

**NYC**  
**Administration for  
Children's Services**



**The New York City Council,**  
**Committees on General Welfare and Women's Issues**  
**Oversight: Implementation of Early Learn**  
**Monday, October 28, 2013**  
**Testimony by**  
**Ronald E. Richter, Commissioner**  
**New York City Administration for Children's Services**

Good afternoon Chairs Palma and Ferreras and members of the General Welfare and Women's Issues Committees. I am Ronald E. Richter, the Commissioner of the Administration for Children's Services. With me today is Myung Lee, Deputy Commissioner for Early Care and Education. We are pleased to be here before the Council to discuss the implementation of *EarlyLearnNYC*. Early care and education has been an area of intense focus for ACS over the past year, and we are proud of the substantial efforts and significant progress we have made.

### **Overview of Early Learn:**

As the Council knows, New York City oversees the largest publicly-funded early care and education system in the country, where we invest over \$1 billion annually to meet the needs of over 100,000 children. Last October, with the help of the Council and our providers, *EarlyLearnNYC*, a unique, ground-breaking early care and education model that merges child care and early education into a single, seamless system, was implemented city-wide across all five boroughs. *EarlyLearnNYC* marks the first time in nearly fifty years that the City has undertaken to transform the system to bring high quality early care and education to children and families in our lowest income communities. We made this critical investment because studies show that 90% of brain development occurs before the age of five and therefore, we must stimulate young minds as early as possible. This is especially true for children living in our most vulnerable neighborhoods.

A newly conducted study confirmed what researchers showed years ago – that children from professional families are exposed to forty-five (45) million words by the age of four, while children in poverty are exposed to thirteen (13) million<sup>1</sup>. It is therefore unfortunate but not surprising that studies show children from low income communities start kindergarten 12 to 14 months behind their peers from higher income homes<sup>2</sup>. Clearly, this has nothing to do with the

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<sup>1</sup> Todd R. Risley and Betty Hart, *Meaningful Differences in the Everyday Experience of Young American Children* (Baltimore: Paul H. Brookes, 1995).

<sup>2</sup> National Research Council and Institute of Medicine (2000) *From Neurons to Neighborhoods: The Science of Early Childhood Development*. Committee on Integrating the Science of Early Childhood Development. Jack P. Shonkoff and Deborah A. Phillips, eds. Board on Children, Youth, and Families, Commission on Behavioral and Social Sciences and Education. Washington, D.C.: National Academy Press.

intellectual capacity of our young people from lower income communities, but the availability of quality, affordable services in their neighborhoods.

Our City's children and families deserve better. With *EarlyLearnNYC*, our overarching goal is to do better. By investing in children at a young age, we are investing in their future and providing a foundation on which they can build for the rest of their lives. Study after study shows that high quality preschool contributes positively to the growth of cognitive, social, and emotional skills growth for all children but has the greatest impact on children from low-income families. High quality early childhood programs reduce the need for remedial and special education, child welfare involvement and results in lower incarceration rates. Children from low-income families who participate in high-quality early childhood education are less likely to be held back in school and are, in fact, more likely to graduate from high school and go on to become more productive members of their communities.

*EarlyLearnNYC* provides high quality programming with the help of qualified teachers and best practices that have proven results. All *EarlyLearnNYC* programs - center-based and family child care - are required to have developmentally appropriate research-based curricula, to assess the progress that each child is making in that classroom, to support teachers to ensure that they are engaged in meaningful interactions with the children, and to have warm and appropriate settings where children can grow, learn and thrive. In addition, *EarlyLearnNYC* focuses on the whole-child, meaning that all children entering an *EarlyLearn* Center receive a health, mental health and developmental screening to address the needs of each child.

*EarlyLearnNYC* also provides vital supports for working families in New York, without which many parents could not be a part of the workforce. *EarlyLearnNYC* programs have extended hours: eight to ten hours of service per day which includes nutritious meals and physical exercise. *EarlyLearnNYC* programs also often offer medical and dental support to many of our families. For example, ACS is partnering with NYU's Department of Pediatric Dentistry to provide oral health care for children via mobile services. We know that families play a critical role in a young child's ongoing learning and development. Therefore, all

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*EarlyLearnNYC* programs must include a family engagement component in their curriculum that is responsive to the diversity of each child's family, regardless of their culture and language.

*EarlyLearnNYC* sets high standards so that parents can feel confident that regardless of program location, setting or design, their children are receiving quality services. To improve the educational experience of our children and to strengthen the early childhood workforce, we have significantly expanded professional development requirements for the teachers in our programs. We now require and provide funding for twelve days of professional development for all center-based program staff and six days for those in family child care settings. We also provide customized support to providers who have new requirements to meet. For example, we have created a training and coaching program to support the almost 1,500 home based family child care providers so that they can meet the *EarlyLearnNYC* requirement of using a research validated and developmentally appropriate curriculum in their homes. Additionally, all *EarlyLearn* providers receive monitoring and technical assistance from ACS to support four main areas: Program Design and Management; Education and Disabilities; Family and Community Engagement; and Health, Mental Health and Nutrition. From October 1, 2012 to June 30, 2013, ACS staff conducted over 800 site visits to make sure our programs are providing high quality early education experiences for the City's youngest learners.

**Where we are now:**

*EarlyLearnNYC* lays a strong foundation for the future of New York City's children. Since the implementation on October 1, 2012, our staff and providers have worked tirelessly to implement this system transformation. Currently, our 138 contractors are providing services to over 27,000 children in 365 centers and in 1,485 Family Child Care providers' homes across the five boroughs. Our center-based enrollment is at 80% today and ACS continues to work with our providers to ensure that they have the support they need and that families are aware of the nearest *EarlyLearn* Center in their neighborhood.

One reason that enrollment is lower than we expected is that our providers are struggling to connect with the families who meet the very specific eligibility criteria required of their particular modality of care. To address this issue, ACS launched an awareness campaign - a citywide effort to familiarize low income parents with *EarlyLearn NYC* and increase enrollment

of families who are eligible for or are receiving subsidized child care from the City. The campaign consisted of advertisements in 144 bus shelters and 278 check-cashing locations across the city in July and August to get children enrolled by September and included a texting feature to better communicate with families who may need our services. By texting *EarlyLearn* to 877-877, our families can get help locating *EarlyLearnNYC* programs in their community and get information on upcoming events and child care options. To date, we have over 800 subscribers and that number grows every day. We continue to partner with the Human Resources Administration (HRA) to increase outreach to parents on public assistance through staffed tables and distribution of campaign materials at HRA Job Centers. This past summer, ACS also created and issued *EarlyLearnNYC* marketing materials such as posters, flyers, and brochures to all *EarlyLearn* programs to use for recruitment and marketing in their community. Additionally, ACS conducted a targeted mailing campaign to over 36,000 cash assistance eligible families and NYCHA residents with children ages six weeks to five years of age to educate them about *EarlyLearnNYC*.

We understand there have been substantial changes to the early care and education system in our City, and we continue to seek new ways to support and communicate with our providers. ACS hosted “Enrollment Summits” and three “Budget Talks” for *EarlyLearn NYC* contracted agencies this past February which provided an opportunity for directors to learn more about the important role that *EarlyLearn* programs can play in maintaining funding for an early childhood contracted system in New York City. These sessions explained how NYC’s subsidized child care system of vouchers and *EarlyLearn* contracted programs is funded. Feedback from the attendees was positive and over 165 *EarlyLearn* directors and fiscal officers attended the talks.

Deputy Commissioner Myung Lee also conducts listening tours and other regularly scheduled meetings to hear directly from the *EarlyLearn* directors and other staff and get their perspectives on the challenges and opportunities in running early childhood programs in New York City. I host recurring meeting with advocates and providers, and have ensured that early care and education representatives have a presence on my Advisory Board, which meets quarterly.

ACS partners with private foundations, academia and businesses in the private sector to ensure that our children are prepared for success in school and in life. ACS has secured \$685,000 in private funds from The Robin Hood Foundation, The Early Care and Education Fund, Casey Family Programs, and the Shoolman Foundation. We are working with partners such as MDRC, Bank Street College, NYU and Columbia University on initiatives that will further strengthen the field and support our children. Among the collaborations are:

- A pilot study with MDRC to implement an early math curriculum;
- Working with National Center for Children in Poverty at Columbia University to design and implement a coaching model to better support our teachers;
- A three year professional development initiative to advance the quality of care for children in all 1,485 family child care providers;
- Scholarships for *EarlyLearn* directors to obtain the Children's Program; Administrator Credential Program and 18 credit graduate level program in Early Childhood Leadership and Management offered through CUNY's School of Professional Studies. To date, forty-eight directors have completed the program; and
- A two year project to help *EarlyLearn* providers develop and use assessment tools, data, and management reports to increase quality programming at their centers.

Our partnerships and pilot programs allow us to identify the kinds of support that our children and providers need while also giving the directors and teachers an opportunity to increase their capacity to influence child development and learning in meaningful, positive ways.

### **Conclusion:**

I know that this year has presented significant challenges. This system transformation has required, and will continue to require, the support and partnership from our dedicated provider agencies, City Council, numerous City agencies, and private organizations to lay the foundation for a strong, sustainable early care and education system. In the midst of the implementation of *EarlyLearnNYC*, we worked through Hurricane Sandy –which hit the very same month we began the roll-out – and under economic uncertainties such as the federal sequestration. However, through these challenging times, we have worked to support our providers. In the aftermath of

the Hurricane, ACS secured \$2.4 million from private funders to rebuild our damaged centers and we've also secured over \$580,000 from the Administration for Children and Families to offer mental health and trauma related supports to all *EarlyLearn* agencies, including staff and parents, regardless of whether they were directly or indirectly affected by Hurricane Sandy.

We are proud that we have laid the foundation for a stronger, higher quality early care and education system and we are greatly encouraged that President Obama's federal vision for early care and education looks much like *EarlyLearn NYC*: a model that braids city, state, federal and private funds to better serve our youngest residents and is driven by the belief that quality early education has enormous positive effects and prevents achievement gaps for youth from low-income communities.

We know that there are more challenges ahead. The fiscal climate continues to present obstacles as we aim to do more for our children. The Agency's Head Start grant was reduced by a third and funding from the State has decreased in the last few years while demand for the mandated services we provide continues to grow. Though we've made significant strides to increase communication with our providers, we know there is always room to do better. We also need to update and increase our infrastructure and better support our own staff. Finally, we know our providers also need more support. There is more work ahead. But, I am confident that together, we will continue to rise to the occasion because our children deserve high quality care and education.

I want to thank the Council for working with us during the transition, especially Chair Palma, and for providing leadership to make sure an additional 4,500 children in the City continue to receive child care. I also want to extend our sincere gratitude to our provider agencies, parents, and our early care and education staff for their resiliency, hard work and determination during this momentous year. I am happy to answer your questions.

# **TESTIMONY**

## **Oversight - Implementation of Early Learn**

New York City Council, Committee on General Welfare  
Hon. Annabel Palma – Chair

New York City Council, Committee on Women's Issues  
Hon. Julissa Ferreras, Chair

Monday, October 28, 2013



## **The Council of School Supervisors and Administrators**

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Good afternoon, Chairwoman Palma and members of the New York City General Welfare Committee. My name is Randi Herman, and I am 1<sup>st</sup> Vice President of the Council of School Supervisors and Administrators (CSA). On behalf of CSA's nearly 16,000 members, I want to thank you for the opportunity to testify on issues regarding the proposed budget for social services and to applaud you on your unwavering efforts to protect and improve the lives of New York's most vulnerable communities.

As Principals, Assistant Principals and Day Care Directors and Assistant Directors, we are constantly faced with making difficult administrative, staffing and budgeting decisions. When faced with cuts, we are forced to do more with less while at the same time making sure children are properly educated and cared for. However, because of EarlyLearn, early childhood education centers are being forced to make something out of nothing. Basically, early education centers are being asked to provide meaningful education to New York City's neediest children without funding, support, materials or staffing. Daycare workers are not magicians. EarlyLearn is not helping us get that done. In its current form, EarlyLearn is not working.

### **EarlyLearn NY**

EarlyLearn was rolled out in 2012 by the Administration for Child Services (ACS). It was intended to be an efficient way of merging child care and early education into a single, seamless system. Yet, implementation of EarlyLearn has left eligible families scrambling for seats. Since its rollout, EarlyLearn has been a source of confusion, frustration and doubt for both families and child care providers.

### **The City Council needs to investigate the funding structure used by the Administration for Children's Services (ACS) to operate Early Learn.**

When I was before you just 4 months ago, I mentioned that the formula used by EarlyLearn underestimated the needs of NYC communities. ACS's use of a 2000 census date (13-year-old data) fails to identify the neediest New Yorkers. This data does not take into account the gentrification that the Bloomberg era of construction has generated. The 2000 census data does not translate to the actual current neighborhood demographics. Essentially, if a center is located in an area that has experienced gentrification, the pool of eligible children may be insufficient to maintain full enrollment and may force a center to close. Such children have been left without care, parents and guardians have been left stranded and day care workers have been left without jobs. When compared to the eligibility and costs of the previous system of early care and education, the EarlyLearn formula has left communities 8,000 seats short.

### **No Plan "B" in place: The rug gets pulled from under City Daycare Centers**

The implementation of EarlyLearn relies completely on the presumption that the bulk of necessary funding will be awarded by the federal and state governments through a complex bundle of child care development block funding. This system relies on several streams of funding: (1) Federal/State Child Care Grants, (2) City-generated dollars, (3) Federal Head Start Grants, (4) State Universal Pre-K funds and

(5) Providers contribution of at least 6.7% for operating cost. ACS was certain that this funding stream would materialize. How wrong they were.

When we last testified, the administration warned us about possible cuts to early education. The City Council was warned of a possible \$12.9 million dollar hit, resulting in \$3 million less in child care block grants and \$9.7 million less in Head Start. Instead the reality has been far worse. Since the sequester, many centers were left scrambling for Head Start funding, CCDGB grants, TANF funding and even school lunch reimbursements. Four months ago, the commissioner stated that there was no plan B if funding for centers failed to materialize.

The state provides ACS with \$3,400 per child for the UPK program. City-based centers currently receive only \$800 per child from ACS. ACS maintains that the remaining funds are spent on operational costs, but will not open their books for review. How are centers to survive with such low reinvestment cost? We continue to ask for fiscal transparency and accountability. If we are relying 100% on federal and state funds, we need oversight to ensure ACS is spending the early education funds as intended and not on other line items. Perhaps it is time the administration looks into taking Early Childhood Education out of ACS's hands.

Many centers lost children last year due to uncertainty about continued funding. How can we expect a center to self-fund 6.5% of its operating budget without the funding ACS is contractually obligated to provide? Do we honestly expect parents, worried about keeping their jobs, to wait around for the possibility of a seat? Working parents need a sure thing-not a possibility. EarlyLearn has been a disaster, creating a no-win situation for working families.

### **Cost and Management of Child Care Centers under Early Learn NY**

Under the present conditions, centers cannot financially continue to support Early Learn. EarlyLearn requires developmentally appropriate curriculum that demands specific requirements which exceed the available funding. Below is a brief breakdown of what the Park Slope North Child Development Center has to contend with while at the same time providing essential early education. The full statement will be made available to you for the record.

