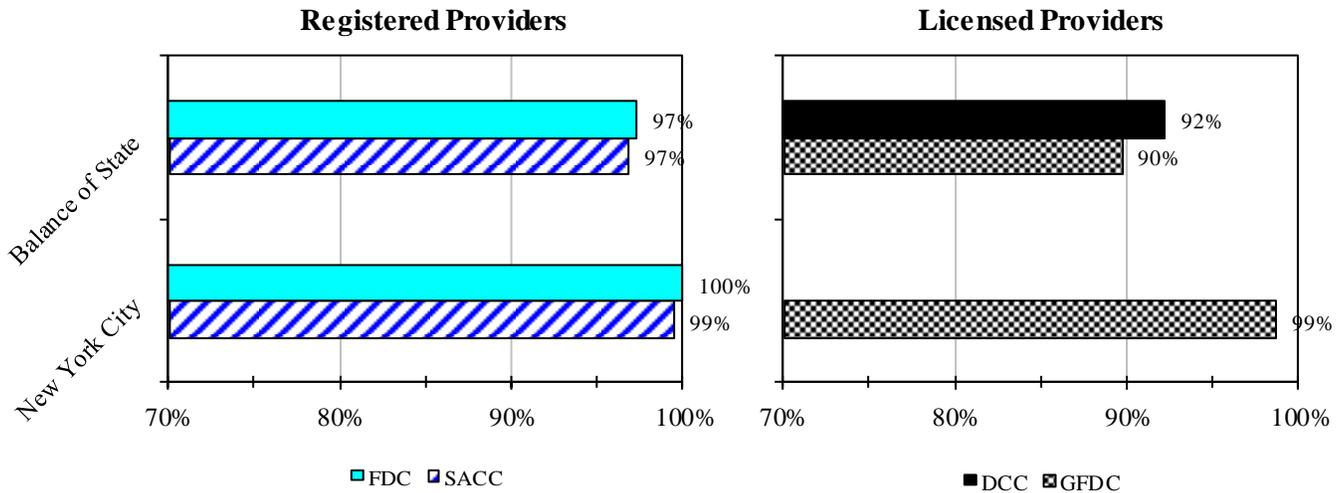
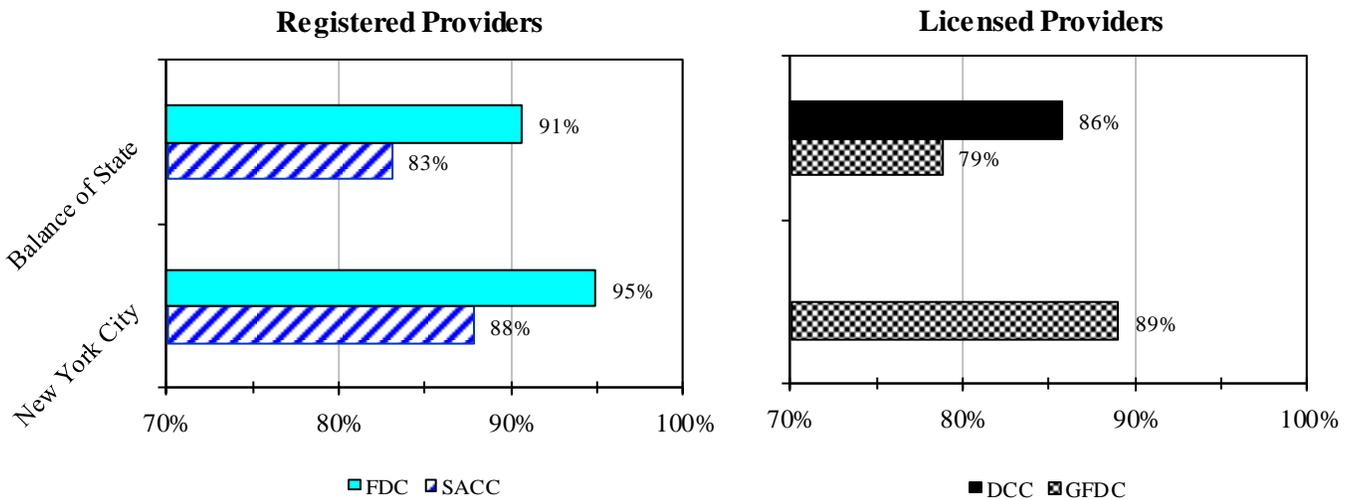


Figure 3.8.b

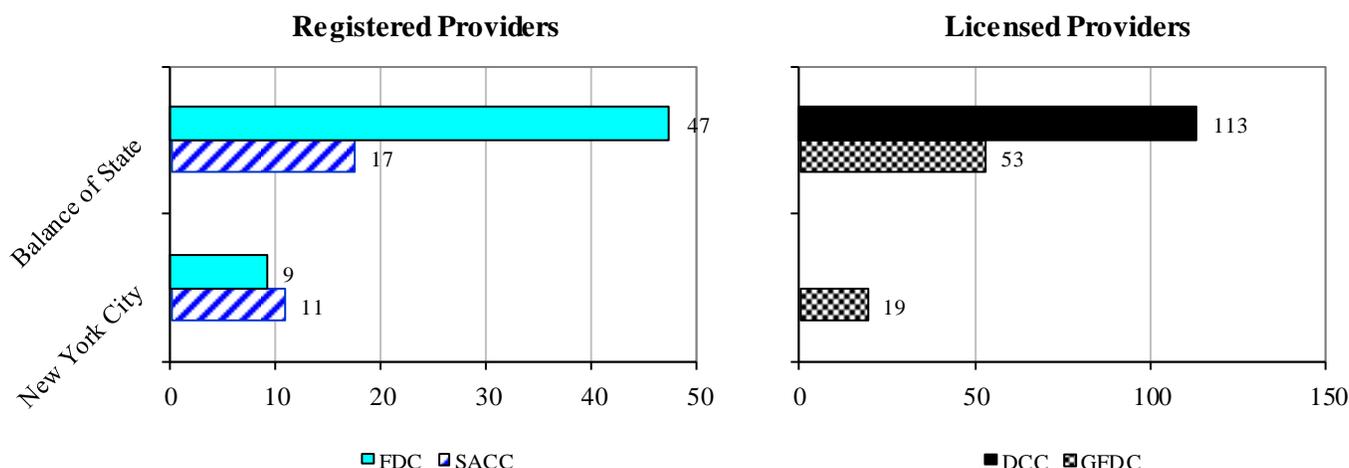
Percent of Investigations with Timely Determinations/Closures for Registered and Licensed Providers, By Major State Region and Modality: 4/1/10 – 3/31/13⁷¹



⁷⁰ 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. 26) details the three-year total complaints summarized in each bar in Figures 3.8.a-b, as follows: 2867 and 449 (FDC for Balance of State [BOS], NYC, respectively), 283 and 180 (SACC for BOS, NYC, respectively), 2671 (DCC for BOS), 2143 and 1356 (GFDC for BOS, NYC, respectively).

⁷¹ For the definitions of registered or licensed programs included or excluded from both Figures on this page, see *Ibid.*

Figure 3.9. Three-Year Number of Complaints Per 100 Registered or Licensed Providers, By Major State Region and Modality: April 1, 2010 – March 31, 2013



As in other recent reports in this series, there was additional but inconclusive evidence of regional differences in the *disposition* of investigations (i.e., were complaint allegations substantiated or not?) for complaints received during the 2012 – 2013 year, with modestly 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 danger.”⁷² 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,⁷³ by major state region, while Figures 3.10 – 3.12 illustrate the regional contrasts in dispositions reported for each category of complaint, separately.⁷⁴

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	2010	55%	45%	0%	76%	7%	18%	67%	26%	7%
	2011	75%	25%	0%	78%	22%	0%	65%	29%	7%
	2012	57%	43%	0%	71%	24%	5%	55%	34%	11%

⁷² “Non-emergency” complaints were so rare in the City (< one dozen for each of the three years here: see Table 3.1, pg. 18) that the City’s sometimes-higher rate of substantiations for such complaints, compared with elsewhere in the state (e.g., Figure 3.10, pg. 30), rated less confidence for this discussion.

⁷³ 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”).

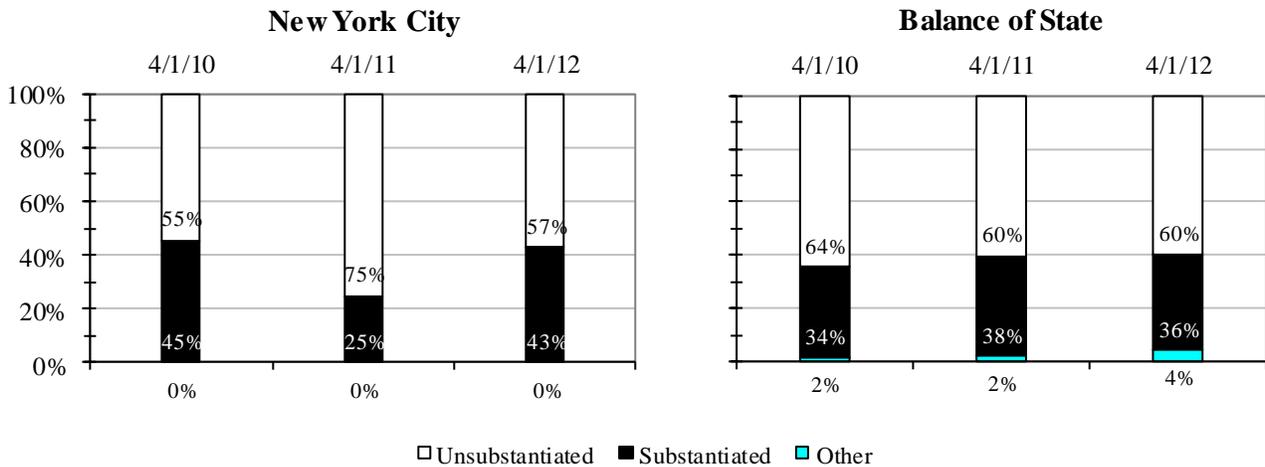
⁷⁴ See Table 3.1 (pg. 18) for the total annual complaint counts used to calculate the percentages shown for each bar in Figures 3.10 – 3.12. For reference, the counts are highlighted in the respective Figures’ footnotes.

Table 3.6. Percent of Complaints by Seriousness and Major Disposition Category, By Major State Region, For Three Years, April 1, 2010 – March 31, 2013*										
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
Balance of State	2010	64%	34%	2%	57%	39%	4%	41%	41%	18%
	2011	60%	38%	2%	58%	37%	5%	50%	26%	24%
	2012	60%	36%	4%	59%	36%	5%	33%	56%	11%
Total	2010	64%	34%	2%	57%	39%	4%	66%	26%	8%
	2011	60%	38%	2%	58%	37%	5%	64%	29%	8%
	2012	60%	36%	4%	59%	36%	5%	54%	35%	11%

* 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 12 or more percentage points lower than elsewhere in the state for each of the three years preceding March 2013, but reflected only modest numbers of complaints in New York City ranging from 21 to 45 (Figure 3.11, p. 31); for imminent danger complaints, the corresponding gap was 15 or more percentage points for two of the three years (again to the City’s disadvantage), but this time reflecting only modest numbers of complaints *outside* of the City (ranging from 27 to 34, each year; Figure 3.12, p. 31) and with other exceptional circumstances perhaps also clouding the comparison.⁷⁵

Figure 3.10. Percent Distribution of Non-Emergency Complaints By Disposition, For Major State Regions, for Year Beginning:⁷⁶



⁷⁵ As in the last several years, substantial numbers of imminent danger complaints outside New York City (compared with elsewhere) were found to be resolved for the reason “facility closed” for each of the three years, accounting for Figure 3.12’s unusually high proportions of “Other” dispositions for that region. Given the small samples obtained in the region, predicting how the *absence* of this circumstance may have influenced the substantiation rates reported appears next to impossible.

