



Independent Democratic Conference

The Hidden Dangers in Day Care

*A Follow-Up Inquiry into the Safety,
Standards and Quality of Day Care
in New York City*

November 2015

Introduction

Parents should never have to fear for their child's safety at a group day care center. While parents across New York City leave their children with these facilities under the belief that providers are qualified, attentive and cognizant of safety concerns, inside many group day care centers are hidden risks that pose serious threats to our children. Worse, many of these threats are imperceptible during a site visit, leaving parents unaware of dangers. While inspections attempt to catch these problematic providers before they become public health hazards, many violations remain uncorrected or reappear long after being cited. It's now time to ask: At what point does the safety and health of a child outweigh the need to keep a day care with persistent violations open simply for the sake of having a day care open?

In May 2013, the Independent Democratic Conference (IDC) of the New York State Senate released a report entitled, "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" The report detailed an investigation that looked into violations issued to New York City group day care centers from 2010 to 2013. The investigation found that many group day cares in New York City persistently violated public health hazard laws and racked up critical violations. The investigation also revealed that most parents are unaware of these violations, since identifying them is difficult, at times impossible, for the untrained eye. That report was followed by a similar investigation into day cares regulated by New York State.

These reports ultimately led the IDC to introduce legislation requiring all licensed day care centers to post their latest inspection report at the entrance of their facility. This legislation became law as part of the 2014 State budget, but only for those licensed by the Office of Children and Family Services. Day cares operating in New York City, which are licensed by the City's Department of Health and Mental Hygiene, carved themselves out of requirements to post their latest inspection results.

This report, a follow-up to the previous two, demonstrates the urgent need for both increased transparency and institutional improvement among New York City's licensed day cares. IDC staff analyzed inspection reports issued by the City Department of Health, and found that despite the fact that many group day cares in New York City have repeatedly failed all of their inspections, their doors have remained open. In addition, many of these day cares refused to provide an accurate representation of their history to parents of potential students. Unjustly, often these dangers remain hidden from parents and guardians who trust these facilities with their children's lives. By making information about these infractions more readily available to parents, New York can not only help protect young children in day care centers, but also improve the overall quality of services that such centers provide.

Key Findings:

- Overall, Group Day Cares in New York City were cited for 18,102 violations between 2013 and 2015.
- Four of the top 10 violators from the IDC's previous report have since been closed:
 - The previous number five violator, Next 2 Home Child Care in Brooklyn, was shut down in September 2014 as part of a probe into day care center fraud by the City Department of Investigations.
 - Another, Avalon Child Care on Fifth Avenue in Brooklyn, has had its license suspended while the Department of Health and Mental Hygiene investigates allegations of abuse.
- The current worst offender, Brightside Academy in the Bronx, managed to rack up 77 violations and 11 public health hazard citations over a two-and-a-half-year span.
- Every one of New York City's top 10 worst violators was cited at least once for failing to screen staffers for past history of child abuse and maltreatment, criminal convictions and/or sex offender status.
- There are 236 total day cares that are still licensed and in operation despite failing every single one of their annual inspections.
- 88 of the 236 day cares who have failed every annual inspection have also committed the same violations multiple times without learning their lesson:
 - In Manhattan, 25 repeat offenders were cited on multiple occasions for failure to maintain buildings in a safe and structurally sound manner.
 - For both Brooklyn and The Bronx, the most common citation was for failure to conduct adequate background checks on employees, potentially allowing criminals or predators access to children as childcare workers.
 - The most common critical violation in Queens was an observation that the childcare facility was not maintained or was in disrepair.
 - The most common citation on Staten Island was for failing to have staff properly trained in first aid and CPR, putting children's lives at risk.
- The majority of these persistent, chronic violators (56%) denied having committed such violations to undercover investigators.

Group Day Care in New York City

Group day care centers care for three or more children in a non-residential setting ranging from infants under one to children six years of age.¹ There are 2,271 group day care centers in New York City licensed by the New York City Department of Health and Mental Hygiene. While not **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

¹ New York City Health Code Subsection 47.01(c)

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 childcare, 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 Care (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.⁴

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.⁵ 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 complaint.⁶ After the complaint inspection is performed, a copy of the complaint response form is sent to the Central Office.⁷ Thereafter, a follow-up compliance inspection occurs.⁸

² New York Social Service Law, Section 390

³ See New York City Health Code Article 47

⁴ NYC DOHMH Report on the Bureau of Day Care, issues October 7, 2004, located at <http://www.nyc.gov/html/doh/html/living/childcare.shtml>.

⁵ See *id.*

⁶ See *id.*

⁷ See *id.*

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

- General violations do not pose a direct threat to children and must be corrected within a 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.⁹ 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. Greater transparency must be in place for parents to make an informed decision when choosing a day care for their child.