#### ***Park Slope North Child Development Center***

*The promises of Early Learn included increasing quality and standards and for providing support (money) and training necessary. The standards are there but the support hasn't been. Many costs of providing day care have been shifted to providers with little increase in reimbursement rates for subsidized child care. These costs include:*

- *Sharply increased medical costs for staff, who have not had a wage increase in 6 years.*
- *Contractor contributions (in our case, about \$50,000).*
- *Head Start standards and supports for families which cannot be paid for without increased funding (mental health, job finding, dental and vision screenings for children).*

- *Onerous accounting and reporting on budgets, audits, and other reports to EL and other agencies. Last year we had to prepare for, and pay for, three audits (cost: approximately \$9,000/audit x 3 = \$27,000).*
- *Greatly increased time spent on processing families' paperwork for ACS;*
- *Insurance costs far above what is planned to provide for our coverage;*
- *The center learned recently that workers compensation coverage will cost us \$20,000. (Approximately 1/2 of our children are private so that would be a cost of \$10,000 to cover the ACS children.) If we are fully enrolled, we will be given \$12,500 to help cover the costs of buying our own workers' compensation, disability, liability, and fidelity insurance;*
- *The reimbursement rate for child care centers, with preschoolers, is \$66/child/day. The reimbursement rate for Head Start/Dual programs is \$73/child/day There should be an explanation for such a discrepancy;*
- *The burden of excessive reports, scrutiny of proposed budgets down to the instruction to change various budget allocations by 1% here and 2% there, is far from the original suggestion that we would be responsible for our budgets.*
- *We are funded for only 4 hours of teacher aide work per day. In order to provide the legal coverage for our classrooms over the 10 hour day when we are open, our aides work a 7-1/2 day, for which we cover, on our own, the extra 3-1/2 hours/day.*

*Administrative burdens are overwhelming and physically impossible with the allocation for staff. The directors and administrators I meet with weekly in class have little time for working with teachers, meeting with families, or doing work related to the education of children, which is what we are all trained to be doing. Instead, we are doing reports: School Readiness Goals (due Oct. 31) the health report to the state, reporting on children's immunizations and other health tracking which doctors are also required to report (due Oct. 31) getting insurance in place (must be in place by Oct. 31) preparing materials for a CACFP review (due Oct. 31) ensuring teachers have Teaching Strategies Gold assessments done (by Nov. 15).*

This administration continues to pride itself on promoting equity and access to quality public education; however the underfunded EarlyLearn initiative is clearly moving the city in the wrong direction. This poorly planned enterprise leaves early childhood education providers, families and children uncertain, anxious and fearful of what tomorrow may bring. We ask that the city council conduct a thorough assessment of ACS's handling of EarlyLearn NY.

### ***Building a bridge between Universal Pre-K and Common Core***

Common sense and now research reports tell us that a child who had a chance to benefit from early childhood education is going to come to school better prepared than a child who has not. Let's not forget about the recent implementation of Common Core State Standards (CCSS). These new standards can turn out to be impossible to achieve for our most vulnerable students and those that need the most help. If we truly care about closing the achievement gap, we must face the fact that we need the best foundation for our children to ensure that they arrive to school with the skills that will allow them to succeed.

A study conducted by the National Institutes of Health (NIH) found that children from low-income families who benefited from an early education program were estimated to generate between \$4 to \$11 for every dollar initially spent on the program. Analysis also found that children who had been enrolled in early education programs were more likely to go to college, get a full-time job and have health insurance. The same students were less likely to go to prison and less likely to suffer from depressive symptoms. This cost-benefit analysis of early education revealed that the greatest benefits were among those who joined the program earliest.

Since 2002 this administration has opened 654 new schools. How many city funded centers for early childhood education have been closed during that same time period? Just as many? More? If we want to give our children a chance to succeed, the key is early education. We all know this. High-quality early education programs produce long term benefits not only for the children enrolled, but for society as well.

## **Conclusion**

We ask the City Council to demand that ACS answer some serious questions in regards to EarlyLearn NY:

- 1. ACS needs to address the funding support structure that is required to operationalize Early Learn. It seems to us that this funding never materialized.**
- 2. Examination of the sustainability of the program is critical.** Under the present conditions, centers cannot financially continue to support Early Learn, which demands a developmentally appropriate curriculum that in turn demands specific requirements that exceed the available funding.
- 3. The eligibility criteria have a lot to do with enrollment. ACS must tell the committee why it insists on utilizing 13 year old census data to determine eligibility.** If a center is now located in an area that has experienced gentrification, the pool of eligible children may be insufficient to maintain full enrollment. There is no provision for making any adjustment in light of this type of change in the socio-economic status of the community.
- 4. There is an absence of professional development for the directors and assistant directors charged with ensuring program quality and operation.** Compensation for those who work in early childhood centers must also be evaluated. Directors and other administrative staff are leaving the profession in great numbers. Pay is low, responsibilities are great and we are able to spend very little time doing work which will improve education outcomes for children.

"The passion, experience and training in early childhood education is being smothered as directors deal with the demands. Day Care workers are worried about roofs that leak, dishwashers that have to be repaired or replaced, plumbing that leaks, hiring new staff to replace the ones who left because they couldn't afford to stay in day care, and organizing files for reviews. Each tool available for assessing programs was combined into one redundant, excessive assessment which required hundreds of hours to complete," stated a Park Slope director. In January 2002 CSA had 458 Day Care Directors and Assistant Directors. Today's count is 202. How many centers have been closed since then?

One of our directors put it best: "I have speculated with others in the field recently: "Will the entire day care system explode or will it implode? Either way, it is currently headed for disaster."

We cannot let that happen. To paraphrase President Obama on his recent trip to P-Tech High School in Crown Heights: If you think it is too expensive to educate our children, wait until you see the price of ignorance.

Thank you for your time and I will be happy to answer any of your questions.

**Deanna Butler, Director**  
**Park Slope North Child Development Center**

As a new director who came in just as Early Learn was beginning, I am not in a position to make comparisons to past practices and experiences, but I see many instances where Early Learn, while well intentioned, is simply grinding us down with more and more requirements and less and less funding. The promises of Early Learn included increasing quality and standards and for providing support (money) and training necessary. The standards are there but the support hasn't been. Many costs of providing day care have been shifted to providers with little increase in reimbursement rates for subsidized child care. These costs include:

- sharply increased medical costs for staff, without a wage increase in 6 years,
- contractor contributions (in our case, about \$50,000)
- Head Start standards and supports for families which cannot be paid for without increased funding (mental health, job finding, dental and vision screenings for children)
- Onerous accounting and reporting on budgets, audits, and other reports to EL and other agencies. Last year we had to prepare for, and pay for three audits (cost: approximately \$9,000/audit x 3 = \$27,000)
- Greatly increased time spent on processing paperwork for families for ACS
- Insurance costs far above what is planned to provide for our coverage
- Our center learned today that workers compensation coverage will cost us \$20,000. (Approximately 1/2 of our children are private so that would be a cost of \$10,000 to cover the ACS children.) If we are fully enrolled, we will be given \$12,500 to help cover the costs of buying our own workers' compensation, disability, liability, and fidelity insurance.
- The reimbursement rate for child care centers, with preschoolers, is \$66/child/day. The reimbursement rate for Head Start/Dual programs is \$73/child/day. Why is there such a discrepancy?
- The burden of excessive reports, scrutiny of proposed budgets down to the instruction to change various budget allocations by 1% here and 2% there, is far from the original instruction that we would be responsible for our budgets.
- We are funded for only 4 hours of teacher aide work per day. In order to provide the legal coverage for our classrooms over the 10 hour day which we are open, our aides work a 7-1/2 day, for which we cover, on our own, the extra 3-1/2 hours/day.

Administrative burdens are overwhelming and physically impossible with the allocation for staff. The directors and administrators I meet with weekly in class have little time for working with teachers, meeting with families, or doing work related to the education of children, which is what we are all trained in. Instead, we are doing reports: School Readiness Goals (due Oct. 31) the health report to the state, reporting on children's

immunizations and other health tracking which doctors are also required to report (due Oct. 31) getting insurance in place (must be in place by Oct. 31) preparing materials for a CACFP review (due Oct. 31) ensuring teachers have Teaching Strategies Gold assessments done (by Nov. 15).

Directors and other administrative staff are leaving the profession in great numbers. Pay is low, responsibilities are great and we are able to spend very little time doing work which will improve education outcomes for children. Our passion, experience, and training in early childhood education is smothered as we deal with the demands. We are concerned with roofs that leak, dishwashers that have to be repaired or replaced, plumbing that leaks, hiring new staff to replace the ones who left because they couldn't afford to stay in day care, organizing files for reviews, figuring out ways to get families involved in PAC elections and other school activities when they work from 9 - 5 and have their children in our care from 8 - 6. I have been working at least 10 hours/day at work, plus more hours in the evenings and on weekends in an attempt to keep on top of the most necessary things. In the spring we (administrative staff, aided by board members and classroom teachers) spent hundreds of hours on the self-assessment, documenting hundreds of checkpoints with the same documentation over and over again. Our copying costs nearly doubled during that time. Each tool available for assessing programs was combined into one redundant, excessive assessment which required hundreds of hours to complete.

Reimbursement from the city is based on enrollment, but no provision is made for the lower enrollments we all have in the summer, and which we all need to have at that time, to allow our staff to take some vacation days when the number of children attending is lower.

There are fewer staff at ACS to process applications for fee agreements. The fair hearing process is hardly fair, with only one person to hear cases throughout the city. ACS staff are also overwhelmed with work and responsibilities.

Quality education costs money and requires wages that can help support families. People who work in day care should not be paid "hobby" wages. Many of our staff members qualify for food stamps. Many of them chose to go without health coverage because they felt they couldn't afford to pay the costs required when the program changed with Early Learn. Our teachers make so little money that it is very difficult for them to afford to go to school to improve their credentials. When they do obtain certification, many of them leave for the public school where the wages are much higher and the school year has many fewer days (180 compared to 260).

I have speculated with others in the field recently: will the entire day care system implode or will it explode? Either way, it is currently headed for disaster.

[REDACTED]  
Brooklyn, NY

I think the most important fact for EarlyLearn is that no one is quite clear about the enrollment process. They have a process for Early Learn that separates Child Care, Dual, and Head Start. Each site is given a certain number that they must meet. These enrollment numbers are given by ACS. These statuses are given by ACS and are determined by the client's income guidelines. When we view the status of these clients we are confused. Childcare is where both parents are working and their income level is a certain amount (depending on family size). Dual can be for a single parents, but their income must also be below a poverty level like Head Start.

When we see their fee for Dual and CC if the fee is usually \$15.00, this usually means that CC and Dual are interchangeable. (ACS will challenge this because agencies get paid more for Dual than for CC). But sometimes (and this is coming from ACS) the clients pay \$73.00 and ACS still says that they are Dual - ----no comprehension on our part. Where is the logic?

The second item is the fact that although Early Learn is supposed to be comprised of UPK, ACS and Head Start. ACS isn't even sure of what agency has what. They aren't even sure if the agencies have just UPK or EarlyLearn and Head Start. It's a big mess!

Lastly the Professional Development currently provided is a joke. The attendees don't even provide any materials. How do they expect the teachers to know what they are talking about if materials are not provided? It is just a waste of a day for them. Most of the time, ACS suggest we bring our own materials, but we do not get the email of what to bring until after the meeting. What good is this?



Additional concerns submitted by Day Care Directors

1. Insurance
2. not being able to open up the center at dead line, they need an extension ,to continue providing services to our families.
3. Parents are not being served due to high fees, Those parents not making \$7.25 in wages are ineligible for child care, yet their salaries is too low to pay the fees. Daycares never get the information until the parent is denied.
4. Parents must pay fees for the month regardless of (illness, death, etc.) the fee must be paid. Who is making up the rules for Early Learn?



**Testimony of Grand St. Settlement  
Before the New York City Council  
Committee on General Welfare and Committee on Women's Issues  
On the Implementation of EarlyLearn NYC**

**Presented by Margarita Rosa, Executive Director**

**October 28, 2013**

I thank the Committee members for convening this hearing and for the opportunity to testify. My name is Margarita Rosa. I have served as Executive Director for Grand St. Settlement for the past 18 years. I am pleased to testify today on behalf of the 252 children and their families from the Lower East Side of Manhattan and Bushwick, Brooklyn, whom we serve through the EarlyLearn NYC program.

In October of 2012, the NYC Administration for Children's Services (ACS) launched the EarlyLearn NYC program throughout the City of New York. This entailed merging two formerly separate service models that had different quality standards: ACS-funded Day Care and federally-funded Head Start.

We welcomed the opportunity to provide all of our families the services which the Head Start standards mandate, however, the marriage of these two program models has been problematic, as they had been previously governed by different standards and managed by separate subdivisions of ACS.

Several factors made a smooth transition extremely challenging:

- Although all teachers are represented by District Council 1707, two separate locals represent HeadStart (Local 95) and Child Care/Day Care workers (Local 205).
- Each local has negotiated different salary scales and benefits packages, including different health benefit packages.
- The negotiated salaries for Head Start teachers are currently higher than those for Child Care/Day Care teachers—but with EarlyLearn, all teachers are now required to meet the more rigorous Head Start standards. Paying teachers vastly different salaries, when they are now being asked to meet the same standards and achieve the same levels of education and certification is untenable.
- These issues also complicate matters for human resources departments and for the oversight of these staff members.

These factors need to be addressed and simplified for the benefit of all stakeholders, including children, parents, staff and program sponsors.

## *Grand St. Settlement Testimony on EarlyLearn NYC Implementation*

As part of EarlyLearn, ACS transferred responsibility for maintaining health insurance coverage for workers to the program sponsors/providers. While providers do not negotiate the health insurance packages, we are required to assume the costs.

Merging the Head Start and Day Care systems has also presented challenges in day-to-day operations. For example:

- All enrollment and attendance tracking is now done through the *Web-based Enrollment System* or W.E.S. This was previously used in Day Care programs, but is new to Head Start. It appears that W.E.S. is currently unable to handle the demands of EarlyLearn.
- Changes in eligibility require mountains of data correction documentation, which is very burdensome to manage.
- Enrollment for “child care-eligible” or “dual-eligible” programs must be processed through NYC’s ACS Resource Area. This creates delays in enrollment, and keeps children and families from accessing vital services.

Next there is the issue of Universal Pre-Kindergarten (UPK):

- State funding for UPK has been blended into EarlyLearn NYC. Therefore, providers are being required to fill a certain proportion of slots with four year-old children (designated as UPK participants).
- ACS-funded centers across the city are competing with public schools and other UPK providers to recruit four year-olds.
- This mandated enrollment requirement overlooks the unique needs of communities across the city, particularly those in which the need for early childhood services for two and three year-olds exceeds the need for services for four year-olds.

Finally, providers are being asked to comply with additional requirements that are insufficiently funded.

- Program Sponsors/Providers have been notified that as of November 1<sup>st</sup>, we will be required to purchase liability insurance for the program. In many cases, the additional amount of money provided by ACS for that insurance will not be sufficient to cover the cost.