⁷⁶As shown in Table 3.1 (pg. 18, 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: 11, 4, 7, 484, 556 and 409, respectively.

Figure 3.11. Percent Distribution of Serious Complaints By Disposition, For Major State Regions, for Year Beginning:⁷⁷

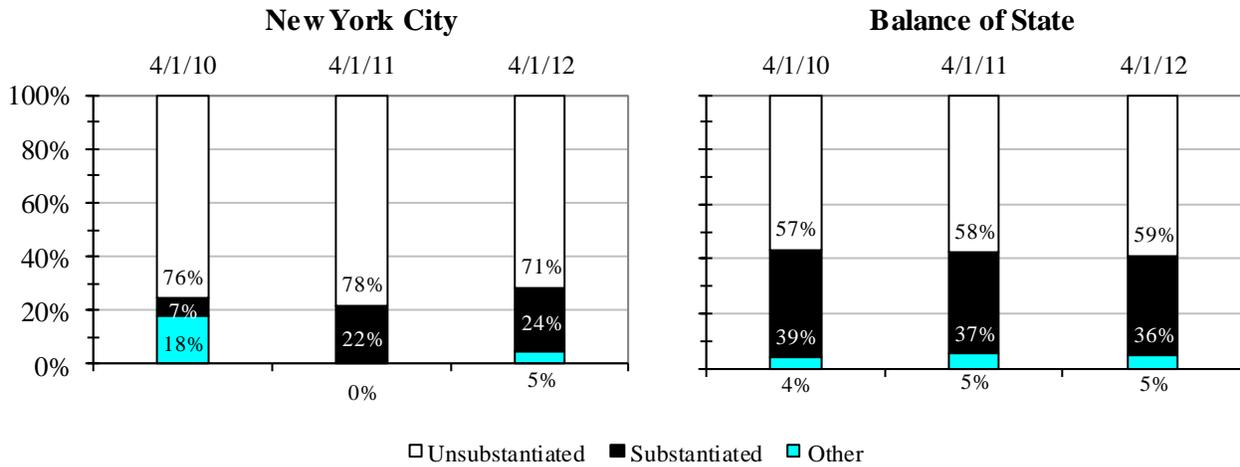
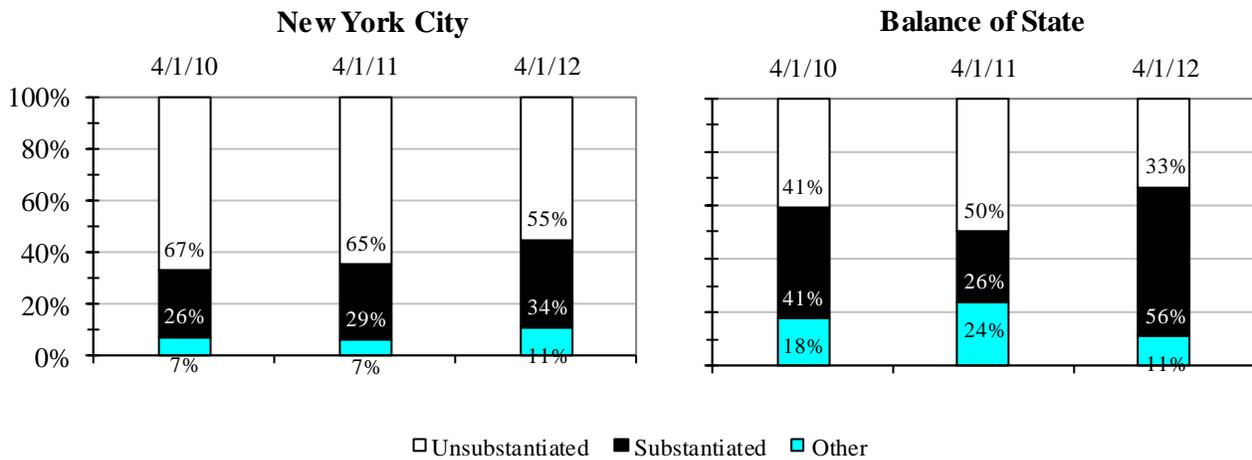


Figure 3.12. Percent Distribution of Imminent Danger Complaints By Disposition, For Major State Regions, for Year Beginning:⁷⁸



⁷⁷As shown in Table 3.1 (pg. 18, data col. 2), the numbers of serious complaints represented for each bar in this Figure are: 45, 32, 21, 2,200, 2,203 and 2,016, respectively.

⁷⁸As shown in Table 3.1 (pg. 18, data col. 3), the numbers of imminent danger complaints represented for each bar in this Figure are: 693, 600, 572, 34, 38 and 27, 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,⁷⁹ 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).⁸⁰

Partially fueling the broad, statewide decline seen for registered providers during the three-year period ending March 2013, the total number of registration applications received fell each year of the period throughout the state, but more sharply in New York City than outside of the City (-27 percent versus -20 percent, respectively, over all three years: Table 4.1.a).⁸¹ Unlike the New York City-driven growth in licensed providers over the period, the total number of license applications received each of the three years also fell statewide, and at roughly similar rates in the City and balance of the state (-16 percent versus -13 percent, respectively, over three years: Table 4.1.b). An exception to these patterns was the substantial, albeit inconsistent, growth in registration applications for the much smaller SACC sector, both in the City and elsewhere, over the three years (+29 percent versus +11 percent, respectively) – growth that was dwarfed, however, by steep declines in applications for both regions’ much larger FDC sectors (-37 percent vs. -23 percent, respectively). In regard to licensed programs, the review’s restriction to GFDC data for New York City does *not* explain the drop in applications seen, which applied both to GFDC irrespective of location (-16 percent both in the City and balance of state) and to the DCC sector outside New York City (-2 percent). Figure 4.1 (*next page*) displays the application counts underlying these trends in registration and license applications, by major state region and modality.

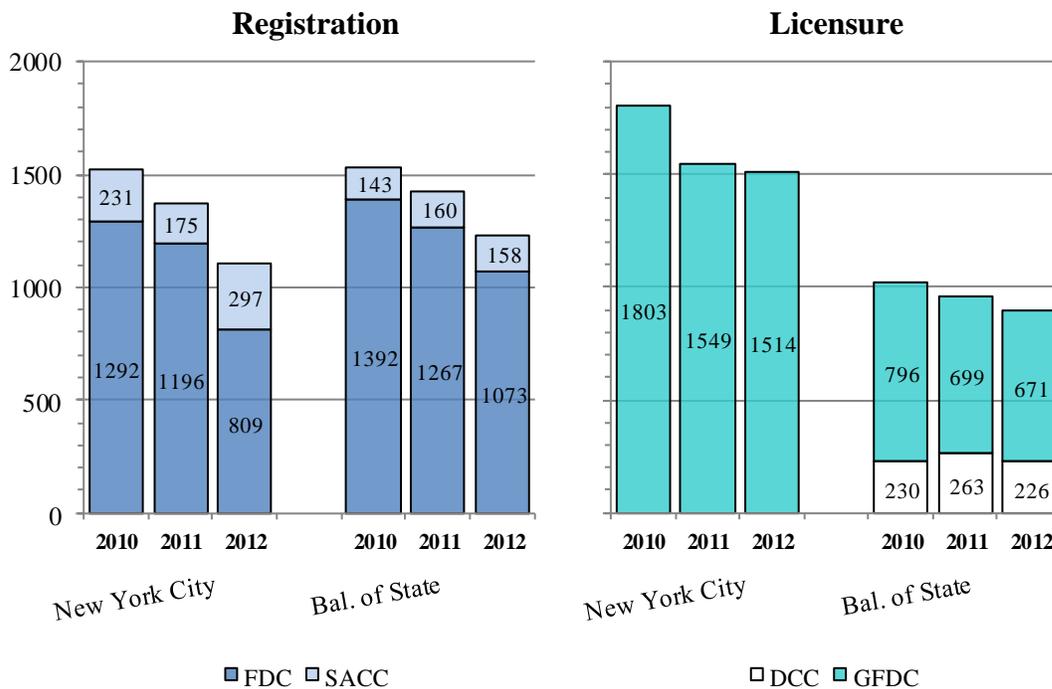
⁷⁹ This section reports on the response to applications *received*, not on the larger universe of those requested by prospective providers – some of which DCCS never receives, subsequently. In illustration, Tables 4.1.a – b (beginning p. 38) show 4,752 applications received (excluding New York City DCC facilities) for the fiscal year ending March, 2013, while a standard CCFS report shows over 18,000 corresponding applications requested for calendar year 2013.

⁸⁰ 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 percent 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 percent inspections.”

⁸¹ Calculations based on Table 4.1.a (totals) or equivalently, Figure 4.1 (summing modalities). 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., 27 percent represents the three-year New York City decline from 1,523 to 1,106 registration applications (as in Table 4.1.a) or from (231+1,292) to (297+809) as shown in Figure 4.1.

Upon examination, the declines in registration applications were widespread, geographically, but varied by modality, while the trends in license application numbers were more *nuanced*, varying by place, time and modality. For registration applications, six of seven DCCS regions showed one-year declines in total application numbers for the year ending March 2013⁸² while all seven showed such declines over the three-year period ending the same date.⁸³ Almost as consistently, five of the seven regions reported one-year *gains* in SACC applications for the year ending March 2013⁸⁴ while all seven showed such gains over the three-year period ending that month. Total license application numbers, in contrast, revealed latest-year declines – sometimes tiny – in five DCCS regions and increases in two others, and for three-year change, declines in five regions and increases in one other region.⁸⁵ While six of the seven DCCS regions shared

Figure 4.1.⁸⁶ Number of Applications for Registration or Licensure Received, By Major State Region and Modality for Three Years Beginning April 1st: 2010 – 2012



⁸² Only RRO showed a (small) gain in total registration applications that year (+3%); see Figure 4.2.a.

⁸³ See n. 81 regarding implied percentages.

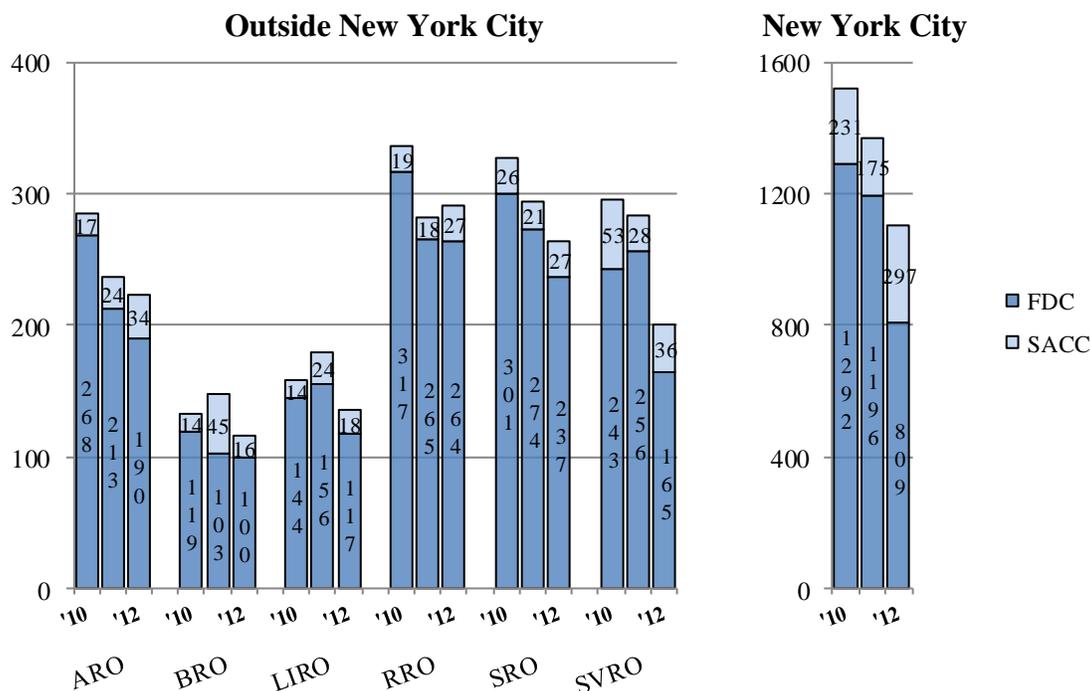
⁸⁴ BRO and LIRO showed latest-year declines in SACC applications, but small gains in these applications over the entire three years – referred to as “three-year” change, for brevity, throughout this discussion. See Figure 4.2.a.

