

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON YOUTH SERVICES

Jointly with

COMMITTEE ON HEALTH

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October 12, 2023  
Start: 10:15 a.m.  
Recess: 1:18 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Althea V. Stevens  
Chairperson

Lynn C. Schulman  
Chairperson

COUNCIL MEMBERS:

Alex Avilés  
Chi A. Ossé  
Kristin Richardson Jordan  
Kevin C. Riley  
Joann Ariola  
Charles Barron  
Oswald Feliz  
Crystal Hudson  
Julie Menin  
Mercedes Narcisse  
Marjorie Velázquez  
Kalman Yeger

## A P P E A R A N C E S (CONTINUED)

Corinne Schiff  
DOHMH Deputy Commissioner Environmental Health  
Division

Daniel Guillen  
DYCD Assistant Commissioner of Youth Services  
Organizations

Nora Moran  
United Neighborhood Houses

Faith Behum  
UJA Federation of NY

Gregory Brender  
Day Care Council of New York

Alok Rai  
Lightbridge Academy

Brian Gutman  
Learning Care Group

Michael Day  
Bright Horizon

Sage Schaftel  
Early Care and Education Consortium

Robyn Carrone  
Bright Horizons

## A P P E A R A N C E S (CONTINUED)

Audrey Vandenheuvel

Rylie Shewbridge  
KinderCare Learning Companies

Debra Sue Lorenzen  
St. Nicks Alliance

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2 SERGEANT AT ARMS: Good morning. Good  
3 morning and welcome to the New York City Higher Ed  
4 hearing and the Committee on Youth Services together  
5 with the Committee on Health. Please silent all  
6 electronic devices. If you have any questions,  
7 please raise your hand and the Sergeant at Arms will  
8 kindly assist you. At no time, please do not  
9 approach the dais. Thank you for your kind  
10 cooperation. Chair we are ready to begin.

11 [gavel]

12 CHAIRPERSON STEVENS: Good morning. I'm  
13 Council Member Althea Stevens, Chair of the Committee  
14 on Youth Services. Thank you for joining us today  
15 on-- thank you for joining us today hearing-- on  
16 today's hearing addressing the childcare backlog--  
17 check backlog. In addition to today's oversight  
18 topic, we will be hearing three bills. Intro 931  
19 sponsored by Council Member Menin in relation to  
20 clarifying the health code where approvals for  
21 multiple agencies are required. Intro 1159 sponsored  
22 by Council Member Abreu requiring the Department of  
23 Health and Mental Hygiene to consult with DOE when  
24 compiling background checks for current or  
25 perspective childcare providers, employees and

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 5  
2 volunteers. Intro 1160 sponsored by Council Member  
3 Abreu requiring DOHMH to complete a request for a  
4 background check for current and perspective  
5 childcare providers and volunteers within 14 days  
6 from the date a request is received. DOHMH struggles  
7 to process background checks in timely and organized  
8 fashions-- has severe consequences for school and  
9 students. The process log-jam has led to long delays  
10 in clearances, causing staff shortages at Early  
11 Childhood and afterschool programs, forcing them to  
12 limit the enrollment or shutting down altogether. As  
13 a former youth service provider who has direct  
14 experience with the complicated background checks and  
15 inspection process, I am passionate about how the  
16 City can update and simplify their outdated systems  
17 to address this solvable problem. It is also  
18 unacceptable for an afterschool provider to wait six  
19 months or more to have staff cleared. Daycare and  
20 school-aged childcare programs are under-enrolled  
21 because programs don't have enough staff, forcing  
22 parents to scramble to find affordable childcare.  
23 Additionally, while providers are waiting for staff  
24 to be cleared, their potential employees often find  
25 other employment elsewhere. I'm eager to learn how

2 DOHMH plans to address these issues with staff  
3 resources DOHMH has dedicated to processing  
4 background checks, and how DYCD is working to help  
5 providers overcome staffing challenges. The  
6 importance of this timely and comprehensive  
7 background checks and inspections has renewed  
8 significance. The recent death of one-year-old  
9 toddler from fentanyl exposure in the Bronx daycare  
10 which was operating as a front and shocking tragic  
11 and every parent's worst nightmare. While the  
12 actions of the daycare owners cannot be accounted  
13 for, we will questions DOHMH's inspections and  
14 background checks protocol and how the agency plans  
15 to address the procedures moving forward. I look  
16 forward to hearing from the Administration on how the  
17 plans to reform background check processes to ease  
18 the burden on childcare providers and parents in need  
19 of reliable and affordable childcare. I'd like to  
20 thank the committee staff for their hard work in  
21 preparing this hearing, Committee Counsel Christina  
22 Yellamaty-- I said it right? I'm proud of myself for  
23 that. Senior Policy Analyst Elizabeth Arzt, and the  
24 entire 18 back at the district office. Now, I would

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 7  
2 like to turn it over to Council Member Schulman for  
3 her opening statement.