⁸ *See id.*

⁹ See New York Health Code Subsection 47.01(k).

Inspection Reports for Group Day Care in New York City (2013-2015)

Every GDC in New York City is generally inspected annually, and many are cited for a significant number of violations. Since 2013, NYC group day care centers have accumulated an average of nearly eight violations per provider. As in previous years, the worst offenders remain in Brooklyn, where providers averaged 11 violations each. This borough also saw the greatest number of total violations with 9,565 in just two and a half short years. **Overall, group day care centers were cited for 18,102 violations between 2013 and 2015.** This egregious number of violations would compel any parent or guardian to question their child’s safety at any group day care center.

2013-2015

	<u># of Providers</u>	<u># of Violations Since 2013</u>	<u>Average # of Violations per Provider 2013-2015</u>
<i>Bronx</i>	315	2714	8.62
<i>Staten Island</i>	119	822	6.91
<i>Brooklyn</i>	869	9565	11.01
<i>Manhattan</i>	530	3131	5.91
<i>Queens</i>	512	1870	3.65

Source: IDC Analysis of Department of Health and Mental Hygiene data located at: <https://a816-healthpsi.nyc.gov/ChildCare/ChildCareList.do>

A Look Back to 2013

The IDC conducted an updated analysis of the top violators from the initial 2013 report. While some of the group day cares seem to be increasing their focus on maintaining a safe learning environment, others continue receiving numerous violations. For instance, Practical Learning Center, located in Brooklyn, received 10 public health hazard violations from 2013-2015, an increase from the four it was cited for between 2010 and 2013. Six of these were violations related to fire safety; three violations for “fire extinguishers observed not to be inspected or maintained at time of inspection,” and three for “child care service fails to provide/maintain fire alarm when required.” The simple tasks of maintaining a fire alarm and fire extinguisher should never be overlooked by those who are entrusted with the care and safety of our children.

New York Kids Club in Brooklyn – the most cited day care center since 2013, out of the previous top violators - was also cited for fire safety violations, including failure to document monthly fire drills and failing to inspect or maintain fire extinguishers. This Brooklyn day care was also cited for violations focused on the quality and competency of its employees. For example, the facility was cited twice for: “At time of inspection it was determined that child care service allows staff to perform their duties that are not healthy or are incapable of carrying out their duties. Staff medical clearances are not maintained by child care service.” There was also a

citation for: “At time of inspection it was determined that child care service failed to ensure staff received required training within time frames and/or failed to maintain training records.”

Four of the 10 top violators identified in the IDC’s previous report have since ceased operation—two of them in the wake of scandal. The previous number five violator, Next 2 Home Child Care in Brooklyn, was shut down in September 2014 as part of a probe into day care center fraud by the City Department of Investigations. Nevertheless, the Department’s Commissioner remarked on the unsanitary conditions of the building, “We found rat poison and excrement on the floor. We found garbage piled in the backyard preventing people from getting to the egress. We found rotten milk in the fridge and we found the fire alarm lever in the lobby falling off the wall.”¹⁰ Despite these dangerous findings, it was only because the day care center’s owner, Owen Larman, was being investigated for fraud that the day care was exposed and shut down.

The other, Avalon Child Care on Fifth Avenue in Brooklyn, has had its license suspended while the Department of Health and Mental Hygiene investigates allegations of abuse. The center is not allowed to continue operation while the Department reviews two videos which allegedly show staff members using physical force on students.¹¹ Again, a day care center that should have been red-flagged for the number of health and safety violations it received has been revealed as dangerous for children only as part of a separate investigation.

The State of Day Cares in 2015

Through a follow-up analysis of New York City group day care providers, The IDC compiled the top violators between 2013 and 2015. The number one offender, Brightside Academy in The Bronx, managed to rack up an astounding 77 violations and 11 public health hazard citations over a short two-and-a-half-year span. In fact, according to DOHMH records, Brightside Academy has been fined on multiple occasions since 2013 for repeated offenses such as, “Child care service failed to maintain required staff-to-children supervision ratios at time of inspection,” (a public health hazard whereby because there are not enough adults to look after the children at the center, children may be left unattended and able to harm themselves or each other). Brightside Academy also received several citations for, “At the time of inspection, child care service failed to maintain a minimum of 30 square feet per child.” Taken together, these violations seem to indicate a crowded space with inadequate supervision.

