



Independent Democratic Conference

The Hidden Dangers in Day Care

***A Continuing Investigation into
the Safety and Quality of Day Care
in New York City***

November 2016

Introduction

New York's parents are entitled to a day care system that is consistent, safe, reliable, healthy, and a positive learning and development environment for their children. Issues regarding health and safety at day care centers should be the last thing parents should have to worry about when they drop their child off for care. Unfortunately, for many parents, whether they know it or not, this is not the case. There are a series of hidden health and safety risks that present themselves at New York's child care facilities when parents have the least ability to monitor and protect their children.

The Independent Democratic Conference has explored the issue of day care safety in a number of reports and investigations beginning in May 2013. Its first report on the topic, "Hidden Dangers in Day Care: Part 1 of a Series of Investigative Reports into the Safety, Standards, and Quality of Day Care in New York State," analyzed violations of New York City group day care centers from 2010 to 2013. It concluded that many group day cares in NYC persistently violated regulations designed to protect the health and safety of New York's children. It found that most parents were unaware of the violations, since identifying and locating the violations was an onerous process. The IDC also conducted a follow-up of similar day cares regulated by the New York State Office of Children and Family Services (OCFS).

Following its investigations, the IDC introduced legislation which required all licensed day care centers to post their latest inspection reports at the entrances of their facilities. The legislation became law in 2014, but only applied to OCFS-regulated facilities. Those centers which operate in NYC and are regulated by the New York City Department of Health and Mental Hygiene (NYC DOHMH) were exempted from the new requirement.

In late 2015, the IDC issued a follow-up report that demonstrated an urgent need for both increased transparency and institutional improvement among New York City group day cares. Despite routinely failing their inspections, many day cares stayed open. Perhaps even worse, these programs misled parents and potential clients about the health and safety histories of their facilities.

In this report, the IDC follows up on its previous investigations to provide an updated picture of the current health and safety status of New York City's day care centers. After a year that saw intense media focus on day care safety, and multiple legislative and regulatory efforts to make day cares safer, the IDC explores whether renewed pressure on day cares has created a safer system where repeat violators are exposed and corrected in time to protect New York's children before disaster strikes.

Key Findings:

- Overall, group day cares in New York City were cited for 19,493 violations between 2013 and 2016.
- Of the top ten violators in our November 2015 report, four have shut down.
- On average, there are 8.69 violations on record for each of the 2,244 group day cares on the NYC DOHMH website.
- Day cares in Brooklyn had the most violations, with nearly half of all recorded violations in that borough. Brooklyn also had the highest average of violations per program.
- Critical violations, which must be corrected within two weeks, account for nearly half of the violations on record.
- A third of programs, or 760, have been issued violations in the past year.
- In the past year, 3,048 violations have been issued.
- In the past year, the percentage of violations that are critical has gone down while the percentage of general violations has increased. The percentage of public health hazard violations remains similar, at around 20%.
- Brooklyn programs received the most violations in the past year, followed by Manhattan programs.
- Manhattan providers have had the largest number of violations issued on average per program over the past year, with an average 4.91 violations per day care. Bronx programs followed with 4.4 violations on average per program.
- The worst offender, My Little Language School, Mi Pequena Escuelita, Inc. in Manhattan, managed to rack up 74 violations and 12 public health hazard citations in a one year span.
- Half of the programs with the most violations in the past year were issued violations for failing to conduct the necessary criminal and safety background checks on members of their staff.
- Of persistent, chronic violators and worst violators that IDC undercover investigators were able to reach by phone, 50 of 98 (51%) denied having committed such violations to investigators.

Existing Regulations

There can be little doubt that the regulations and oversight placed on child care centers help to keep them accountable and encourage procedures and systems that protect children. When those regulations are ignored or flouted, children are put at risk.

