



75 Pearl Street
Brooklyn, NY 11201
brooklynfriends.org
718 852 1029
718 643 4868

May 2, 2008

Rena Bryant
Secretary to the Board of Health
125 Worth Street CN-31
New York, NY 10013

Dear Ms Bryant,

I am the Division Head in charge of the Preschool at our facility, and am submitting a comment about the proposed Article 43 of the NYC Health Code.

We appreciate that this Article has been proposed and created since it has been several years since the last revisions of Article 47, and that consideration has been given to eliminating duplicative regulations between the Bureau of Day Care and other authorities.

Our comment has to do with Section 42.13: Criminal Justice and Child Abuse Screening of Current and Prospective Personnel. In light of technological advances with fingerprint databases, our request is that fingerprinting no longer be restricted to the Bureau of Day Care. This has frequently been a time-consuming and tedious process and costly (\$99 per person). We ask you to consider allowing schools to use alternate services to provide fingerprints for the purpose of background checks and child abuse screening.

Thank you for your consideration,

Karen G. Luks
Head of Preschool and Family Center



THE HEWITT SCHOOL

Linda MacMurray Gibbs
Head of School

RECEIVED
DOHMH/GENERAL COUNSEL

2008 MAY -5 PM 12: 22

May 1, 2008

Rena Bryant
Secretary to the Board of Health
125 Worth St. CN-31
New York, NY 10013

Dear Ms. Bryant,

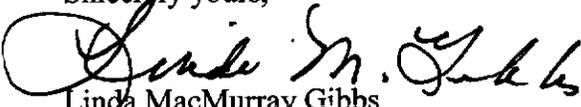
I am writing as the Head of a non-public non-sectarian school in New York City about the new Article 43 to the New York City Health Code. I would like to submit this written comment for consideration before Article 43 is enacted.

My school supports the intent of Article 43 that all children be assured a safe and healthy pre-school environment. We also commend the Board of Health for not wishing to duplicate existing regulation by city, state or federal authorities, which was the case under the former Article 47. My school has a written safety plan. That safety plan is checked periodically by teams sent to the school by the accrediting agency for independent schools in NY State, the New York State Commission on Accreditation, which is operated by the New York State Association of Independent Schools. During that process the visiting team of examiners insures that my school is following all state and city laws and regulations with including but not limited to health, ratios of children to teachers, lead based paint etc. They require a demonstration of the building evacuation plan in case of fire. The New York City Fire Department also inspects us each year. Our food service is registered with and inspected by your department.

We believe that in the normal course of our operations we follow all of the provisions of Article 43 and are regulated by existing State and federal laws and would therefore not be subject to further regulation by your office. We plan to notify you of our program and keep the required document easily accessible. There is however, one part of the code that we would like to propose that you alter and that is Article 42.13. We do, as a matter of course and policy, full background checks for all of our new employees irrespective of the age group with which they work. This check includes a nationwide criminal file check, sexual offenders check, education and employment verification, and a social security number verification. We use ChoicePoint contractors for this service. Under Article 47, we sent all of our new employees who fell under your jurisdiction to your office for fingerprinting. Our experience was that this process was slow and your office was inundated with more people than it could handle. We would like to petition you to consider allowing schools either to use your service or to

use a similar service of their choosing for the purpose of both the criminal back ground check and child abuse screening. We would have a keep a record of the background check in the personnel file of each employee.

Sincerely yours,


Linda MacMurray Gibbs
Head of School



The Chapin School

100 East End Avenue ~ New York, NY 10028

Phone: 212.744.2335 ~ Fax: 212.535.8138 ~ Online: www.chapin.edu

RECEIVED
DOHMH/GENERAL COUNSEL
2008 MAY -50 12:31

May 2, 2008

Rena Bryant
Secretary to the Board of Health
125 Worth St. CN-31
New York, NY 10013

Dear Ms. Bryant,

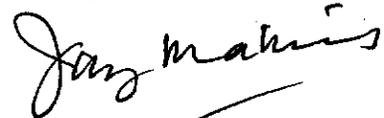
I am writing as the Director of Finance of a non-public non-sectarian school in New York City about the new Article 43 to the New York City Health Code. I would like to submit this written comment for consideration before Article 43 is enacted.