Overall, the implementation of EarlyLearn NYC has created a great deal of confusion between ACS and provider agencies. This undermines our shared goal of providing high-quality early childhood education programs in NYC for every child.

I thank the Committee for facilitating this hearing.

## Testimony for New York City Council Hearing on Implementation of EarlyLearn

My name is Gwendolyn McEvilley and I am the Director for the Head Start Sponsoring Board Council of the City of New York (HSSBC), organized to be the liaison between the Administration for Children's Services (ACS) and the Head Start delegate agencies(DAs) receiving federal Head Start funding. I would like to thank the Committee on General Welfare and the Committee on Women's Issues for inviting me to testify today.

"The **Head Start Program** is a program of the United States Department of Health and Human Services that provides comprehensive education, health, nutrition, and parent involvement services to low-income children and their families. The program's services and resources are designed to foster stable family relationships, enhance children's physical and emotional well-being, and establish an environment to develop strong cognitive skills..." But we all know that Head Start is so much more than that. Educating a Head Start child educates the entire family. Our programs have been successfully doing this since the inception of Head Start in 1965.

EarlyLearn should have been placed on hold when ACS found out that it was going to be one of the Super Grantees directed by the Feds (Office of Head Start (OHS), Administration for Children and Families(ACF)) to compete for their grant of approximately \$190 million in the Designated Renewal System (DRS). At that point, ACS could not guarantee the full amount of funding coming from the Head Start Grant. Yet, ACS plowed forward with EarlyLearn crippling our Head Start agencies by impeding their primary function to provide services to the children and their families.

Agencies have been reduced to work within the confines a per-child rate, which is clearly not enough to cover the growing cost of medical insurance, leases, utilities and other rising program costs. Can you imagine that ACS' formula to cover various insurances once provided by the Central Insurance Plan, will give Head Start programs a mere 73 cents per child! ACS stated that "Those providers operating a site without the required insurance may be fined by the New York State Insurance Fund and/or be subject to closure until such insurance is obtained." That means programs will have to make additional cuts in staffing, supplies, etc.

Head Start programs are governed by over 1,600 performance standards that define requirements Head Start agencies must have in place to provide families with a number of choices, such as full-day or double sessions, which services more children and fulfill the needs of families we used to serve but no longer can because EarlyLearn does not give agencies that option. Children that are living at or below the federal poverty line, in the non-targeted zip codes that ACS' EarlyLearn took out of the equation...where are they?

Programs who EarlyLearn contracts and some Head Start programs, which have both EarlyLearn and Direct Federal contracts, can not apply directly to the Department of Education for Universal Pre-K funding. They must forfeit as much as \$2,500 per child and settle for the pennies in the rate to cover

the cost...why? ACS receives the full per child amount, but why aren't those funds provided to service our Head Start children?

We have lost award winning, accredited programs because they either did not receive an EarlyLearn contract or they could not provide a quality programs on the rate that ACS was providing in their contracts. I employ you to take a look at EarlyLearn and have Head Start sit at the decision making table to come up with a plan that is beneficial to all...Head Start, childcare and Universal Pre-K. Thank you.

**The Head Start Sponsoring Board Council of the City of New York, Inc.**

**Response to the April 2, 2010 EarlyLearn NYC Concept Paper  
Submitted May 21, 2010**

The Head Start Sponsoring Board Council of the City of New York, Inc. (HSSBC) was established in 1981 to serve as the representative of **all** the New York City Head Start Delegate Agencies in **all** areas and situations that will affect their **survival and well being**. We want to express our concerns that EarlyLearn NYC was never discussed, nor was any member of HSSBC included in any meetings regarding EarlyLearn NYC.

Advocating for the most vulnerable children and families, we also work to ensure that all Head Start Employees are protected by labor laws mandated by the federal government supplemented by the HSSBC, DC 1707 Local 95 Collective Bargaining Agreement (CBA). HSSBC was designated as the Collective Bargaining Representative of **all** Head Start employees as well.

It is our strong conviction that the last 45 years of Head Start's existence has proven that our children, our most sacred commodity and their families, have benefited greatly from the Head Start model and services. The results of research base data have shown that Head Start children are prepared and ready to enter elementary school with the cognitive and developmental skills necessary to succeed. The Head Start formula works. Head Start children are life-long learners because Head Start is the Best Start.

The proposal of EarlyLearn NYC consolidates all early childcare programs using the Head Start Model and Performance Standards without regard of the contributions of Head Start. We want to ensure that Head Start will still be recognized as the accomplished leader of early childcare education.

The High Standards of the Head Start Program has contributed greatly to increasing school readiness for low income children. As stated in the Performance Standards the Head Start Community – Children, Families, and Staff have roots in many cultures. Head Start families and staff, working together as a team, can effectively promote respect, sensitivity, and a proactive approach to diverse issues.”

Head Start has a long tradition of delivering comprehensive and high quality services designed to foster healthy development in low-income children. Head Start also provides a range of individualized services in the areas of education and early childhood development, medical, dental, and mental health, nutrition, and parent involvement. Currently, the entire range of Head Start services is responsive and appropriate to each child and family's developmental, ethnic, cultural and linguistic heritage and experience.

Head Start is committed to cultivating partnerships within the community. Instead of trying to re-invent the wheel, why not make Head Start a partner of EarlyLearn NYC. The history of Head Start is rich and vastly successful, why would you want to dismiss its fundamental contributions? The point is Head Start is everything EarlyLearn NYC is striving to be.

The listed five guided principals of EarlyLearn NYC:

1. EarlyLearn NYC will implement and support the highest program standards and ensure programs are developmentally focused
2. EarlyLearn NYC will emphasize positive educational and social outcomes for children and provide families with needed and comprehensive supports
3. EarlyLearn NYC will align early care resources with high need communities
4. EarlyLearn NYC will maximize resources from all early care and education funding sources that are available for young children
5. EarlyLearn NYC will ensure financial accountability and sustainability of the early care system

These principles are clearly taken from the Head Start Performance Standards and again we question, why does it appear that Head Start (as we know it) is being eliminated and renamed EarlyLearn NYC?

Our questions and suggestion are as follows:

- Develop a Leadership Team which includes the Head Start Sponsoring Board Council and Head Start Directors
- Maintain the Core Values of Head Start
- How will staff salaries parity with Head Start, Day Care, Family Childcare Workers
- Instead of encompassing EarlyLearn NYC now, why not have a initial year long program to include several Early Childcare Stakeholders to launch the EarlyLearn NYC Concept
- How will ACS ensure that the contract system and funding is distributed in a timely fashion (unlike the current system)
- How will this RFP process affect the current system of unionized workers
- How will the disenfranchised communities be affected by the EarlyLearn NYC Concept
- What is the motivation behind cutting contracts in Early Child Care from 600 to 350
- How will the extended hours of operation affect unionized working staff
- How will EarlyLearn NYC affect the current status of the pension plan and medical benefits
- How are programs suppose to fundraise to meet the \$89,000 provider match

We are in agreement that many aspects of the proposal will lead to the elimination of high quality smaller community base programs. Our question is, how will the children and their families in these communities be served effectively?

## Beth Jacob Day Care

1363-46th Street  
Brooklyn, NY 11219  
(718) 435-5755  
(718) 436-7358 fax  
E-mail: [bvdcc@hotmail.com](mailto:bvdcc@hotmail.com)

June 14, 2012

Ms. Gwendolyn S. McEvilley, Director  
Head Start Sponsoring Board Council  
1120 Avenue of the Americas, Suite 4110  
New York, NY 10036

Dear Ms. McEvilley:

We saw your article concerning the RFP for Early Learn.

There have been many injustices in the Early Learn award process

Beth Jacob Day Care Center is the largest day care center in our zip code with forty years of experience, who has received the highest ranks and merits; yet we were not awarded an Early Learn program.

Although we were told by the city that we scored very well; obviously we did not score well enough on paper.

Thank you for working on our behalf.

Hoping that through your efforts day care will be restored.

Sincerely,  
Mrs. Miriam Berg  
Director



June 14, 2011

## **EarlyLearn NYC**

### **Response for Proposal (RFP) Pre-proposal Conference**

**Panel from ACS:** Melanie Hartzog, Sara Vecchiotti, Jose Mercado, Steve Schimmele, Maria Benejan, Judy Perry, Jim Ford, Nancy Belson, Wendy \_\_\_\_\_

**Patricia Chabla** – Chief Contracting Officer

**Marla Simpson** - Director of Mayor's Office of Contracts (MOCs)

- The purpose of this session is to reach providers who are inexperienced in the RFP procurement process
- Learn what is expected, how proposal should be structured
- All questions and answers will be posted on the ACS website by end of next week

**Melanie Hartzog** – Deputy Commissioner

Overview of programmatic goals

- The purpose of EarlyLearn is to raise program standards
- Serve more infants/toddlers citywide in center-based settings
- Provide quality early education programming
- Provide full-day, year-round service for children and families – 8/10 hours per day
- Program will run for 261 days (no summer closing or winter/spring breaks)
- Family Child Care (FCC) will have to establish a curriculum
- Assessments and screenings for home-based FCC settings standards raised
- See Page 9 of RFP, Scope of Services – All 9 aspects must be covered
  - Comprehensive program design
  - Developmentally appropriate curriculum/learning activities
  - Culturally, socially, and emotionally responsive environment
  - Transitional planning
  - Dual language learning curricular focus
  - Child screening and assessment
  - Serving children with special needs
  - Sound nutritional programming

**Most favorable** programs for this RFP process will be programs that have experience with implementation of **Blended Funding** with **HS/CC/UPK**

**July 28, 2011** – last day to submit questions to ACS regarding RFP

**RFP is due August 11, 2011 at 2PM.** Drop off at 150 William Street, 9<sup>th</sup> floor on due date. Prior drop off of proposal will be at 150 William Street, 1<sup>st</sup> floor. An addendum of clarification will be posted and sent out to all who have registered on the ACS website.

**Minimum Qualification Requirements (on page 8) for Center-based Services:**

- Must be licensed or licensable under NYC Health Code, Article 47
- “If the proposed program does not require a change in existing license, proposers must indicate in the appropriate Proposal Cover Form that a copy of their existing, valid DOHMH license has been submitted as part of the proposal submission and as required in the Minimum Qualification Requirement envelope labeled as such.”
- “If the proposed program requires a new license or change in license, proposers must indicate in the appropriate Proposal Cover Form the copy of the DOHMH Preliminary Inspection Report with a “Site Viable” result or copy of “Filing Notice” from DOHMH, indicating that the proposer is part of a school and therefore does not need to comply with Article 47 has been submitted as part of proposal submission and as required on the Minimum Qualification Requirement envelope labeled as such.”
- “EarlyLearn NYC FCC Network Home-Based Services – There is no minimum requirements for FCC Network home-based setting services.”

**Section IV – Format and Content of the Proposal (page 38)**

- “Proposers are encouraged to electronically download the following proposal application, complete it, save an electronic copy for files, and print on double sided paper for submission to ACS. The proposal application is available for electronic download from the ACS website, [www.nyc.gov/acs](http://www.nyc.gov/acs) in Current Requests for Proposals (RFPs), Bids, and Others in the Business Opportunities section of the ACS.”

**Jose Mercado – Assistant Commissioner Finance**

- Federal/State/City Tax Levy Funding make up the EarlyLearn Funds of \$463,000,000
- Contractors should no long look at their budgets as “line item expenses based on reimbursement.”
- Central Insurance Program (CIP) is no longer providing health insurance but will **only** provide liability, disability, and workers compensation
  - Insurance & Pension is already factored in the rate
  - Rate based on service days

Service value per slot = 100%	100
ACS & Parent Fees pay = 93.3%	93.30
Contractor Contribution = 6.7%	6.70

- Contributions should fulfill, not supplement services outlined in RFP

### Nancy Hurska – Division of Policy and Planning

- Sign up for TA
- TA starts at 1PM
- Q&A will be sent out as an addendum and out by end of next week

### Q&A

- FCC allowable absences for infants/toddlers are reimbursed.
- Percentage of children traveling to care in the targeted zip codes are where site is expected to be. Mention home zip if going to site near parent's job.
- Attachments B C D E – will be in word documents instead of PDFs.
- All relevant services should be included when asked about city contracts.
- Funding is set for EarlyLearn RFP only – no other circumstances are being considered at this time.

### Heath Insurance / Pension

- No CIP going forward
- Dollar amount will go into relevant contract
- Group based insurance may be purchased. ACS is looking into possibilities.
- **Providers are purchasing insurance themselves**
- **Pension gets paid** – will receive an addendum

### Other Q&A

- Head Start will be paid based on enrollment.
- Home-based will be paid based on attendance.
- One application per organization with multiple sites.
- Assessment (pages 7-8 of RFP) has to do with expectations (page 13, section 1.7)  
Environmental Assessment
- Page 24 – Additional information on evacuation procedure – include executive plan
- Terms of Lease Agreement with Federal Interest
- Appendix X
  - **Non-targeted** zip codes = communities having **less need**
  - **Targeted** = highest concentration of communities with **most need**
- FCC will transition into center-based programs
- **Award blended funded seats first based on maximizing funding**
  - Make a decision on your model
  - 8 hours of programming for children

- **Page 35 – Contractors contribution offset**
  - “ACS will fund up to maximum ninety-three point three percent (93.3%) of the cost of total operations under this contract and contractors must contribute six point seven percent (6.7%).”
- Who signs off on RFP? Board Chair **only**, not all board members.
- **Page 35 - Facility Rental expenses** supplemental vs. essential (In-kind rent value)
  - “Contractors Contributions may also contribute to the Head Start non-federal match requirement (45 CFR §74.23), as applicable. Not all expenses allowable for Head Start non-federal match will be accepted by ACS for Contractor Contributions. Non-cash facility rental expense cannot be used for Contractor Contribution.”
- ACS working on site viability with DOHMH
- **Section 3.17** – Assessment of Curriculum must be done as Quarterly Assessment
- Board Insurance is that a liability cost? Is it included in the rate? (ACS will answer in the addendum)
- Rates – Blended funded programs, which rate do you use?
- ACS will provide an addendum on square footage information.
- Page 22, Section 3.1 – Self Assessment – see Scope of Services for future
- Linking with FC/FCN – feeder system to center-based programs
- Community Needs Assessment available on ACS website
- Program breakdown
  - 60% 4-year olds of pre-school capacity (private pay **not** included)
  - 40% - 3-years and under
  - 6.7% contribution is within 20% in-kind
- EarlyLearn covers
  - 6 weeks to 4 years old
  - FCC – 0 to 3 years old
- Propose based on slots and rate not line item budgets
- Organization can have multiple models
- Direct lease sites will be paid by ACS
- **Strongly preferring linkages for RFP**
- **Start up funds for infants/toddlers programs only**

## PART 1306 — HEAD START STAFFING REQUIREMENTS AND PROGRAM OPTIONS

### Subpart A — General

#### 1306.1 Purpose and scope.

This Part sets forth requirements for Early Head Start and Head Start program staffing and program options that all Early Head Start and Head Start grantee and delegate agencies, with the exception of Parent Child Center programs, must meet. The exception for Parent Child Centers is for fiscal years 1995, 1996, and 1997 as consistent with section 645A(e)(2) of the Head Start Act, as amended. These requirements, including those pertaining to staffing patterns, the choice of the program options to be implemented and the acceptable ranges in the implementation of those options, have been developed to help maintain and improve the quality of Early Head Start and Head Start and to help promote lasting benefits to the children and families being served. These requirements are to be used in conjunction with the Head Start Program Performance Standards at 45 CFR Part 1304, as applicable.