There are a number of requirements that day cares must adhere to in New York in order to protect children from physical dangers. These requirements range from safe staffing and infection control to fire and water safety. They are meant to protect children from a range of threats, from the short term (abusive and dangerous staff, kidnapping, fires, etc.) to the long term (lead poisoning, infection, etc.). Each set of requirements ensures that children are protected from a particular common danger. The requirements laid out in Article 47 for child care centers in New York City are as follows:

- Background Checks on Employees (Preventing Sex Offenders, Violent Felons, etc.)
- Mental and Physical Health Checks for Staff
- Employees Trained in CPR and First Aid
- Secure Entry System (Preventing Infants and Children from Leaving and Unauthorized Persons from Entering)
- Water Test (Ensuring Drinking Water Does Not Contain Lead, Heavy Metals, Contaminants, etc.)
- Fire Department Inspection (Safety in Event of Fire)
- Written Safety Plan
- Oversight, Inspections and Reporting to Ensure Quality and Safety Compliance
- Line of Sight Supervision Requirements (Staff Must Always Be Able to See the Child)
- Food Safety Requirements
- Infant Sleep Safety Plan
- Emergency Evacuation Plan and Safety Drill Requirements
- Immunization and Infection Control Requirements for Students and Staff
- Medication Administering and Storage Policy
- Anti-Child Abuse and Maltreatment Training
- Rodent, Insect, and Pest Control Requirements
- Staff Minimum Education and Certification Requirements & Annual Ongoing Training Requirements

Group Day Care in New York City

Group day care programs care for three or more children in a non-residential setting ranging from infants under one to children six years of age.¹ NYC DOHMH breaks up this group into two categories, Infant and Toddler child cares, which serve children under 2-years-old, and Pre-School Child Care, for children 2-to-5-years-old. Each program must apply for their own permit number. A single facility may host a program for toddlers and a program for 2-to-5 year-olds. Each will have a distinct permit number and be inspected individually. While not

¹ New York City Health Code Subsection 47.01(c)

every group day care has hidden dangers, there are a disturbingly large amount of group day cares that have been cited for serious violations and continue to operate – many of which have persistently committed the same violation over and over again despite continuously failing regulatory inspections.

Parents and guardians have no way of knowing of the host of violations issued to a day care unless they go onto the New York City Department of Health’s website and search for the section related to child care, search for the licensing section and then search for the name of their day care center. Consequently, parents must be extremely computer savvy, as well as have the time to sort through the many intricate and confusing channels of the City of New York’s website, in order to adequately protect their children. While the Department of Health has taken some laudable steps to improve outreach to parents whose children are already in programs, more must be done to help inform those seeking a place for their child to grow and learn.

The Inspection Process in New York City

Through its Bureau of Day Care, the NYC Department of Health and Mental Hygiene (DOHMH) oversees and inspects four types of day care facilities:

- Group Day Cares (GDC),
- Group Family Day Care Centers (GFDC),
- Family Day Care Centers (FDC) and
- School Age Centers (SA).

GFDC, FDC and SA facilities are all subject to state law² and regulations promulgated by the New York State Office of Children and Family Services (OCFS). The City (through a Department of Health and Mental Hygiene contract with OCFS) plays a significant role in providing day-to-day oversight for these facilities, including license application and renewal processing, complaints and inspections, and recommendations for enforcement. However, for state-regulated day cares, OCFS is the ultimate authority. Group Day Care facilities within the city, on the other hand, are overseen and regulated exclusively at the local level by the NYC Department of Health and Mental Hygiene.³

There are various regulations, policies and procedures concerning complaint response, investigation, and the resolution process for group day care centers in New York City.

Two types of inspections exist for GDCs: complaint inspections which occur in response to a reported violation, and routine inspections which are annual and unannounced. Complaints are generally received via phone calls, mail, email, in-person/walk-in, voice mail and fax.⁴ Upon receipt, complaints are assigned a severity code; an “A” complaint indicates an immediate risk of danger to children and requires a Bureau of Day Care inspector to visit the site within 24 hours. A “B” complaint might include a possible unlicensed day care, dirty facility/home, or unsafe play area and must be visited no later than seven business days from the date of the

² New York Social Service Law, Section 390

³ See New York City Health Code Article 47

⁴ See *id.*

complaint.⁵ After the complaint inspection is performed, a copy of the complaint response form is sent to the central office.⁶ Thereafter, a follow-up compliance inspection occurs.⁷

In the absence of a complaint, the Department of Health and Mental Hygiene routinely inspects GDCs to ensure compliance with the NYC Health Code. Violations are categorized as general violations, critical violations and public health hazard violations.