My school supports the intent of Article 43 that all children be assured a safe and healthy pre-school environment. We also commend the Board of Health for not wishing to duplicate existing regulation by city, state or federal authorities, which was the case under the former Article 47. My school has a written safety plan. That safety plan is checked periodically by teams sent to the school by the accrediting agency for independent schools in NY State, the New York State Commission on Accreditation, which operated by the New York State Association of Independent Schools. During that process the visiting team of examiners insures that my school is following all state and city laws and regulations with including but not limited to health, ratios of children to teachers, lead based paint etc. They require a demonstration of the building evacuation plan in case of fire. The New York City Fire Department also inspects us each year. Our food service is registered with and inspected by your department.

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has resided in the last five years in addition to New York. We use private contractors for this service. Under Article 47, we sent all of our new employees who fell under your jurisdiction to your office for finger printing. Our experience was that this process was slow and your office was inundated with more people than it could handle. We would like to petition you to consider allowing schools either to use your service or to use a similar service of their choosing for the purpose of both the criminal back ground check and child abuse screening. We would have a keep a record of the background check in the personnel file of each employee.

Sincerely yours,

A handwritten signature in cursive script that reads "Jay Mathews". The signature is written in black ink and is positioned above the printed name and title.

Jay Mathews
Director of Finance

Resolution Comments

From: Stephen Spahn [sspahn@dwight.edu]**Sent:** Mon 5/5/2008 9:28 AM**To:** Resolution Comments**Cc:****Subject:** The Dwight School**Attachments:**

May 2, 2008

Dear Ms. Bryant,

The following is a comment for your consideration about the new Article 43 to the New York City Health code before it is enabled. In Article 42:13 we would like to ask you to consider our school to either use your service for finger printing or a responsible similar service for both criminal Background checks and Child Abuse screening. Such information will be kept in the employee personnel file.

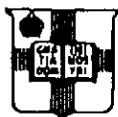
We follow all provisions of Article 43 and are regulated by existing state and federal laws and go through seven accreditation visits over a ten year period that check all health and fire regulations are followed.

Thank you for your consideration.

Respectfully,

Stephen Spahn
Chancellor
The Dwight School

RECEIVED OFFICE
SECRETARY'S OFFICE
RECORDS ACCESS OFFICER
2008 MAY -5 A 10:43



**GRACE
CHURCH
SCHOOL**

86 Fourth Avenue
New York, NY 10003-5232
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Fax (212) 475-5015

George P. Davison
Head

gdavison@gcschool.org

May 1, 2008

Rena Bryant
Secretary to the Board of Health
125 Worth St. CN-31
New York, NY 10013

Dear Ms. Bryant,

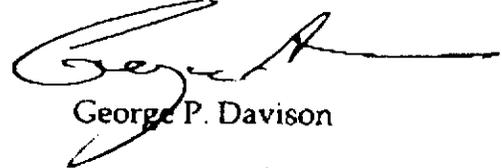
I am writing as the Head of a non-public, non-sectarian school in New York City about the new Article 43 to the New York City Health Code. I would like to submit this written comment for consideration before Article 43 is enacted.

My school supports the intent of Article 43 that all children be assured a safe and healthy pre-school environment. We also commend the Board of Health for not wishing to duplicate existing regulation by city, state or federal authorities, which was the case under the former Article 47. My school has a written safety plan. That safety plan is checked periodically by teams sent to the school by the accrediting agency for independent schools in NY State, the New York State Commission on Accreditation, which is operated by the New York State Association of Independent Schools. During that process the visiting team of examiners insures that my school is following all state and city laws and regulations including but not limited to health, ratios of children to teachers, lead based paint etc. They require a demonstration of the building evacuation plan in case of fire. The New York City Fire Department also inspects us each year. Our food service is registered with and inspected by your department.