⁸⁵ BRO and RRO showed latest-year increases in total license applications. BRO also reported an increase over the entire three years, while SRO showed no change in total license applications over the interval. See Figure 4.2.b

⁸⁶ Total **registration** applications counts in this Section (used to calculate certain percentages) include tiny numbers relating to “small day care centers” ($n = 1$, $n = 4$ and $n = 4$, 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., $809 + 297 + 1,073 + 158 = 2,337$ for year-3, left side of Figure 4.1) may be exceeded by the corresponding annual totals reported [e.g., 2,341 for year-3 (State Total), Table 4.1.a]. Counts for **license** applications, similarly, include GFDC programs, statewide, and DCC programs except in New York City.

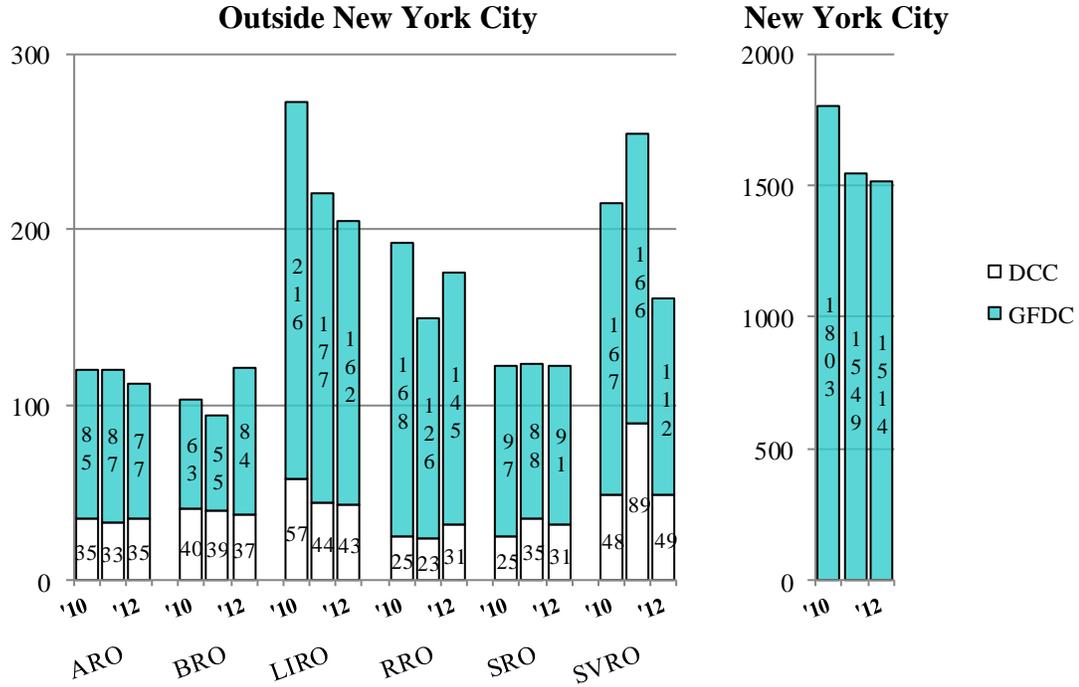
declines in GFDC applications over the three years ending March 2013, three regions (all upstate; see especially BRO and RRO) reversed the pattern by showing corresponding one-year gains for the final year of the period. Finally, DCC application trends were decidedly mixed, with two regions' numbers declining over the three-year period as a whole (only LIRO substantially: -25 percent, from 57 to 43), three regions' numbers increasing (RRO and SRO substantially: both +24 percent, from 25 to 31) and one region (ARO) showing no change (holding at 35 percent). Figures 4.2.a – b detail these regional trends, by modality, for registration and license applications, respectively.

Figure 4.2.a.⁸⁷ Number of Applications for Registration Received, By Region and Modality for Three Years Beginning April 1st: 2010 – 2012



⁸⁷ Excluding a small number of SDCC facilities as documented in *ibid*.

Figure 4.2.b.⁸⁸ Number of Applications for Licensure Received, By Region and Modality for Three Years Beginning April 1st: 2010 – 2012

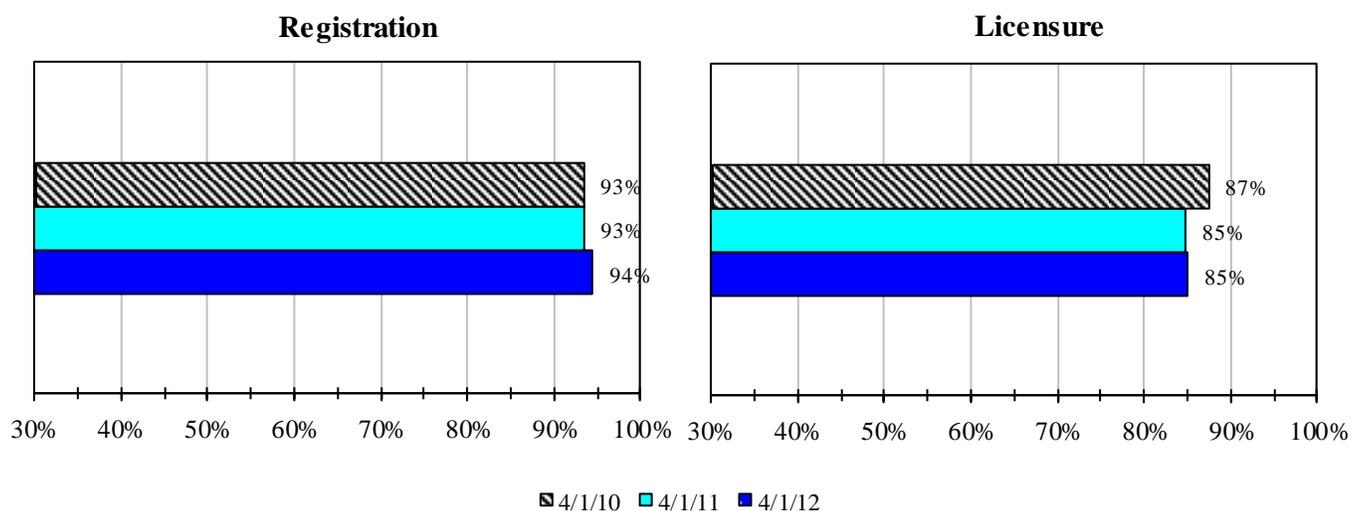


Statewide, the proportion of registration applications that were processed in accordance with the six-month standard increased from 93 percent to 94 percent for the year ending March 2013 – the eighth year out of the last ten (since 2003 – 2004) showing an improvement on these applications.⁸⁹ For the same year, the proportion of license applications processed in accord with the same standard, statewide, held constant at 85 percent, compared with the year before – still short of the 87 percent timeliness mark set two years earlier. Figure 4.3 documents the latest performance on this standard.

⁸⁸ Total licensed programs excluding New York City DCC facilities.

⁸⁹ 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, April 2003 – March 2009, 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, and Figure 4.4, *Report to the Governor and Legislature ... 2011 – 2012*, op cit., showing no change in timeliness (holding at 93 percent) for the year beginning April 2011 (as also shown in Figure 4.3 here).

Figure 4.3. Percent of Applications for Registration or Licensure Processed Timely, For Year Beginning:⁹⁰

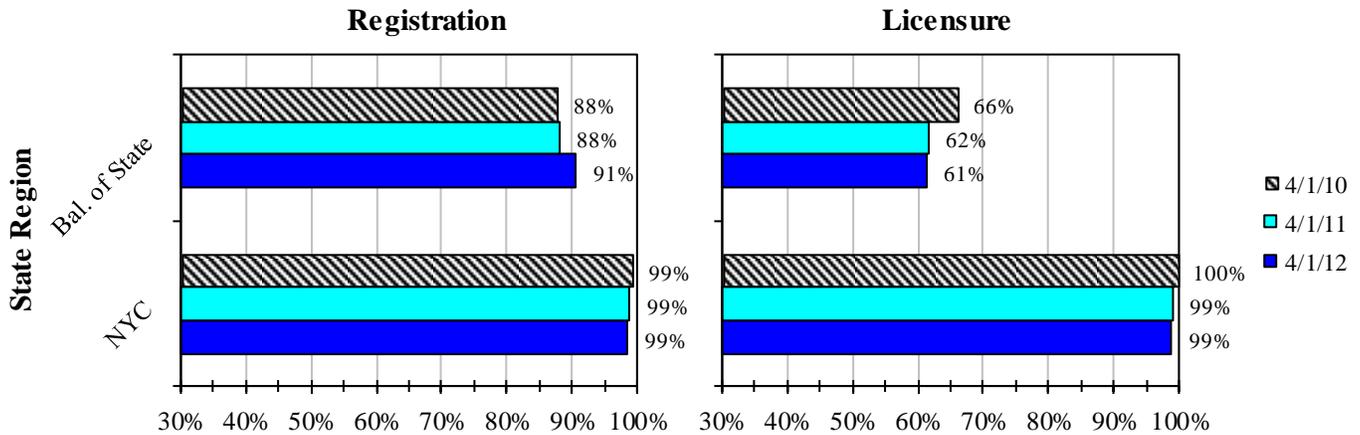


Examining these timeliness results by region (*Figure 4.4, next page*), New York City continued to show more timely processing of registration applications than the balance of the state for the year ending March 2013 (99 percent versus 91 percent, respectively) although both regions' performance, in truth, contributed to the three-year trend seen in Figure 4.3: in each instance, holding steady the first two years, before the key, balance-of-state improvement (from 88 percent to 91 percent), the final year. In processing license applications, the City and balance-of-state roles were analogous (but opposite in sequence and direction), with New York City showing an even larger timeliness advantage (99 percent vs. 61 percent elsewhere, for 2012 – 2013), but both regions' performance clearly contributing to the statewide three-year trend (in Figure 4.3): the balance-of-state decline from the 1st year, preceding both regions' lack of substantial change, the last two years. Figure 4.4 illustrates the notable, persistent timeliness differences between New York City and the balance of the state in processing registration applications (8 – 11 percentage

⁹⁰ Registration and license application counts as defined in n. 86, pg. 34. As shown in Tables 4.1.a – b (beginning pg. 38), the statewide numbers of applications summarized for each year/bar displayed for registration are: 3,059, 2,802 and 2,341, respectively, and for licensure, 2,829, 2,511 and 2,411, respectively.

points annually, favoring the City, but diminishing over time) and – outside of the City – in processing registration applications as compared to license applications (22 – 30 percentage points annually, favoring the former, but – worryingly – increasing with time). Tables 4.1.a – b detail the application numbers and performance underlying these results.