[61 FR 57226, Nov. 5, 1996]

#### 1306.2 Effective dates.

(a) Except as provided in paragraph (b) of this section, Head Start grantees funded or re-funded after June 7, 1993, must comply with these requirements by such times in their grant cycles as new groups of children begin receiving services. This does not preclude grantees from voluntarily coming into compliance with these regulations prior to the effective date.

(b) With respect to the requirements of Sec. 1306.32(b)(2), grantees that are currently operating classes in double session center-based options for less than three and a half hours per day, but for at least three hours per day, may continue to do so until September 1, 1995, at which time they must comply with the three and one-half hour minimum class time requirement.

#### 1306.3 Definitions.

(a) *Center-based program* option means Head Start services provided to children primarily in classroom settings.

(b) *Combination program* option means Head Start services provided to children in both a center setting and through intensive work with the child's parents and family at home.

(c) *Days of operation* means the planned days during which children will be receiving direct Head Start component services in a classroom, on a field trip or on trips for health-related activities, in group socialization or when parents are receiving a home visit.

(d) *Double session variation* means a variation of the center-based program option that operates with one teacher who works with one group of children in a morning session and a different group of children in an afternoon session.

(e) *Full-day variation* means a variation of the center-based program option in which program operations continue for longer than six hours per day.

(f) *Group socialization activities* means the sessions in which children and parents enrolled in the home-based or combination program option interact with other home-based or combination children and parents in a Head Start classroom, community facility, home, or on a field trip.

(g) *Head Start class* means a group of children supervised and taught by two paid staff members (a teacher and a teacher aide or two teachers) and, where possible, a volunteer.

(h) *Head Start parent* means a Head Start child's mother or father, other family member who is a primary caregiver, foster parent, guardian or the person with whom the child has been placed for purposes of adoption pending a final adoption decree.

(i) Head Start program is one operated by a Head Start grantee or delegate agency.

(j) *Home-based program option* means Head Start services provided to children, primarily in the child's home, through intensive work with the child's parents and family as the primary factor in the growth and development of the child.

(k) *Home visits* means the visits made to a child's home by the class teacher in a center-based program option, or home visitors in a home-based program option, for the purpose of assisting parents in fostering the growth and development of their child.

(l) *Hours of operation* means the planned hours per day during which children and families will be receiving direct Head Start component services in a classroom, on a field trip, while receiving medical or dental services, or during a home visit or group socialization activity. Hours of operation do not include travel time to and from the center at the beginning and end of a session.

(m) *Parent-teacher conference* means the meeting held at the Head Start center between the child's teacher and the child's parents during which the child's progress and accomplishments are discussed.

## **Subpart B — Head Start Program Staffing Requirements**

### **1306.20 Program staffing patterns.**

(a) Grantees must meet the requirements of 45 CFR 1304.52(g), Classroom staffing and home visitors, in addition to the requirements of this Section.

(b) Grantees must provide adequate supervision of their staff.

(c) Grantees operating center-based program options must employ two paid staff persons (a teacher and a teacher aide or two teachers) for each class. Whenever possible, there should be a third person in the classroom who is a volunteer.

(d) Grantees operating home-based program options must employ home visitors responsible for home visits and group socialization activities.

(e) Grantees operating a combination program option must employ, for their classroom operations, two paid staff persons, a teacher and a teacher aide or two teachers, for each class. Whenever possible, there should be a third person in the classroom who is a volunteer. They must employ staff for home visits who meet the qualifications the grantee requires for home visitors.

(f) Classroom staff and home visitors must be able to communicate with the families they serve either directly or through a translator. They should also be familiar with the ethnic background of these families.

[57 FR 58092, Dec. 8, 1992, as amended at 61 FR 57226, Nov. 5, 1996]

### **1306.21 Staff qualification requirements.**

Head Start programs must comply with section 648A of the Head Start Act and any subsequent amendments regarding the qualifications of classroom teachers.

[61 FR 57226, Nov. 5, 1996]

### **1306.22 Volunteers.**

(a) Head Start programs must use volunteers to the fullest extent possible. Head Start grantees must develop and implement a system to actively recruit, train and utilize volunteers in the program.

(b) Special efforts must be made to have volunteer participation, especially parents, in the classroom and during group socialization activities.

### **1306.23 Training.**

(a) Head Start grantees must provide pre-service training and in-service training opportunities to program staff and volunteers to assist them in acquiring or increasing the

knowledge and skills they need to fulfill their job responsibilities. This training must be directed toward improving the ability of staff and volunteers to deliver services required by Head Start regulations and policies.

(b) Head Start grantees must provide staff with information and training about the underlying philosophy and goals of Head Start and the program options being implemented.

### **Subpart C — Head Start Program Options**

#### **1306.30 Provisions of comprehensive child development services.**

(a) All Head Start grantees must provide comprehensive child development services, as defined in the Head Start Performance Standards.

(b) All Head Start grantees must provide classroom or group socialization activities for the child as well as home visits to the parents. The major purpose of the classroom or socialization activities is to help meet the child's development needs and to foster the child's social competence. The major purpose of the home visits is to enhance the parental role in the growth and development of the child.

(c) The facilities used by Early Head Start and Head Start grantee and delegate agencies for regularly scheduled center-based and combination program option classroom activities or home-based group socialization activities must comply with State and local requirements concerning licensing. In cases where these licensing standards are less comprehensive or less stringent than the Head Start regulations, or where no State or local licensing standards are applicable, grantee and delegate agencies are required to assure that their facilities are in compliance with the Head Start Program Performance Standards related to health and safety as found in 45 CFR 1304.53(a), Physical environment and facilities.

(d) All grantees must identify, secure and use community resources in the provision of services to Head Start children and their families

prior to using Head Start funds for these services.

[57 FR 58092, Dec. 8, 1992, as amended at 61 FR 57226, Nov. 5, 1996; 63 FR 2314, Jan. 15, 1998]

#### **1306.31 Choosing a Head Start program option.**

(a) Grantees may choose to implement one or more than one of three program options: a center-based option, a home-based program option or a combination program option.

(b) The program option chosen must meet the needs of the children and families as indicated by the community needs assessment conducted by the grantee.

(c) When assigning children to a particular program option, Head Start grantees that operate more than one program option must consider such factors as the child's age, developmental level, disabilities, health or learning problems, previous preschool experiences and family situation. Grantees must also consider parents' concerns and wishes prior to making final assignments.

#### **1306.32 Center-based program option.**

(a) *Class size.* (1) Head Start classes must be staffed by a teacher and an aide or two teachers and, whenever possible, a volunteer.

(2) Grantees must determine their class size based on the predominant age of the children who will participate in the class and whether or not a center-based double session variation is being implemented.

(3) For classes serving predominantly four or five-year-old children, the average class size of that group of classes must be between 17 and 20 children, with no more than 20 children enrolled in any one class.

(4) When double session classes serve predominantly four or five-year-old children, the average class size of that group of classes must be between 15 and 17 children. A double

session class for four or five-year old children may have no more than 17 children enrolled. (See paragraph (c) of this section for other requirements regarding the double session variation.)

(5) For classes serving predominantly three-year-old children, the average class size of that group of classes must be between 15 and 17 children, with no more than 17 children enrolled in any one class.

(6) When double session classes serve predominantly three-year-old children, the average class size of that group of classes must be between 13 and 15 children. A double session class for three-year-old children may have no more than 15 children enrolled. (See paragraph (c) of this section for other requirements regarding the double session variation.)

(7) It is recommended that at least 13 children be enrolled in each center-based option class where feasible.

(8) A class is considered to serve predominantly four- or five-year-old children if more than half of the children in the class will be four or five years old by whatever date is used by the State or local jurisdiction in which the Head Start program is located to determine eligibility for public school.

(9) A class is considered to serve predominantly three-year-old children if more than half of the children in the class will be three years old by whatever date is used by the State or local jurisdiction in which Head Start is located to determine eligibility for public school.

(10) Head Start grantees must determine the predominant age of children in the class at the start of the year. There is no need to change that determination during the year.

(11) In some cases, State or local licensing requirements may be more stringent than these class requirements, preventing the required minimum numbers of children from being enrolled in the facility used by Head Start. Where this is the case, Head Start grantees must try to find alternative facilities that satisfy licensing requirements for the numbers of

children cited above. If no alternative facilities are available, the responsible HHS official has the discretion to approve enrollment of fewer children than required above.

(12) The chart below may be used for easy reference:

Predominant age of children in the class	Funded class size [Funded enrollment]
4 and 5 year olds.....	Program average of 17-20 children enrolled per class in these classes. No more than 20 children enrolled in any class.
4 and 5 year olds in double session classes.	Program average of 15-17 children enrolled per class in these classes. No more than 17 children enrolled in any class.
3 year olds.....	Program average of 15-17 children enrolled per class in these classes. No more than 17 children enrolled in any class.
3 year olds in double session classes.	Program average of 13-15 children enrolled per class in these classes. No more than 15 children enrolled in any class.

b) Center-based program option requirements.

(1) Classes must operate for four or five days per week or some combination of four and five days per week.

(2) Classes must operate for a minimum of three and one-half to a maximum of six hours per day with four hours being optimal.

(3) The annual number of required days of planned class operations (days when children are scheduled to attend) is determined by the number

of days per week each program operates. Programs that operate for four days per week must provide at least 128 days per year of planned class operations. Programs that operate for five days per week must provide at least 160 days per year of planned class operations. Grantees implementing a combination of four and five days per week must plan



to operate between 128 and 160 days per year. The minimum number of planned days of service per year can be determined by computing the relative number of four and five day weeks that the program is in operation. All center-based program options must provide a minimum of 32 weeks of scheduled days of class operations over an eight or nine month period.

Every effort should be made to schedule makeup classes using existing resources if planned class days fall below the number required per year.

(4) Programs must make a reasonable estimate of the number of days during a year that classes may be closed due to problems such as inclement weather or illness, based on their experience in previous years. Grantees must make provisions in their budgets and program plans to operate makeup classes and provide these classes, when needed, to prevent the number of days of service available to the children from falling below 128 days per year.

(5) Each individual child is not required to receive the minimum days of service, although this is to be encouraged in accordance with Head Start policies regarding attendance. The minimum number of days also does not apply to children with disabilities whose individualized education plan may require fewer planned days of service in the Head Start program.

(6) Head Start grantees operating migrant programs are not subject to the requirement for a minimum number of planned days, but must make every effort to provide as many days of service as possible to each migrant child and family.

(7) Staff must be employed for sufficient time to allow them to participate in pre-service training, to plan and set up the program at the start of the year, to close the program at the end of the year, to conduct home visits, to conduct health examinations, screening and immunization activities, to maintain records, and to keep service component plans and activities current and relevant. These activities should take place outside of the time scheduled for classes in center-based programs or home visits in home-based programs.

(8) Head Start grantees must develop and implement a system that actively encourages parents to participate in two home visits annually for each child enrolled in a center-based program option. These visits must be initiated and carried out by the child's teacher. The child may not be dropped from the program if the parents will not participate in the visits.

(9) Head Start grantees operating migrant programs are required to plan for a minimum of two parent-teacher conferences for each child during the time they serve that child. Should time and circumstance allow, migrant programs must make every effort to conduct home visits.

(c) Double session variation. (1) A center-based option with a double session variation employs a single teacher to work with one group of children in the morning and a different group of children in the afternoon. Because of the larger number of children and families to whom the teacher must provide services, double session program options must comply with the requirements regarding class size explained in paragraph (a) of this section and with all other center-based requirements in paragraph (b) of this section with the exceptions and additions noted in paragraphs (c) (2) and (3) of this section.

(2) Each program must operate classes for four days per week.

(3) Each double session classroom staff member must be provided adequate break time during the course of the day. In addition, teachers, aides and volunteers must have appropriate time to prepare for each session together, to set up the classroom environment and to give individual attention to children entering and leaving the center.

(d) *Full day variation.* (1) A Head Start grantee implementing a center-based program option may operate a full day variation and provide more than six hours of class operations per day using Head Start funds. These programs must comply with all the requirements regarding the center-based program option found in paragraphs (a) and (b) of this

section with the exception of paragraph (b)(2) regarding the hours of service per day.

(2) Programs are encouraged to meet the needs of Head Start families for full day services by securing funds from other agencies. Before implementing a full day variation of a center-based option, a Head Start grantee should demonstrate that alternative enrollment opportunities or funding from non-Head Start sources are not available for Head Start families needing full-day child care services.

(3) Head Start grantees may provide full day services only to those children and families with special needs that justify full day services

or to those children whose parents are employed or in job training with no caregiver present in the home. The records of each child receiving services for more than six hours per day must show how each child meets the criteria stated above.

(e) Non-Head Start services. Grantees may charge for services which are provided outside the hours of the Head Start program.

### **1306.33 Home-based program option.**

(a) Grantees implementing a home-based program option must:

(1) Provide one home visit per week per family (a minimum of 32 home visits per year) lasting for a minimum of 1 and 1/2 hours each.

(2) Provide, at a minimum, two group socialization activities per month for each child (a minimum of 16 group socialization activities each year).

(3) Make up planned home visits or scheduled group socialization activities that were canceled by the grantee or by program staff when this is necessary to meet the minimums stated above. Medical or social service appointments may not replace home visits or scheduled group socialization activities.

(4) Allow staff sufficient employed time to participate in pre-service training, to plan and set

up the program at the start of the year, to close the program at the end of the year, to maintain records, and to keep component and activities plans current and relevant. These activities should take place when no home visits or group socialization activities are planned.

(5) Maintain an average caseload of 10 to 12 families per home visitor with a maximum of 12 families for any individual home visitor.

(b) Home visits must be conducted by trained home visitors with the content of the visit jointly planned by the home visitor and the parents. Home visitors must conduct the home visit with the participation of parents. Home visits may not be conducted by the home visitor with only babysitters or other temporary caregivers in attendance.

(1) The purpose of the home visit is to help parents improve their parenting skills and to assist them in the use of the home as the child's primary learning environment. The home visitor must work with parents to help them provide learning opportunities that enhance their child's growth and development.

(2) Home visits must, over the course of a month, contain elements of all Head Start program components. The home visitor is the person responsible for introducing, arranging and/or providing Head Start services.

(c) Group socialization activities must be focused on both the children and parents. They may not be conducted by the home visitor with babysitters or other temporary caregivers.

(1) The purpose of these socialization activities for the children is to emphasize peer group interaction through age appropriate activities in a Head Start classroom, community facility, home, or on a field trip. The children are to be supervised by the home visitor with parents observing at times and actively participating at other times.

(2) These activities must be designed so that parents are expected to accompany their children to the group socialization activities at

least twice each month to observe, to participate as volunteers or to engage in activities designed specifically for the parents.