We believe that in the normal course of our operations we follow all of the provisions of Article 43 and are regulated by existing State and Federal laws and would therefore not be subject to further regulation by your office. We plan to notify you of our program and keep the required documents easily accessible. There is, however, one part of the code that we would like to propose that you alter and that is Article 42.13. We do full back ground checks for all of our new employees irrespective of what age group that they work with including both a criminal justice and child abuse check. We do this for any state that the person has resided in the last five years in addition to New York. We use private contractors for this service. Under Article 47, we sent all of our new employees

who fell under your jurisdiction to your office for finger printing. Our experience was that this process was slow and your office was inundated with more people than it could handle. We would like to petition you to consider allowing schools either to use your service or to use a similar service of their choosing for the purpose of both the criminal back ground check and child abuse screening. We would keep a record of the background check in the personnel file of each employee and with the safety plan.

Sincerely yours,

A handwritten signature in black ink, appearing to read "George P. Davison", with a long horizontal flourish extending to the right.

George P. Davison

United Jewish Organizations of Williamsburg
32 Penn Street
Brooklyn, New York
11211

May 6, 2008

Thomas Frieden, Chair, New York City Board of Health

Members: Marlon E. Brewer, M.D., Pamela S. Brier, M.P.H., Sixto R. Caro, M.D., Angela Diaz, M.D., M.P.H., Beatrix A. Hamburg, M.D., Susan Klitzman, DrPH, Kenneth Popler, Ph.D., M.B.A. Lynne D. Richardson, M.D., F.A.C.E.P., Bruce C. Vladeck, Ph.D., David Vlahov, Ph.D.

Dear Commissioner Frieden and Members of the New York City Board of Health:

My name is Rabbi David Niederman. I am the president of the United Jewish Organizations of Williamsburg (UJO). We represent a network of Williamsburg Chassidic schools with 17,000 students from ages three to eighteen. We wholeheartedly agree that the safety and health of our children, which is the purpose of Article 43, is of paramount importance. The safety and health of our children is dear to our hearts and our record of over 70 years of operating religious schools in Williamsburg proves that. There is one provision in Article 43 that I must strongly object to. It is Section 43.09 child staff ratio. In a nutshell, Article 43.09 will cause significant damage religious education to children and their families in New York City. Due to a need to raise tuition to comply with Section 43.09, many parents will no longer be able to afford to send their children to safe PreK school programs and therefore their children will be denied the opportunity to receive a religious education for ages three to five.

Section 43.09 reads that direct supervision is defined as a line of sight supervision by adult teaching staff for all children and that no child or group shall be left unsupervised at any time. There are also minimum staff to child ratios for ages three to five. These regulations are perfectly acceptable to us as long as the other person does not have to be

in the classroom but present at all times inside the building. This issue of the child-staff ratio has been discussed and negotiated at length during the Article 47 proceedings and the agreement reached for clear line of sight supervision for adult teaching staff was acceptable as well. However if this is not the case then we have a major concerns. Before we go into detail it is important to go back to the background.

Article 43 is the result of a highly involved consultation process between the DOH and the representatives of the religious schools. The consultation process reached a mutually agreeable set of positions last October. As we stated in our testimony given at the BOH Public Hearing on December 3, we were very grateful to the Department for its willingness to listen to us and learn about our schools. During the consultation process, every effort was made by the religious schools to listen to the concerns of the DOH and we provided the DOH with opportunities to better understand our schools including a detailed analysis of each regulation (of what was then Article 47), a survey completed by the yeshivas, 30 inspections of religious schools and a tour of two Williamsburg yeshivas by Deputy Commissioner Marcus and Assistant Commissioner Cresciullo. In addition to the ongoing meetings with the DOH, numerous meetings were held by the representatives and school administrators on how to best respond to Article 47 before it was replaced with Article 43. It was our understanding, and also in evidence in writing, that the child staff ratio would be based on a clear line of vision in the classroom and staff or volunteers who are inside the building. We have faithfully negotiated with the Department. We respectfully request that the BOH give the consultation process the serious consideration it deserves.