Figure 4.4. Percent of Applications for Registration or Licensure Processed Timely, By Major State Region, For Year Beginning:⁹¹



Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
New York City	2010	1,510	13	1,523	99%
	2011	1,356	15	1,371	99%
	2012	1,090	16	1,106	99%
Balance of State	2010	1,346	190	1,536	88%
	2011	1,261	170	1,431	88%
	2012	1,120	115	1,235	91%
State Total	2010	2,856	203	3,059	93%
	2011	2,617	185	2,802	93%
	2012	2,210	131	2,341	94%

⁹¹ 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 programs of the modalities indicated. See Tables 4.1.a – b for the numbers of applications per major state region 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	
New York City	2010	1,795	8	1,803	100%
	2011	1,534	15	1,549	99%
	2012	1,498	16	1,514	99%
Balance of State	2010	677	349	1,026	66%
	2011	594	368	962	62%
	2012	551	346	897	61%
State Total	2010	2,472	357	2,829	87%
	2011	2,128	383	2,511	85%
	2012	2,049	362	2,411	85%

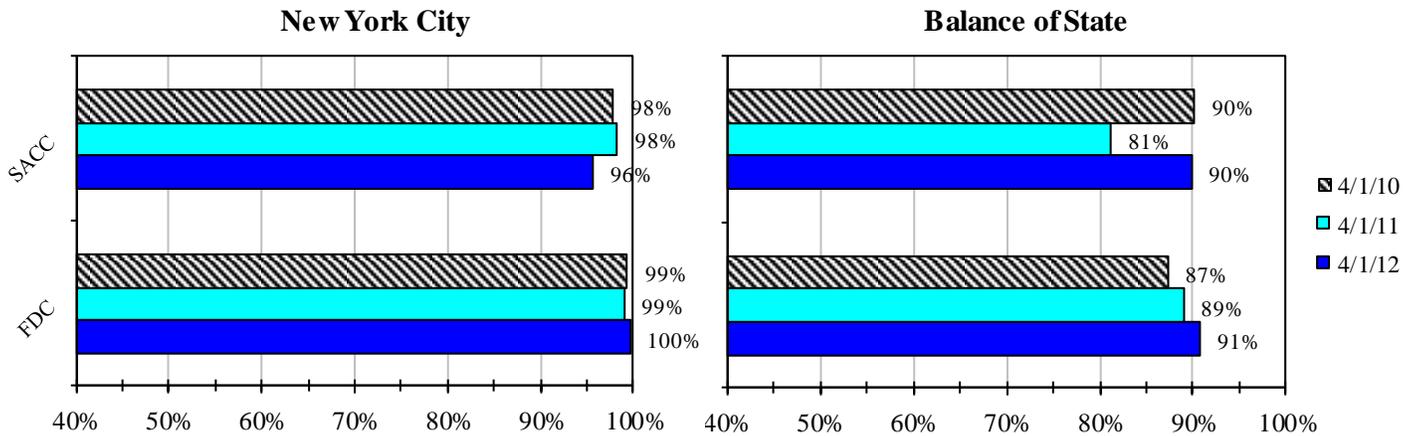
Contributing to these trends in timeliness were extremely similar and exemplary timeliness in processing registration and license applications for each modality in New York City, somewhat more variable but generally improving and converging performance in processing registration applications for each modality 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. 41) reveals, first, moderate but generally declining differences favoring New York City over the balance of the state in processing both FDC and SACC applications on time (from 6 percent – 17 percent each year); no clear improvement over time in processing SACC applications (falling from 95 percent to 90 percent before rising to 94 percent); and continued modest improvements in resolving FDC applications on time (rising from 93 percent to 94 percent to 95 percent), for the three years ending March 2013. Figure 4.5.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 1 percentage point the first two years but 4 percentage points the last year). Elsewhere in the state, Figure 4.5.a shows continuing, modest timeliness improvements in resolving FDC applications (rising from 87 percent to 89 percent to 91 percent) but sizable fluctuations in resolving SACC applications on time (dropping sharply from 90 percent to 81 percent before returning to 90 percent) over the same period.

For programs subject to **licensure**, Table 4.2.b (pg. 42) shows, first, marked and undiminished differences favoring New York City over the balance of the state in processing GFDC applications on time (from 34 – 39 percentage points each year); moderately timely performance, but no evident improvement underway, statewide, in resolving such applications (changing from 89 percent to 87 percent). Figure 4.5.b breaks down this information more usefully by region and modality, showing, for New York City, consistently timely resolution of such applications (99 percent – 100 percent each year) but far more modest timeliness and no improvement evident over time, outside of the City (falling from 66 percent to 61 percent to 60 percent). Elsewhere in the state, Figure 4.5.b also shows only moderate timeliness and no improvement over time in

processing DCC applications according to the standard (falling from 66 percent to 64 percent before returning to 66 percent).

Figure 4.6, finally, breaks down these trends in resolving registration and license applications to examine the more detailed geographic context of the latest timeliness improvements, showing five of the seven DCCS regions (all except NYCRO and SVRO – both already strong performers) improving their handling of registration applications for the year ending March 2013, but just one doing the same with license applications (LIRO), compared with two years before.⁹² Notably, NYCRO alternated between 99 percent and 100 percent timeliness levels throughout the three years preceding that month.

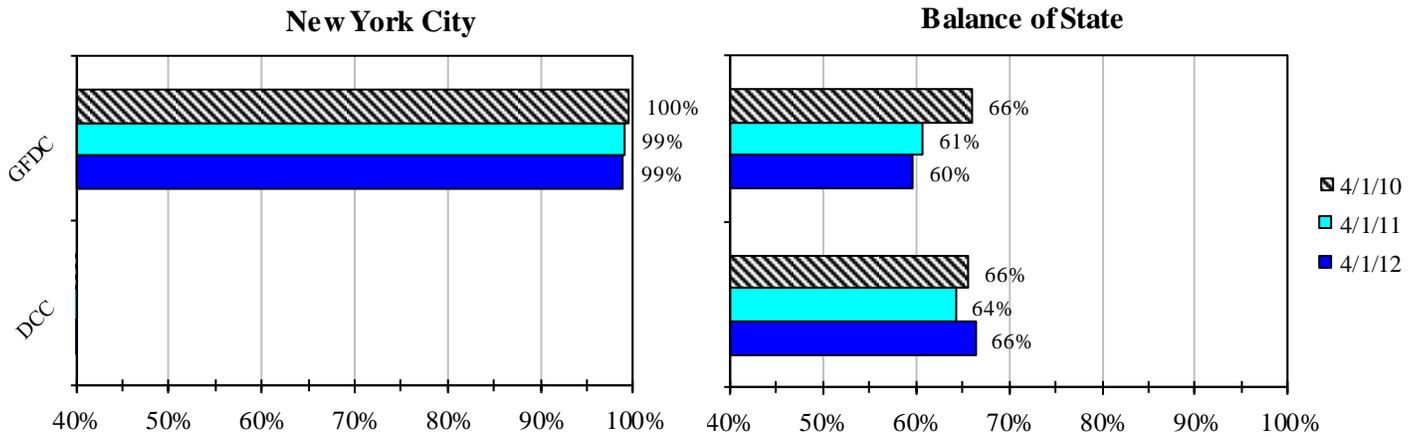
Figure 4.5.a. Percent of Applications for Registration Processed Timely, By Major Region and Modality of Care, For Year Beginning:⁹³



⁹² Regarding registration applications, NYCRO and SVRO maintained their already-strong performance at 99 percent and 98 percent timeliness levels, respectively. In handling license applications, note that LIRO’s improvement still found it completing just 50 percent of such applications on time, at the end of the three years – the lowest level of any of the seven regions. While not improving over the entire three-year window, then, the six other regions all showed higher proportions of license applications processed on time, at the end of the period. (See Figure 4.6.)

⁹³ Table 4.2.a (pg. 41) shows the numbers of registration applications (by major state region and modality) involved for each year/bar displayed in Figure 4.5.a; for New York City: 231, 175, 297 (SACC), 1,292, 1,196, 809 (FDC); for Balance of State: 143, 160, 158 (SACC), 1,392, 1,267, 1,073 (FDC).

Figure 4.5.b. Percent of Applications for Licensure Processed Timely, By Major Region and Modality of Care, For Year Beginning:⁹⁴

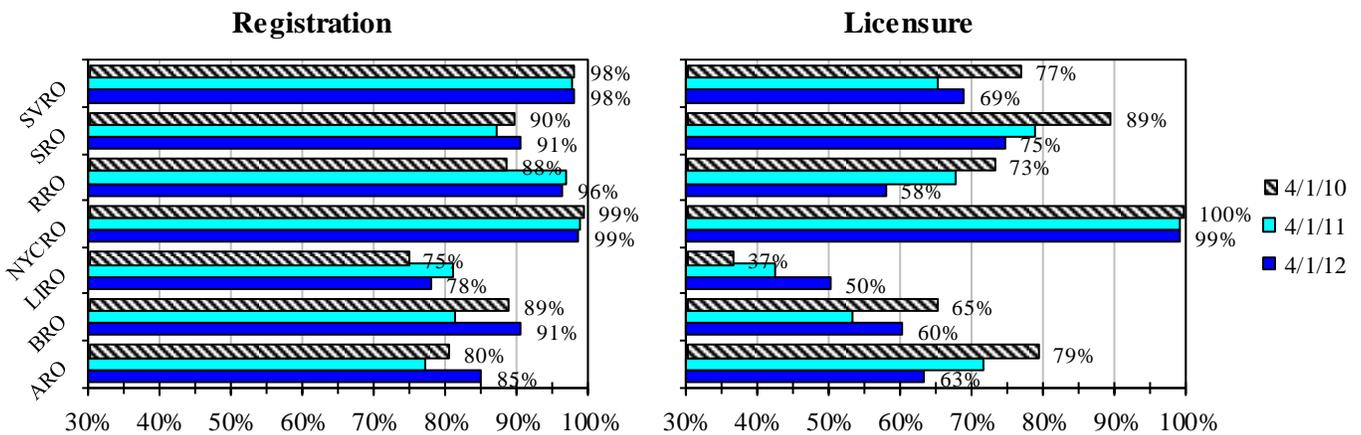


Region	Year Starting April 1,	Modality	Number of Applications		Percent of Applications Processed Timely
			Total	Not Timely	
New York City	2010	FDC	1,292	8	99%
		SACC	231	5	98%
	2011	FDC	1,196	12	99%
		SACC	175	3	98%
	2012	FDC	809	3	100%
		SACC	297	13	96%
Balance of State	2010	FDC	1,392	176	87%
		SACC	143	14	90%
	2011	FDC	1,267	139	89%
		SACC	160	30	81%
	2012	FDC	1,073	99	91%
		SACC	158	16	90%
State Total	2010	FDC	2,684	184	93%
		SACC	374	19	95%
	2011	FDC	2,463	151	94%
		SACC	335	33	90%
	2012	FDC	1,882	102	95%
		SACC	455	29	94%

⁹⁴ 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. 42) shows the numbers of license applications (by major state region and modality) involved for each year/bar displayed in Figure 4.5.b; for New York City: 1,803, 1,549, 1,514 (GFDC); for Balance of State: 796, 699, 671 (GFDC), 230, 263, 226 (DCC).

Region	Year Starting April 1,	Modality	Number of Applications		Percent of Applications Processed Timely
			Total	Not Timely	
New York City	2010	DCC	Na	na	na
		GFDC	1,803	8	100%
	2011	DCC	Na	na	na
		GFDC	1,549	15	99%
	2012	DCC	Na	na	na
		GFDC	1,514	16	99%
Balance of State	2010	DCC	230	79	66%
		GFDC	796	270	66%
	2011	DCC	263	94	64%
		GFDC	699	274	61%
	2012	DCC	226	76	66%
		GFDC	671	270	60%
State Total	2010	DCC	230	79	66%
		GFDC	2,599	278	89%
	2011	DCC	263	94	64%
		GFDC	2,248	289	87%
	2012	DCC	226	76	66%
		GFDC	2,185	286	87%

Figure 4.6.⁹⁶ Percent of Applications for Registration or Licensure Processed Timely, By Region, For Year Beginning:



⁹⁵ See *ibid.* (note on New York City DCC facilities).

⁹⁶ Registration and license application counts as defined in n. 86, pg. 34. See Appendix A.8 (Tables 4.3.a – b, beginning on pg. 65) 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 Percent 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 percent 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 percent 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.⁹⁷ 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 percent inspections” pertain, by definition, only to *registered* child care programs, this Section does not include the content on licensed providers shown in other parts of the review.