(3) Grantees must follow the nutrition requirements specified in 45 CFR 1304.23(b)(2) and provide appropriate snacks and meals to the children during group socialization activities.

[57 FR 58092, Dec. 8, 1992, as amended at 61 FR 57227, Nov. 5, 1996]

### 1306.34 Combination program option.

#### (a) *Combination program option requirements:*

(1) Grantees implementing a combination program option must provide class sessions and home visits that result in an amount of contact with children and families that is, at a minimum, equivalent to the services provided through the center-based program option or the home-based program option.

(2) Acceptable combinations of minimum number of class sessions and corresponding number of home visits are shown below. Combination programs must provide these services over a period of 8 to 12 months.

Number of class sessions	Number of home visits
96 .....	8
92-95.....	9
88-91.....	10
84-87.....	11
80-83.....	12
76-79.....	13
72-75.....	14
68-71.....	15
64-67.....	16
60-63.....	17
56-59.....	18
52-55.....	19
48-51.....	20
44-47.....	21
40-43.....	22
36-39.....	23
32-35.....	24

(3) The following are examples of various configurations that are possible for a program that operates for 32 weeks:

- A program operating classes three days a week and providing one home visit a month (96 classes and 8 home visits a year);
- A program operating classes two days a week and providing two home visits a month (64 classes and 16 home visits a year);
- A program operating classes one day a week and providing three home visits a month (32 classes and 24 home visits a year).

(4) Grantees operating the combination program option must make a reasonable estimate of the number of days during a year that centers may be closed due to problems such as inclement weather or illness, based on their experience in previous years. Grantees must make provisions in their budgets and program plans to operate make-up classes up to the estimated number, and provide these classes, when necessary, to prevent the number of days of classes from falling below the number required by paragraph (a)(2) of this section. Grantees must make up planned home visits that were canceled by the program or by the program staff if this is necessary to meet the minimums required by paragraph (a)(2) of this

section. Medical or social service appointments may not replace home visits.

(b) Requirements for class sessions: (1) Grantees implementing the combination program option must comply with the class size requirements contained in Sec. 1306.32(a).

(2) The provisions of the following sections apply to grantees operating the combination program option: Sec. 1306.32(b) (2), (5), (6), (7) and (9).

(3) If a grantee operates a double session or a full day variation, it must meet the provisions concerning double-sessions contained in Sec. 1306.32(c)(1) and (3) and the provisions for the center-based program option's full day variation found in Sec. 1306.32(d).

(c) Requirements for home visits: (1) Home visits must last for a minimum of 1 and 1/2 hours each.

(2) The provisions of the following section, concerning the home-based program option, must be adhered to by grantees implementing the combination program option: Sec. 1306.33(a) (4) and (5); and Sec. 1306.33(b).

### **1306.35 Additional Head Start program option variations.**

In addition to the center-based, home-based and combination program options defined above, the Commissioner of the Administration on Children, Youth and Families retains the right to fund alternative program variations to meet the unique needs of communities or to demonstrate or test alternative approaches for providing Head Start services.

### **1306.36 Compliance waiver.**

An exception to one or more of the requirements contained in Sec. Sec. 1306.32 through 1306.34 of subpart C will be granted only if the Commissioner of the Administration on Children, Youth and Families determines, on the basis of supporting evidence, that the grantee made a reasonable effort to comply with the requirement but was unable to do so because of limitations or circumstances with a specific community or communities served by the grantee.



TESTIMONY BEFORE THE  
NEW YORK CITY COUNCIL  
GENERAL WELFARE COMMITTEE  
IMPLEMENTATION OF EARLY LEARN

October 28, 2013

My name is Andrea Anthony and I am the Executive Director of the Day Care Council of New York, Inc. As the largest membership organization within New York City's child care system, the Day Care Council of New York serves the interests of 117 non-profit organizations that operate more than 225 child care centers in the five boroughs. We are proud of their long standing commitment to providing a strong educational foundation for New York's most vulnerable citizens.

I would like to thank the members of the City Council's General Welfare Committee, in particular Councilwoman Anabel Palma for her exemplary leadership. I would also like to thank the New York City Council as a whole for its unprecedented support of the city's child care system, particularly over the last few years. Never before have we had to navigate such challenging terrain. Without the City Council efforts to maintain the system's integrity and stability, especially your commitment Councilwoman Palma, we would not have been able to retain the essential structure of an early childhood system that was created 60 years ago.

The magnitude of deficiencies in the implementation of EarlyLearn has caused extreme confusion, major disappointment, and the feeling of utter despair. In stating these three words, I am not being overly dramatic. From the day EarlyLearn awards were announced in January 2011, all parties directly involved in the system were profoundly impacted, including the Administration for Children's Services; the organizations that were awarded contracts and those that were not; the unions (District Council 1707 and the Council of Supervisors and Administrators); and most importantly, the workers in the system upon whom I will focus much of my remarks.

You may all be aware of some of the major challenges that the implementation of EarlyLearn created: (1) the realization by the organizations receiving the awards that the proposed rate was insufficient to cover operations; (2) the discontinuation of health insurance coverage for the workers; (3) the discontinuation of supplemental benefits for the workers provided by both unions' Welfare Funds; (4) for mixed funded programs, the uncertainty of how to operate a program with two distinctly different union members, Head Start and child care, where in many cases staff are working in the same classroom and were paid different salaries based on their collective bargaining agreement; (5) the Office of Management and Budget's request for numbers and information on workers still in the system, given the large number who had lost their jobs, estimated at approximately 800 workers; and

(6) the discontinuation of workers' compensation and liability insurance for EarlyLearn and discretionary funded organizations, something that many have never purchased because it was done by the City's Central Insurance program which is now being dismantled. There are other issues confronting the system but I have highlighted some of major ones. Please keep in mind that my remarks are not meant to cast blame on ACS. This City agency was given the responsibility to implement EarlyLearn with very few resources and no pilot, which then pushed them beyond their administrative limits when an inadequate number of staff were asked to try to effectively address the range of identified concerns. The City Administration has undermined its own creative vision by failing to fully support an initiative with profound impact on our children and families.

Today, my testimony will focus on the most critical issue facing the survival of the system, and that is the pressing need to address compensation for the workers who have remained in the system. But before I begin my comments on compensation, I want to thank the City Council for providing discretionary funding to the Day Care Council to establish an employment placement service for individuals who lost their jobs after the implementation of Early Learn.

We have achieved much success with the program we named the Early Childhood Employment Partnership program, signifying a unique partnership between the Day Care Council and the City Council. In this second year of funding, our intention remains the same; help those who were forced onto the unemployment lines through no fault of their own. Since we began the ECEP in 2012, we have created a website that is easily accessible to both individuals searching for employment and employers seeking applicants. We have held employment forums with the unions offering individuals the opportunity to speak directly with job training and placement programs; resume writing and mock interview workshops; a support group headed by the project director who is a licensed social worker; and regular contact with those who have placed their resume on our website to assess how well their job search is going. Thus far we have a total of 212 employers registered to the site, with a total of 225 job postings filled.

### Forgotten Workers Who Love Children

Were it not for the concern and actions of City Council members, the frontline workers in the publicly funded system would have no anchor and little support. Before I speak of anything else, I want to bring to your attention an issue that is affecting both workers who are currently employed and those who are no longer working. This is the slow rate of payout for workers' vacation time. We are working with ACS and Day Care Council member agencies to ensure workers receive their payments but it has been a painstaking process. Current EarlyLearn providers and those programs that have closed after September 2012 must submit two final audits to ACS for review. Thereafter, they are being notified of whether they owe money to the City, or can expect to be paid what is then due to the workers. This is not a new procedure. It is a critical issue now because so many workers are waiting for this income, some who are due sums in the thousands. There is very little the City Council can do other than to establish a pool of funding to ensure workers receive what they are due.

The Day Care Council was told during the bidders' conference that we were responsible for securing health insurance for the workers. We were given no prior warning or support in putting a plan in place. It took us nine months working with the unions to agree on a collective bargaining agreement that kept Emblem as the provider, but at a much higher rate than was paid directly by CIP. Our hands were tied in selecting a provider because we could not get claims data from Emblem which would have given us an advantage in "shopping around" for a less expensive plan. CIP didn't have the necessary data, and Emblem refused to release it. Once the choice of plans was made, ACS informed organizations that the cost for health insurance would be included in the rate; however, our members determined that the amount was inadequate by 20% across the board. The collective bargaining agreement called for the organizations to pay 80% of the total cost, with workers paying 15%, and 5% paid by the union's welfare funds. Even with a 5% contribution from the union's welfare funds, these workers faced what essentially was a salary cut, when asked to come up with the remaining 15% of monthly premium contributions. As a direct result, 54% of the entire workforce opted-out of health coverage completely, rather than experience additional financial stress.

Our most recent data on the numbers of workers currently receiving health insurance coverage is very disturbing. Here's why. In April 2011, the EarlyLearn RFP was released. Given that we were responsible for securing health insurance coverage, we took a look at the census in the CSA and DC 1707/Local 205 Welfare Funds and found a total of 5,046 active workers, with a majority (4,305) being women (87%). Fast forward to October 2013, we now have 1,796 workers registered in the health insurance plan with 1,559 being women, which is ~~87~~87% of the total. We also know that of the number of women in the plan, 80% have elected single coverage, which is the least expensive. What happened to more than 3,200 workers? Some were laid off; some retired; and some elected not to take the health insurance because it was too expensive. We must be mindful that the vast majority of workers in the EarlyLearn system and those who left, are women of color. Many of these women have early childhood education credentials and years of experience, and while some do not have the formal educational achievement, they have the necessary experience to stimulate and shape young minds in the classroom.

The most important issue, in addition to health insurance, is the fact that individuals in this system have not had a cost-of-living increase in seven years. Their annual incomes have remained at extremely low levels and there has been no serious discussion about raising them. We have had two subway fare increases since 2006. It is absolutely shameful that these child care workers, most of whom are women, are being treated in such a callous way. We have tried to start labor negotiations with the City, but they have refused. For five years, we made regular calls to the Office of Labor Relations, until we were told to stop.

I cannot repeat enough, or appeal to you enough about the fact that a COLA increase is the most pressing issue among our member agencies. I do not have to convince you that people need to be paid for their work. This work has profound value in our society and we need to demonstrate our commitment by properly supporting these workers. Our members are doing their best to maintain quality early childhood education standards and fiscal stability in these challenging times. With all of the challenges they are facing they have specifically asked us to prioritize the issue of worker

compensation. In *President Obama's Plan for Early Education for All Americans*, adequate compensation is one of the five elements of quality assurance, and is specifically defined as parity with K-12 staff. And while no one will argue about the relationship between workforce stability, salary levels, and quality service delivery, the fact that our group teachers regularly transfer from child care to the Department of Education as soon as they receive their Master's Degrees, confirms the historic underfunding of this sector.

And while we anticipate possible relief from a new administration, this commitment to early education must be demonstrated by creating salary parity with the City's Department of Education for those with the same credentials who perform comparable work.

In this spirit, the Day Care Council of New York would like to call for the immediate formation of a bipartisan commission focused on the development of a fiscal strategy for the long-term funding of quality early education and youth service for families from all income levels. The City cannot sustain its increasing investment in these critical services without a master plan that mobilizes effective financial support from every sector, and at every level. We cannot afford to fail our children by becoming the haven of a chosen few.

Thank you for the opportunity to speak to you today.

October 28, 2013



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

**Hearing on Early Learn Implementation**  
**October 28, 2013**

**Testimony of Raglan George, Jr.**  
**Executive Director**  
**District Council 1707 AFSCME**  
**AFSCME International Vice President**

Good afternoon Chairman Palma and the rest of this distinguished committee. I am always encouraged when I speak to the General Welfare Committee regarding the necessary changes that must be implemented regarding safe, affordable and quality child care for New York City's future – its precious children.

The past twelve years have been the most destructive against public center-based early childhood education since the administration of Mayor John Lindsay. It was the Lindsay Administration which set into motion the nation's most comprehensive public child care system which historically helped hundreds of thousands of children in our communities of need to prosper in public schools and strive to live meaningful lives.

Public center-based day care was also the model for the nation's Head Start program, which the administration has attempted to manipulate its resources to help subsidize the administration's diminishing funding to public day care.

The nightmares of the three administrations of the Bloomberg era are finally coming to an end. But not without tremendous destruction to programs that were successful but became distorted in a bold attempt to destabilize, privatize and downgrade public child care so it would eventually become obsolete to the needs of poor and working families.

District Council 1707 has fought the good fight to save public center-based child care. But it was not without casualties.

Over the past twelve years, the Bloomberg Administration eliminated kindergarten classes and the after school or Out-of-School Time Program from public centers, distressing parents and children and creating the loss of more than 1,000 unionized employees.

- Due to Early Learn, the system went from fully-funded to an insufficient model which does not pay centers for all expenses and in a timely fashion.
- As of January 2013, according to ACS's own statistics, some 5,000 children were eliminated because new vendors selected through ACS's questionable selection process could not find child care because many of the new centers could not be approved by the New York City Department of Health and Mental Hygiene.
- Another 3,000 children were eliminated from the commencement of the program.
- Thousands more are currently being discriminated against through ACS's zip code elimination element that does not allow eligible children living in the same zip code as the wealthy to have convenient child care.
- Scores of long-time and dedicated community-based organizations were eliminated from the program and replaced by anti-union vendors.
- Less than forty percent of public day care workers can afford the cost of the new health care program passed on by Early Learn.
- Centers have fought it difficult to hire qualified personnel because wages and benefits have decreased under Early Learn.
- The established pension through the Cultural Institutions Retirement System has been consistently threatened by the Bloomberg Administration. But to take public day care workers out of the system, who make up a majority of the participants, would force the system to bankrupt and place some the city's leading cultural institutions into bankruptcy because of ERISA obligations.
- More than 1,200 unionized child care workers from Day Care Employees Local 205, which took the major blunt and Head Start Employees Local 95 were terminated.

- At most of the Early Learn sites, vacation, sick time, holiday and personal days were eliminated and workers have been given Personal Time Off (PTO) days with less time off. Health care, pensions and other benefits of the union contract were not respected.
- Many of the Early Learn sites, we have been told, are not following the legal teacher to student ratios in classrooms.
- The continuing education program for employees to improve their skills and receive bachelor and graduate degrees has been eliminated.

Many of the Council have seen me marching in front of City Hall since October 2012 after the implementation of Early Learn. I would like to believe that the One-Man March to Save Public Center-based Child Care has been seen and council members understand the importance of early childhood education for our children. Our union thanks you again for your support. But the hard work to secure our children's futures begins now.

There are many ways to improve, correct and expand early childhood education but the first step must be to baseline public center-based child care in next year's budget. The City Council must work with the new administration so that New York City again will have the premier child care system in the nation.

TESTIMONY OF  
THE UNITED FEDERATION OF TEACHERS  
JEREMY A. HOFFMAN, DIRECTOR OF CHILD CARE POLICY

BEFORE THE CITY COUNCIL  
COMMITTEES ON GENERAL WELFARE AND WOMEN'S ISSUES

REGARDING THE IMPLEMENTATION OF  
EARLY LEARN NYC

OCT. 28, 2013

Good afternoon, Chairwoman Palma, Chairwoman Ferreras and members of these two distinguished committees. My name is Jeremy Hoffman and I am the director of child care policy at United Federation of Teachers. On behalf of our union's more than 200,000 members, including more than 20,000 home-based family child care providers, I want to thank you for this opportunity to offer testimony on implementation of Early Learn NYC, Mayor Bloomberg's redesign of the city's contracted subsidized child care and early childhood education system that went into effect last October.