4 CHAIRPERSON SCHULMAN: Thank you Chair  
5 Stevens. Good morning everyone. I'm Council Member  
6 Lynn Schulman, Chair of the New York City Council's  
7 Committee on Health. I would like to thank my  
8 colleagues in the Administration for joining us today  
9 for this important hearing. As we all know,  
10 childcare and early education are essential services  
11 that support the health and wellbeing of children and  
12 families in New York City. However, these services  
13 can only be effective and safe if the providers who  
14 work in them are properly screened and vetted in a  
15 timely manner. Federal law requires all staff and  
16 volunteers who work in childcare programs to complete  
17 comprehensive background checks. These checks can  
18 reveal if the person has a history of criminal  
19 convictions, sex offenses, child abuse or neglect, or  
20 other factors that may pose a risk to children.  
21 Background checks help ensure the safety and security  
22 of the children in the provider's care and can bring  
23 parents a peace of mind knowing that they are in a  
24 safe and secure environment. Although the focus of  
25 this hearing has long been on the impact of the

2 processing delays for childcare provider background  
3 checks, I must also mention the recent tragedy in the  
4 Bronx where one year old Nicholas Dominici died and  
5 three other children were poisoned from fentanyl  
6 exposure at a daycare center that was also operating  
7 as an illegal drug distributor. This painful and  
8 heartbreaking incident has reinforced how essential  
9 it is for our state and for our city to have safe,  
10 high-quality childcare providers, but to do so we  
11 must ensure that there are no loopholes in the  
12 background check process. It is critical that all  
13 necessary background checks are processed in a timely  
14 fashion. Then New Yorkers can make informed  
15 decisions on what is best and safest for their  
16 families. I want to conclude by thanking Chair  
17 Stevens as well as the Committee staff for their work  
18 on this hearing, Committee Counsels Chris Pepe and  
19 Sara Sucher, and Policy Analyst Mahnoor Butt, and  
20 Finance Analyst Danielle Glants. I also want to  
21 thank my team, Jonathan Boucher, Seth Urbinder,  
22 Kevin McAleer, and my Legislative Aid Andrew  
23 Davis.

24 CHAIRPERSON STEVENS: I would like to acknowledge

25 Council Member Ariola, Council Member

2 Menin, Council Member Abreu, and Council Member  
3 Avilés. At this time I will turn it over to Council  
4 Member Menin for her opening remarks pertaining to  
5 her bill.

6 COUNCIL MEMBER MENIN: Okay, thank you so  
7 much. I really want to thank Chair Stevens and Chair  
8 Schulman for holding today's joint hearing on the  
9 existing childcare backlog. As we all know,  
10 childcare in the City is in a serious crisis. It can  
11 literally take months for the Department of Health  
12 and Mental Hygiene to clear background checks for  
13 childcare workers. This is simply unsustainable as  
14 our city must continue to do more to ensure access to  
15 affordable and accessible childcare, and that we are  
16 supporting providers. My bill, Intro 935 is one  
17 solution to the myriad of issues this industry  
18 facing. This legislation specifically requires DOHMH  
19 to take the lead and coordinate as-needed with the  
20 relevant agencies to determine which approvals are  
21 needed and the order in which they must be obtained.  
22 Article 47 of DOHMH's health code explicitly  
23 regulates childcare. Inspections and licensing of  
24 childcare facilities involve multiple agencies  
25 include the Department of Buildings and the Fire

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 10  
2 Department. The permitting process can be cumbersome  
3 as DOB, DOHMH, and FDNY and others all passed or  
4 declined to take responsibility over Article 47's  
5 language and point fingers at each other. I  
6 personally have had to intervene and interact with  
7 city agencies to help solve this issue which was  
8 preventing a childcare facility from opening in my  
9 district. We need to be making it easier, not harder  
10 for childcare providers to exit, and I want to thank  
11 the Administration for acknowledging this issue which  
12 was included in a childcare report earlier this  
13 year. I want to thank the bill drafter, Jessica  
14 Boulet, and for my team, my chief of staff Johnathan  
15 Szott, Legislative and Budget Director Brandon  
16 Jordan and Legislative Aid Jan Luis Mendez Garcia.  
17 I thank the chairs once again for letting me speak.

18 CHAIRPERSON STEVENS: Thank you, Council  
19 Member. Now we'll hear from Council Member Abreu  
20 pertaining to his two bills.

21 COUNCIL MEMBER ABREU: Good morning and  
22 thank you Chair Stevens and Schulman for holding  
23 this important hearing and including my two bills,  
24 Intro  
25 1159 and 1160. Intro 1159 and 1160 both work to

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 11  
2 clear the DOHMH childcare backlog by solidifying  
3 interagency communication, removing redundancies, and  
4 creating guidelines by which background checks need  
5 to be cleared by. Over the past year we've worked  
6 with and met with providers to come up with  
7 legislation that would address their needs. Without  
8 a workable system, the ensuing chaos ultimately ends  
9 up impacting families. We are hopeful that these  
10 bills will take a meaningful step toward addressing  
11 these issues. Again, I want to thank the providers,  
12 many of which are here today who are giving testimony  
13 and for their engagement and feedback in the lead-up  
14 to this hearing and during the past two and a half  
15 years. Thank you.

16 CHAIRPERSON STEVENS: Now we will turn it  
17 over to the Administration for their testimony.

18 COMMITTEE COUNSEL: Panelists, please  
19 raise your right hand. Do you affirm to tell the  
20 truth, the whole truth and nothing but the truth  
21 before this committee and to respond honestly to  
22 Council Member questions? Thank you. You may begin  
23 when ready.