As detailed in Table 4.4, New York City and the balance of the state each made well more than the required number of “50 percent inspections” for the year ending March 2013 as well as for the two preceding years. For example, New York City’s “50 percent inspection” goal was met and exceeded by over 80 percent, to almost three times over, for each of the three years, while that for the balance of the state was exceeded by nearly 40 percent, to almost two times over, for each of the years.⁹⁸

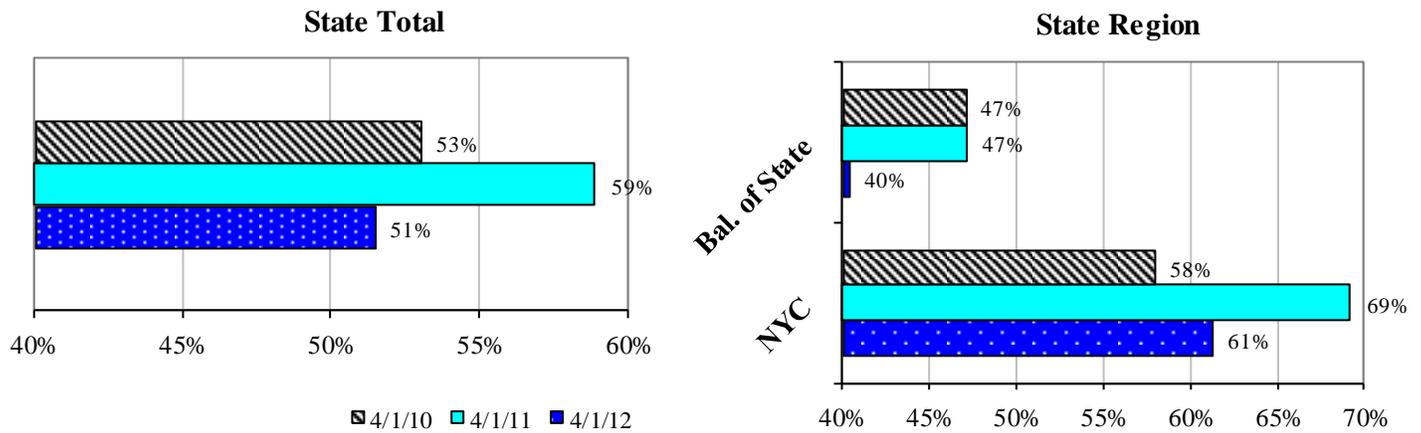
Region	Year Starting April 1,	Number Facilities	Number of Inspections			Percent of:	
			Goal	Conducted	With Violations	Goal Achieved	Inspections with Violations
New York City	2010	2,883	1,442	3,937	2,281	273%	58%
	2011	3,278	1,639	3,800	2,630	232%	69%
	2012	3,821	1,911	3,466	2,123	181%	61%
Balance of State	2010	3,501	1,751	3,272	1,541	187%	47%
	2011	3,903	1,952	3,342	1,577	171%	47%
	2012	4,418	2,209	3,074	1,243	139%	40%
Total	2010	6,384	3,192	7,209	3,822	226%	53%
	2011	7,181	3,591	7,142	4,207	199%	59%
	2012	8,239	4,120	6,540	3,366	159%	51%

⁹⁷ See Appendix A.3 (pg. 52) for additional details defining these inspections (and other measurements used in the report).

⁹⁸ See Appendix A.9 (Table 4.5, pg. 67), for additional “50 percent inspection” results by major state region, modality and year. Readers should note the distinction between Table 4.4’s facility counts – the base used to determine the number of “50 percent 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. 34, pg. 9). Appendix A.3 (pg. 52) clarifies the distinctions between the two measures presented.

For the first time since before the 2009 – 2010 year, the proportion of “50 percent inspections” in which violations of applicable regulations were identified, fell, statewide, for the 2012 – 2013 report year, compared with the prior year (–eight percentage points: from 59 percent to 51 percent). Unlike the 2011 – 2012 year when a sizable New York City increase drove the state rate upwards, this year both the City and balance of state reported fewer such inspections with violations (falling from 69 percent to 61 percent, and from 47 percent to 40 percent, respectively: Figure 4.7).⁹⁹ Appendix A.9, finally (Figure 4.8, pg. 68), shows the latest-year decrease in New York City to be driven by decreases in violations identified at inspections of FDC programs rather than for SACC programs, while the balance-of-state decrease reflected decreases in violations observed at inspections of both types of programs.

Figure 4.7. Percent of “50 Percent Inspections” (FDC/SACC) Involving Regulatory Violations, For State and Major Regions, For Year Beginning:¹⁰⁰



⁹⁹ Table 4.4, above, details the numbers underlying these results for the year ending March 2013. 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 corresponding 2003 – 2006 and 2006 – 2009 source data showing persistent *decreases* in regulatory violations which were observed in connection with “50 percent inspections” for many years, prior to the recent upswing now halted.

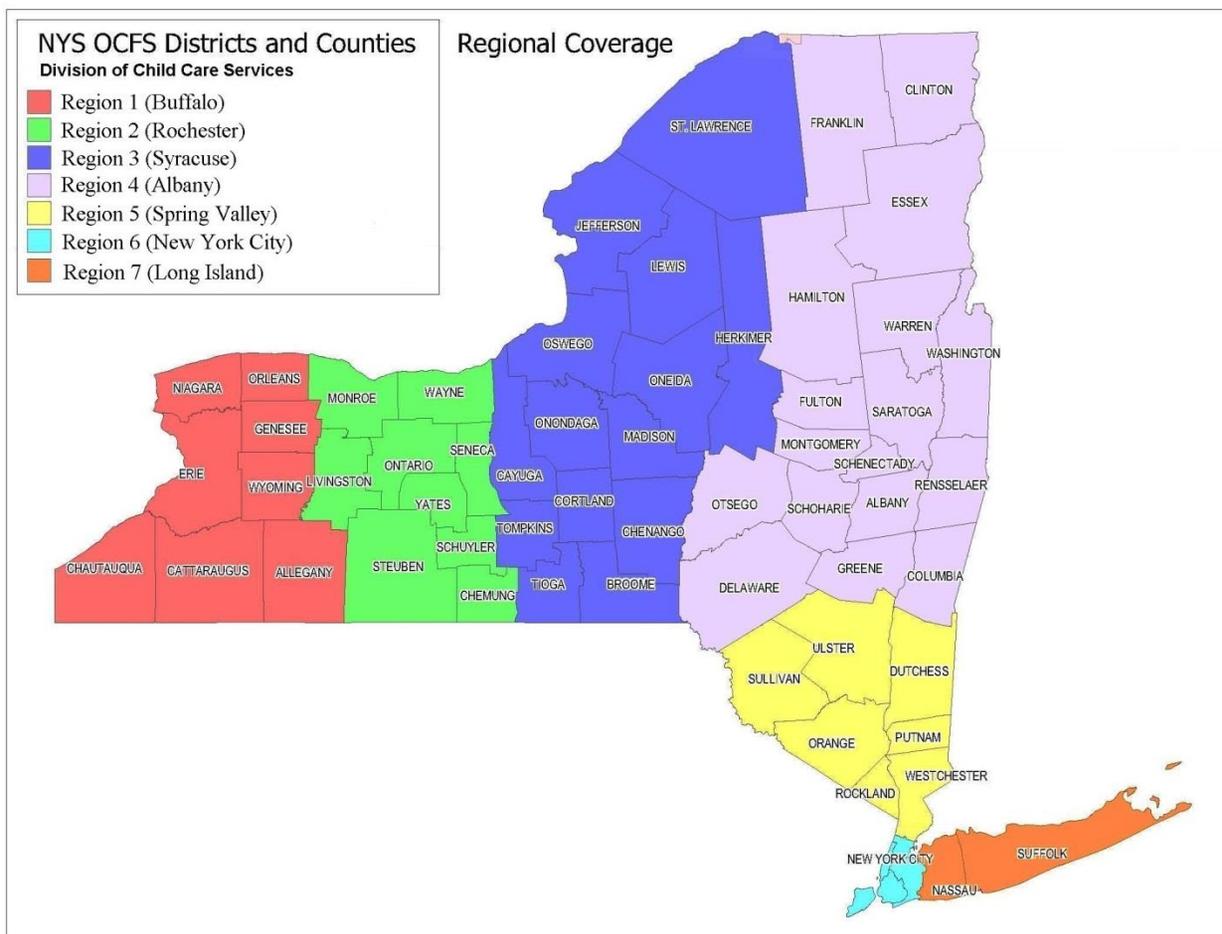
¹⁰⁰ Table 4.4, above, shows the numbers of “50 percent inspections” summarized for each year/bar displayed in Figure 4.7; for New York State: 7,209, 7,142, 6,540; for Balance of State: 3,272, 3,342, 3,074; for NYC: 3,937, 3,800, 3,466.

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¹⁰¹ See note, pg. 48, regarding corrections made to selected maps from earlier reports in this series. See *Report to the Governor and Legislature ... 2010 – 2011*, op. cit., for 2004, 2005 – 2007 and 2008 maps.

OCFS Division of Child Care Services Regions and Constituent Counties¹⁰²



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

¹⁰² 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

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 any allegation(s) alleged under each complaint. For purposes of OCFS's performance standards which govern the state's performance monitoring of services for *registered* programs, registration service providers are expected to initiate investigations within **one 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) of receipt of a complaint and to make final determinations (as either substantiated or unsubstantiated) on all such allegation(s) within **60 calendar days of receipt of the complaint**. (As discussed more fully elsewhere (pg. 15), the report adopts the 60-day "determination" standard used in the state's performance contracting for registered programs in order to emphasize a conservative, consistent frame of reference for the report's broader comparisons across all modalities.) 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 complaint investigations, and one relating to the requirements for determining the findings of investigations (in the sense of whether allegations are substantiated or not).

Regarding the timeliness of *initiating* investigations, for years prior to the present (2012 – 2013) 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 3.4.a on pg. 22).

A different type of understatement also applies to this review's measurements of the timeliness of *determinations* on investigations (in the sense already discussed). 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 such as corrective action plans and provider responses to same which precede the formal “closing” date for the complaint but post-date 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 on each allegation in a complaint are due for all complaints received in a given month, unambiguously identifying *most*¹⁰⁵ “late determinations” from complaints still showing statuses of “pending” or “under investigation” at that point – an impossibility under this report’s retrospective three-year measures which cannot identify late determinations in the strict sense but can only identify *closures* which are late (i.e., requiring over 60 days) 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 as compared with the somewhat different standard afforded under the performance measures; as a result, the language, timeliness of “determination *and closure*,” is used throughout this report to emphasize the distinction involved. 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 Percent 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.¹⁰⁶ Only inspections covering all such statutory or regulatory program requirements (not those more limited in focus) can qualify as “50 percent inspections.” In addition, either the primary or secondary reason for inspection reported in CCFS must be “50 percent 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

¹⁰⁵ If complaints have *just closed* at the time of analysis, however, the same CCFS limitation makes this procedure, too, susceptible of failing to correctly identify determination status for certain complaints (but probably exceedingly few, given the narrow window of time between the end of each month, and run-time).