Furthermore, the whole impetus behind Article 47 and 43 was the unfortunate death of a 7 month old infant in a family day care program in Queens in 2004. This tragedy occurred because the provider failed to ensure that a clear line of vision was always in force. The religious schools have an excellent track record of operating health and safety conscious programs. To our knowledge there have been no serious complaints about a

yeshiva school due to neglect of staff. The reason for this is that the PreK programs operate under the authority of an elementary school administration.

The leading national child care public policy and research organizations including the National Association for the Education of Young Children (NAEYC) justify child-staff ratio guidelines almost solely on educational and child development factors (and not on health and safety factors for three to five year olds). From the very first day of discussions with the DOH, we have always been told that the religious schools would be regulated only for health and safety and not on education and child development policies. Hence the clear line of vision, which is a safety issue, is the fully appropriate regulation while child-staff ratio is an education and child development issue. The new provision that PreK programs have to prove that they are part of an elementary school will ensure that these programs will be run with high standards for health and safety

If the current proposed Section 43.09 regulation isn't changed, it will cause an added financial burden on parents. 43.09 may cause tuition to go up by as much as 40%. The increase in tuition will be needed to cover the cost of hiring an additional teacher and administrative costs. Knowing the financial health of the schools, I am convinced that they will not be able to cover the additional expense caused by compliance with Section 43.09.

The Chassidic community of Williamsburg is one of New York City's poorest communities. 56% of all families live with incomes below the Federal Poverty Level and 80% live with incomes below 200% of the Federal Poverty level. *All* children attend a Yeshiva school; however, mostly through scholarships and reduced tuition. Due to the pervasive poverty in the community, the Williamsburg Yeshiva schools will not be able to raise tuition to cover the millions that will be required to comply. There is no way that families can afford to pay more. Not if, but when the schools close down their nursery and pre-K year programs, the big question is *-what will happen to the children?*

Article 43.09 will cause the delicate social and family structure of the Chassidic Williamsburg to collapse. As you already know, the typical family in Williamsburg has six children. Parents will be forced to care for and educate their children in the age three to five group, to the detriment of the other children family members. There isn't an alternative system in place. Furthermore, with most of the community living in overcrowded apartments, parents do have room to operate in house child care programs. Not only will the children who were taken out of the nursery and Pre-K suffer, but the younger and older children as well.

The marketplace of religious school providers already has built in safeguards. Only a parent can choose the Pre-K program for their child. When making this decision, parents have to be fully convinced that their child is attending a school that offers the highest standards for health and safety matters. The neighborhoods with large Jewish populations have many school based PreK programs for parents to choose from. If parents didn't feel a school was safe or providing high quality education, they would send their child to another school.

Based on the above reasons, we respectfully request that the Board of Health interpret the issue of the child staff ratio the same way that we already concluded in our discussion with the Department. I hope in the coming months the BOH will be open to hearing more from us. We are also willing to arrange for a visit to our schools so that you can see for yourself how a classroom looks and operates. I believe a visit to one of our school will prove to you that high standards of health and safety are adhered to.

Sincerely,

Rabbi David Niederman
President

YESHIVA K'TANA
TORAH VODAATH

RABBI SHMUEL GOLDSTEIN
RABBI ASHER SABO



452 EAST 9TH STREET BROOKLYN, NY 11218
TEL (718) 941-8000 FAX (718) 693-5282

ישיבה קטנה
תורה ודעת

הרב שמואל גאלדשטיין
הרב אשר סאבא

May 8, 2008

To Whom It May Concern:

My name is Rabbi Asher Sabo and I am the presently the Principal at Yeshiva Torah Vodaath. I have been involved in education for the past 35 years.