- Minor or general violations do not pose a direct threat to children and must be corrected within one month of receiving the citation. DOHMH **does not** perform compliance inspections to determine if general violations were corrected when there are no critical violations and fewer than six general violations observed at the time of an inspection.
- Critical violations **do not pose an imminent risk** to the health and safety of children. However, these violations are still serious and must be corrected by the provider within two weeks of receiving the citation. DOHMH conducts a compliance visit to confirm these violations were corrected.
- Public health hazard violations are the most serious type of violation. A GDC can be cited for this type of violation if the conditions present an imminent threat to the health and safety of children, and must be immediately addressed and corrected within one business day of receiving the citation.⁸ A follow-up inspection then ensures that corrective action has taken place. Some examples of public health hazard violations are as follows:
 - **Child care service failed to arrange/conduct criminal/SCR background clearance checks for required individuals; failed to re-clear required individuals with the SCR every two years;**
 - **Child care service failed to provide constant and competent supervision for children within its care;**
 - **Child care service failed to maintain required staff to child supervision ratios at time of inspection; and**
 - **Windows excluding fire escape windows in a child care service observed without window guards in a child care service.**

Inspections are a critical step to ensuring accountability on the part of GDCs. However, it is clear that further steps need to be taken to crack down on problem providers, especially given that many of these types of violations are not ones that parents could be expected to notice.

⁵ See *id.*

⁶ See *id.*

⁷ See *id.*

⁸ See New York Health Code Subsection 47.01(k).

Greater transparency must be in place for parents to make an informed decision when choosing a day care for their child.

Investigation

Analysis of Complete Data Set of Violations.

IDC staff in early October went through the current inspection records available publicly on the NYC DOHMH website, which allows parents to search for various child care services regulated by the department⁹ and recorded the violations currently visible to the public. This website keeps violations on record for a period of three years, meaning that violations issued from late 2013 through now are available. A total of 2,244 GDC programs, made up of all toddler and pre-school day care programs, were found to be on record with NYC DOHMH at that time.

These 2,244 programs have a combined total of 19,493 violations on record. That equals an **average of 8.69 violations per program** citywide for the period covered. In examining the nature and seriousness of these violations, we discovered significant differences in the incidence of violations in the various boroughs.

	<u><i># of Programs</i></u>	<u><i># of Violations</i></u>	<u><i>Average # of Violations per Program</i></u>
<i>Brooklyn</i>	825	9371	11.36
<i>Bronx</i>	300	2822	9.41
<i>Manhattan</i>	515	4210	8.17
<i>Staten Island</i>	110	838	7.62
<i>Queens</i>	494	2252	4.56

Brooklyn had the most programs, and the most violations issued in the past three years by far. Almost half of all violations issued were given to Brooklyn programs. An average of 11 violations have been issued per program in Brooklyn. Manhattan had the next most programs and violations, with close to 22% of violations issued, but their per program violation average was lower than that of The Bronx, which has the second worst violation per program average, at nearly nine-and-a-half per program. Fourteen-and-a-half percent of all violations were issued to Bronx programs. Staten Island had the fewest programs and total violations, counting for only 4.3% of all violations issued, but their per program average was higher than that of Queens, which had by far the lowest per program violation average. Slightly less than 12% of violations were issued to programs in Queens.

Nearly half of all the violations issued in the past three years were critical violations. Minor or general violations were the next most common violations, with nearly a third in this category. Public health hazard (PHH) violations made up the remaining fifth of the violations issued.

⁹All data obtained from <https://a816-healthpsi.nyc.gov/ChildCare/SearchAction2.do> between October 3 and 7, 2016

The distribution of violations for each of the five boroughs differed significantly. For example, The Bronx was the only borough in which programs received more minor or general violations than critical violations. They also had the largest percentage of PHH violations issued. Brooklyn and Manhattan programs had a distribution of violations very similar to the citywide one. Staten Island had the smallest percentage of PHH violations and the second highest percentage of minor or general violations issued, following The Bronx. Queens had the most unbalanced distribution of violations, with almost two thirds of the violations being issued falling into the critical category.

For more information on these statistics, please refer to the appendix for graphs.