As you know, the UFT's members include New York City's public school teachers, paraprofessionals, guidance counselors, psychologists, secretaries and many other school staffers, all of whom play a critical role in educating our students. As such, we are a union that is deeply invested in closing the achievement gap and attaining educational equity for all students.

Our union began organizing New York City's home-based family child care providers in 2005 because we saw these workers as early childhood educators who play a critical role in laying the foundation for later learning and closing the achievement gap. These hard-working early childhood educators today remain grossly underpaid and until recently did not have full access to professional development opportunities and support, which only began to occur when we, their union, began to provide those services.

Our union wants – and New Yorkers demand – a child care system that meets the needs of working families, increases school readiness and appropriately invests in the early education workforce.

First and foremost, I would like to thank the City Council for its tireless advocacy for child care access and support for working families. Thanks to the Council's leadership last year, more than \$50 million in direct child care subsidies for low-income New Yorkers was restored to the city's budget, and more than 9,000 child care slots that Mayor Bloomberg tried to eliminate were saved. I can think of few other actions of the City Council over the last half-dozen year that have had a greater impact on low-income working families in our city.

Although it has been more than a year since Early Learn NYC took effect, we continue to have serious problems with the new system that the mayor and the Administration for Children's Services (ACS) have failed to address. We have consistently raised concerns about the Early Learn design since ACS released its initial "concept paper" and you held the City Council's first

hearing back in April 2010. Unfortunately, one year into Early Learn, our concerns have expanded from program design to include a litany of program-implementation breakdowns.

While we often refer to child care in our city as a singular “child care system,” in fact nothing could be farther from the truth. The reality is that we have a multiplicity of programs with overlapping funding streams, varying program eligibility standards and varying program requirements. The services are a veritable patchwork of programs.

The Early Learn redesign that we are discussing today is actually only a redesign of the city’s contracted system that includes many but not certainly not all child care centers in the city as well as their now aligned family child care networks. The redesign is not supposed to have an impact on care delivered to parents who have been awarded a child care subsidy and choose to use that subsidy with either a non-Early Learn center or a non-network-affiliated family child care provider.

The UFT certainly appreciates the challenges imbedded in any attempt to redesign child care in our city and the effort to combine and leverage funding to achieve greater outcomes. However, when reviewing Early Learn, we must start from a parent’s perspective. Has Early Learn helped to make child care in our city more accessible to low-income parents who are dependent on these important services to find and maintain employment?

We believe that the answer to this question is emphatically no.

The UFT is deeply troubled by reports which we continue to receive from the field about parents having trouble accessing child care subsidies or not being informed of the full array of child care options available to them. In addition, Early Learn requires children to leave the home-based family child care setting when they turn four-years-old and instead enroll in a child care center. We question whether such a program is fully allowing parents to make decisions about the type of care that best meets the needs of their child and family.

We are also concerned about the numerous Early Learn program implementation problems that have had a disastrous impact on the home-based child care providers that we represent. As you know, as a result of the Early Learn Requests for Proposals (RFP), the number of city-contracted family child care networks went from nearly 60 down to roughly 25, half of which had previously never operated a family child care network and some of which had scant experience in child care at all.

It’s worth noting that the total number of family child care slots – system capacity – was actually only maintained as a direct result of budget restorations of this City Council. In fact, if it were not for this Council, then the entire borough of Staten Island would no longer have a family child care network since the city failed to award a single family child care network contract to that borough. For the second year in a row, the City Council has designated important funding to Seaman’s Society so that families in Staten Island can continue to access family child care services. Thank you for doing so.

We believe that many of the new networks simply underestimated the administrative work required to recruit providers and families, and what’s more, they were not adequately supported by ACS as they tried to get their operations off the ground. For instance, after the Early Learn

contracts were awarded, there were roughly 1,750 UFT family child care providers who found themselves affiliated with city-contracted networks that no longer had a city contract. The city initially played a very limited role in connecting these providers and the families they serve to new networks, forcing the UFT to step in and hold a series of “Network Fairs” to help facilitate this transition. While we did this, the city suspended the requirement for some networks that they only enroll children from the specified zip codes for which they were awarded slots. Similarly, the city allowed some networks to provide care for children over age 4.

Compounding matters, Early Learn was implemented before the city had fully executed contracts in place with the family child care networks. As you know, the city cannot actually disperse funds until a fully executed contract is in place. This means that a number of networks did not initially even have sufficient funds to pay providers who were already providing care.

To this day, we do not know how many children successfully made the transition to a new network and how many families simply lost their child care. Ever since Early Learn was put in place, the city stopped sharing critical enrollment data with any regularity. Before Early Learn, the city regularly produced the “Child Care Snapshot” which among other data broke down enrollment by age of child and type of provider. We believe that ever since Early Learn was implemented, the city has only produced this document once and the city never shared it with us.

So one year later, where are we?

We continue to be concerned that some networks pay their providers less than the state-established market rate percentile, which by federal law is the amount that home-based family child care providers who provide care to subsidized families should be paid.

We continue to be concerned that networks charge an administrative fee to family child care providers, a fee that takes money out of their already too-low pay.

We are also concerned that some networks do not fully disclose to the providers what their rate of pay is or the amount of administrative fees that they deduct from their compensation.

We do not know if networks are uniformly implementing Early Learn program requirements including serving defined zip codes or restricting care to children under age 4.

We also receive reports from the field of some networks that are attempting to make additional demands on their providers that were never explained or agreed to when they affiliated, such as the type of furniture used or their room setups.

We also receive reports from the field that some networks have forced their affiliated providers to engage in fundraising for the networks. The list goes on and on.

Thank you for allowing us this opportunity to share our thoughts and perspectives on Mayor Bloomberg’s EarlyLearn redesign of the contracted child care system. We look forward to working in partnership with you to help correct the problems embedded in EarlyLearn and to develop a system under the next administration that meets the needs of children, their families and the child care workforce.

**Testimony of Mabel Everett**  
**President, Day Care Employees Local 205, DC 1707, AFSCME**  
**10/28/13 City Council General Welfare Committee hearing**  
**On Early Learn Implementation**

Good afternoon Chairwoman Palma and members of the committee. I am Mabel Everett, President of Day Care Employees Local 205, DC 1707, AFSCME.

I come here today to tell you once again that Early Learn is not working well.

- ❖ Early Learn reduced Child Care capacity
  - Before Early Learn, ACS served only 27% of the eligible population of children
  - If the City Council had not restored non-Early Learn contracted child care centers in June 2012 and 2013, even less families would have had safe, quality day care for their children.
- ❖ Many Early Learn centers did not open on time last October. Some have never opened at all.
  - In contrast, the Council-funded centers remained open in the face of financial hardship and uncertainty
- ❖ Early Learn contractors are forced to fund over 6% of their budget with private funds.
  - This has caused severe funding and operational problems at many centers
- ❖ Early Learn has had a significant negative impact on the dedicated, professional workers who provide safe, stimulating, educational services to our City's children:
  - Nearly 1,000 workers lost their jobs
  - Accumulated vacation and sick time was not honored
  - Health benefits were taken away from many workers

Early Learn was unnecessary. The existing City- subsidized, center-based child care system was already providing high quality care with a world-renowned early childhood educational component. And the City Council proved that system did not need to be replaced when you restored these centers in the last two City Budgets. The Council-restored centers function well and nearly double the City's capacity to care for our children.

So there is no more need for proof. ALL subsidized child care should be base-lined by the next Mayor so that our families and workers can rest assured that our children will get the care they need and deserve.

Thank you.



**FEDERATION OF PROTESTANT WELFARE AGENCIES**

## **TESTIMONY**

### **Oversight Hearing: Implementation of Early Learn**

Presented to

New York City Council, General Welfare Committee  
and the  
Women's Issues Committee

Monday, October 28, 2013

Prepared By:

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Submitted By:

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My name is Emily Miles and I am the Policy Analyst for Early Childhood Education and Income Security at the Federation of Protestant Welfare Agencies (FPWA). I would like to thank Chairwoman Palma and Chairwoman Ferreras and the members of both committees for the opportunity to testify before you today and for your leadership on issues of early childhood education.

The Federation of Protestant Welfare Agencies (FPWA) is an anti-poverty organization with a membership network of nearly 200 human service organizations and churches that operate over 1,200 programs throughout the New York City metro area. Together we serve over 1.5 million low-income New Yorkers of all ages, ethnicities and denominations each year. Our members represent every level of New York's social service system, providing FPWA with a comprehensive and unique view of the complex social problems that face human service organizations today.

The evolution of the EarlyLearn program has been of particular importance to FPWA due to the impact it has had on our member agencies. Of the nearly 200 agencies represented by FPWA, 70 are providers of early childhood education services. Twenty-three of these organizations are also EarlyLearn providers, accounting for 83 EarlyLearn centers across the five boroughs.

### **Merits of EarlyLearn**

The EarlyLearn system serves as a model for the provision of a publically funded comprehensive early childcare and education system that has the potential to significantly improve the quality of childcare in New York City. Many aspects of this model have been long promoted by FPWA and other child advocates and were designed to strengthen a childcare system plagued with varying levels of quality. These promising aspects include: improved teacher-child ratios, unified program standards and assessment system, longer daily hours and more complete coverage throughout the year, and increased opportunities for staff development.

### **Critiques of Early Learn**

While FPWA supports these efforts to increase the quality of childcare in New York City; after a year of implementation, we find ourselves increasingly concerned regarding aspects of this model that have inadvertently created a negative impact on many EarlyLearn childcare providers and the quality of services they provide. Although key staff from ACS has worked diligently to address some technical issues, including the delay of contract registration/reimbursement and web-based enrollment system, a number of challenges persist, which prevent the EarlyLearn program from reaching its goal to enhance the quality of early education for New York City's children. A majority of these challenges revolve around the lack of financial support for EarlyLearn providers, especially in the areas of insufficient per child reimbursement rates and increased burden of health care and liability insurance coverage. Providers also report experiencing difficulty in meeting the contractor contribution, rigidity of administrative regulations, as well as unfair treatment within the UPK enrollment system.

***Insufficient Financial Support*** – As it is currently constructed, the EarlyLearn per-child reimbursement rate is insufficient to cover all the costs of a high quality early learning program. Our member agencies report a constant financial struggle to adequately provide compensation for staff,

cover ever rising insurance costs, and afford operating and administrative expenses. Even the larger childcare organizations have reported these challenges, though the impact is more severe for our member agencies that run smaller, community-based programs. They are struggling to maintain quality programs in a system that is continuously shifting more and more financial burden onto the provider. These financial struggles directly affect the quality of services provided to children, many of whom are from high need neighborhoods and require additional supports in order to ensure future academic and personal success.

As a result of this insufficient financial support, our member agencies have reported having to cut staff positions and cut back on extra services that, in previous years, provided extra support to low-income and vulnerable families. One member agency was forced to lay-off ten support and administrative staff positions, including parent support staff, cafeteria workers, and bus drivers. Last year, this program, situated in a high need/high poverty neighborhood, was able to employ three family service workers who were responsible for providing information regarding public benefits, connecting families with additional social services, and creating a positive and emotionally supportive environment for the children they serve. Now this provider can only afford to employ one family service provider who must serve double duty as a substitute when teachers call in sick or are on vacation. This long-running community organization, once known for the high level of social support offered to children and families, is now forced to run its program on a bare bones staff, resulting in missed opportunities for parental support and engagement.

Additional financial strain was placed upon our member agencies earlier this year when childcare employees lost access to the city funded Central Insurance system. Instead, providers were required to cover the cost of employee health coverage through the EarlyLearn reimbursement rate. Due to the insufficient level of reimbursement, providers were forced to ask employees to cover 15% of the cost of their coverage. With the average childcare worker in New York City earning just over \$25,000, this 15% contribution was tantamount to a salary cut of almost \$4,000. For many, the cost of coverage was too high and many chose to opt out of the program. A survey of our member agencies revealed that in any given program between 30-60% of employees opted out of health care coverage. Though this low level of insurance uptake of coverage has resulted in a cost savings for many programs, especially those who estimated 100% participation from their workforce, the rapid increase of uninsured workers is not beneficial to the providers or the city in the long run. At a time when our nation is working toward increasing healthcare coverage for all Americans, New York City has put into place a cost prohibitive system that actively dissuades individuals from procuring health insurance.

Making financial matters worse, starting on November 1<sup>st</sup>, childcare providers will be responsible for the cost of their liability and worker's compensation insurance. These additional insurance costs are not adequately covered by the current reimbursement rate and have resulted in programs having to cut program costs in other areas, usually through the reduction of additional administrative and support staff.

This combination of low salaries and high insurance costs has resulted in many programs struggling to recruit and retain qualified personnel. For the past four years, childcare staff salaries have remained stagnant or, in some cases, been reduced. Additionally, the EarlyLearn model has imposed increased staff requirements resulting in childcare staff being asked to do more and at a higher level, with less reimbursement for their effort. Providers frequently report going through the process of recruiting and hiring new staff and providing training and support while new employees obtain required credentials, only to have those staff members leave to go to higher paid positions in the public schools or for profit providers. Our member agencies report the lack of competitive salaries as the number one threat to their ability to provide high quality early learning opportunities. Frequent staff turnover results in an unstable environment for students and prohibits the formation of long-term, supportive relationships with families, the cornerstone of any high quality early learning program

***Difficulty Meeting Contractor Contribution*** – Another area of concern for our member agencies lies with the required 6.7% contractor contribution, particularly the impact it has had on smaller, community-based organizations. While many of our larger member agencies have an administrative infrastructure with the skill set required to effectively market their programs, apply for and maintain grants, and create a development plan aimed at increasing private individual and foundation donations, many of our smaller agencies do not. These smaller community-based organizations, many that are already working with reduced numbers of administrative staff due to low funding levels, struggle to raise the required contribution, resulting in increased financial strain to the program.

***Rigidity of EarlyLearn Administrative Regulations*** – Our member agencies also express frustration at a number of administrative rules and requirements that make EarlyLearn difficult to implement and impose unwarranted stress on childcare providers. One example of such a rule is the reimbursement rate change that occurs when a child enters a new age category (infant, toddler, pre-school). When a child turns three years old, a provider's reimbursement rate is adjusted from the toddler reimbursement rate to the lower pre-school rate (this also occurs at the transition from infant to toddler programs). In order to maintain full enrollment levels and fill the now empty toddler slot, the provider will often move the child to a pre-school classroom. If no slot is available in the pre-school class, the child remains with the toddler class, however the provider is still only reimbursed at the new, lower pre-school rate.

This policy has several negative results. First, in order for a provider to maintain full enrollment status, children must be shifted to a new class, with new teachers, peers and expectations for behavior. This mid-year shift results in undo stress for the child and disrupts the continuity of care that is so important for young children. Second, if a program instead decides to allow the child to stay with his or her current placement, the program loses money due to the adjusted reimbursement rate and will not be considered to be at full enrollment. In order to avoid this, programs are forced to expend additional effort to shift children around to different classrooms and constantly be on the lookout to recruit for new children who fit particular slots.

