



Testimony

of

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**Bureau of Child Care, Division of Environmental Health  
New York City Department of Health and Mental Hygiene**

before the

**New York City Council Committee on General Welfare**

jointly with the

**Council Committee on Health**

on

**Oversight – Examining Health and Safety at ACS-Funded  
Head Start Programs**

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250 Broadway, 14<sup>th</sup> Floor  
New York, NY

Good morning Chairmen Levin and Johnson and members of the Committees. My name is Frank Cresciullo and I am the Assistant Commissioner for the Bureau of Child Care at the New York City Department of Health and Mental Hygiene. On behalf of Commissioner Bassett, thank you for the opportunity to testify today.

The Bureau of Child Care permits and inspects nearly 12,000 child care providers in New York City. This includes more than 2200 group child care programs, which serve children under age six in child care centers; 7600 family day care programs, which offer child care in a non-family member's home for up to twelve children; 1500 afterschool programs; and nearly 600 summer day camps. Group child care and summer camp services are regulated under the New York City Health Code, while family day care and after school programs are regulated under the New York State Office of Children and Family Services, which has authorized the City to inspect these programs for compliance with its regulations.

The Department believes that all children in child care should receive high quality, age and developmentally appropriate programming. This should occur in a safe and clean setting, from providers who maintain the necessary permits, licenses and certifications. To that end, the Bureau issues permits to child care services, and conducts unannounced initial and follow-up inspections, to check for compliance with health and safety regulations.

We inspect every child care program at least once a year and, when violations are cited, conduct follow-up inspections until we see that the condition has been corrected. We issue notices of violation subject to fines imposed at the OATH Health Tribunal, and conduct enforcement actions - including emergency closures and permit revocations where necessary - to protect children. The Department works very closely with its sister agencies, and in particular the Administration for Children's Services (ACS), which has contracts with group child care programs, including those under the federal Head Start program. In addition to a monthly, standing meeting, the Department's staff confers routinely with our counterparts at ACS. For example, the Department alerts ACS immediately if we initiate a suspension action against an ACS-contracted center, so they may plan for the replacement of children. ACS also has access to the Bureau's inspection database, so they can review results of the Department's inspections.

The federal audit of the City's Head Start program found several serious violations. The Department's staff has been working closely with ACS and the sites mentioned to address concerns as quickly as possible. When the Department finds a Head Start location - or any child care facility - operating with significant risks that cannot be corrected at the time of the inspection, we close that site immediately and help parents locate alternative care. It is important to note that while we are working to help programs address deficiencies, we have not found cause for closing any of the centers identified in the audit.

The audit raised two primary concerns: that there are programs operating with "expired permits" and that there are programs observed with unsanitary or unsafe conditions. With regard to the first issue, the City's Health Code allows child care centers to continue operating for a period of time with expired permits, so long as the program is working towards renewal. Permit renewal typically requires submission of substantial paperwork, payment of prior penalties, and frequently, re-inspection by other agencies. The Department closely tracks the ongoing submission of this information by programs, so that we are able to report what steps remain before a permit may be renewed. We are also pleased to report that, working in collaboration

with ACS, the 28 Head Start programs identified by the audit as having expired permits have all been renewed.

The audit also noted many unsanitary conditions, at Head Start locations, related to pest conditions. The Health Code requires that child care facilities use integrated pest management to keep their facilities free of rodents, insects and other pests and to eliminate conditions conducive to pests. These efforts can include: filling gaps, cracks and holes in walls and ceilings; storing food in pest proof containers; clearing away clutter; and fixing leaks to eliminate sources of water. Where necessary to control pests, the child care provider is required to obtain the services of a pest management professional licensed by the New York State Department of Environmental Conservation, who can provide extermination services. The child care provider is also directed to request use of only the least toxic methods and substances to control infestations.

Health Department inspections include checks for pests and conditions conducive to pests; our staff receives extensive training not only on identifying these conditions, but also on teaching child care programs to address and prevent pest problems. Pest conditions can change rapidly over time; at any given moment, a child care center may be confronting a pest problem. *But the pest conditions described in the audit are unacceptable.* As a result, the Department has created additional educational materials tailored to the child care center setting, to help programs control pests. These materials will be distributed to all sites.

The Bureau emphasizes the importance of quality child care to both sites we inspect and the families who utilize them. We recently started a performance improvement program to provide enhanced technical assistance to programs that repeatedly underperform as compared to city-wide average. And, to increase transparency, the Department launched “Child Care Connect” late last month. This website and messaging service includes features which allows parents to search for and compare child care programs across the City, review inspection histories, and sign up to receive email or text messaging updates about their child care center, including when new inspection results are posted. We want to encourage parents to sign up, and play an active role in holding child care centers to the highest standards.

Thank you for this morning’s important discussion on the health and safety of child care programs in our City, and the opportunity to testify before you. I would be happy to answer any questions.