¹⁰⁶ OCFS, BECS Policy Statement 03-2 (12/5/03), *Registered Child Day Care Programs: 50% Inspection Requirement*.

inspected in numbers equivalent to 50 percent (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 percent inspection goals (appearing in Tables 4.4 – 4.5 [pg. 43, pg. 67, 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. 57, 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 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:

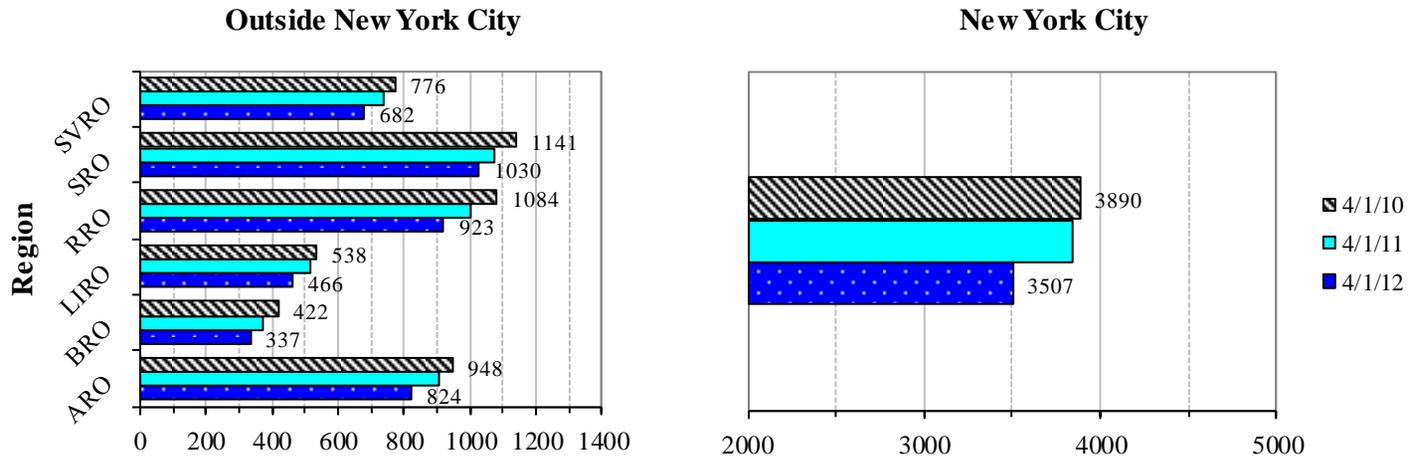


Figure 2.4.b. Number of SACC Providers Registered at Any Point During Interval, By Region, For Year Beginning:

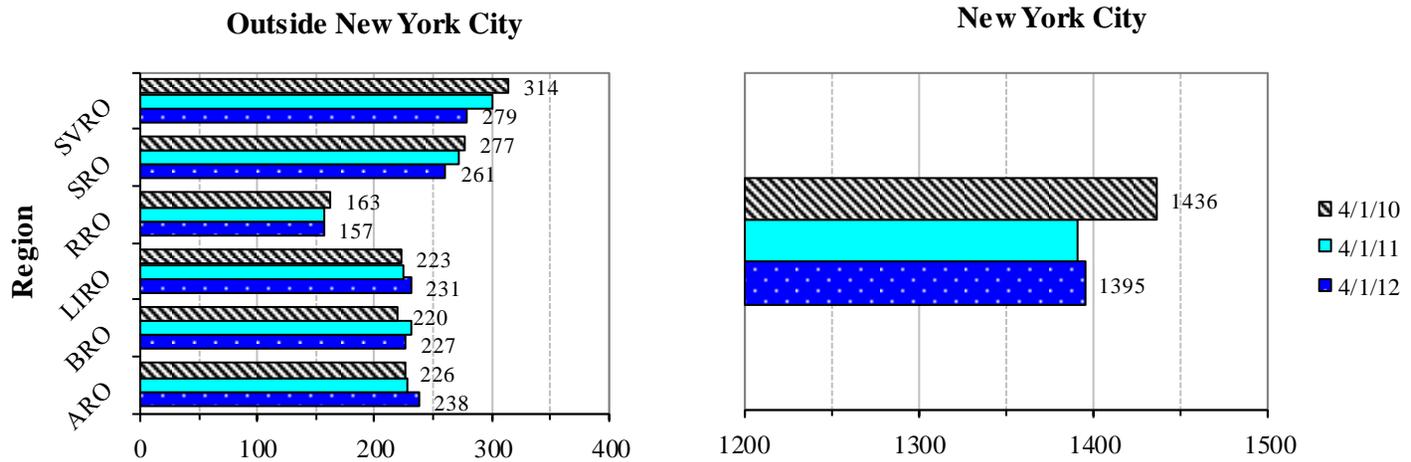


Figure 2.5.a. Number of DCC Providers Licensed at Any Point During Interval, By Region, For Year Beginning:¹⁰⁷

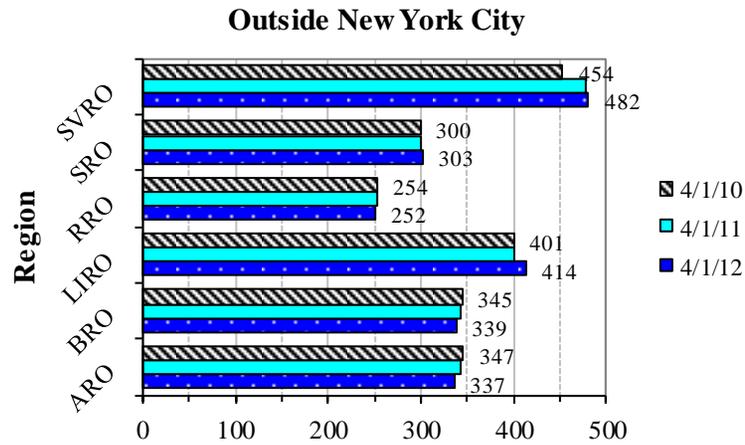
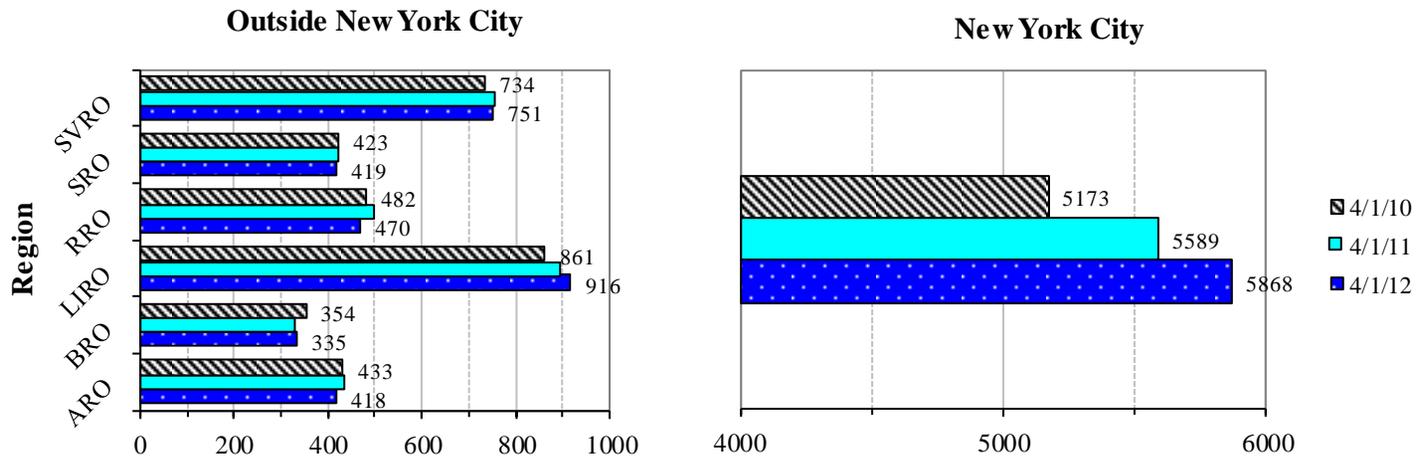


Figure 2.5.b. Number of GFDC Providers Licensed at Any Point During Interval, By Region, For Year Beginning:



¹⁰⁷ 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, ¹⁰⁸ By Region and Modality: As of Any Point, As of the First Day and as of the Last Day, For Three Years, April 1, 2010 – March 31, 2013													
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	2010	948	226	347	433	811	212	314	379	780	214	327	380
	2011	906	227	344	433	781	214	327	380	745	217	317	373
	2012	824	238	337	418	745	217	317	373	701	213	318	383
BRO	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
	2012	337	227	339	335	306	207	320	296	300	205	308	309
LIRO	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	821
	2012	466	231	414	916	409	218	389	821	373	218	401	851
NYCRO	2010	3,890	1,436	na	5,173	3,301	1,308	na	4,237	3,273	1,299	na	4,626
	2011	3,840	1,391	na	5,589	3,271	1,299	na	4,628	3,036	1,264	na	4,976
	2012	3,507	1,395	Na	5,868	3,036	1,264	na	4,975	2,938	1,257	na	5,296
RRO	2010	1,084	163	254	482	930	154	239	410	879	146	237	426
	2011	1,001	157	254	498	878	146	237	425	804	143	237	422
	2012	923	157	252	470	804	143	237	422	760	146	241	412
SRO	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
	2012	1,030	261	303	419	895	245	281	369	856	240	279	379
SVRO	2010	776	314	454	734	672	274	425	629	624	282	437	669
	2011	739	301	479	757	624	282	437	669	582	262	450	668
	2012	682	279	482	751	582	262	450	667	567	260	467	689
Total	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	8,448	2,805	2,123	8,924	7,264	2,616	1,996	7,559	6,777	2,556	1,994	7,924
	2012	7,769	2,788	2,127	9,177	6,777	2,556	1,994	7,923	6,495	2,539	2,014	8,319

¹⁰⁸ Registered "total" counts reported at certain points in report (e.g., Figures 2.1 - 2.2.a) include $n = 2$, $n = 3$ and $n = 4$ small day care center (SDCC) programs for the 1st year ($n = 2$, RRO), 2nd year ($n = 2$, RRO, $n = 1$, SRO) and 3rd year ($n = 1$, ARO, $n = 2$, RRO, $n = 1$, SRO), respectively, and thus can exceed the corresponding sums of FDC and SACC counts shown in this table for certain years and locations by the same numbers. Licensed day care center (DCC) counts exclude New York City programs (see *Ibid.*).

Table 3.2. Number of Complaints (FDC/SACC/SDCC/DCC/GFDC) By Seriousness and Region, For Three Years, April 1, 2010 – March 31, 2013 ¹⁰⁹								
Region	Year Starting April 1,	Number of Complaints				Percent of Total Complaints By Seriousness		
		By Seriousness			Total	Non-Emergency	Serious	Imminent Danger
		Non-Emergency	Serious	Imminent Danger				
ARO	2010	67	293	4	364	18%	80%	1%
	2011	86	308	3	397	22%	78%	1%
	2012	58	287	3	348	17%	82%	1%
BRO	2010	43	239	4	286	15%	84%	1%
	2011	45	252	11	308	15%	82%	4%
	2012	30	271	3	304	10%	89%	1%
LIRO	2010	151	310	3	464	33%	67%	1%
	2011	144	292	4	440	33%	66%	1%
	2012	79	312	3	394	20%	79%	1%
NYCRO	2010	11	45	693	749	1%	6%	93%
	2011	4	32	600	636	1%	5%	94%
	2012	7	21	572	600	1%	4%	95%
RRO	2010	108	503	20	631	17%	80%	3%
	2011	134	498	19	651	21%	76%	3%
	2012	92	409	7	508	18%	81%	1%
SRO	2010	63	512	1	576	11%	89%	0%
	2011	86	503	0	589	15%	85%	0%
	2012	88	429	2	519	17%	83%	0%
SVRO	2010	52	343	2	397	13%	86%	1%
	2011	61	350	1	412	15%	85%	0%
	2012	62	308	9	379	16%	81%	2%
Total	2010	495	2,245	727	3,467	14%	65%	21%
	2011	560	2,235	638	3,433	16%	65%	19%
	2012	416	2,037	599	3,052	14%	67%	20%

¹⁰⁹ Based on complaints for all registered and licensed facilities except for DCC programs in New York City.