24 DEPUTY COMMISSIONER SCHIFF: Good morning  
25 Chair Schulman, Chair Stevens and members of the

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2 Committees on Health and Youth Services. I'm Corinne  
3 Schiff, Deputy Commissioner for Environmental Health  
4 at the New York City Department of Health and Mental  
5 Hygiene. On behalf of Commissioner Vassan [sp?],  
6 thank you for the opportunity to testify today on  
7 child care clearance backlogs and bills addressing  
8 background clearance checks for people who work in  
9 childcare. The Health Department is charged with  
10 protecting and promoting the health of all New  
11 Yorkers. One of our responsibilities is oversight of  
12 childcare programs. The Department regulates child  
13 care centers, programs that serve children under age  
14 six in stand-alone commercial locations and school-  
15 based childcare programs which serve children age  
16 three to five as part of an ongoing school. New York  
17 State regulates home-based childcare which serves  
18 children up to age 13 in a residential setting, and  
19 school-aged childcare which operates in non-  
20 residential settings to care for children in school  
21 under age 13, after school and during school breaks.  
22 The Health Department holds a contract with New York  
23 State to issue licenses to the state-regulated  
24 programs, process background clearances for employees  
25 of those programs, and conduct inspections and report

2 findings to the New York State Office of Children and  
3 Family Services, the state agency that makes  
4 enforcement and other regulatory decisions. Anyone  
5 working in childcare must pass a background clearance  
6 check. Until four years ago, the background check was  
7 conducted by each provider for their own employees  
8 and consisted of a check of New York State criminal  
9 history and the New York State Central Register of  
10 Child Abuse and Maltreatment. Beginning in September  
11 2019 the process changed significantly. As New York  
12 State began implementation of new federal childcare  
13 development block grant mandates. These federal  
14 requirements shifted who conducts the background  
15 check from each provider for its own staff to the  
16 regulatory agency for the entire workforce, and  
17 expanded the review a comprehensive background check  
18 that includes a larger scope and frequency of the  
19 assessment. CCDBG requires the agency to check not  
20 only New York State's records of criminal history and  
21 child abuse and maltreatment, but also the New York  
22 State Justice Center for the Protection of People  
23 with Special Needs, as well as the national sex  
24 offender registry. For any applicant who has lived  
25 outside of New York State in the prior five years,

2 CCDBG requires a check on out-of-state criminal  
3 history, sex offender, and child abuse and  
4 maltreatment records. The entire comprehensive  
5 background check is required to be redone if the  
6 employee changes employer or has a break in service  
7 for more than 180 days, and regardless of any change  
8 in employment, CCDBG requires the background check to  
9 be repeated every five years. If the applicant has a  
10 criminal history, CCDBG requires the agency to  
11 conduct a detailed assessment to determine whether  
12 given the particular circumstances, the applicant is  
13 nonetheless able eligible to work in child care, may  
14 work with certain restrictions or must be excluded.  
15 The comprehensive background check enhances child  
16 safety, but also takes significant resources to  
17 complete including in time. Given the extensive  
18 review required, federal law provides 45 days to  
19 conduct the comprehensive background check. In 2019,  
20 the Department was required to take on this large new  
21 federal mandate, and we were not initially resourced  
22 to launch the program which created a backlog of  
23 applications. I'm pleased to say that as of this  
24 September we have 40 new staff on board and they are  
25 close to completing training and in May 2023 we

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2 launched a new online forms so that providers can

3 submit their applications electronically. We strive

4 to provide excellent customer service, and we know

5 how critically important it is to children's health

6 and safety that the people caring for them in

7 childcare have been fully cleared. The online form

8 was designed and built with provider input and

9 testing with changes made to address provider

10 suggestions. We issued we issued FAQs, held training

11 sessions and have staff ready to provide technical

12 assistance. We, both the provider community and

13 Department staff, are still adjusting to new

14 processes, but improvements have been dramatic since

15 launching the online form on May 22<sup>nd</sup>, 20223. We

16 have successfully cleared more than 5,000 applicants,

17 and the feedback from providers has been fantastic.

18 In the coming months, we will continue to trouble-

19 shoot and refine the process so we can further

20 improve. Turning now to the bills under

21 consideration. Introduction 1159 would require the

22 Department to consult the New York City Public

23 Schools to see whether the applicant has completed a

24 background check with the public schools within the

25 previous two years. The Department already consults

2 the New York City public school's database for  
3 applicants whose records are in that system and  
4 applies any information there to the new clearance  
5 application as allowed by federal law. Not all  
6 employees are in the New York City Public School's  
7 database, and depending on the applicant's  
8 circumstances, federal law may preclude us from  
9 applying information maintained there. Mandating  
10 that we check the public school system in every case,  
11 even when we know the effort would not yield usable  
12 results will slow-- would slow our processing times.  
13 Given that we already consult the public school's  
14 database when information there could be applied to a  
15 clearance application and that the clearance  
16 processes are federally mandated, we would like to  
17 discuss the intent of the bill with counsel.

18 Introduction 1160 would require the Department to  
19 conduct a background clearance check within 14 days  
20 and mandate reporting details of every clearance  
21 check the Department conducts. The Department works  
22 to complete the background check as quickly as  
23 possible and in some cases the clearance can be  
24 completed within 14 days. More often, however, the  
25 process takes longer, including for reasons entirely

2 out of the Department's control. For example, if the  
3 applicant has lived outside of New York State in the  
4 last five years, we are required to consult the state  
5 and wait for results. The results from the New York  
6 State Register of Child Abuse and Maltreatment can  
7 often take two weeks, and if there are any flags  
8 raised during the clearance process, we must conduct  
9 a careful assessment to see whether the applicant is  
10 nonetheless eligible to work in childcare, make work  
11 with conditions, or must be disqualified. Regarding  
12 reporting the department is happy to provide the  
13 Council with details about our clearance work. We  
14 would like to discuss the proposed report details.  
15 For example, the bill would require the Department to  
16 report on each unique background check, but we  
17 recommend reporting aggregate data because we process  
18 over 50,000 applications a year providing line level  
19 detail, including that an application was a duplicate  
20 submission, was for a staff person who changed  
21 employers, who had to be returned-- or had to be  
22 returned as incomplete. It would be burdensome on  
23 the Department taking staff time away from processing  
24 applications and we expect unlikely to provide  
25 counsel with information in format that would be

