



NEW YORK STATE SENATOR

Carl L. Marcellino

Senator Marcellino Calls for Nursery School Regulation

[Carl L. Marcellino](#)

April 23, 2009

With the tragic death of 2 year old Olivia Raspanti of Hicksville, at the Carousel Day School Senator Carl L. Marcellino is renewing his push for nursery school regulations.

“The heartbreaking death of Olivia is a dreadful accident that tugs on the heart of every Parent and Grandparent. However it is the Government’s ultimate responsibility is to keep our citizens safe. It is a sad fact that for much too long Nursery schools have been falling into the cracks and have been unregulated.” said Senator Marcellino. “I believe that we have to do better.”

Carousel Day School was chartered in 1959 as a Nursery through third grade private school. They choose not to have a registered Education Program; therefore for the past 50 years there was no State regulatory agency overseeing their operation.

“Entrusting the care of your children to others is never easy. However, the State, and those you count on to be safe need to give you confidence that they are doing their job,” said Senator Marcellino.

Current statute regarding child care providers authorizes the Office of Children and Family Services (OCFS) oversight only for those operators who provide care for more than three hours a day per child. As a result, an entire subsection of child care providers, specifically those who care for children for three hours or less a day in settings commonly referred to as nursery schools, have no statutory definition and operate outside of OCFS regulations and oversight.

Since 2003 Senator Marcellino has been carrying a bill to rectify that situation. His legislation would require nursery school providers to file with the Office of Children and Family Services. Initial filing

would be valid for one year: Subsequent renewals would be valid for two years. Once filed, nursery schools would be required to conform to applicable OCFS rules and regulations. As a result, a custodial parent or guardian would have unlimited access to his or her child and the right to on-demand nursery school inspection during hours of operation.

“My legislation would bring nursery school providers under State supervision, thereby protecting the safety and well being of a large group of children who remain vulnerable. We cannot wait for another tragedy before we pass this legislation,” concluded Senator Marcellino.