We have a class for 3 year olds, 4 year olds, and 5 years olds.

Remarks address the 5 year old class. We have one Rebbe/Teacher in the classroom with a bathroom right down the hall. We have never had a problem.

If there is a need for the Rebbe/Teacher to leave the room, there is a communication (phone) system in the room, so that someone can come and cover for him/her.

Thank you,

Asher Sabo
Rabbi Asher Sabo

Comments Regarding

the

Proposal to add Article 43 to the New York City Health Code

Bernard Fryshman, Ph.D.

May 7, 2008

Introduction

My name is Bernard Fryshman and I reside at 1016 East Second Street, Brooklyn, NY 11230. I thank you for the opportunity to comment on the proposed Article 43 Provisions.

Section 43.07 Written safety plan

(a) Safety plan required

Sections 558(b) and (c) of the Charter "empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends." Matters relating to safety, aside from matters relating to health, do not fall within the scope of the Department of Health and Mental Hygiene (DOHMH).

(b) Scope and Content

DOHMH has expertise in matters relating to child/staff and medical requirements and perhaps emergency management as well. The Department has no expertise in matters relating to *teaching and other staff duties, facility operation and maintenance, fire safety, staff training, and parent/child orientation*. None of these areas are subject to the rulemaking authority of DOHMH.

(1) Organization chart, job descriptions, responsibilities and other supervisory responsibilities are outside the scope of the Department's authority.

(2) With a few exceptions, none of the program operation and maintenance requirements relate to DOHMH. Thus, the Department has no responsibility or expertise in matters such as boiler/furnace and HVAC maintenance system and most of the oversight falls in

the jurisdiction of other City agencies. Food protection is properly the concern of the Department, but it is not clear what requirement is needed for an individual to be "certified in food protection" nor is it clear what "sanitation procedures of food prep areas" are needed. The Department must specify what it means by "approved food sources."

(3) Fire safety considerations are totally outside the scope of expertise of the DOHMH.

(6) The Department should identify the specific health related issues which schools should address; other questions relating to supervision, both onsite and offsite, and transportation are outside DOHMH scope.

(7) Child abuse recognition, first aid and emergency medical assistance, and reporting of child injury or illness are well within the scope of the Department. The other requirements of this section are not.

(8) Emergency evacuation issues do have a health component but the general question of evacuation and appropriate training and preparation are best left to experts in these fields.

(9) Reporting and management of illnesses, injuries and other incidents are appropriate concerns of DOHMH. The rest of the section should be stricken.

Section 43.09 Staff Supervision

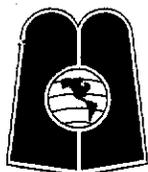
The Department of Health has no expertise in this matter. In particular, the minimum staff to child ratio is strictly arbitrary, with no research basis to support such a conclusion. 43.09 should be stricken.

Section 43.13 Criminal justice and child abuse screening of current and prospective personnel.

The issues raised are certainly of serious concern and one expects that a properly run school will address them. But these matters do not properly fall within the scope of DOHMH interest and expertise.

Section 43.17 Health; child admission criteria.

(f) Child health related records should not become the property of the Department, whether or not the Department assigns a health care provider to a school. Privacy and confidentiality are essential to ensure that health records be complete and accurate. It would be appropriate for a Department assigned health care provider to review these records, but the knowledge that these records may become the property of the Department will have a chilling effect on the collection of accurate data, to the detriment of the school and its children.



