



Office of Children and Family Services

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DIVISION OF CHILD CARE SERVICES POLICY STATEMENT

15-1

Supervision Issues as they Relate to Home-Based Programs

ID NUMBER: 15-1

TOPIC: Supervision Issues as they Relate to Home-Based Programs

MODALITIES IMPACTED: Group Family Day Care and Family Day Care Programs

APPLICABLE REGULATIONS: Title 18 of the New York State Code of Rules & Regulations §§:
 413.2(b)(2)&(3) 416.8 417.8
 413.2(c)(14) 416.15(b)(16)&(20) 417.15(b)(16)&(20)

CONTACT: Regional Offices
<http://ocfs.ny.gov/main/childcare/regionaloffices.asp>

EFFECTIVE: IMMEDIATELY

THIS POLICY STATEMENT IS EFFECTIVE IMMEDIATELY AND CANCELS ALL PREVIOUS MEMOS OR STATEMENTS ON THIS TOPIC.

This policy statement addresses frequently asked questions regarding standards of supervision required of caregivers for child day care children in home-based child day care programs. The policy statement begins with the guidelines for supervision cited in the family and group family day care regulations and then applies those regulations to common situations experienced in most home-based programs.

What is Competent Supervision?

The Office of Children and Family Services (the Office) family and group family day care regulations cite the following supervision requirements:

Children cannot be left without competent supervision at any time. Competent supervision includes awareness of and responsibility for the ongoing activity of each child. It requires that all children be within a caregiver’s range of vision except as provided in section 416.8(b)/417.8(b) of this Part and that the caregiver be near enough to respond when redirection or intervention strategies are needed. Competent supervision must take into account the child’s age, emotional, physical and cognitive development [416.8(a); 417.8(a)].

Unique Topics and Issues Concerning Supervision

Bicycle Riding

An issue that often provokes questions from caregivers involves the supervision of school-age children riding bicycles on and off the premises.

School-age children **may not** leave the premises without adult supervision. In order to include bike riding as an activity that school-age children can do on their own, a program would have to have enough safe space to allow for bike riding. While school-age children may be out of the caregiver's range of vision for up to 15 minutes, they may not leave the premises unsupervised [416.8(b)(5); 417.8(b)(5)]. This provision in the regulations would prohibit a day care child from riding a bicycle in the street or in front of the premises or in the neighborhood without being in a caregiver's range of vision.

Within the range of vision of the caregiver, a child may ride his/her bike on the street or on other safe areas outside of the premises. The child must remain in the range of vision of the caregiver and must be capable of hearing the caregiver's directions at all times during this activity. The child's ability to ride independently and the surface riding conditions should be considered by the caregiver before allowing a child in care to undertake this type of bike riding activity.

Caregiver's Privacy Needs

A caregiver generally needs a few bathroom breaks throughout the day but at the same time is still required to maintain competent supervision of the children in his/her care. How, then, does the caregiver address the need for privacy and the need for competent supervision?

Formulating a plan to meet personal needs is essential. The plan should include considerations such as whether the caregiver has back-up caregivers, the floor plan of the program, the individual needs of the children, and group dynamics.

The following are some supervision options. These options should only be selected when they meet the needs of the group and individuals in the caregiver's care. A plan that works for one set of children may not work for another; individual needs and group dynamics must be assessed carefully before deciding on which plan works best for the program. As always, sharing a program's plans with parents is a best practice recommendation.

If more than one caregiver is present, one may use the bathroom while another caregiver supervises the children in care. If there is only one caregiver present in the program, that caregiver must have a plan to maintain competent supervision while using the bathroom. If there are no other caregivers in the program, the Office recommends that the caregiver engage the children in an activity in a location close enough to the bathroom to allow the caregiver to hear the children. The children should always be told where the caregiver will be in case they need him/her immediately.

If only one caregiver is present, he/she should never be on a different floor from the children in his/her care and should not be physically absent from the children in his/her care for more than a few minutes. This requires that children be moved to the same floor as the caregiver for the few minutes it takes for the caregiver to use the bathroom. It is critical that the space where the children are waiting for the sole caregiver to use the bathroom is safe.

If only one caregiver is present, he/she must carefully assess the needs and safety of each child in his/her care in light of the reality of his/her need for short absences during bathroom breaks. If, after careful assessment, a caregiver concludes that a particular child cannot or should not be left alone during this time, this may indicate that it is in the best interest of this child to be in a setting with multiple caregivers or supervision options. A plan to meet the child's supervision needs should be discussed with the child's parent.

The age of children being supervised may also play a role in a caregiver's planning for bathroom breaks. School-age children who the caregiver and parent deem to be responsible enough to be out of the caregiver's range of vision for 15 minute intervals [416.8(b)(5); 417.8(b)(5)] can be left unsupervised for the few minutes it takes for the caregiver to use the bathroom. Again, group dynamics and individual needs must play a role in decision-making.

Field Trips

Planning for field trips should include, among other things, supervision considerations and staffing needs. Thinking and planning ahead will help caregivers avoid situations and conditions that are either awkward or unsafe.