Figure 3.7.a. Percent of Investigations Initiated On Time for Registered and Licensed Providers, By Region, For Year Beginning:¹¹⁰

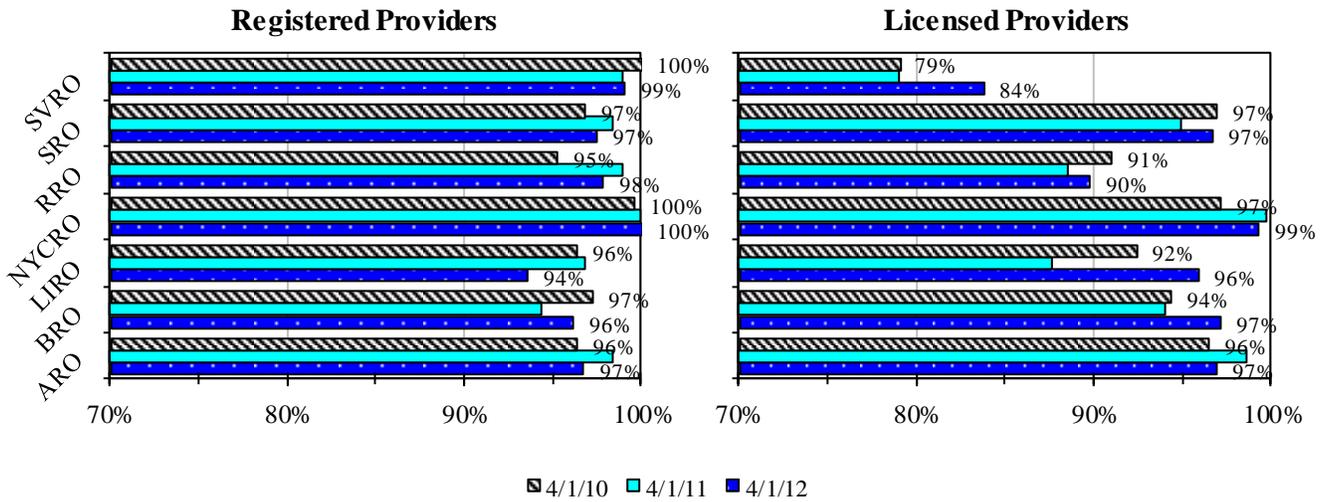
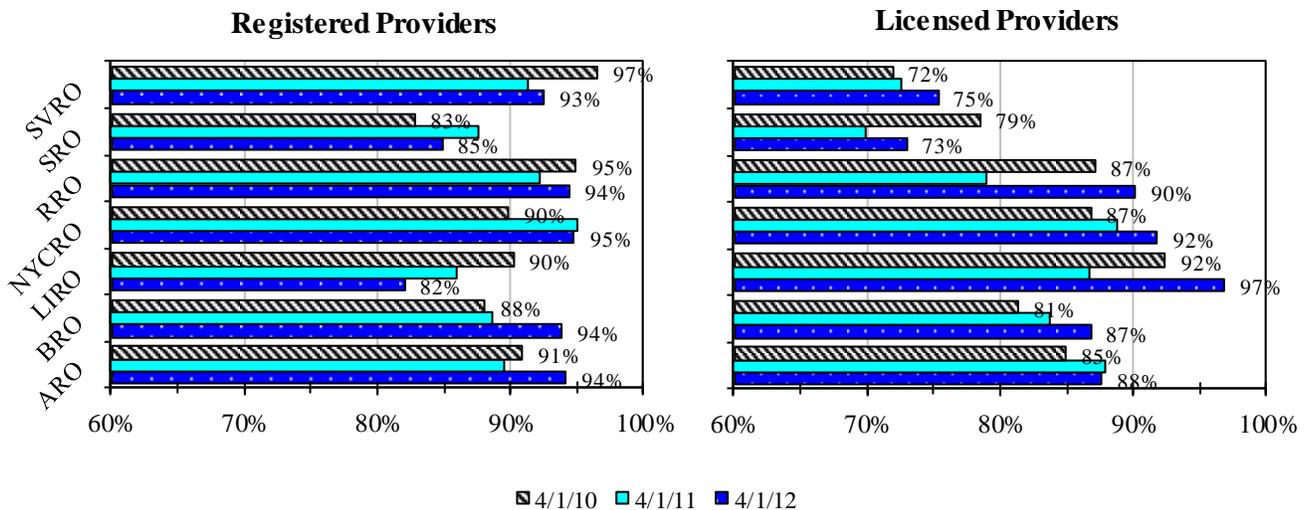


Figure 3.7.b. Percent of Investigations with Timely Determinations/Closures for Registered and Licensed Providers, By Region, For Year Beginning:



¹¹⁰ Figures on this page based on complaints for all registered (FDC/SACC/SDCC) providers or all licensed (DCC/GFDC) providers except for New York City DCC facilities, respectively. Tables 3.4.a – b, beginning on the next page, detail the numbers of complaints, respectively, summarized in each year/bar displayed in the two Figures. Anywhere from 78 - 316 complaints annually were involved per DCCS region for both left-hand Figures (registered programs), compared with anywhere from 174 - 492 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: April 1, 2010 - March 31, 2013 ¹¹¹								
Region	Year Starting April 1,	Number of Complaints			Percent of Complaints		Rate of Complaints	
		Total	Investigation Initiated Late	Investigation Determination /Closure Late	Investigation Initiated Timely	Investigation Determination /Closure Timely	Total Providers	Complaints Per 100 Providers
ARO	2010	165	6	15	96%	91%	1,174	14
	2011	182	3	19	98%	90%	1,133	16
	2012	154	5	9	97%	94%	1,063	14
BRO	2010	109	3	13	97%	88%	642	17
	2011	123	7	14	94%	89%	604	20
	2012	130	5	8	96%	94%	564	23
LIRO	2010	82	3	8	96%	90%	761	11
	2011	93	3	13	97%	86%	740	13
	2012	78	5	14	94%	82%	697	11
NYCRO	2010	257	1	26	100%	90%	5,326	5
	2011	199	0	10	100%	95%	5,231	4
	2012	173	0	9	100%	95%	4,904	4
RRO	2010	297	14	15	95%	95%	1,249	24
	2011	284	3	22	99%	92%	1,160	24
	2012	233	5	13	98%	94%	1,082	22
SRO	2010	315	10	54	97%	83%	1,418	22
	2011	316	5	39	98%	88%	1,348	23
	2012	278	7	42	97%	85%	1,292	22
SVRO	2010	115	0	4	100%	97%	1,090	11
	2011	92	1	8	99%	91%	1,040	9
	2012	107	1	8	99%	93%	961	11
Total	2010	1,340	37	135	97%	90%	11,660	11
	2011	1,289	22	125	98%	90%	11,256	11
	2012	1,153	28	103	98%	91%	10,563	11

Table 3.4.b. Handling and Rate of Complaints for Licensed Providers, By Region and Year: April 1, 2010 - March 31, 2013 ¹¹²								
Region	Year Starting April 1,	Number of Complaints			Percent of Complaints		Rate of Complaints	
		Total	Investigation Initiated Late	Investigation Determination /Closure Late	Investigation Initiated Timely	Investigation Determination /Closure Timely	Total Providers	Complaints Per 100 Providers
ARO	2010	199	7	30	96%	85%	780	26
	2011	215	3	26	99%	88%	777	28
	2012	194	6	24	97%	88%	755	26

¹¹¹ For all registered (FDC/SACC/SDCC) providers. Total providers and rates are defined as in Table 3.3.a (pg. 21).

¹¹² For all licensed providers except DCC programs in New York City. Total providers and rates are defined as in Table 3.3.b (pg. 21).

Table 3.4.b. Handling and Rate of Complaints for Licensed Providers, By Region and Year: April 1, 2010 - March 31, 2013 ¹¹²								
Region	Year Starting April 1,	Number of Complaints			Percent of Complaints		Rate of Complaints	
		Total	Investigation Initiated Late	Investigation Determination /Closure Late	Investigation Initiated Timely	Investigation Determination /Closure Timely	Total Providers	Complaints Per 100 Providers
BRO	2010	177	10	33	94%	81%	699	25
	2011	185	11	30	94%	84%	672	28
	2012	174	5	23	97%	87%	674	26
LIRO	2010	382	29	29	92%	92%	1,262	30
	2011	347	43	46	88%	87%	1,296	27
	2012	316	13	10	96%	97%	1,329	24
NYCRO	2010	492	14	65	97%	87%	5,173	10
	2011	437	1	49	100%	89%	5,589	8
	2012	427	3	35	99%	92%	5,868	7
RRO	2010	334	30	43	91%	87%	736	45
	2011	367	42	77	89%	79%	752	49
	2012	275	28	27	90%	90%	725	38
SRO	2010	261	8	56	97%	79%	723	36
	2011	273	14	82	95%	70%	725	38
	2012	241	8	65	97%	73%	722	33
SVRO	2010	282	59	79	79%	72%	1,188	24
	2011	320	67	88	79%	73%	1,236	26
	2012	272	44	67	84%	75%	1,233	22
Total	2010	2,127	157	335	93%	84%	10,561	20
	2011	2,144	181	398	92%	81%	11,047	19
	2012	1,899	107	251	94%	87%	11,306	17

Figure 3.13.a
Percent of Investigations Initiated On Time for Registered and Licensed Providers, By Region and Modality: Three-Year Summary (4/1/10 – 3/31/13)¹¹³

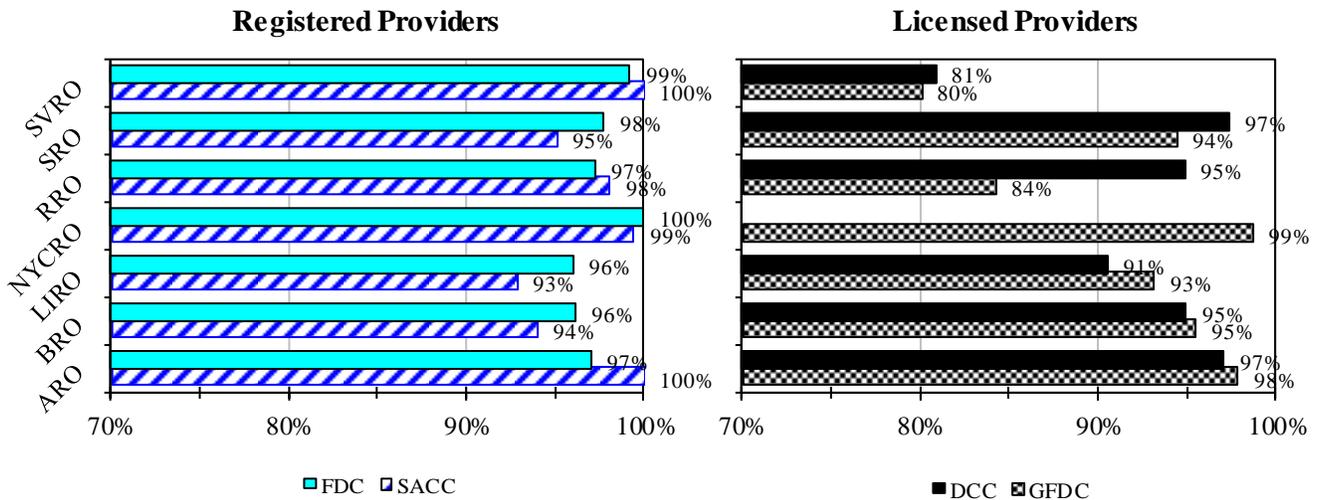
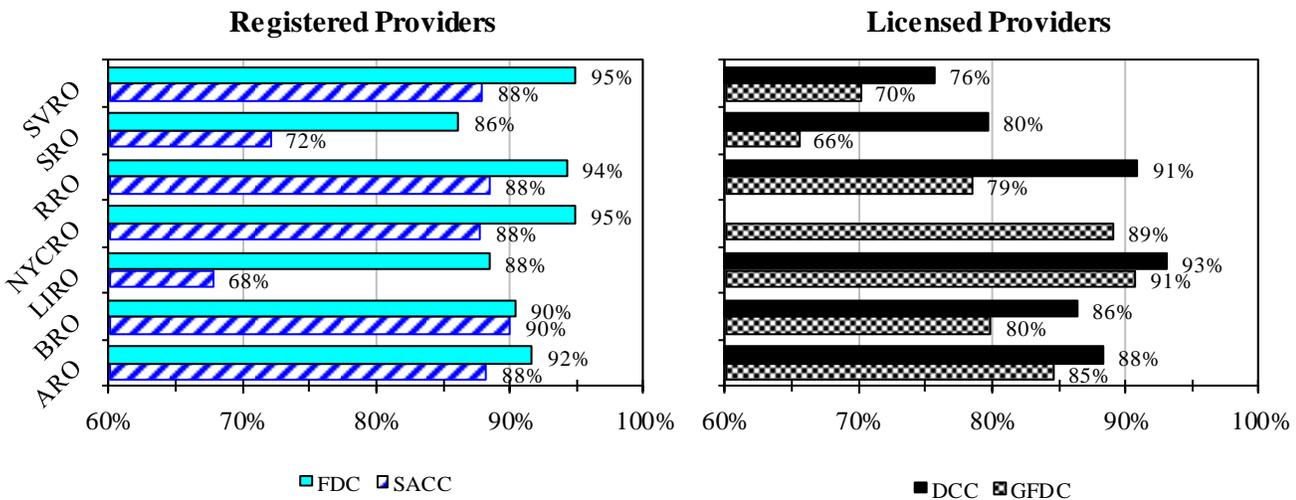


Figure 3.13.b
Percent of Investigations with Timely Determinations/Closures for Registered and Licensed Providers, By Region and Modality: Three-Year Summary (4/1/10 – 3/31/13)



¹¹³Both Figures on this page are based on all registered providers except for a few SDCC programs (statewide) and all 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 225 - 846 total complaints were involved per DCCS region for FDC programs, from 28 - 180 complaints per region for SACC programs, from 337 - 518 complaints per region (except New York City) for DCC programs, and from 199 - 1,356 complaints per region for GFDC programs.