2 useful. Given the timeline under CCDBG, we would  
3 also like to assess the appropriate timeline for  
4 reporting. Finally, Introduction 931 says that where  
5 the Health Code requires licenses, approvals, or  
6 permits from other agencies, that the Health Code  
7 specific what is needed. We would like to discuss  
8 with Council the intent of this bill, and agree it is  
9 important for perspective providers to understand the  
10 permitting steps. The Health Code already specifies  
11 the other agencies that are part of the childcare  
12 center permitting process and we provide extensive  
13 outreach and education about these requirements  
14 including sequencing of steps. We would like to  
15 discuss these efforts with Council and what more  
16 might help the industry. Thank you for the  
17 opportunity to testify. I'm happy to take your  
18 questions.

19 CHAIRPERSON STEVENS: Good morning. I  
20 would like to acknowledge Council Member Velázquez  
21 and Council Member Sanchez who just came in. Are you  
22 ready? Alright, so I have some questions for you.  
23 Please explain DOHMH's role in the background checks  
24 process for the different childcare programs in New  
25 York City. For the group childcare programs that

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 19  
2 fall within Article 47 of Health Code, what is  
3 DOHMH's role in the background check process? Please  
4 provide specifics.

5 DEPUTY COMMISSIONER SCHIFF: Sure. So,  
6 as I noted in my testimony, there are-- and as you  
7 alluded to, there are different kinds of different  
8 modalities of childcare. Childcare centers are ones  
9 that are regulated by the-- under the Health Code and  
10 by the New York City Health Department, and we are  
11 responsible for conducting those background checks so  
12 that the applicant submits the paperwork to us. And  
13 there are multiple steps towards processing as I  
14 noted in my testimony. There are many different  
15 kinds of checks that happen. Once we get those  
16 results, if there is something, a flag in the  
17 history, it is our responsibility to do this safety  
18 assessment, and then we issue the result to the  
19 childcare provider. For the state-regulated  
20 programs, as I noted, we have a contract with New  
21 York State. We work on their behalf. It is there  
22 system. They have their own processing system for  
23 those employees to submit their applications. So  
24 it's different from ours. We conduct much of the  
25 processing. There are some cases in particular-- the

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2 safety assessment, if there is an issue found in the  
3 criminal history, it is the state OCFS, Office of  
4 Children and Family Services, that does that  
5 assessment to determine whether under the  
6 circumstances for that applicant they are eligible to  
7 work in childcare or there are any conditions on  
8 employment, and the determination letter goes out  
9 from the state.

10 CHAIRPERSON STEVENS: So, I understood  
11 that, but I don't think everyone understands that,  
12 and that's part of the problem where I think there's  
13 a lot of confusion around like what you guys are  
14 responsible for, because a lot of times when  
15 providers call and there's a question it's like, oh  
16 that's a state issue, or we deal with this. So can  
17 you explain it so that it can be a little bit more  
18 clear about like what are you guys specifically  
19 responsible for, especially under Article 47, and  
20 even when we're thinking about like the SAC [sic]  
21 licenses, right? That isn't-- you know, that's state  
22 and you're saying your contracted through the state.  
23 What does that look like? And like, if I have an  
24 issue-- and obviously you guys are the first line of  
25 defense-- what are those steps? What does that look

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 21  
2 like? What is the state actually really responsible  
3 by? I really would like to get a little bit more  
4 clarity, because like I said, I understood what you  
5 were saying, because I understand this work, but I  
6 think that folks coming in and even providers, who  
7 often are confused, because it's a lot of jargon in  
8 there. So if you can break it down by like talking  
9 about one program first, and then the next and not  
10 like kind of mush them all together.

11 DEPUTY COMMISSIONER SCHIFF: Yes, and of  
12 course, you are-- you have much experience as a  
13 former provider, so you are very familiar with this.  
14 And I would say that for providers who work in the  
15 different modalities or providers who work in Article  
16 47, we have specific programs for those providers.  
17 for example, and orientation session where we walk  
18 them through our role, what inspections will look  
19 like, what the permitting process will be, how you  
20 complete a background check and those forms. We're  
21 in pretty regular contact with those providers via  
22 email. We hold webinars so that they will be on that  
23 track to submit their applications through our online  
24 form as opposed to the state online form. We have a  
25 different set of staff who are there to support

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 22  
2 childcare providers who are under the state system,  
3 Home Base programs and school-aged childcare staff  
4 programs. The state primarily communicates with  
5 those programs and those programs are directed to use  
6 that online system.

7 CHAIRPERSON STEVENS: That was a little  
8 bit better. A little jargoning. That was a lot  
9 better. And I know it gets hard because it's all  
10 these different regulations, right, because you have  
11 federal regulations, state, and then City, and so it  
12 does get a little difficult, but when even coming  
13 into this hearing it was a lot of digging to try to  
14 really figure out like who was connected to what and  
15 really trying to understand these things. And you  
16 know, like I said, because I was in the work I  
17 understood it in a different way, but folks who were  
18 not, it was very difficult. And so I think we also  
19 have to do a better job at how we're putting this  
20 information out so that when providers are coming  
21 online or even new folks that are coming in, it's a  
22 better understanding. Because the way it is right  
23 not, it's very difficult for folks to kind of  
24 distinguish who they should be going to or who's  
25 really responsible. Because it's easy to be like,

2 it's state, but I still have to go to you guys  
3 because you guys are contracted through them. So,  
4 it's still very difficult. So, we definitely need to  
5 be looking at that a little bit more. According to  
6 the Health Department of the Office of Child and  
7 Family Services guidance, all staff, volunteers and  
8 any persons ages 18 or older living in a home where  
9 the program is located must undergo a comprehensive  
10 background check. How does the Health Department  
11 confirm that a background check has been conducted on  
12 every adult living in the family daycare residency?  
13 How often does the City update the list of residents  
14 living in a daycare facility to ensure no additional  
15 adults have moved into the residency? And on  
16 average, how long does it take to conduct a  
17 comprehensive background check for a family daycare  
18 provider?