A Look Back to Last Year

The November 2015 update of our original 2013 report highlighted the ten programs with the most violations in the period from the beginning of 2013 to mid 2015. In looking back at those ten programs, staff found that three of them could no longer be found on the DOHMH database. Two of them had seen the number of violations on record go down by at least a dozen, meaning that since our last report they have not incurred a significant number of violations. The remaining five are still operating. Of these, four of them saw increases in the number of violations on record, meaning that in the year since we examined the data they have continued to rack up violations.

Staff examined the number of violations that have been issued in the past year specifically, starting on October 1, 2015 through mid October of 2016 to find out which programs had racked up the most violations in the past year since our previous report. My Little Language School/Mi Pequeña Escuelita in Manhattan had a startling number of violations in that period, with 74 issued to that location. The next program on the list racked up less than half as many violations, with 32. In addition, My Little Language School had over ten public health hazard violations issued in the period. Another three programs on our list also received over ten public health hazard violations in the past year, with one of them being cited with 16 such violations.

Programs with the Most Violations in the Past Year

<u><i>Rank</i></u>	<u><i>Name of Program</i></u>	<u><i>Permit #’s</i></u>	<u><i># of Violations Oct. 2015 to Oct. 2016</i></u>	<u><i># of Public Health Hazards</i></u>
1	My Little Language School, Mi Pequena Escuelita, Inc. – Manhattan	8374	74	12
2	The New York League for Early Learning, Inc. – Manhattan	7341	32	2
3	Modern Organization and Human Development Center – Brooklyn	93880	28	12
4	Yeshiva Adas Yosef Elanda – Brooklyn	55098	27	6

5	Loyalty Daycare – Bronx	14418	26	16
6	Sunshine Infant & Toddler Program – Brooklyn	7597	24	6
7	MOHDC Smartstart Pre-K Academy & Learning Center – Brooklyn	73020	22	11
8	UVP Operating, LLC.– Manhattan	54540	22	7
9	Royal Day Care Center, LLC – Brooklyn	81757	21	6
10	Preschool of America – Manhattan	7518	21	4

In the November 2015 report, we examined whether each of the programs listed in our top ten list had failed to conduct criminal and safety background checks on any of their staff members. At that time, we were able to verify that all of the top ten programs had been cited for a failure to conduct the necessary background checks. When examining the record of the top ten for the past year, we found that half of the programs on this list were issued with at least one violation of failing to conduct the necessary background or criminal checks, which constitutes a public health hazard violation.

When looking at the violation data on record for the past year specifically, we see that Brooklyn was the borough with the most violations issued to its programs, with a total of 1,240. Manhattan programs followed with 1,011. Programs in The Bronx came next, with 396 violations. Queens programs had 300, and Staten Island programs had 101 violations. In total 760 programs have been issued violations in the past year, or just over a third of the 2,244 group day care programs identified on the DOHMH website.

	<u><i># of Programs Cited in the last year</i></u>	<u><i># of Violations issued in the last year</i></u>	<u><i>Average # of Violations per Program Cited</i></u>
<i>Bronx</i>	90	396	4.40
<i>Brooklyn</i>	317	1240	3.91
<i>Manhattan</i>	206	1011	4.91
<i>Queens</i>	115	300	2.61
<i>Staten Island</i>	32	101	3.16

Brooklyn had the most programs cited, followed by Manhattan, but as the chart above shows, the difference in violations issued over the past year meant that Manhattan programs cited for violations had a greater average number of violations than Brooklyn programs, which is a significant change from the three year totals. Bronx programs cited for violations also had a

larger average of violations than Brooklyn programs. Queens programs remain those with the smallest average violations per program.

Critical violations remained the most common in the last year, though they made up 45% of the violations issued. The percentage of violations in the general category went up to cover the difference, while the percentage of violations classified as public health hazards remained basically unchanged.

For more information on these statistics, please refer to the appendix for graphs.

Persistent, Chronic Violators

In our November 2015 report we focused on persistent, chronic violators. These are child cares that are consistently and repeatedly cited for violations by the City. Our previous investigation found 236 total daycares that are still licensed and in operation despite being cited for critical and/or public health hazard violations in 100 percent of their annual inspections. The investigation this time around found 21 such daycares.