***Universal Pre-Kindergarten (UPK) Enrollment*** – The final area of concern for our member agencies is the inherent competition built into the EarlyLearn system between community-based organizations and public schools that provide UPK services. Currently, UPK services offered through community-based organizations are provided free of charge for 2.5 hours each day, resulting in parents who require full day childcare coverage having to pay for the remaining hours. However, children enrolled in UPK through the public school system receive 6 hours of free care due to the length of the school day. As a result, parents are only required to pay for childcare coverage for the remaining few hours of the day. Parents, therefore, have an economic incentive to choose public school UPK over community-based programs, setting up an unfair enrollment advantage for school-based programs. Several of our member agencies report struggling to maintain enrollment numbers for their UPK classrooms due to children leaving their programs when UPK slots open at local schools. Again, this system results in community-based organizations having to maintain constant vigilance on enrollment numbers and focus their time and efforts on recruiting new children instead of focusing on other aspects of their program.

## **Recommendations**

1. In order to ensure high quality early learning opportunities for New York City's children, the per-child reimbursement rate must be increased to more appropriately reflect the actual costs of providing quality care. The new rate should sufficiently ensure that providers can meet standards, provide fair compensation, address employee contribution for health insurance, and appropriately fund costs of operations, administration and materials for children. To guarantee that this rate remains appropriate in the long term, it should be indexed to inflation.
2. In addition, we encourage ACS to review how the 6.7% provider contribution can be modified to better support smaller, community-based programs currently struggling to meet this requirement. One option would be to allow for provider contributions on a sliding scale determined by program size and internal capacity for fundraising.
3. To provide for the continuity of care for children and the removal of unnecessary enrollment burdens for providers, allow for the per-child reimbursement rate to be set for the duration of the school year. This will allow programs to better anticipate their yearly budget, while permitting a child to remain with trusted teachers and peers for the duration of the school year. Additionally, we encourage ACS to review EarlyLearn policies with an eye toward streamlining rules and regulations that currently increase the administrative burdens of early childhood education providers.

Thank you for the opportunity to testify before you today. FPWA looks forward to working with ACS and the City Council to bring about the necessary changes required to ensure the success of the EarlyLearn program.



*Testimony to General Welfare and Women's Issues Committee Hearing  
Implementation of Early Learn  
October 28, 2013*

Good afternoon. My name is Sandy Katz, and I am the Director of Early Childhood Programs at the Jewish Child Care Association. Thank you to the Chairs of the General Welfare and Women's Issues Committee, Council Members Palma and Ferreras, respectively, for this opportunity to address the committees today.

JCCA is one of the oldest and largest child and family care agencies in the nation and provides non-sectarian services to over 16,000 children and family members each year throughout the greater New York City region. At nearly 200 years old, JCCA provides an extensive array of child welfare, mental health, education, youth development and day care services.

As a leading provider of family child care in New York City, JCCA's interest in Early Learn is to ensure the continuing inclusion of quality family child care into the system. Family child care is critical in addressing the shortage of child care for children under age two which centers cannot accommodate. It is less well understood than center-based care and has different challenges in implementing quality and school-readiness.

Let me first take a minute to describe a family child care network. JCCA's family child care program provides affordable, home-based day care to families with young children ages 6 weeks to 5 years of age in Brooklyn, Queens and Staten Island. In our first contact with parents, we help them to determine which child care option best meets their family's needs. We have found that family child care is an important option for the immigrant communities we serve. Seventy-five to eighty percent of our child care providers are first and second generation Russian-speaking immigrants. The same is true for the parents and children who use the services. This program has provided not only economic opportunity for child care providers but also enriching

and culturally sensitive child care services that meet the community's needs. While JCCA did not win an Early Learn award, thanks to the City Council's restoration of our program for the last two years, we have been able to continue to provide approximately 1,000 children annually in 140 provider homes.

JCCA has operated our family child care program for over 40 years. As a network, we support providers with an array of services to ensure quality and standards. We recruit, screen, train, and monitor child care providers, who are independent contractors, and we place eligible subsidized children in their homes. We ensure that all providers are licensed by the New York State Office of Children and Family Services (OCFS) and are in compliance with New York State Child Care Regulations Parts 413, 416, 417 and aligned with Department of Health (DOH) requirements. An assigned JCCA staff person monitors provider homes with a minimum of five site visits per year in addition to monitoring specific to meals. JCCA maintains rigorous program requirements including using a standards-based educational curriculum, developmental screenings, and educational workshops. JCCA also provides ongoing professional development for child care providers.

As a family child care network with extensive experience, I want to take this opportunity to share our experience in aligning our program with the best practices highlighted in Early Learn to assist the Council in their oversight of the Early Learn program.

JCCA is rolling out the use of a standardized practice called the Creative Curriculum for Family Child Care published by Teaching Strategies, Inc. with the family child care providers. JCCA purchased curriculum materials for every provider. Bi-lingual case associates and credentialed early learning trainers discuss the use of the materials during their home visits to ensure that providers are beginning to become familiar with the materials and are using some of the activities that are included in the curriculum.

JCCA also provides monthly calendar to providers to assist them with ideas and resources for planning activities for all learning areas. The activities are aligned with the Creative Curriculum, New York State Early Learning guidelines, and the cultural traditions of the community.

We have also begun to implement the use of an ongoing observational developmental assessment tool, the Family Child Care Developmental Assessment by Sharon Woodward. Assessment

guides were purchased for each provider home. Workshops were held to familiarize the providers with conducting observations to assess child development milestones and determine areas of need. If further evaluation is required, family child care program staff provide parents with resources for follow-up and intervention. The program also provides information about the transition to UPK or kindergarten.

This program roll-out entails a great deal of buy-in from the providers—while they perceive a value to participating in JCCA's network, it is always a balance between providing support and holding up expectations about professional development. We have been successful because of the sense of partnership and community that we have built with the child care providers and families over our 40 years of providing quality programs.

Additionally, JCCA will always ensure that our own levels of professional development are continually improving. Two JCCA staff received the New York State Early Learning Trainer Credential and two staff are New York State verified specialty trainers for Health and Safety.

Again, JCCA believes that family child care networks have an important role to play in Early Learn. We look forward to being at the forefront of raising the standards and practice of family child care and remain available to the Council to share our experience and knowledge. We hope that we will continue to be a part of the city's system in the years to come.

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**Testimony of United Neighborhood Houses  
Before the New York City Council  
Committee on General Welfare  
And  
Committee on Women's Issues  
One the One Year Anniversary of Early Learn NYC**

**Committee on General Welfare  
Honorable Annabel Palma, Chair**

**Committee on Women's Issues  
Honorable Julissa Ferreras, Chair**

**Prepared by Gregory Brender, Policy Analyst**

**October 28<sup>th</sup>, 2013**

Thank you Chair Palma and Chair Ferreras and the members of the Committee on General Welfare and the Committee on Women's Issues for the opportunity to testify. United Neighborhood Houses is New York City's federation of settlement houses and community centers. UNH, founded in 1919, is the membership organization of New York City settlement houses and community centers. Rooted in the history and values of the settlement house movement, UNH promotes and strengthens the neighborhood-based, multi-service approach to improving the lives of New Yorkers in need and the communities in which they live. UNH supports its members through policy development, advocacy and capacity-building activities. Services provided by our members include: early childhood education, after-school programs, teen centers, English for Speakers of Other Languages (ESOL) classes, immigration legal services, GED classes, job training, tutoring, recreation, meals and supportive services for the elderly, mental health counseling, drug prevention, and art, music and drama programs.



UNH member agencies have a deep commitment to providing high quality early childhood education. 27 UNH member agencies are current Early Learn NYC contractors and other UNH member agencies provide early childhood education through City Council discretionary contracts direct Federal contracts for Head Start, Universal Pre-Kindergarten as well private funds and fees. UNH and its member agencies work with the early childhood community and UNH helps to lead both Campaign for Children and Winning Beginning NY- New York's statewide early care and learning coalition.

### **The Early Learn NYC Concept**

As you know, after more than a decade without a new competitive procurement for the child care system, the Administration for Children's services released the Early Learn NYC Concept Paper in 2010. The Concept Paper set out a vision for the City's subsidized early childhood education system that would build upon the strengths of the existing system at a time when resources for early childhood education were dwindling.

In the Concept Paper, ACS set out several important goals for this new procurement including:

- **Expanding the blended funding model.** The blended funding model combines Head Start and child care funds to offer both the expanded day that is available in child care programs and the important wraparound services and family support that are available in Head Start programs. Blended funding programs had been pioneered in the 1990's by three UNH member Agencies- East Side House in the Bronx and Hudson Guild and University Settlement in Manhattan. Several more agencies utilized this model and found creative ways to braid funding streams together. The Early Learn Concept Paper proposed creating blended funding slots as a part of the RFP that would utilize this successful model.
- **Rebranding the ACS child care system.** While many providers were effectively branded in their communities, Early Learn Early Learn rebrands New York City's subsidized child care system by focusing on its role educating young children and preparing them to succeed in school.
- **Expanding Infant-Toddler slots.** Early Learn sought to increase the number of infant toddler slots by creating new infant toddler slots in center based settings and aging down the family child care system to serve only children three years of age and younger and transitioning Pre-Kindergartners into center-based programs.

## *UNH Testimony on Early Learn*

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- **Expanding hours of service.** The Early Learn Concept paper envisioned a longer day with classes of 8 or ten hours and eliminating the option for a 4 hour day that had been used in some Head Start programs.
- **Increasing professional development for early childhood education staff members.** Early Learn NYC proposed

There were also significant concerns that UNH and other organizations expressed about the Concept Paper including:

- Lack of full funding for EarlyLearn NYC programs leading to providers operating with deficits
- Requirement that providers contribute a provider match of 6.7% of the cost of care
- Reduced overall capacity of the Early Childhood Education system
- New requirements for Family Child Care networks that significantly reduced the number of family child care networks

### **Implementation of Early Learn NYC**

Early Learn NYC started with a powerful and positive vision to improve the quality and accountability of subsidized early childhood education programs and to expand the successful collaboration model pioneered in settlement houses which combined child care and Head Start programs. However the city did not invest enough to meet this vision.

After more than two years of preparation Early Learn started on October 1, 2012 with per child rates that did not meet the cost of providing care and reduced capacity in the baselined early childhood system. Were it not for the City Council's leadership, many quality child care centers and family child care networks would be closed now. Already, thousands of slots are at risk in next year's budget because the Mayor has not baselined funds that the City Council invested.

We must do better for the New York City's children.

### **Continuing Challenges Facing Early Learn Providers**

The inadequacy of the Early Learn rate to cover the cost of services remains a key problem for Early Learn providers. This has manifested most significantly in the area of employee health insurance.

## *UNH Testimony on Early Learn*

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Prior to Early Learn, health insurance for child care employees was handled directly by the city through the Central Insurance Program (CIP) which insured the employees of agencies with contracts with Department for the Aging (DFTA) and Department of Cultural Affairs (DCA) as well. This larger purchasing pool made it possible for the City to negotiate a lower premium rate.

At the beginning of Early Learn, CIP stopped providing health insurance to child care employees. Providers would need to find funds within the rate to cover the cost of employee insurance. However, the rate did not provide enough funds to offer a similar level of insurance.

In order to continue providing services to children with limited resources, child care providers represented by the Day Care Council of New York and Head Start providers represented by the Head Start Sponsoring Boards Council entered into new collective bargaining agreements with the unions representing child care and Head Start employees. These agreements required employees to pay 15% of their premiums out of their salaries.

This was unaffordable for many low-wage employees especially as child care staff has not seen a raise since 2006. In many programs as much as 60% of the workforce is now uninsured.

### **Moving Forward**

Parents and community leaders throughout New York City are united in demanding access to high quality early childhood education and after-school programs for New York City's children. In order to achieve these goals, we have called upon the next Mayor to:

- Increase the Early Learn rate to truly cover the cost of care including fair compensation and a health insurance plan for child care and Head Start employees.
- Eliminate the provider contribution requirement which forces providers to contribute 6.7% of the cost of care
- Baseline all funds for early childhood education in the FY 2014 Preliminary Budget
- Ensure the all young children from families living at or below 200% of federal poverty guidelines have access to after-school in five years

## *UNH Testimony on Early Learn*

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- Ensure all young children in New York City participate in an early childhood education program in ten years.

Thank you for the opportunity to testify. We look forward to continuing to work with you to ensure New York City's children receive high quality early childhood education.



## Advocates for Children of New York

Protecting every child's right to learn

### Testimony to be delivered to the New York City Council Committee on General Welfare & Committee on Women's Issues

#### Re: Implementation of EarlyLearn NYC

Advocates for Children of New York  
October 28, 2013

Thank you for the opportunity to speak with you. My name is Randi Levine, and I am an attorney and Project Director of the Early Childhood Education Project at Advocates for Children of New York. For more than 40 years, Advocates for Children has worked to promote access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds. Advocates for Children is also a proud member of the Campaign for Children.

By the time children enter kindergarten, children from lower socioeconomic backgrounds lag significantly behind children from higher socioeconomic backgrounds in academic skills. High-quality early childhood education programs are proven to help fill this gap. Rigorous research found that, compared to children left out of the early childhood program, low-income children who participated in Chicago's Child-Parent Centers were 40 percent less likely to be retained a grade in school, 35 percent less likely to need special education services, 29 percent more likely to graduate from high school, 31 percent more likely to hold a semi-skilled or higher level job, and 41 percent less likely to be arrested for a violent crime. Studies of other high-quality early childhood programs have found similar outcomes, resulting in substantial cost savings to schools, cities, and taxpayers.

Three-and-a-half years ago, we commented on the concept paper for the ACS EarlyLearn Program. We stated that we strongly supported the vision described in the concept paper—an early childhood education system with comprehensive, high-quality, full-day programs, with children of diverse backgrounds and needs learning side by side, and expanded early childhood opportunities for infants and toddlers. We stated that, if adequately funded and carefully implemented, this vision had the potential to become a national model for early childhood education.

Unfortunately, the funding for early childhood education programs in NYC has been inadequate and unstable. For the past several years, instead of discussing how to expand and strengthen early childhood education, we have been at City Hall pleading for continued funding so that the City would not have to cut the number of children served. While we are deeply grateful that the City Council has come to the rescue

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and provided one-year funding, it is critical for the more than \$60 million in discretionary child care funding to be baselined in the next budget.

Furthermore, we continue to be very concerned that the EarlyLearn rate is insufficient to support the high-quality standards that the program requires, as well as the compensation and health insurance plans necessary to attract and retain qualified teachers. To meet the promise of EarlyLearn's vision of comprehensive, high-quality programs, it must receive adequate funding.