Agudath
Israel
of America
אגודת ישראל באמריקה

David Zwiebel, Esq.
Executive Vice President
for Government and Public Affairs

THE NEW YORK CITY BOARD OF HEALTH
HEARING ON PROPOSED ARTICLE 43
THURSDAY, MAY 8, 2008

Distinguished Members of the Board, Commissioner Frieden, and Honored Staff:

My name is David Zwiebel. I am executive vice president for government and public affairs for Agudath Israel of America. Thank you for this opportunity to comment on proposed new Article 43.

Let me start by thanking the Board and the Department for the extraordinary level of attention they have devoted to this entire process, and particularly their sensitivity to the needs and concerns of the various religious school communities in our great city. Commissioner Frieden and his staff have devoted a great deal of time and energy toward working with the Committee of Religious School Officials (of which I am a member) to understand the nature of our pre-school programs, the demographics of the communities we serve and other factors that are highly relevant in developing an appropriate regulatory framework. We are extremely grateful.

The main focus of my comments will be on the issue of staff-child ratio, which is dealt with in Section 43.09(b) of the proposed regulations. Before turning to that, though, let me address a few other important points:

Children whose birthdays fall during the school year: As envisioned by the proposed regulations, school-based pre-school programs for children between the ages of three and five (inclusive) are to be regulated under Article 43. Programs for children under the age of three would be regulated under Article 47, even if they are connected with an elementary school. Classes for children six years old or above would not fall under the regulation of either Article 43 or 47. So much is clear.

What is not clear, though, is how to treat a class where the children's birthdays fall during the school year. For example, if a class opens in September for children who are not yet three years old, but the children will all be turning three years old at some point during the school year, how is that class to be regulated? Under Article 43 or Article 47?

Section 43.01(f) of proposed Article 43 hints at the answer by stating that "a child attending elementary school shall be deemed to be three years of age if the child's third

birthday occurs or will occur on or before December 31 of the school year.” That is a helpful objective standard in determining any individual child’s age for purposes of the program. The question remains, though, under which Article of the Health Code is the class to be regulated where some of the children in the class turn three before December 31 while others are still awaiting their third birthday? Proposed Article 43 does not provide a clear answer.

Other regulatory schemes deal with this question by looking at the majority of the class. If, for example, a classroom of ten children includes six or more whose third birthdays will fall on or before December 31, that class would be considered a program for three-year-olds, and would be regulated under Article 43. Similarly, if a class of fifteen children contains eight or more whose sixth birthdays will fall on or before December 31, that class would be considered a regular elementary school class and would no longer come within the regulatory ambit of Article 43. We would respectfully urge that Article 43 be revised to clarify this important point.

Defining an “Elementary School”: Section 43.01(b) defines an elementary school as “any school approved by the State Education Department to provide programs of instruction that meet state requirements for a compulsory education in the elementary grades.” In fact, the State Education Department does not “approve” or otherwise regulate nonpublic elementary schools. Under New York law, it is the role of the local educational agency – in New York City, the Department of Education – to ensure that the nonpublic schools are meeting their statutory obligations. The language of this section, therefore, needs to be adjusted accordingly.

On a more significant, substantive note, the proposed regulation is silent with respect to a scenario that is not at all uncommon in religious school communities: where a new school starts in Year One by opening a pre-k program, and then builds up each subsequent year by adding one grade until it is a full-fledged elementary school. How are the pre-k programs to be dealt with while the school is still building itself up?

In discussions with Department staff, we have come to a consensus that where there are appropriate indicia that a new program is indeed designed to be part of a full-fledged elementary school, it should be treated as such for purposes of Health Department regulation even before the full elementary school has been established. The rationale for this is that programs attached to elementary schools are in fact structured more as educational programs than as day care programs – which, after all, is the rationale for the distinction between Article 43 and Article 47 in the first place. Where it is clear that a newly established pre-k program fits into this educational model, and that it will in fact eventually be part of a full-fledged elementary school, it should be treated as such by the regulatory framework.

We respectfully urge that this point be clarified in the language of the regulation.