We decided to look at programs that over the past three years have had violations in at least two thirds of their annual inspections and a minimum of 20 violations on record to see if we could identify those programs with the longest streaks with consecutive violations, something looked at in our previous investigation. In addition, we decided to recreate the list of worst chronic, persistent violators. For this list, we examined those programs with at least 30 violations and where the streak of inspections yielding violations was at least ten inspections long. Two of the Brooklyn pre-school programs with the most violations on record happen to appear again on this list, the ABC Ministry and Counseling Center and the Coney Island Child Care Center. Four of the programs previously cited in the November 2015 list remained on the list, including the program mentioned above that had an increase in the total number of violations on record.

<u>Rank</u>	<u>Name of Program</u>	<u>Permit #</u>	<u>Consecutive Inspections w/Violations</u>	<u>Violations (Total)</u>	<u>Public Health Hazards (Total)</u>	<u>Examples of Violations</u>
1	Friends Of Crown Heights Educational Center – Brooklyn	25178	14	48	14	Electrical/chemical/mechanical hazards observed at time of inspection(4x); At time of inspection hand wash sinks are not supplied with an adequate amount of running water. At time of inspection water temperature exceeded 115 deg Fahrenheit. (8x)
2	Sunset Park Early Childhood Development Center – Brooklyn*	19137	13	49	7	Child care service failed to arrange/conduct criminal/SCR background clearance checks for required individuals; failed to re-clear required individuals with the SCR every two years (3x); Childcare

						service/camp obstructed DOHMH staff at time of inspection (2x)
3	Coney Island Child Care Center – Brooklyn	24617	13	68	14	Child care service failed to arrange/conduct criminal/SCR background clearance checks for required individuals; failed to re-clear required individuals with the SCR every two years. (7x); At time of inspection it was determined that plumbing was not installed by a licensed plumber; plumbing cross connection or other hazard observed that may result in the contamination of the potable water supply; Lead content of water has not been tested. (6x)
4	Preschool Of America (USA) INC. – Brooklyn	8393	12	42	4	At time of inspection children were observed occupying space not previously approved by the Dept of Buildings, FDNY and/or DOHMH (8x); At time of inspection child care service facility observed not maintained or in disrepair. Dry sweeping observed in areas occupied by children (6x)
5	ABC Ministry And Counseling Center, INC. – Brooklyn	7738	12	74	20	Required food protection procedures were not implemented at time of inspection. Holder of food protection certificate was not on site during hours of food preparation activity (6x); Child care service failed to arrange/conduct criminal/SCR background clearance checks for required individuals; failed to re-clear required individuals with the SCR every two years. (4x)
6	Tender Years Childcare, Inc. (Toddler) – Bronx*	7231	11	33	9	Childcare service failed to designate/identify a qualified Education Director (5x); Childcare service failed to arrange/conduct criminal/SCR background checks or to re-clear required individuals (3x)
7	Duffield Children's Center – Brooklyn	5895	10	33	8	Childcare service failed to arrange/conduct criminal/SCR background checks or to re-clear required individuals (4x); Fire extinguishers observed not to be inspected or maintained at time of inspection. (4x)
8	Amy's Academy – Brooklyn*	7955	10	32	8	Fire extinguishers observed not to be inspected or maintained at time of inspection. (4x)
9	Tender Years Childcare Inc. (Pre-School) – Bronx*	6367	10	41	6	Child care service failed to designate/identify a qualified Education Director (8x); At time of inspection hand wash sinks are not supplied with an adequate amount of running water.

						At time of inspection water temperature exceeded 115 deg Fahrenheit (4x)
10	Sunshine Infant & Toddler Program – Brooklyn	7597	10	45	14	Number of children in attendance exceeds approved maximum child capacity (4x); Child care service failed to provide constant and competent supervision for children within its care (3x)

*Programs that were in our previous 2015 list of chronic and persistent violators

Day Care Violations Investigative Calls and Visits 2016

When the IDC called chronic, persistent violators and those providers with the most violations, more than half either lied about their violation history or were otherwise unresponsive to the question. Some of the most egregious examples included providers which flatly lied to investigators, deflected to other dangerous providers, or even insulted investigators for daring to ask about the health and safety status of the program for the sake of protecting children.