19 DEPUTY COMMISSIONER SCHIFF: Okay. There  
20 were a few questions there.

21 CHAIRPERSON STEVENS: Yes.

22 DEPUTY COMMISSIONER SCHIFF: I will try--  
23 if I miss one--

24 CHAIRPERSON STEVENS: [interposing] Yeah,  
25 yeah, we'll--

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2 DEPUTY COMMISSIONER SCHIFF: [inaudible]  
3 remind me.

4 CHAIRPERSON STEVENS: Don't worry, I will  
5 absolutely go back.

6 DEPUTY COMMISSIONER SCHIFF: So, as-- as  
7 you noted in a homebase childcare program every  
8 person age 18 and older who either lives or works in  
9 that apartment is required to submit and have a  
10 background clearance check completed. They're  
11 required to notify the Office of Children and Family  
12 Services through us who lives or works in the  
13 apartment. The provider is responsible for updating  
14 that information if it changes immediately upon that  
15 change. so we are-- we consult those records and  
16 during an inspection we will also-- we are also going  
17 into that home to check that the information that we  
18 have in our records sort of checks out and meets what  
19 we observe in the home.

20 CHAIRPERSON STEVENS: How often does the  
21 City update the list of residents living in a daycare  
22 facility to ensure no additional adults moved in?

23 DEPUTY COMMISSIONER SCHIFF: So, those  
24 records are required to be updated immediately by the  
25 childcare provider. So, if the residency changes, if

2 it changes who lives in that apartment or who is  
3 working there, the childcare provider is required to  
4 update that at that time. So our records are updated  
5 in real-time. It is the provider that is responsible  
6 for providing that information to us.

7 CHAIRPERSON STEVENS: So what safety nets  
8 are put in place to ensure that that's happening?

9 DEPUTY COMMISSIONER SCHIFF: So, at the  
10 time of the inspection we will check to see whether  
11 those records would match are observations.

12 CHAIRPERSON STEVENS: What if they just  
13 tell the person to leave?

14 DEPUTY COMMISSIONER SCHIFF: If they--

15 CHAIRPERSON STEVENS: [interposing] Yeah,  
16 so if I'm-- an inspector is coming, they're like, oh  
17 no, they don't live here. They just-- you know, what  
18 safety nets are put in to kind of like have some of  
19 those protections put into place.

20 DEPUTY COMMISSIONER SCHIFF: So, the  
21 inspection whether it's in a-- of a homebase program  
22 or a center-base program, our inspector is working  
23 with a checklist of regulations. They're going  
24 through. It is a health and safety check, and if  
25 they observe anything that doesn't meet that

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2 checklist, they will note that. If they observe  
3 things that are not on their checklist but that are  
4 also-- that are unsafe, that is something that they  
5 escalate. When it is a homebase program, those  
6 observations are reported to the Office of Children  
7 and Family Services. They are the enforcement  
8 decider. So those issues are brought to them to make  
9 decisions.

10 CHAIRPERSON STEVENS: Okay. On average,  
11 how long does it take to conduct the comprehensive  
12 background check for a family daycare provider?

13 DEPUTY COMMISSIONER SCHIFF: So I have  
14 the data for our programs for the homebased programs  
15 and for the SAC [sic] programs for their data for  
16 their turnaround times. I will have to refer to you  
17 the state. We can try to ask-- get that information  
18 from the state, but that is their data. I don't have  
19 that.

20 CHAIRPERSON STEVENS: Alright. In  
21 compliance with New York State Childcare and  
22 Development Fund, CDF, plans, New York City cannot  
23 exceed 45 days in a comprehensive-- in a complete  
24 background check. Currently, how many childcare  
25

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 27  
2 provider's checks are backlogged behind the 45 limit  
3 day?

4 DEPUTY COMMISSIONER SCHIFF: What I'd  
5 like to acknowledge is what all of you have said in  
6 your opening comments, which is that we had a very,  
7 very large backlog, and it really did take months and  
8 months for us to process applications. As I noted in  
9 my testimony, we have hired 40 new staff in recent  
10 months. We're in the training process for the newest  
11 of those staff. We've got a new IT system. We  
12 launched an online form in May of 2023. We still  
13 have a backlog. We've got a backlog of about 140  
14 applications.

15 CHAIRPERSON STEVENS: [interposing] 140,  
16 that's it?

17 DEPUTY COMMISSIONER SCHIFF: 140. So we  
18 are making enormous progress. I'm not here to say we  
19 are where we want to be. We are still-- we're still  
20 perfecting these systems. We're still  
21 troubleshooting. We're still learning new systems.  
22 Providers are still learning them, but we are really  
23 on a much better trajectory. It's taking us an  
24 average of about 36 days right now to process--

25 CHAIRPERSON STEVENS: [interposing] 36?

2 DEPUTY COMMISSIONER SCHIFF: an  
3 application. So I think, you know, again, we've got  
4 a little bit to go, but this is really what we  
5 needed. We needed staff and we needed an IT system,  
6 and so we've got that and so we're just doing much  
7 better.