The second most prominent violator, Magic Kingdom in Brooklyn, had a similar number of violations since 2013: 67 violations and 21 public health hazards. Among the citations that this provider received were notations that “building lot, premises, or commercial vehicle observed not free of rodents and other pests; water, garbage, and waste allowed to accumulate; garbage not stored in watertight metal cans.” While it is concerning that a child care facility might be allowed to continue operating in such unsanitary conditions, perhaps more concerning is the repeated

¹⁰ CBS News, *Probe Finds Fraud, Safety Violations at 9 NYC Day Care Centers*, 9/12/2014

<http://newyork.cbslocal.com/2014/09/12/probe-finds-fraud-safety-violations-at-9-nyc-day-care-centers/>

¹¹ NBC New York, *Brooklyn Day Care Shut Down as City Investigates Video of Alleged Abuse*, 5/22/2015

<http://www.nbcnewyork.com/news/local/Brooklyn-Childcare-Center-Suspended-Video-Alleged-Abuse-304643291.html>

citation, “at the time child care service was providing care it has been determined that the child care service failed to limit areas used by children to their exclusive use. Unauthorized children and/or adults allowed to inhabit child care service facilities during child care hours.” Not only were children exposed to health-threatening conditions, but it seems that the child care staff did not take precautions to protect their young wards from strangers.

All My Children Day Care and Nursery 11, another top violator, received other citations for certain violations on more than one occasion, sometimes four or five citations for the same violation. For instance, the facility was cited four times when the floors, walls, and/or ceilings were observed to not be maintained, in disrepair or covered in a toxic finish. Unfortunately, many of the 2013-2015 top violators were cited for this infringement on more than one occasion, and every top violator was cited for it at least once; 196 Albany Avenue Day Care was cited over a dozen times for this specific violation. This is concerning, as children are particularly vulnerable to toxic chemicals. Due to their developing bodies, children are susceptible to even small amounts of toxicity. The consequences of exposure to toxic chemicals include bronchial obstruction, allergies, and asthma.¹²

Children of the Future Day Care, Inc. #2 received the most public health hazard violations. The facility was cited six times for failing to provide constant and competent supervision for children within its care. Mabel Barrett Fitzgerald Day Care Center was also cited for this violation on four separate occasions. However, these citations were not enough for the facility to amend its practices. **During an undercover investigation, a child was left crying for fifteen minutes until the investigator pointed the child out to the staff.** Friends of Crown Heights Educational Center #4 Preschool in Brooklyn was also observed leaving a one-year-old climbing into his crib, and hanging onto the barriers of the crib for two minutes before a staff member noticed; this facility was cited three times for failing to provide constant and competent supervision. No parent should ever have to worry that their child is not receiving the very supervision they expect of a facility that is paid to provide such care.

Every one of these top violators was also cited at least once for failing to screen staffers for past history of child abuse and maltreatment, criminal convictions and sex offender status. Criminal background checks are a paramount and simple mechanism to ensure that children are in the hands of employees who are trustworthy and safe. Group day cares are not only violating this regulation repeatedly, but they continue operating even though this is a public health hazard. Like many of the violations cited among the top offenders, this one is both dangerous and impossible for parents to identify for themselves simply by visiting a day care center. Instead, they must depend upon DOHMH safety inspections to catch such dangers before they can bring harm to a child. By not suspending a permit for such a violation or revoking the permits of persistent violators, current regulations are essentially asking parents to trust that those group day cares learned their lesson.

¹² Asa Bradman, et al., “Environmetnal Exposures in Early Childhood Education Environments,” *California Air Resources Board and California Environmental Protection Agency*, April 5, 2012, <http://www.arb.ca.gov/research/apr/past/08-305.pdf>.

Top Violators: 2013-2015

<u>Rank</u>	<u>Name of Facility</u>	<u>Permit #</u>	<u># of Violations (2013-2015)</u>	<u># of Public Health Hazards (2013-2015)</u>
1	Brightside Academy – Bronx	7482	77	11
2	Magic Kingdom – Brooklyn	14118	67	21
3	196 Albany Avenue Day Care – Brooklyn	4003	62	4
4	All My Children Day Care and Nursery School (2 to 5 yrs)– Brooklyn	24658	60	11
5	All My Children Day Care And Nursery 11 – Brooklyn	24878	57	11
6	Friends of Crown Heights Educational Centers – Manhattan	25817	54	9
7	Northeast Bronx Day Care Center, Inc. – Bronx	23617	52	5
8	Children of the Future Day Care, Inc. #2 – Brooklyn	16437	47	25
9	Mabel Barrett Fitzgerald Day Care Center – Manhattan	1345	43	13
10	Friends of Crown Heights Educational Center #4 Preschool – Brooklyn	7892	41	15

Source: IDC Analysis of DOHMH data located at <https://a816-healthpsi.nyc.gov/ChildCare/ChildCareList.do>.