The EarlyLearn rate must be adequate to serve all eligible preschoolers, including preschoolers with disabilities, English Language Learners, preschoolers in foster care, and preschoolers living in temporary housing. At Advocates for Children, we receive calls from parents whose preschoolers have been discharged illegally from EarlyLearn programs with the explanation that the programs do not have the capacity to serve students with behavioral needs or other special needs. Most recently, last week, we received a call from a parent who received a letter stating that her child's last day in the EarlyLearn program would be October 16<sup>th</sup> because the EarlyLearn center did not have the resources to manage her daughter's behavior. Yet, programs funded with Head Start dollars must meet a requirement that at least 10 percent of the students they serve be preschoolers with disabilities, and no program receiving federal funding can exclude students based on their disabilities. Discharging preschoolers throws families into crisis, placing parents at risk of losing their jobs and children at risk of experiencing school push-out before they ever enter kindergarten. Discharging students does nothing to prepare them to succeed in a kindergarten classroom. The EarlyLearn rate must be adequate not only to serve the average preschool student, but also to serve preschoolers who need additional support in order to succeed in the classroom.

Finally, we have heard from parents about the difficulty of finding an available EarlyLearn seat. Given the importance of filling every EarlyLearn seat so that as many children as possible can benefit from a high-quality early childhood education, a plan must be implemented to provide parents and professionals with an easy way of identifying open seats.

In the coming months, we look forward to discussing how to ensure that the budget includes funding so that every child can participate in a high-quality early childhood program. Thank you for this opportunity to speak to you today and for your commitment to early childhood education. I would be happy to answer any questions you may have.



Testimony of

Moira Flavin

Policy Associate for Early Childhood Education, Education, and Youth Services  
Citizens' Committee for Children

Before the New York City Council General Welfare and Women's Issues Committees  
Oversight: Implementation of EarlyLearn  
October 28, 2013

Good afternoon. My name is Moira Flavin and I am the Policy Associate for Early Childhood Education, Education and Youth Services at Citizens' Committee for Children of New York, Inc. (CCC). CCC is a 70-year old, independent child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated and safe. CCC would like to thank Councilmember Palma, Councilmember Ferreras, and the members of the City Council's General Welfare and Women's Issues committees for holding today's hearing on the implementation of EarlyLearnNYC.

We would be remiss by not starting this testimony by once again thanking the City Council for your continued commitment to early childhood education. Thousands of children are in child care programs right now because of the unprecedented restorations the City Council has made the past three years. CCC and our partners in the Campaign for Children are incredibly grateful and we look forward to working with the new Administration and new City Council on a means to ensure this funding is permanently in the child care budget and can be well-integrated into the EarlyLearn system.

CCC is also grateful to the Administration for Children's Services (ACS) for all of its efforts to bring high-quality early childhood education to as many children as it could afford. We are well aware that ACS has a structural deficit in its child care program that has made this incredibly challenging.

EarlyLearnNYC is an innovative model aimed at maximizing the number of high-needs and low-income NYC children have access to a high quality, full day, early childhood education experience that will prepare them well for kindergarten and beyond. CCC remains supportive of the goals of EarlyLearn: improving quality, providing full day care, increasing rates, stabilizing funding, better aligning capacity with need, increasing staffing ratios, putting social workers in classrooms, serving more special needs children in integrated settings, aging down the system to serve infants and toddlers, and providing more opportunities for subsidized children to learn alongside private pay children. CCC also continues to be supportive of maximizing available resources and blending child care, Head Start, and UPK funding.

EarlyLearn contracts were effective October 1, 2012. At the time the awards were announced, ACS envisioned that the capacity of the contracted system would be approximately 42,100. For a variety of reasons, many of which were related to the ability of new providers to open new sites, when the contracts were all finalized, the capacity of the system was reduced to approximately 38,000. CCC's understanding is that the funding for the lost contracted seats has been used by ACS to fund the increasing cost of the voucher system. This means that the funding from sites that did not open is not available to be used to restore the contracted system to 42,100.

According to the Mayor's Management Report, EarlyLearn enrollment in Fiscal Year 2013 was 30,096, a substantial decrease from the over 45,000 children enrolled in the contracted system



in FY12.<sup>1</sup> This reduction is due to both the decreased capacity of the EarlyLearn system as compared to the prior child care and Head Start systems and initial difficulties with enrollment.

The initial start-up of EarlyLearn was challenging for both ACS and for providers. It required new sites to be licensed and registered by the Department of Health and Mental Hygiene (DOHMH), for the contracts to be registered and for the providers to recruit families in a relatively short time after awards were made and new sites prepared. Adding to these difficulties, Hurricane Sandy hit New York City last October, just as child care providers were beginning new contracts. In addition, some families chose to receive child care services from providers outside the EarlyLearn system, such as through City Council-funded discretionary programs.

The most recent ACS data available to CCC show that 29,734 children were enrolled in EarlyLearn center-based and family child care programs in August 2013.<sup>2</sup> Enrollment in August may be particularly low as programs and families are gearing up for the new school year, when child care providers must recruit new children for slots vacated by children exiting child care for kindergarten or UPK. CCC appreciates ACS's efforts to ensure that the contracted system is fully enrolled. It is imperative that every contracted seat be utilized, as we know there are many more eligible children than there are seats in the system.

CCC also appreciates that the most recent Mayor's Management Report provides data that allows us to compare the number of children served by ACS over time. This had been a challenge because prior to EarlyLearn, children in Head Start programs were counted separately from children in child care programs.

Unfortunately, however, this data confirms the substantial reduction in the number of children being served by the contracted system (through child care and Head Start) and the slight increase in children being served with vouchers. The chart on the next page shows the number of children served through ACS contracted care and vouchers over time. Note, however, that the FY13 data does not reflect the up to 4,500 children who can be enrolled in the City Council-funded centers and family child care seats.

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<sup>1</sup> Mayor's Management Report for Fiscal Year 2013. Administration for Children's Services.  
<http://www.nyc.gov/html/ops/downloads/pdf/mmr2013/acs.pdf>. Note that FY 2013 represents the average enrollment for both pre and post EarlyLearn implementation.

<sup>2</sup> Administration for Children's Services Flash report. September 2013.  
[http://www.nyc.gov/html/acs/downloads/pdf/statistics/Flash\\_Sep\\_2013.pdf](http://www.nyc.gov/html/acs/downloads/pdf/statistics/Flash_Sep_2013.pdf)

### Children Served Over Time

	Contracted System Enrollment	Vouchers	Total Children Served
FY 2010	48,609	72,200	120,809
FY 2011	48,584	68,484	117,068
FY 2012	45,310	69,020	114,330
FY 2013	30,096	71,756	101,852
August 2013 (Note: Does not include the up to 4,500 children enrolled in City Council funded discretionary programs)	29,374	68,964	98,338

These enrollment and voucher numbers reflect a 19% decrease in the number of children served by ACS in FY2013 compared to FY2010. This is despite the fact that ACS's own 2008 need's assessment found that only 27% of eligible children were being served at that time.

The capacity reduction and lower enrollment numbers in the contracted child care system are a result of a combination of budget cuts and the implementation of EarlyLearn. In addition, the system would still be serving fewer children even without the City Council-funded programs.

Currently, City Council discretionary funding supports 3,500 center-based child care slots and 1,100 family child care slots, as well as training and technical assistance for child care providers.

While CCC is extremely grateful for the City Council funded discretionary child care programs, we are concerned about the substantial amount of one-year funding in the system (over \$60 million). Relying on one-year funding has a significant impact on the stability of the system, causes anxiety for children, parents, and providers who do not know if their program will remain open after June 30<sup>th</sup>, impacts staff morale, and negatively affects a program's ability to plan for the future, secure grants, negotiate leases, etc.

Notably, the City Council discretionary programs are not part of the EarlyLearn system, and the slots are not included in any reporting of system data by ACS. Further, the discretionary programs are not receiving oversight by ACS, which is why the City Council has allocated funds to the CUNY Professional Development Institute (PDI) to provide technical assistance to the providers.

In addition, ACS faces the threat of the loss of additional federal funds. The first round of sequestration has already led to federal cuts to the Child Care Development Block Grant and to

Head Start. ACS has already had its Head Start funding reduced by \$9.79 million due to sequestration cuts that began in March 2013.<sup>3</sup> If Congress does not act, the second year of sequestration will lead to additional reductions. In addition, ACS lost money in the federal Head Start recompetition. ACS has said that they anticipate cuts to capacity, rates to providers, or both, this coming February, as a result of the loss of federal funds.

The loss of federal funding, the insufficient EarlyLearn rate, and the decrease in children being served are all very problematic. Child care plays a critical role in preparing young children for success in school and in allowing parents to support their families by participating in the workforce. New York's subsidized child care system is vital for low-income working parents, particularly in times of economic hardship and has been proven to help level the playing field for the academic success of low-income children.

We believe that every child in New York City deserves access to a safe, high quality, and affordable early childhood education. **In the short term, CCC is looking to Mayor Bloomberg to baseline the \$60 million of one year funding in ACS's child care system. Going forward, CCC will be looking to the next Mayor, City Council, Public Advocate and Comptroller to have a plan for making high-quality, sustainable, fully-funded early education available to every New York City child.**

As the City moves forward with EarlyLearn, CCC respectfully offers the following recommendations to move the system toward one in which all children have access to high quality, safe, and affordable early childhood education.

#### **Baseline the discretionary slots and make them part of the EarlyLearn system**

First and foremost, the more than \$60 million in discretionary funding for child care must be baselined. This would eliminate the annual budget dance where the City Council restores the one-year funding each June and would result in a more stable system.

Furthermore, the programs funded with discretionary dollars must be made part of the EarlyLearn system. Given that the new Administration will take office in January and the current contracts for providers funded with discretionary dollars end in June, CCC recommends that there be a short-term procurement plan for the programs currently funded by the City Council that can then lead to a longer term procurement process that brings all child care programs funded by ACS into the same budget/RFP timeline, with the same rates and requirements. CCC looks forward to continuing to partner with the City Council, notably the General Welfare and Women's Issues Committee, on making this a reality.

#### **Address the EarlyLearn rate**

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<sup>3</sup> New York City Council. Briefing paper from the May 2013 hearing on the Administration for Children's Services' FY14 Executive Budget. <http://council.nyc.gov/downloads/pdf/budget/2014/execbudget/acs.pdf>

The EarlyLearn rate providers are receiving is insufficient to fund the high quality services that we all support and that are required in the EarlyLearn contract. The per-child rate must be increased so that providers can meet standards, provide fair compensation, have appropriate staffing, address employee contribution for health insurance, and appropriately fund costs of operations, administration, and materials for children. This rate should also be indexed to inflation.

**Ensure staff has adequate compensation and benefits**

An investment in the early childhood education system must include resources for the workforce, including professional development, support for obtaining credentials and advancing education, and better compensation and benefits.

CCC continues to be deeply troubled about the issue of health insurance coverage for provider staff. We have heard that too many child care staff has opted out of insurance plans because they believe they are unable to afford the employee contribution. We believe that ultimately, the lack of health insurance coverage for this workforce will be more costly to the City, as these workers will not utilize cost-effective preventive care and will need to seek out more costly emergency services for primary care. In addition, we are concerned about the impact this issue will have as the Affordable Care Act (ACA) is implemented.

To ensure that early childhood staff has adequate compensation and benefits, ACS must create and fund a unified, consistent salary scale for EarlyLearn professionals that is based on their qualifications. ACS and the Department of Education must collaborate to ensure salary parity for equally credentialed staff in the public school system and early care system. These steps are critically important to retaining quality staff and ensuring that children receive quality early childhood education services.

**Conclusion**

In conclusion, subsidized child care is an invaluable resource for low-income children and families, and an investment in New York City's future. CCC stands by the vision of EarlyLearn, as it represents important steps in improving access to high quality early childhood education opportunities in New York City. We again thank the City Council for your commitment to early childhood education and to trying to ensure as many children as possible are able to have access to high quality care.

Thank you for the opportunity to testify.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

Name: Sandy Katz (PLEASE PRINT)

Address: 17 Polip Circle SINY

I represent: JCCA of NY

Address: 858 E 29th St, Bklyn NY

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Appearance Card

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

Name: Raglan George (PLEASE PRINT)

Address: DC 1707

I represent: Executive Director

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

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☒ in favor ☐ in opposition

Date: 10/28/13

Name: Maria Bene Jan - Assoc. Commissioner (PLEASE PRINT)

Address: 66 John Street, 8th Floor New York, NY

I represent: NYC Administration for Children's Services

Address: 150 William St, 18th Floor New York, NY 10038

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Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Mabel Everett

Address: \_\_\_\_\_

I represent: President Local 205, DC1707

Address: \_\_\_\_\_

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☐ in favor ☐ in opposition

Date: 10/28/13

(PLEASE PRINT)

Name: ANDREA

Address: 2082 Lexington Ave, Suite 204, MM10035

I represent: Day Care Council of MM

Address: \_\_\_\_\_

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☐ in favor ☐ in opposition

Date: 10/28/2013

(PLEASE PRINT)

Name: Raculi Herman CSH

Address: 40 Rector Street

I represent: Council of School Supervisors

Address: \_\_\_\_\_

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: MOIRA FLAVIN

Address: 105 East 22nd St, 14th Floor, NY

I represent: Citizens' Committee for 10010

Address: Children of NY

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Randi Levine

Address: \_\_\_\_\_

I represent: Advocates for Children of New York

Address: 151 W. 30th St, NY, NY

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Gregory Brender

Address: 701 26th Street

I represent: United Neighborhood Houses

Address: 701 26th St

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Emily Miles

Address: 281 Park Avenue

I represent: Federation of Protestant Welfare

Address: Agencies

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 10/28/13

(PLEASE PRINT)

Name: JAMES MATISON

Address: 57 WILLOUGHBY ST - BROOKLYN

I represent: BROOKLYN KINDERGARTEN SOCIETY

Address: SAMP

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: 10/28/13

(PLEASE PRINT)

Name: Jeremi A. Hoffman

Address: 52 Broadway

I represent: UFT

Address: \_\_\_\_\_



with Hackney  
Randy

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Appearance Card

10

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☒ in opposition

Date: 10/28/13

(PLEASE PRINT)

Name: LAWRENCE A. PROVETTE

Address: 7806 SHORE FRONT PKWY

I represent: PROF. ASSOCIATION of Day Care Directors

Address: \_\_\_\_\_

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☐ in favor ☐ in opposition

Date: 10-28-13

(PLEASE PRINT)

Name: Gwendolyn McEVILLY

Address: \_\_\_\_\_

I represent: Head Start Sponsoring Bd Council

Address: \_\_\_\_\_

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☐ in favor ☐ in opposition

Date: 10/28/13

(PLEASE PRINT)

Name: Commissioner Ronald E. Richter, ACS

Address: 150 William St., 18th Fl., NYC, NY 10038

I represent: ACS, City of New York

Address: \_\_\_\_\_

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with  
Randi Herman

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☐ in favor ☐ in opposition

Date: 10/28/13

(PLEASE PRINT)

Name: Lois Lee

Address: 52-03 Mowencila Little Neck N.Y.

I represent: CPC - Chinese American Planning

Address: \_\_\_\_\_

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☐ in favor ☐ in opposition

Date: 10/28/13

(PLEASE PRINT)

Name: Margarita Rosa

Address: 80 Pitt St. Grand St. Settlement

I represent: Grand St. Settlement

Address: See above

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