Region	Modality	Number of Complaints			Percent of Complaints		Rate of Complaints	
		Total	Investigation Initiated Late	Investigation Determination /Closure Late	Investigation Initiated Timely	Investigation Determination /Closure Timely	Total Providers	Complaints Per 100 Providers
ARO	DCC	375	11	44	97%	88%	384	98
	FDC	467	14	39	97%	92%	1,153	41
	GFDC	233	5	36	98%	85%	531	44
	SACC	34	0	4	100%	88%	260	13
BRO	DCC	337	17	46	95%	86%	384	88
	FDC	312	12	30	96%	90%	497	63
	GFDC	199	9	40	95%	80%	424	47
	SACC	50	3	5	94%	90%	266	19
LIRO	DCC	518	49	36	91%	93%	444	117
	FDC	225	9	26	96%	88%	664	34
	GFDC	527	36	49	93%	91%	1,061	50
	SACC	28	2	9	93%	68%	247	11
NYCRO	DCC	na	na	na	na	na	na	na
	FDC	449	0	23	100%	95%	4,933	9
	GFDC	1,356	18	149	99%	89%	7,031	19
	SACC	180	1	22	99%	88%	1,659	11
RRO	DCC	506	26	46	95%	91%	286	177
	FDC	762	21	44	97%	94%	1,327	57
	GFDC	470	74	101	84%	79%	606	78
	SACC	52	1	6	98%	88%	188	28
SRO**	DCC	453	12	92	97%	80%	335	135
	FDC	846	19	117	98%	86%	1,417	60
	GFDC	322	18	111	94%	66%	527	61
	SACC	61	3	17	95%	72%	310	20
SVRO**	DCC	482	92	117	81%	76%	528	91
	FDC	255	2	13	99%	95%	992	26
	GFDC	392	78	117	80%	70%	907	43
	SACC	58	0	7	100%	88%	350	17
Total**	DCC	2,671	207	381	92%	86%	2,361	113
	FDC	3,316	77	292	98%	91%	10,983	30
	GFDC	3,499	238	603	93%	83%	11,087	32
	SACC	463	10	70	98%	85%	3,280	14

* For all regulated providers except a few 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. 26) in the body of the report. As described there, three-year rates shown here are not directly comparable to the single-year rates computed elsewhere in the report.

** See n. 62, pg. 26, on small day care center (SDCC) programs' inclusion among tallies of "total" complaints for registered programs versus corresponding counts by modality shown in this report. Due to the rarity of SDCC programs, breakdowns by modality, as in Figure 3.1 (or this Table), exclude such programs and may not sum to "totals" shown elsewhere. For example, annual counts for registered programs in Figure 3.1 (pg. 16) and this Table

are identical to those in Table 3.4.a (pg. 60) except for three complaints ($n = 2$, SRO, $n = 1$, SVRO) 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.

Table 4.3.a. Number and Timeliness of Processing of Registration Applications (FDC/SACC/SDCC), By Region, For Three Years, 4/1/10 – 3/31/13 ¹¹⁴					
Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
ARO	2010	229	56	285	80%
	2011	183	54	237	77%
	2012	192	34	226	85%
BRO	2010	118	15	133	89%
	2011	121	28	149	81%
	2012	105	11	116	91%
LIRO	2010	118	40	158	75%
	2011	146	34	180	81%
	2012	106	30	136	78%
NYCRO	2010	1,510	13	1,523	99%
	2011	1,356	15	1,371	99%
	2012	1,090	16	1,106	99%
RRO	2010	298	39	337	88%
	2011	274	9	283	97%
	2012	281	11	292	96%
SRO	2010	293	34	327	90%
	2011	259	38	297	87%
	2012	239	25	264	91%
SVRO	2010	290	6	296	98%
	2011	278	7	285	98%
	2012	197	4	201	98%
Total	2010	2,856	203	3,059	93%
	2011	2,617	185	2,802	93%
	2012	2,210	131	2,341	94%

Table 4.3.b. Number and Timeliness of Processing of Licensing Applications (DCC/GFDC), By Region, For Three Years, 4/1/10 - 3/31/13 ¹¹⁵					
Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
ARO	2010	95	25	120	79%
	2011	86	34	120	72%
	2012	71	41	112	63%

¹¹⁴ Total registration application 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 ($n = 1$, $n = 4$ and $n = 4$ 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. 86, pg. 34, in body of report. [For 2010: $n = 1$, RRO; for 2011: $n = 1$, BRO, $n = 2$, SRO, $n = 1$, SVRO; for 2012: $n = 2$, ARO, $n = 1$, LIRO, $n = 1$, RRO].

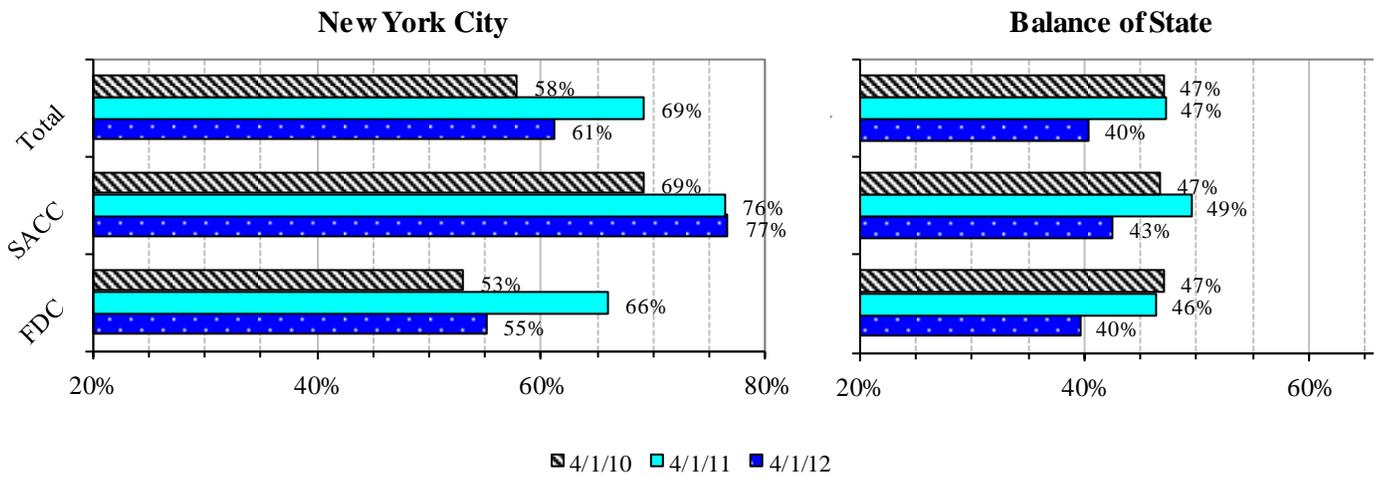
¹¹⁵ License applications except for New York City DCC programs; see n. 7 (pg. vi) on the omission of City DCC facilities' data from this and other Tables.

Table 4.3.b. Number and Timeliness of Processing of Licensing Applications (DCC/GFDC), By Region, For Three Years, 4/1/10 - 3/31/13 ¹⁵					
Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
BRO	2010	67	36	103	65%
	2011	50	44	94	53%
	2012	73	48	121	60%
LIRO	2010	100	173	273	37%
	2011	94	127	221	43%
	2012	103	102	205	50%
NYCRO	2010	1,795	8	1,803	100%
	2011	1,534	15	1,549	99%
	2012	1,498	16	1,514	99%
RRO	2010	141	52	193	73%
	2011	101	48	149	68%
	2012	102	74	176	58%
SRO	2010	109	13	122	89%
	2011	97	26	123	79%
	2012	91	31	122	75%
SVRO	2010	165	50	215	77%
	2011	166	89	255	65%
	2012	111	50	161	69%
Total	2010	2,472	357	2,829	87%
	2011	2,128	383	2,511	85%
	2012	2,049	362	2,411	85%

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	2010	1,881	941	2,759	1,466	293%	53%
		2011	2,206	1,103	2,637	1,741	239%	66%
		2012	2,631	1,316	2,490	1,374	189%	55%
	SACC	2010	1,002	501	1,178	815	235%	69%
		2011	1,072	536	1,163	889	217%	76%
		2012	1,190	595	976	749	164%	77%
	Total	2010	2,883	1,442	3,937	2,281	273%	58%
		2011	3,278	1,639	3,800	2,630	232%	69%
		2012	3,821	1,911	3,466	2,123	181%	61%
Balance of State	FDC	2010	2,448	1,224	2,480	1,170	203%	47%
		2011	2,776	1,388	2,477	1,149	178%	46%
		2012	3,201	1,601	2,267	899	142%	40%
	SACC	2010	1,053	527	792	371	150%	47%
		2011	1,127	564	865	428	154%	49%
		2012	1,217	609	807	344	133%	43%
	Total	2010	3,501	1,751	3,272	1,541	187%	47%
		2011	3,903	1,952	3,342	1,577	171%	47%
		2012	4,418	2,209	3,074	1,243	139%	40%
State Total	FDC	2010	4,329	2,165	5,239	2,636	242%	50%
		2011	4,982	2,491	5,114	2,890	205%	57%
		2012	5,832	2,916	4,757	2,273	163%	48%
	SACC	2010	2,055	1,028	1,970	1,186	192%	60%
		2011	2,199	1,100	2,028	1,317	184%	65%
		2012	2,407	1,204	1,783	1,093	148%	61%
	Total	2010	6,384	3,192	7,209	3,822	226%	53%
		2011	7,181	3,591	7,142	4,207	199%	59%
		2012	8,239	4,120	6,540	3,366	159%	51%

¹¹⁶ See n. 98 (pg. 43) and Appendix A.3 (pg. 52) regarding the distinction between facility tallies in this table and counts of registered providers appearing elsewhere in the report.

Figure 4.8. Percent of “50 Percent Inspections” Involving Regulatory Violations, By Major State Region and Modality of Care, For Year Beginning:¹¹⁷



¹¹⁷ Table 4.5 (preceding page) documents the numbers of "50 percent inspections" summarized for each year/bar displayed in Figure; for New York City: 3,937, 3,800, 3,466 (Total), 2,759, 2,637, 2,490 (FDC), 1,178, 1,163, 976 (SACC); for Balance of State: 3,272, 3,342, 3,074 (Total), 2,480, 2,477, 2,267 (FDC), 792, 865, 807 (SACC).