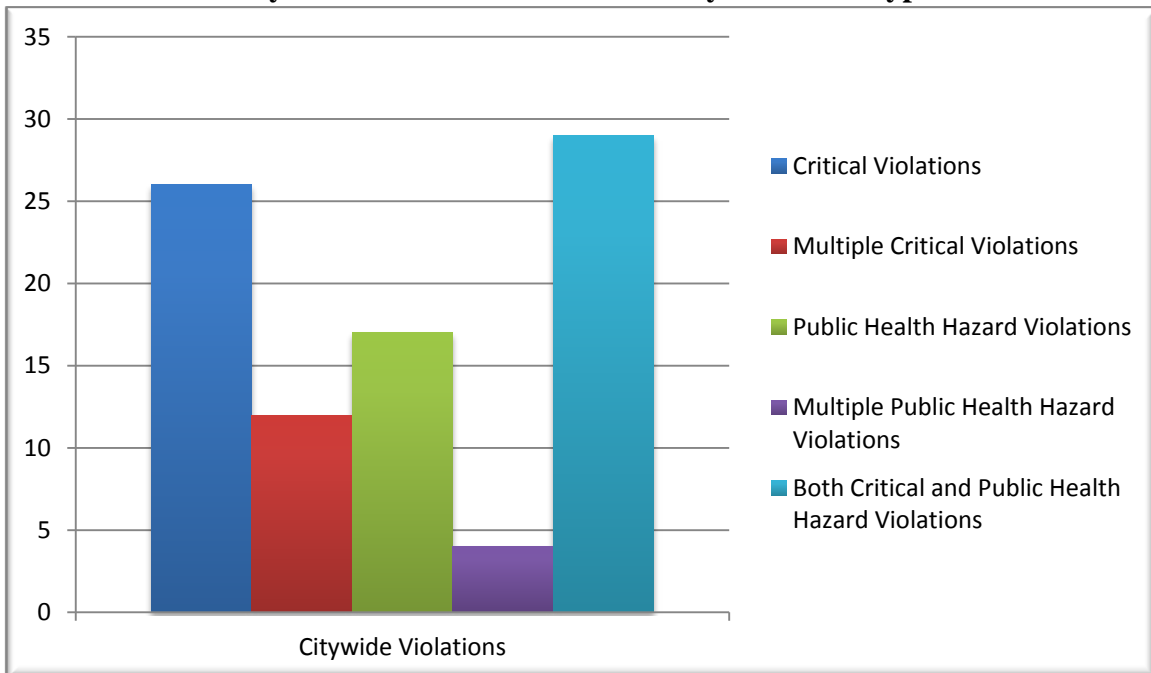
Persistent, Chronic Violators

In order to determine if trust in this inspection process is in fact, misplaced, the IDC conducted an investigation into repeat violators in New York City. Unfortunately, this investigation revealed that a significant number of day care centers throughout the city do not value the safety of their young wards enough to competently address the issues raised by health and safety inspection violations. **The IDC found that hundreds of day care facilities have failed every single one of their annual safety inspections, and that many of these failures have been for repeating the same violation over and over again.**

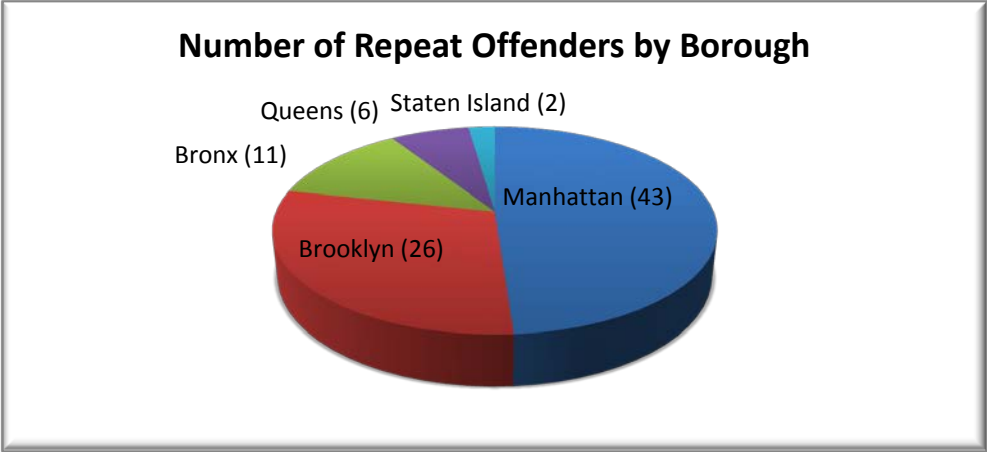
Using the New York City Department of Health and Mental Hygiene’s website, the IDC was able to view the health and safety inspection records of every day care facility licensed to operate within New York City. **Looking through the posted inspection results, there were 236 total day cares that are still licensed and in operation despite being cited for critical and/or public health hazard violations in 100 percent of their annual inspections.** Of these, 88 (more than one-third) apparently did not learn their lesson, and were cited on multiple occasions for the same infraction – in many cases during inspection after inspection.