8 CHAIRPERSON STEVENS: So, one of my  
9 questions, and I asked you guys, why didn't you guys  
10 think about clearing the backlog of what you had  
11 before you launched the new system? Because you  
12 already had a backlog when the system was launched,  
13 and so then you had that backlog and then you had a  
14 new backlog from when the system launched and you  
15 were working out the glitches. So why didn't you  
16 actually clear out the backlog and then launch the  
17 system?

18 DEPUTY COMMISSIONER SCHIFF: So, let me  
19 tell you some things that we did do. So, last summer  
20 we had an extraordinary backlog, tens of thousands  
21 frankly. Yes, you know, and probably all of you  
22 heard from providers. So we actually ceased some of  
23 our activities. This was before we had all of our  
24 new staff, and we focused on clearing the backlog,  
25 and we spent about two months just focused on that

2 backlog to clear that out. We still didn't have our  
3 staff, the new staff that we needed, and we still  
4 didn't have an IT system. So over the course of a  
5 year-- this was summer 22-- we developed another-- we  
6 developed a backlog again. When we got our new  
7 system on May 22<sup>nd</sup> we announced to the provider  
8 community that, you know, from that point on all  
9 applications needed to be submitted through this  
10 online system. We spent a few months with many, many  
11 staff still devoted to the paper backlog that we  
12 still had. We wanted to-- we didn't want people to  
13 have to submit again, and we wanted to make sure that  
14 the system was working. We spent about three months  
15 and felt really confident that the system was  
16 working, and what we found was that our staff were  
17 spending a lot of time still on those paper-- they  
18 weren't literally paper, but they were email  
19 attachments. It was very, very clunky and time-  
20 consuming, and we found that we were spending a huge  
21 amount of time on those. A lot of those applicants,  
22 as you can imagine, were no longer working in those  
23 programs for reasons that you have said. And so we  
24 recently in the last couple of weeks have said we  
25 think it's going to be best for everybody that we

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 30  
2 just move entirely into the online system. You're  
3 going to get a response faster from us. It means we  
4 can move all of our staff into the online processing.  
5 People will be-- learn that new system, and we're  
6 just going to get faster and faster. So these were  
7 the decisions we had to make. Working our way  
8 through those email applications was going to take a  
9 long time. We wanted to test the system first. It  
10 really is working very well. As I noted, we've  
11 cleared more than 5,000 applicants since late May,  
12 and so those were the decisions we made, and I think  
13 we're really in a much better place as I'm  
14 describing.

15 CHAIRPERSON STEVENS: Just curious, how  
16 much staff did you have before? Because I know you  
17 said you're at 40 staff currently. What was the  
18 number you were at with staff before?

19 DEPUTY COMMISSIONER SCHIFF: So, this  
20 unit has-- we have 55. We have 55 on board. So, we  
21 had, you know, that minus 40, but I will say, that  
22 what we had to do, because that was not enough  
23 people--

24 CHAIRPERSON STEVENS: [interposing] So,  
25 you have 55 now or you had 55--

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 31

2 DEPUTY COMMISSIONER SCHIFF: Yeah. We  
3 have 55 now.

4 CHAIRPERSON STEVENS: How--

5 DEPUTY COMMISSIONER SCHIFF: [interposing]  
6 55 on board now. We've got eight in the on-boarding  
7 process just in our clearance unit. So what we were  
8 doing pre- being, you know--

9 CHAIRPERSON STEVENS: [interposing] So you  
10 had 15 staff before.

11 DEPUTY COMMISSIONER SCHIFF: Yes. We did  
12 also have-- we relied on temps. We relied on  
13 overtime. All of these were not good systems, you  
14 know, temps, you know, people--

15 CHAIRPERSON STEVENS: [interposing] Why  
16 did you guys only have 15 staff?

17 DEPUTY COMMISSIONER SCHIFF: Because we  
18 were not-- you know, as I noted in my testimony, we  
19 were not-- we were given a new-- a large, new  
20 mandated program, and we were--

21 CHAIRPERSON STEVENS: [interposing] I know  
22 and that was in 2019.

23 DEPUTY COMMISSIONER SCHIFF: Yes.

24 CHAIRPERSON STEVENS: And so we're in  
25 2023, and you had 15 staff. This huge mandate came

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 32  
2 down from the Federal Government and you-- and now  
3 we're just adding 40 staff? Because like that-- of  
4 course you had a backlog.

5 DEPUTY COMMISSIONER SCHIFF: Yes.

6 CHAIRPERSON STEVENS: There's no way  
7 around it. Like, that--

8 DEPUTY COMMISSIONER SCHIFF: [interposing]  
9 Yes, and what-- you know, what we tried to do when we  
10 were not able to hire, what we tried to do is we  
11 hired temps which is not a great way to launch a  
12 program. We pulled people-- you know, don't have  
13 people with nothing to do, so we pulled people in,  
14 you know, we offered overtime for people to do that  
15 work. People did this, you know, when they could,  
16 but yes, and that's why-- and I'm not-- you know, we  
17 were not-- I'm not here to say that that was good,  
18 but what I am here to say is that we now have those  
19 staff. Some of them are still in training. They're  
20 new. We worked, you know-- everyone here knows, I  
21 think, we're in a tough labor market. We worked so  
22 hard. We were so happy to be able to hire people.  
23 We worked incredibly hard to bring on new staff.  
24 We're on-boarding. You know, we're in the training  
25 process for the last of our new staff. We finally

2 have a new system. So happy to build our new online  
3 system. People were working with email attachments.  
4 They would try to open the attachments--

5 CHAIRPERSON STEVENS: [interposing] Yeah,  
6 I remember, I used to email them. It was crazy.

7 DEPUTY COMMISSIONER SCHIFF: You would  
8 email them. And I'll tell you--

9 CHAIRPERSON STEVENS: [interposing] And  
10 it would get lost in the email, and then you would  
11 email and then there'd be a new person there, and  
12 you're like, oh, they're no longer here. [inaudible]  
13 but I had no idea it was 15 people. I think that is  
14 crazy, because you're literally processing thousands  
15 of applications, and it was through email. Like, of  
16 course, this is why we're here.