A total of 116 chronic, persistent violators were identified by the IDC. Investigators attempted to reach all of these day cares, posing as concerned parents looking for a safe, high-quality day care to send their children. Investigators asked these programs a series of questions by phone, attempting to gauge whether parents would be able to obtain via phone the health and safety information and compliance history necessary to determine whether these programs are safe. These inquiries included, but were not limited to, questions such as: “Do you conduct background checks on all of your employees?” “Do you have a history of any violations or citations I should know about?” “Is there anywhere I’d be able to look up your violation history?”

Programs Reached by Phone	Claimed No History of Violations	Unresponsive or Deceptive Regarding Violation Questions, But Did Not Claim No Violations	Provided Parent Info on Where to Get Violation History?
98	50	7	23

Of 116 programs identified as chronic, persistent violators and those identified earlier as top violators, IDC investigators were able to reach 98 by phone. Among these were 8 additional providers who were listed as among the top violators, but who were not identified as chronic, persistent violators. Over half of these providers claimed they did not have violations or citations. Seven of these providers did not actively deny having violations, but were either unresponsive or deceptive when asked about violation history. Only 23 of the 90 providers spoken with provided investigators information on where to see the violation history, almost all of whom pointed parents toward NYC Administration for Children’s Services (ACS) or NYC DOHMH.

Investigators subsequently visited some of the worst violators on the list in person, using hidden camera footage to verify that the worst providers lie to parents about their violation history.

Sunshine Infant & Toddler Program at 1277 Sterling Place in Brooklyn lied to investigators when asked whether they had any violations in the last year. Staff answered “No” when asked whether there were violations, and also answered “No” when asked if there were any existing means by which investigators could check on the history of their violations, despite that the records of the violations are publicly available to parents on the NYC Department of Health and Mental Hygiene website. Program staff also indicated that they perform background checks and that all the program’s teachers are fingerprinted upon employment. According to staff, there are two teachers per class. Investigators were not able to do a tour, as staff indicated that children were sleeping. Despite staff’s claims, the center has received, within the past one year period, 6 public health hazard violations, 12 critical violations, and 6 minor violations, for a total of 24 violations. Among these were multiple violations for failure to provide constant and competent supervision for children, and for exceeding the approved maximum child capacity of the center.

Investigators went to visit one of our top ten violators located on the second floor of 533 Blake Avenue in Brooklyn, and on the first floor they found another daycare, Heavenly Miracle Academy Service, Inc. While inside, investigators were told that the child care was closed due to recent violations, and staff claimed that the facility has been closed for around two months. Staff also claimed the center was waiting for NYC DOHMH to clear them to operate again, and claimed they had corrected all of their violations. When investigators asked what kind of violations they had, staff responded that it was “minor stuff,” like not having the plug guards in the electrical outlets as required by DOHMH. When asked about background checks, staff affirmed that, “We have to have a clearance from the state before anybody can come in, because this is children... So, we have to have a clearance.” When asked about space heaters on premises, staff stated that they do not use them when the children are present. Staff told investigators they planned to open again in a couple weeks.

While the center’s violations are not available online since the program is currently suspended, a report in the Daily News revealed that the program was suspended because it was illegally mixing kids as old as 10-years-old with toddlers¹⁰. In January, prior to the February suspension, it was discovered that a volunteer at the program, Manathis Anderson, 63, was arrested and charged with groping a 10-year-old. Because of poor examples like this one, the IDC supports full and transparent disclosure of a program’s violations regardless of whether that program has previously been suspended or not. Parents cannot rely on full and honest disclosure by program staff, as it is within their financial interest to hide this kind of information from parents.

2016 Day Care Safety Developments

Legislators are taking action to ensure that providers are brought under greater oversight and ensure their compliance with health and safety regulations.

Following our previous report and follow up investigations by the press which also uncovered alarming repeating safety violations, Senators Klein and Avella joined Governor Cuomo to

¹⁰ Smith, Greg, “EXCLUSIVE: Brooklyn day care center where worker molested child loses license over another violation”, *New York Daily News*, 2/5/16, article available at: <http://www.nydailynews.com/new-york/brooklyn/brooklyn-day-care-center-loses-license-violations-article-1.2520838>

introduce a program bill (S8134) this previous session to improve oversight of providers. Among other things, the bill would have improved transparency by requiring facilities to notify parents in writing if their programs are suspended, created a unified searchable database of all day care providers in New York State with information on any program operating or suspended within the last six years, given the Office of Children and Family Services (OCFS) the ability to suspend providers without written notice for placing children at serious risk of physical, mental, or emotional harm, increased fines for the most egregious providers, unified and increased health and safety standards at day cares across New York State. The bill passed the Senate unanimously, but did not pass the Assembly prior to the end of session.