Not only were a staggering number of day cares operating irresponsibly, but the severity of the violations is also worth noting. Fifty of these 88 repeat offenders (57%) were repeatedly cited for at least one recurring public health hazard – the type of violation that is so dangerous that it must be rectified and reinspected within two days. Furthermore, over 50 percent of chronic violators were repeatedly cited for more than one offense as well, with 45 day care centers committing multiple repeating critical violations (which must be addressed and reinspected within two weeks), multiple repeating public health hazards, or at least one of each type of violation.

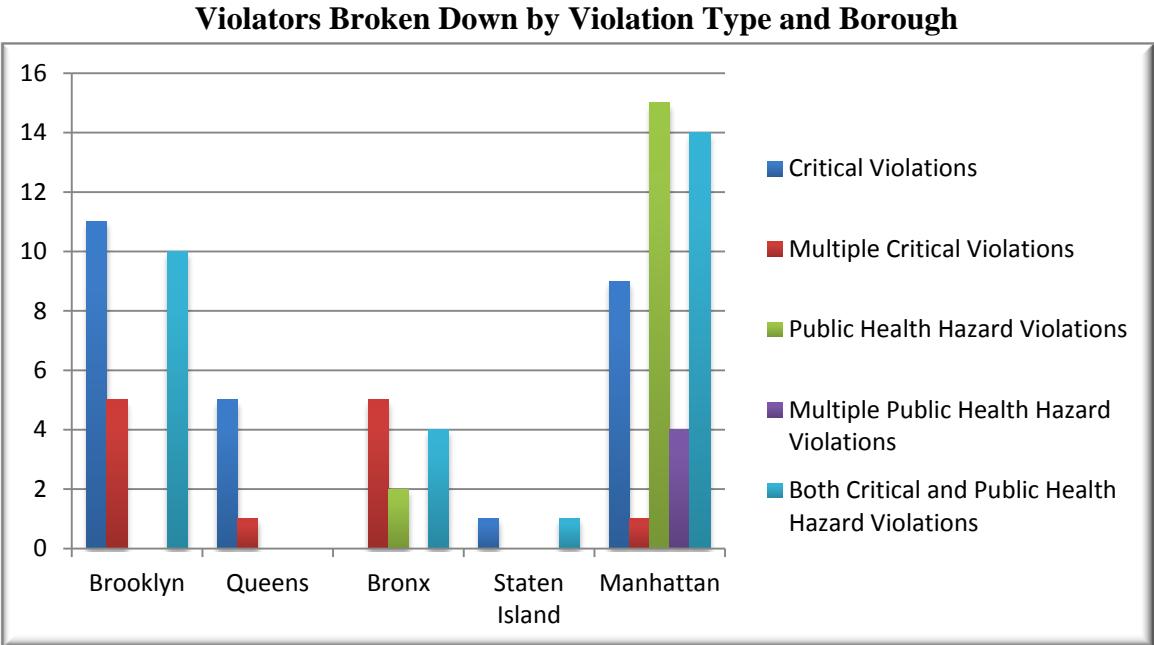
Citywide Violators Broken Down by Violation Type



The data also shows that these egregious violations are not unique to any specific area of the city. Naturally, the boroughs which are home to the most day cares were also the site of the most violations, but each of the five boroughs recorded multiple instances where day cares that had failed 100 percent of their annual inspections also repeated the same violation over and over again.



Manhattan, the borough with the most recidivist day care centers, was by far the worst offender, however. Not only were 33 of its 43 recidivist day cares guilty of repeating at least one significant public health hazard violation, but 32 of the 43 had only been in existence for two years and had committed the same violations for both of their annual inspections. This may indicate a transitory nature of day care centers in Manhattan, or that many of them are inexperienced. Furthermore, 25 of Manhattan’s repeat offenders were cited on multiple occasions for failure to maintain buildings in a safe and structurally sound manner – a public health hazard violation that denotes an environment where the day care building itself may pose a threat to the children it contains.



Brooklyn and The Bronx also demonstrated a high rate of chronic public health hazard violations. In many cases, these violations were often accompanied by chronic critical violations as well. For both of these boroughs, the most common citation was for failure to conduct adequate background checks on employees, potentially allowing criminals or predators access to children as childcare workers. In Brooklyn, seven of 26 chronic offenders were guilty of this public health hazard, which cannot be observed with the naked eye, compared with four of 11 in The Bronx.

Meanwhile, Queens and Staten Island day care centers were more likely to commit serial critical violations. The most common critical violation in Queens was an observation that the childcare facility was not maintained or was in disrepair, as six of 11 violators consistently received this citation and managed to stay in operation despite failing to provide a safe environment. A citation for operating without staff members who were properly trained in first aid and CPR was the most common violation issued on Staten Island, where all chronic, persistent violators received it on multiple occasions.