17 DEPUTY COMMISSIONER SCHIFF: So I will--  
18 I will tell you on the other side, receiving your  
19 email, our staff would open your email attachment and  
20 literally they would sit there waiting for it to  
21 open, because we were so clogged with email system.  
22 That is not a way to process 50,000 applications a  
23 year. But the good news is as of May, May 22<sup>nd</sup>,  
24 2023, we have an online form. We were able to make  
25 the forms much simpler. People were filling out

2 forms that had a lot of duplicate information  
3 required. We made a much more intuitive, simple  
4 form. We worked with-- got input from providers. We  
5 made it flexible so that providers could fill it out  
6 in the different ways it works for their system.  
7 And really, we're not there yet. You know, we still  
8 have a little bit of a backlog. Our staff are still  
9 learning the new system. Providers are still making  
10 some mistakes, but it's getting better as we're all  
11 learning a new system. But we are really on a path  
12 to a much better place, and our goal is to have no  
13 backlog.

14 CHAIRPERSON STEVENS: So, when you  
15 launched the new system in-- because you launched it  
16 I believe in June, correct?

17 DEPUTY COMMISSIONER SCHIFF: The online  
18 system May 22<sup>nd</sup>, 2023. It was such an important day  
19 I remember the date.

20 CHAIRPERSON STEVENS: Yes. I knew it was  
21 like May or June. But how many staff did you have  
22 then?

23 DEPUTY COMMISSIONER SCHIFF: So, you  
24 know, I would have-- I don't have it. I don't-- we  
25 have been hiring an on-boarding people for a few

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 35  
2 months, so I don't know literally on May 22<sup>nd</sup> how  
3 many we had. We only just brought the last of the  
4 new hires on board in the last few weeks, and we do--  
5 we are bringing on eight additional staff. So, you  
6 know, to give you the timeline I would really have to  
7 go back.

8 CHAIRPERSON STEVENS: Yeah. And I just  
9 ask that, because again, like even with the new  
10 system, my question is why you wouldn't staff up so  
11 that you can do multiple things, and it seems that  
12 like you were like trying to staff up at the same  
13 time as you're launching this. And like,  
14 understanding that again you're also creating another  
15 bottleneck. So, like, just thinking about like why--  
16 like, what was the steps of like thinking of like,  
17 okay, we already know that we already have this  
18 backlog, we only 15 staff, maybe we should staff up,  
19 then launch it so that we can kind of clear some of  
20 these out.

21 DEPUTY COMMISSIONER SCHIFF: So, we  
22 wanted to do everything at once as fast as we could.  
23 It was important to have new staff. It was important  
24 to train them. That-- all of that on-boarding and  
25 training takes time. It was also important to get

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 36  
2 providers using a better form, a better system, and  
3 all those things would feed into each other. We  
4 didn't really-- as we bring on new staff-- this was  
5 another question. Do we train them on the old  
6 terrible email system or do we bring them on board  
7 and immediately train them in the new system. So  
8 really our goal was to get out of this back log  
9 problem which was due to staff and a lack of an IT  
10 system as fast as we could, and we were just doing  
11 everything as fast as we could.

12 CHAIRPERSON STEVENS: I mean, listen,  
13 with 15 staff-- I know you guys are working hard, but  
14 like it just-- it just seems crazy to me. Like that  
15 just-- like understanding the volume. Like if I have  
16 a program and you have 125 kids that mean you have 24  
17 staff. And so we have thousands of programs across  
18 the City, so that means you have an add-- you guys  
19 are processing thousands of applications. So it's  
20 just-- I guess for me that's probably the most mind-  
21 blowing thing that I've learned today around that.

22 DEPUTY COMMISSIONER SCHIFF: I do. I do,  
23 you know-- I do want to just note, you know, we did  
24 use temps. So it wasn't literally only 15 people.  
25 We were able to hire temps, but with temps--

2 CHAIRPERSON STEVENS: [interposing] But  
3 even having a temp, like, that's very limited on what  
4 they can do, because one, they're there temporarily,  
5 and two, they don't know the system in full capacity.  
6 So--

7 DEPUTY COMMISSIONER SCHIFF: [interposing]  
8 Absolutely. And the good news is we now have  
9 fulltime staff. We are training the newest of our  
10 staff. We now have an IT system. As I said, we are--  
11 - our goal is no backlog. We are not exactly where  
12 we want to be, but we are on a trajectory to where we  
13 want to be and what the childcare providers deserve.

14 CHAIRPERSON STEVENS: Okay. So SAC  
15 license-- I mean, SAC providers have reported that  
16 returning staff are experiencing longer wait times  
17 and no employees to receive their clearances. What  
18 is the reason for this discrepancy?