In early July, following the bill's failure to pass in the Assembly, Governor Cuomo introduced a set of emergency regulations to increase oversight of day cares and transparency in reporting on their health and safety status. Included in these emergency regulations was a provision that will expand the publicly-available state-licensed registry to include inspection and violation histories for up to six years, as well as include information on illegally operated providers so that parents can identify and steer clear of bad actors. The new regulations also define what constitutes an "imminent danger" to children or the public health, and expands OCFS's ability to suspend a facility's license without written notice for reasons including, but not limited to, insufficient staff-to-child ratios, failure to obtain appropriate medical treatment for a child, blocked exits, corporal punishment, poor sanitary conditions, and refusing to cooperate with inspectors. The regulations also increase fines to \$500 per day for first-time and repeat serious health and safety violations. They also require state inspectors to notify law enforcement when a program is operating illegally, trigger a review of all of a provider's state-regulated programs when an operator's license is suspended at one facility, and requires providers operating illegal day care programs to immediately notify parents in writing when they're shuttered by regulatory authorities.¹¹

There can be no doubt that New York is taking steps in the right direction to ensure quality, safe care for parents and their children across the state. The Governor's collaboration with the IDC represents a significant effort to improve the safety of day cares in New York.

Solutions

Day Care Postings Summary Bill

In 2016, Senator Klein worked with the New York City Department of Health and Mental Hygiene to develop a new day care summary posting card which will give parents invaluable new health and safety information about their day care centers. Senator Klein then joined Assemblywoman Titus in passing S.5676-A / A.8182-A, a bill which would require the New York City Department of Health and Mental Hygiene to issue these performance summary cards to providers in New York City.

¹¹ Governor Cuomo Unveils Emergency Regulations to Improve Safety at Child Care Facilities in New York State. (2016, July 05). Retrieved from <https://www.governor.ny.gov/news/governor-cuomo-unveils-emergency-regulations-improve-safety-child-care-facilities-new-york>

In the rest of the state, providers are required to post their most recent inspection histories in a prominent location near their main entrance. Now, in New York City, parents will have an even more useful tool: summary cards which explain in simple to understand terminology and with prominent statistics, how safe a provider is relative to other providers around it. The cards will present useful information to the parent: the capacity of the child care service, the length of time the service has been operating, a comparison of the child care service to other services in the same social services district, etc. Similar information is available on New York City's Department of Health and Mental Hygiene website, in its "Child Care Connect" database. The bill is currently awaiting the Governor's approval, and the IDC urges its adoption as soon as possible so that parents can easily have access to the critical information they're entitled to when they visit a facility.

QUALITYstarsNY

While safety is of the utmost importance, the IDC understands how crucial high quality early learning is for our children. Children receiving quality child care exhibit a higher degree of cognitive development than those who do not receive high quality care. Moreover, research has shown that investment in high quality child care programs can generate a long-term investment of up to \$16 for every \$1 invested.