Other common violations throughout the city included a failure to designate a qualified education director to oversee the day care program, failure to provide adequate hand wash stations with water below 115 degrees Fahrenheit (both critical violations), and the public health hazard “hallways and other means of egress were observed as obstructed and impassable.”

Even among the 88 day care facilities which recorded violations in 100 percent of their health and safety inspections and also repeated offenses, several emerged as having committed more violations than their fellows. **What is striking about these chronic offenders, however, is more than just the sheer numbers of violations which they have racked up; the number of consecutive inspections during which they have been cited for repeating health and safety violations is also disheartening.** Nevertheless, these operations are allowed to remain in operation, leading one to wonder: “If parents knew how consistently these day care centers failed their health and safety inspections, would any of them still choose to send their children there?”

The persistent, chronic violator with the most citations, however, is a familiar name. Northeast Bronx Day Care Center, Inc. has not only been cited with repeating violations in every one of the eight inspections, it has also been identified as the seventh worst offender in sheer volume of citations between 2013 and 2015. Furthermore, the number and nature of its repeating citations bears mention. This particular day care has been cited three separate times for failing to conduct proper background investigations for its employees, twice for having a room which can only be locked from the inside (allowing a child to trap him or herself inside) and five times for “providing care without a staff member trained in first aid/CPR on site at time of inspection.” These are just a fraction of the 57 total citations the day care provider has received since obtaining an operating permit.

The consistency with which these repeat offenders are issued violations demonstrates that there is no real institutional desire to improve conditions for the children that they purport to serve. The number two offender, Nuestros Ninos Day Care Center in Brooklyn, has been cited for at least one offense in 18 consecutive inspections, going back as far as 2012; and the Sunset Park Early Childhood Development Center in Brooklyn has been inspected 15 times since 2014 and been given a citation every single time. Not only does Sunset Park refuse to learn its lesson, it also seems to actively resist efforts by authorities to improve health and safety conditions. The day

care has been cited twice for “child care service/camp obstructed DOHMH staff from conducting duties of the department at the time of inspection.”

Another persistent, chronic violator has also appeared elsewhere in the IDC’s ongoing investigations. The New York Kids Club in Brooklyn was listed as one of the top violators between 2010 and 2013, and received the most violations of any day cares on that list over the past two years. While it is now registered under PNW Enterprises, Ltd, the day care operates on the same location and with the same license number, continuing to receive citations every single time it is inspected. Like all of the top 10 persistent, chronic offenders, it has been cited multiple times for failing to conduct required background checks, as well as for failing to maintain fire safety equipment in a proper fashion.

Top Violators: Persistent, Chronic Violators

<u>Rank</u>	<u>Name of Facility</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	Northeast Bronx Day Care Center, Inc. – Bronx	23617	8	52	5	Childcare service failed to arrange/conduct criminal/SCR background checks or to re-clear required individuals (5x)
2	Nuestros Ninos Day Care Center – Brooklyn	4135	18	50	3	Inside temperature of 68-72 °F not maintained when outside temperature is below 55 °F (5x)
3	Kiddies Learning Center – Brooklyn	8118	14	46	7	Child care providing service without a staff member trained in First Aid/CPR on site (6x); Child care not free of pests or maintains pest harborage conditions (6x)
4	The Rat’s Playhouse Workshop, Inc. – Brooklyn	5152	12	43	6	Child care providing service without a staff member trained in First Aid/CPR on site (5x)

5	Sunset Park Early Childhood Development Center – Brooklyn	19137	15	42	7	Child care service failed to provide appropriate guards on designated structures/equipment to protect children from potential injury (5x); Childcare service/camp obstructed DOHMH staff at time of inspection (2x)
6	Tender Years Childcare, Inc. (2-5 Years) – Bronx	6367	14	38	10	Childcare service failed to designate/identify a qualified Education Director (7x)
7	Tender Years Childcare, Inc. (0-2 Years) – Bronx	7231	14	37	12	Childcare service failed to arrange/conduct criminal/SCR background checks or to re-clear required individuals (3x)
8	Step By Step Early Childhood Center, Inc. – Brooklyn	6826	12	35	9	Childcare service failed to maintain required staff to child supervision ratios at time of inspection (3x)
9	Amy’s Academy – Brooklyn	7955	12	33	14	Required food protection procedures were not implemented at time of inspection (4x)
10	New York Kids Club DBA PNW Enterprises, LTD. – Brooklyn	19557	10	28	10	At time of inspection floors/walls/ceilings were observed not maintained, in disrepair, or covered in a toxic finish (5x)

Source: IDC Analysis of DOHMH data located at <https://a816-healthpsi.nyc.gov/ChildCare/ChildCareList.do>.