The following factors should be considered when planning field trips:

- Have adequate plans been made to meet the supervision needs of the group and the individuals in the group? The quality of supervision must not be diminished when taking day care children away from the approved home site. Depending on the circumstances of the field trip, a caregiver may want to take an additional caregiver(s) with him/her to help with supervision.
- What will the field trip experience offer? New experiences and distractions may cause children to stray from the group or lag behind. Knowing what is offered at the field trip destination and prior planning can help a caregiver schedule an itinerary that meets both group and individual children's needs.
- Rules for behavior on field trips should be developed and shared with the children. Caregivers must be attentive to the movement of all children and develop methods and/or rules for field trips that keep children safe and supervised. School-age children should be reminded that they may not separate from the group and they are not permitted to explore on their own. School-age children must be supervised directly in all situations that take the children off the premises.

Bathroom Use on Field Trips

A crucial part of pre-planning for field trips is inquiring about restroom facilities. Calling ahead to inquire about available restrooms and their set-up will help a caregiver avoid problems later.

It is suggested that caregivers look for more contemporary or newly renovated public restroom facilities called "family stations." Family stations are restrooms that are designed for both genders and would allow a caregiver to bring a group of children to the same bathroom regardless of gender.

Most field trip sites, however, will still have restroom facilities that are gender-specific. Some might consist of a design that has individual stalls that offer privacy for each user. This

arrangement may work well for caregivers who have small children, as the stalls will offer the children privacy and the caregiver will be able to supervise all children using the restroom.

If the field trip site restrooms are such that they do not allow a caregiver to supervise young children because they are strictly gender-specific or without privacy, then the caregiver may make plans to bring caregivers who will be able to bring the same sex child into the appropriate restroom.

School-age children may feel awkward or reluctant to use a restroom designated for a different gender than them. A caregiver may wish to accommodate for this by assessing whether the school-age child is old enough, responsible enough, and resourceful enough to use the gender-appropriate restroom while the caregiver waits just outside the main entrance to the restroom with the group of younger children. It is recommended that a caregiver have a discussion with the parent in developing a plan for children to use a restroom alone.

Combining Day Care Children from Different Programs

Each family or group family day care program is a distinct entity and regulations would prohibit these programs from combining services. However, the Office understands that there may be special experiences and activities that are age-appropriate and developmentally beneficial to children in care that would necessitate two groups planning an activity together. An example of this is team sports. Team sports can be fun, positive learning experiences for children, but they may also require more team members than one caregiver would have in his/her program.

When a caregiver has combined his/her group with another group, or is seeking information about combining one group with another group, the details of the situation or request must be explored. For example: For what purpose is the group being combined? If the purpose is to save on employment hours by combining staff to meet staff/child ratio, this is unacceptable. Where will the activity take place? If it is inside one of the premises, this is unacceptable. Is the activity beneficial to the children involved? If not, this is unacceptable. How long will the groups be together? If the activity is an all-day event, rather than an activity whose time frame is limited in its duration (such as a set number of innings of baseball or a time period in basketball), this is unacceptable. Are the caregivers assigned to care for their own group? Blending of staff is unacceptable; both groups must operate as separate and distinct entities.

Caregivers Who Invite Visitors to the Home during Business Hours

The Office defines who is a visitor to the child day care home in regulation [413.2 (c)(14)]. Visitor means any person who is not a day care child, staff person, caregiver, volunteer, household member, employee, parent of a child in care, or person authorized to pick up or drop off a child to the child day care program. The program is required to establish written rules and policies pertaining to monitoring and controlling visitors within the daycare home.

Visiting Children

Caregivers have a responsibility to supervise and care for the children enrolled in their program. All other activities and distractions including visiting children cannot interfere with the level of supervision and attention day care children receive. In assessing whether visiting children interfere with a caregiver's ability to provide care to enrolled children, the following items should be considered:

- Is the caregiver able to supervise the number of children in the home?

- Are the children in two separate areas of the home, causing the caregiver to be distracted from the day care children's needs and safety?
- Does the number of visiting children put the caregiver over capacity?
- If the caregiver claims that he/she is not caring for the visiting children, who is responsible for their supervision?
- Are the visiting children over the age of 13? If so, they may not impact the program's maximum capacity, but they will have to sign into the visitor's log.

Children are not allowed to visit a family or group family day care home such that the attention of the caregivers is diverted from the care of the day care children.

Visiting Adults

Visiting adults may also cause a sufficient distraction to the caregiver that their presence at the child day care program interferes with the level of supervision the caregiver is able to give to the children in care. Indoor and outdoor areas of the home where the children are being cared for must not be used for any other business or social purpose or non-day care activity when children are present, such that the attention of the caregiver(s) is diverted from the care of the children. [416.15(b)(16); 417.15(b)(16)]

Additionally, regulations address this issue by stating:

No person other than a caregiver may have unsupervised contact with a child in care at the program [416.15(b)(20); 417.15(b)(20)].

Caregivers must be in compliance with regulations that prohibit persons who are not caregivers from being alone or unsupervised with day care children. Visitors may not be left alone to supervise children nor may they participate in any caregiving activities entrusted to the caregiver.

As per regulations 416.8(p) and 417.8(p), visitors are required to:

- sign in on the visitor control log upon entry to the premises;
- indicate in writing the date of the visit and the time of entry to the home;
- clearly state in writing the purpose of the visit; and
- sign out upon departure from the home, indicating in writing the time of departure.

Providing competent supervision to a group of children while trying to direct, teach, comfort, feed and assist each child can be challenging. Caregivers are charged with this responsibility on an all day, every day basis. Caregivers must comply with regulatory standards that are based on common sense and professional judgment in setting limits and guidelines for the children in their care. There is no substitute for competent supervision.

Approved By:



Date: May 6, 2015

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