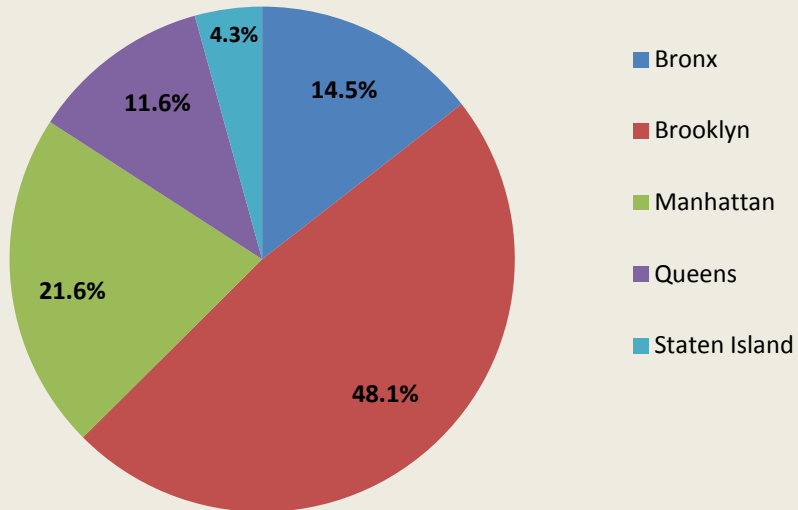
QUALITYstarsNY is a project of the Early Childhood Advisory Council whose mission is to provide strategic direction and advice to the State of New York on early childhood issues. It provides a voluntary quality rating and improvement system available to all regulated programs serving young children in centers, schools and homes. Currently, QUALITYstarsNY serves approximately 565 center-based programs, family-home providers, and public schools in target communities who applied and were selected to participate in its current program implementation. This is up from 330 programs the last time the IDC provided an update.

In addition to its set of standards which define best practices in early childhood settings, QUALITYstarsNY provides support to providers for things such as professional development and technical assistance, and gathers data in order to analyze programs as they undergo improvement. Additionally, it collects and monitors workforce data such as staff employment history, education, and ongoing professional development. Participating providers also have the quality of their learning environment assessed, and are offered a number of resources to meet quality improvement goals.

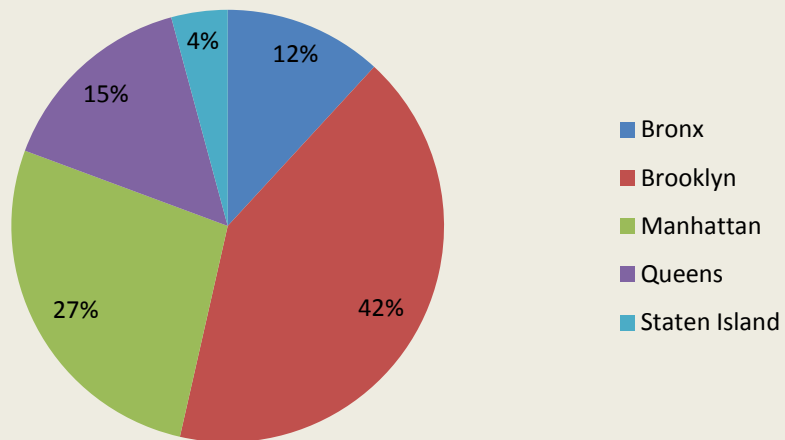
The IDC strongly believes every day care provider should be provided the opportunity to participate in the QUALITYstarsNY program. The IDC fought for increased funding for QUALITYstarsNY in the 2016-2017 budget. Following its efforts, the program's funding was increased by \$2 million to a total of \$5 million. The IDC will continue to advocate in 2017 that this program be fully supported in order to ensure a high standard of quality at New York's day cares.

Appendix

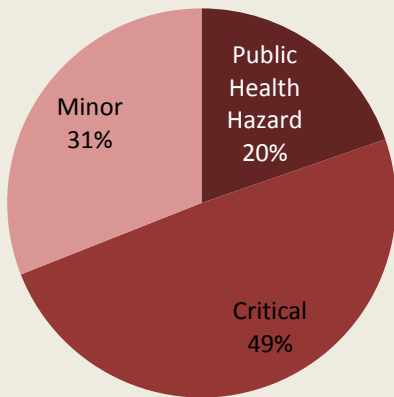
Violations by Borough 2013-16



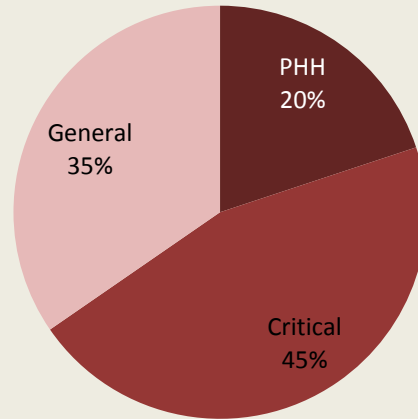
Providers Cited Oct 15 to Oct 16



Violations by Type for 2013-2016



Breakdown of Violations in the Past Year



Number of Violations by Type per Borough 2013-16