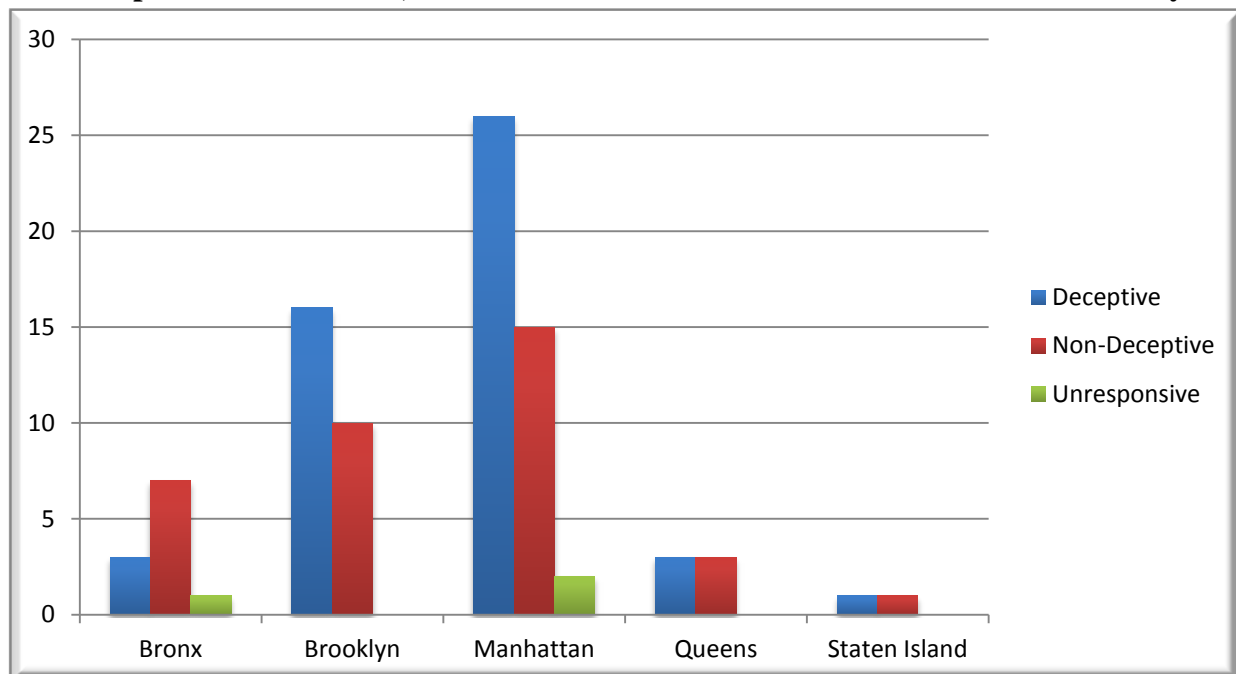
Despite the fact that the majority of persistent, chronic violators are located in Manhattan, the most egregious offenders were only found in the Bronx and Brooklyn. Again, this supports the conclusion that most unsavory day care centers in Manhattan are relatively new and possibly move around often, as the worst offenders have been in unhindered operation longer and have therefore had more time to rack up violations.

The Need for Transparency

While this information is all available online, it is up to the parents to take the initiative if they want to access it. While they could access much of it by navigating labyrinthine websites, many parents usually gather their information about a provider the old fashioned way –by asking. Therefore, the IDC questioned whether day care providers would provide accurate information to parents who requested it. To this end, an investigator called every one of the persistent, chronic violators identified by the investigation. Posing as a parent seeking to learn more about a day care that they were considering for their child, the investigator asked the day care to provide some information about their performance history during health and safety inspections.

Unfortunately, the majority of responses were an outright denial that the child care center had any citations, despite the fact that evidence to the contrary is available to the public if one knows where to look. Even among those providers that did not deny having citations, the frequency and severity of those citations were often downplayed and concealed. **Of the 88 previously identified chronic, persistent violators, 49 (56%) claimed not to have any violations.** These deceptive practices were common across all boroughs.

Responses of Persistent, Chronic Violators When Asked About Violation History



Several of the worst of the chronic, persistent violators were among those who denied their history of violations. Despite having been cited in 18 consecutive inspections, Nuestros Ninos Day Care Center, in Brooklyn, claimed to have never received a single violation in more than 35 years of operation. Meanwhile, Kiddie’s Learning Center, also in Brooklyn, admitted only that they had had problems with their fire alarms and that they were being repaired. However, according to their inspection history, they were cited during 14 consecutive inspections for many violations having nothing to do with fire alarms: such as not having properly trained staff on site or being a pest

harborage. With so many day cares hiding a potentially dangerous environment from parents, it is imperative that health and safety inspection histories be made more readily available to the public.

Indeed, all of the data obtained through this investigation demonstrates just how critical it is that parents be aware of the quality and history of their child's day care center. Thousands of parents throughout New York City may be unwittingly placing the safety and education of their young children in the hands of unqualified, dangerous day care centers that refuse to learn their lesson and continue to provide unsafe or unsuitable accommodations to young children despite receiving multiple warnings from authorities.