Staff-Child Ratio: Section 43.09 of the proposed regulation is divided into two major components. Subsection (a) establishes a baseline of direct supervision: "Line-of-sight supervision by adult teaching staff shall be maintained for all children, and no child or group of children shall be left unsupervised at any time." We fully support this most basic requirement. However, we have serious difficulty with subsection (b), which establishes certain minimum ratios of staff-to-children: 1:10 for children ages three to four; 1:12 for children ages four to five; 1:15 for children ages five to six.

While some of the pre-school programs operated by Jewish schools across the city would be able to meet these ratios, many would not – particularly those that service children from the lower socioeconomic rung of the community. In discussing the proposed regulation with a number of pre-school programs, we have been told that strict enforcement of these ratios would require schools to raise tuitions by some 20-40%. As it is, most of the parents who send their children to these programs struggle mightily to pay their tuition bills. To impose such a steep price increase would make it impossible for many of these parents to afford this type of programming for their children. The net result would be either more children staying at home or, very possibly, driving many of these programs "underground." Neither of these alternatives should be deemed acceptable.

Those are the real world realities against which these proposed regulations must be measured. We recognize, of course, that various child care programs that are funded through government sources adhere to staff-child ratios similar to or even stricter than those embodied in the proposed regulation. But those programs are funded by the government, not by tuition-paying parents. We understand that the role of the Board of Health in this area is to ensure that children who attend such programs are in safe, healthy environments, and that issues of economic costs are not necessarily your area of authority. However, in the real world, the cause of health and safety is hindered, not advanced, when regulations are developed without due consideration of their real-world impact.

Another important point: As proposed, the staff-child ratios of Article 43 are identical to the staff-child ratios of Article 47. But there is a reason that school-based pre-school programs were excluded from Article 47. The Department, and the Board, recognized that pre-school programs attached to elementary schools are part and parcel of the elementary school's educational program. What takes place in these classrooms, despite the tender age of the children, is first and foremost education – not babysitting service. As the Department's staff discovered when they personally visited a number of these programs, a good part of the day is spent sitting in a classroom setting, with a teacher actually teaching the children. It was in recognition of this essential distinction between school-based pre-school programs and free-standing day care programs that the Board and the Department decided to regulate these different types of programs differently. Why, then, are the proposed staff-child ratios identical?

We acknowledge, of course, that not all of the time of the school day is spent in the classroom setting. Every pre-school program – like every elementary school program – allows time for children to leave the classrooms, to go to the dining room for lunch, to the yard for play, and even occasionally on outside trips. It is in those contexts where it might

make sense to talk about specified ratios of staff (or, more generally, adults) to children. However, with respect to the bulk of the school day, which is spent in a classroom setting even at the pre-school level, we respectfully submit that there is no need for the ratios set forth in Section 43.09(b).

Rather, it should be sufficient to insist on compliance with Section 43.09(a) – that there be line-of-sight supervision for all children, and that no child or group of children be left unsupervised at any time. What that would mean, of course, is that if a child needs to leave a classroom – say, to use the bathroom – there would have to be someone escorting the child while the teacher remains in the classroom with the other children. But that can be done without necessarily imposing strict staff-child ratios. For example, some of the Jewish schools hire a person whose job it is to escort children when they need to leave the classroom. That person services several classrooms. Some of the schools also have an intercom system that enables the classroom teacher to summon assistance without in any way disrupting the class itself.

Stated simply, there are ways in which the safety and wellbeing of children can be ensured without imposing the major cost of compliance with the staff-children ratios embodied in Section 43.09(b).

We look forward to working directly in the weeks ahead with the Board of Health (whom we invite to visit our school-based pre-k programs personally, so that they too might get a clearer sense of the nature of these programs) and with Department officials to modify Article 43 with respect to the several issues I have raised today, as well as certain other points that may require minor adjustment, in a manner that will both protect the wellbeing of our precious children and allow our schools to continue providing the type of quality pre-school programming we can all be proud of.

Many thanks.