

**New York State Office of Children and Family Services**  
**Division of Child Care Services**  
**Child Care Regulations**  
**January 31, 2005 ~ SUBPART 418-1**  
**Child Day Care Centers**  
**418-1.13 Staff Qualifications**

(a) Staff members must be qualified by training and experience to carry out their respective functions in the administration, operation and maintenance of the child day care center. These employees must be mature, of good character and possess suitable personal qualifications. Staff must be in good physical and mental health and have the energy and emotional stability necessary to fulfill the responsibilities of their positions.

(b) Child day care centers must review and evaluate the backgrounds of all applicants for employee and volunteer positions with the potential for regular and substantial contact with children, except for a parent of a child enrolled in the center who is applying to be a volunteer if such parent will not be counted in determining staff/child ratios and such parent will not be left unsupervised with children on a regular basis. All applicants whose backgrounds must be checked must be required to provide the following:

(1) a statement or summary of each applicant's employment history including, but not limited to, any relevant child-caring experience;

(2) the names, addresses and day time telephone numbers of at least three references, other than relatives, at least one of whom can verify employment history, work record and qualifications, and at least one of whom can attest to the applicant's character, habits and personal qualifications to be a child day care center staff member;

(3) a sworn statement by the applicant indicating whether, to the best of the applicant's knowledge, such applicant has ever been convicted of a misdemeanor or felony in New York State or any other jurisdiction; and

(4) the information necessary to determine whether the applicant is the subject of an indicated report of child abuse and maltreatment as required by section 418-1.10(b) of this Subpart.

(c) If an applicant discloses in the sworn statement furnished in accordance with paragraph (3) of subdivision (b) of this section that he or she has been convicted of a misdemeanor or felony, the child day care center must inform the Office and provide a copy of the statement to the Office so the Office may take appropriate action in conformance with the provisions of section 413.4 of this Article.

(d) Each child day care center must be staffed to perform administrative/fiscal management functions and, during all hours of operation, program supervision functions, including developing, directing and supervising daily activity programs for children. These functions may be performed by one individual or may be shared in any combination between two or more individuals.

(e) When an agency operates multiple licensed centers, the person performing the administrative/fiscal management functions may be shared across such centers. Each licensed center must have a staff person who meets the qualifications set forth in subdivision (g) of this section to perform program supervision functions for that center.

(f) In child day care centers where there are fewer than 45 children enrolled, a head of group or an assistant to the head of group may also perform administrative/fiscal management functions and/or program supervision functions, provided that the qualifications for such positions as set forth in subdivision (h) of this section have been met. In child day care centers where there are 45 or more children enrolled, the administrative/fiscal management functions and program supervision functions may not be performed by a head of group or an assistant to the head of group.

(g) The minimum education and experience qualifications for staff are as follows:

	<b>Education</b>		<b>Experience</b>
<b>Person responsible for program supervision functions (Director)</b>	Bachelor's degree including, or in addition to, 12 credits in Early Childhood, Child Development or related field	AND	One year full-time teaching experience in a child day care center, family or group family day care home or other early childhood program AND One year of experience supervising staff
	OR		
	New York State Children's Program Administrator Credential	AND	One year full-time teaching experience in a child day care center, family or group family day care home or other early childhood program AND One year of experience supervising staff
	OR		

Associate's degree in Early Childhood or related field with a plan of study leading to a Bachelor's degree

AND

Two years full-time teaching experience in a child day care center, family or group family day care home, or other early childhood program  
AND  
Two years of experience supervising staff

OR

Child Development Associate Credential with a plan of study leading to a Bachelor's degree

AND

Two years full-time teaching experience in a child day care center, family or group family day care home, or other early childhood program  
AND  
Two years of experience supervising staff

OR

Associates degree in Early Childhood or related field with a plan of study leading to a New York State Children's Program Administrator Credential

AND

Two years full-time teaching experience in a child day care center family or group family day care home, or other early childhood program  
AND  
Two years of experience supervising staff

**Head of Group for preschoolers**

Associate's degree in Early Childhood, Child Development or related field

AND

No additional experience necessary

OR

Child Development Associate credential, or, 9 college credits in Early Childhood, Child Development or a related field, with a plan leading to a Child Development Associate credential

AND

Two years experience related to caring for children



**Head of Group for infants/toddlers**

(In addition to the above, 1 year of specific training and/or experience in infant or toddler care which may be demonstrated by obtaining an Infant Toddler Child Care credential)

**Head of Group for school-aged children**

Associate's degree in Child Development, recreation or related field

AND

No addition experience required

OR

High School Diploma or its equivalent

AND

Two years direct experience working with children under 13 years of age

**Assistant to Head of Group (all age groups)**

High School diploma or its equivalent

OR

Substantial experience working with children under 13 years of age

(h) The provisions of this section notwithstanding, persons holding positions in a child day care center prior to the effective date of these regulations who met the qualifications which were in effect at the time they were hired may continue to be employed in such positions.

(i) No person other than a director, head of group or assistant to the head of group may supervise a group independently even for brief periods of time, except in an emergency. The minimum age of a staff person is 16 years. However, no person under 18 years of age may be left alone to supervise a group of children.