Current Efforts:

The Department of Health and Mental Hygiene recognizes the need to make health and safety inspection information more readily available for parents, as well as the effect that such an improvement can have on children, their communities, and the market for childcare in New York as a whole. That is why they have recently instituted two new programs – the NYCChildcareConnect app, and a Program Improvement Initiative. NYCChildcareConnect allows parents to sign up for and receive periodic updates and information about DOHMH's processes and to receive notifications whenever their child's specific day care provider is inspected. The Program Improvement Initiative is a unit designed to work with child care providers who receive citations, as well as develop and carry out action plans to help them improve their performance. While these programs do address aspects of the problem, there is more that can be done, especially for those parents who again are not technologically savvy.

Solutions:

The IDC recognizes the vast importance of safe, high quality child care. Most families now rely on two breadwinners in order to stay financially stable, thus making it increasingly difficult for a parent to stay home and care for young children themselves. Moreover, women are more likely than men to leave the workforce to care for their children. Unfortunately, leaving the workforce can have long-term economic consequences. No parent should have to choose between working and staying at home in order to care for their family. By holding day care centers more accountable for the safety and cleanliness of their facilities, and making that information more readily available to the public, parents will be able to make fully informed decisions when choosing the right day care. Furthermore, by making it more difficult for day care centers to conceal or gloss over poor inspection results, this accountability will make the consequences of a poor performance more significant, leading to better performance in health and safety inspections across the board.

Recommendation Number 1

Parents who choose to send their child to a New York City-regulated day care deserve information in the most accessible and communicable form possible. **That is why the IDC proposes establishing a simple, accessible letter grading system to provide parents information about the health and safety history of their child's day care provider.** This legislation will be modeled on the bills that created a letter grading system for the health and safety inspections of New York City restaurants. Why should we have a better system for determining clean restaurants than we do for determining where we place our most precious

resources – our children? Based on the number and type of violation that each health and safety inspection uncovers at a child care center, the center will be awarded a letter grade of A, B, or C, with lower grades deemed as failing. This Health and Safety Inspection Grade will then be posted conspicuously at the entrance to a child care center in order to inform parents just how safe the facilities they are entrusting their children to are. This proposal would establish that child cares with lower grades should be inspected more frequently. To ensure that providers are treated fairly and that results are reported accurately, the grading system also includes an appeals process for child care programs to help improve their grade if they feel they have been treated unfairly or if they have made improvements to their facilities.

Under this program, families that are looking to enroll their children in a day care facility will easily be informed of the performance record, safety and sanitation conditions of each day care center. It will be a quick and comprehensible touchstone which will give parents insight into the ability of their child's day care to provide a safe and healthy learning environment, and reveal to them any discrepancies which they may not be able to identify with their own eyes. Moreover, arming the public with this information will encourage group day care providers to better comply with NYC safety and sanitation laws, and thus better protect our children that are cared for in such places.

Recommendation Number 2

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.¹³ 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.¹⁴ It's time for New York to invest in the next generation, today.

QUALITYstarsNY¹⁵ 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. QUALITYstarsNY is a voluntary quality rating and improvement system available to all regulated programs serving young children in centers, schools and homes. Currently, QUALITYstarsNY serves approximately 330 center-based programs, family-home providers, and public schools in target communities who applied and were selected to participate in the current implementation of QUALITYstarsNY.

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, QUALITYstarsNY 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.

¹³ Don Bower, *Building Baby's Brain: What Child Care Can Do*, University of Georgia (Sept 1998).

¹⁴ *Quality Child Care*, America's Edge available at <http://www.americasedge.org/proven-investments/quality-child-care/>

¹⁵ Information found at www.qualitystarsny.org

The IDC strongly believes every day care provider should be provided the opportunity to participate in the QUALITYstarsNY program. **That is why the IDC will advocate for up to \$20 million in state funding for the program in the upcoming fiscal year.** This is an increase of up to \$17 million over the funding allocated to the program in 2015, and will afford day care providers a broad range of support while implementing comprehensive, quality early learning programs, helping them better serve children and maintain safe, healthy learning environments.

These recommendations will help raise the bar for childcare in New York City. Together, they will not only increase awareness among parents about the health and safety history of the businesses which care for their children, but also connect childcare providers with the experience and ability to improve that history themselves. They will allow parents to better understand if their children do face any hidden risks at day care programs, and make it easier for day care programs who truly have the best interests of their students at heart to have better access to opportunities to improve their programs. Meanwhile, dangerous and deceptive child care providers with no wish to improve will face pressure to fulfill their responsibilities and find it harder to operate without doing so. With these solutions, the City will improve both the safety and quality of care that our children will receive in the future while eliminating many of the hidden dangers they face today.