19 DEPUTY COMMISSIONER SCHIFF: You know, I  
20 haven't heard of that discrepancy, so what I'd like  
21 to do is follow up with your office and maybe get a  
22 couple of examples. When we do have examples of  
23 things that are not working, we try to use those to  
24 see where-- you know, we are continuing to trouble-  
25 shoot. If it is a SAC [sic] program-- and I try not

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 38

2 to be jargony [sic], but as you know that is in the  
3 state system, but we'll take a look at that, so I'd  
4 love to follow up and get some examples.

5 CHAIRPERSON STEVENS: Yeah. Because--  
6 and that's why I was saying in the beginning around  
7 like let's talk about, like, what you guys are  
8 responsible for, because although it's the state  
9 system, they contract you. So, I know a lot of times  
10 we like to-- like, well that's a state system.  
11 That's kind of them. But you're contracted and so  
12 you're the person that we go to. So that's why I'm  
13 asking these questions, because you should have the  
14 information because they're contracting you to  
15 actually fulfil these things, so.

16 DEPUTY COMMISSIONER SCHIFF: Sure. Well  
17 we'll be in touch. Let's get us some examples so we  
18 can look into those and see what the issues might  
19 have been.

20 CHAIRPERSON STEVENS: According to the  
21 federal law, comprehensive background check is valid  
22 for five years unless there's a break in services  
23 working your program for more than 180 days.  
24 However, DOHMH currently conducts background checks  
25 with an instructor moves between age gaps, locations,

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 39  
2 or different providers, even if it was within the  
3 five years' time frame. Is this legally required,  
4 and is this policy unnecessarily contributing to the  
5 backlog?

6 DEPUTY COMMISSIONER SCHIFF: So this was  
7 one of the things we were able to change when we  
8 launched the online system. so now a provider when  
9 they are filing-- when they are submitting and  
10 application for a particular employee, they can note  
11 every location in their system and they will be  
12 cleared for each of those locations with some nuance.  
13 For an education--

14 CHAIRPERSON STEVENS: [interposing] I was  
15 about to say it.

16 DEPUTY COMMISSIONER SCHIFF: For--

17 CHAIRPERSON STEVENS: [interposing] You  
18 know I'm about to ask.

19 DEPUTY COMMISSIONER SCHIFF: Yeah, for an  
20 education director, that is not the case, but for a  
21 lot of the staff that is the case.

22 CHAIRPERSON STEVENS: Can you tell me and  
23 explain to me why? Because that has always been my  
24 pet peeve around-- it does not make sense that if I--  
25 because a lot of times they are working for the same

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 40  
2 agency and an agency has multiple sites, and you  
3 can't-- if you're not cleared at that site you can't  
4 go there. So I'm not understanding why if I'm  
5 cleared at one site, that cannot transfer over to  
6 another site. Like that just seems kind of  
7 unnecessary.

8 DEPUTY COMMISSIONER SCHIFF: So as I  
9 noted for some of the providers we are able to do  
10 that at the outset of the application. And otherwise  
11 we are following what federal law says and what New  
12 York State is guiding.

13 CHAIRPERSON STEVENS: So that's in the  
14 federal law that you have to be cleared at the-- at  
15 all the sites.

16 DEPUTY COMMISSIONER SCHIFF: You know,  
17 let me get back to you to see if some of it is what  
18 New York State is guiding us to do. So let-- if  
19 it's-- so let me get back to you about exactly the  
20 reason for this question. We will redo-- we call it  
21 a waiver for hire.

22 CHAIRPERSON STEVENS: I remember. And  
23 sometimes it takes longer to get the waiver.

24

25

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2 DEPUTY COMMISSIONER SCHIFF: So again,  
3 with our new system, things are going much more  
4 quickly.

5 CHAIRPERSON STEVENS: I mean, you keep  
6 saying that, but that is not what I'm hearing from  
7 providers, that it's not going as quickly as you guys  
8 are anticipating. I mean, going from like zero to  
9 one is not that much quicker. So I think, you know,  
10 we should-- because I see the providers in the back  
11 like what every time you say quicker. So I think we  
12 should acknowledge that too. but yeah, I would  
13 definitely love to get that information on why if I'm  
14 cleared at one site that we have to, you know, do all  
15 these additional things. Because I have-- that was  
16 always one of my pet peeves. And even if you're  
17 saying now that you can get cleared at multiple sites  
18 on the onset, sometimes you might not put a site  
19 down, and like, I might need a teacher to go over  
20 there for the day and they can't because they're not  
21 cleared to be there. And I often-- that often  
22 creates issues around staffing, and this is one of  
23 the issues that I'm hearing from providers, and I  
24 remember having myself putting us in a bind around  
25 like being able to get a substitute to come in and do

2 the work or whatever, or stepping in when was needed,  
3 because folks aren't able-- they're not clear. Or  
4 you didn't know that, you know, those things needed  
5 to happen. So, you know, when you're thinking about  
6 like when teachers are in school, a substitute  
7 teachers that can come in because they don't have to  
8 get cleared every single time they're stepping into a  
9 different school building. So definitely would love  
10 to hear what law that is, whether it's federal or  
11 state, because you're saying it's not for you guys.  
12 So, under the current extended time frame to complete  
13 a background check short term and temporary hires  
14 such as summer staff often do not receive clearances  
15 until the program has started. Has DOH explored  
16 establishing an expedited clearer process for short-  
17 term temporary hires? Because I can tell you this  
18 myself, I have had staff, we have put their  
19 application in at the beginning of the summer and  
20 then I would get their clearance in December.

21 DEPUTY COMMISSIONER SCHIFF: One thing  
22 haven't talked about is in addition to the staff that  
23 we have who are fulltime in our clearance unit, we do  
24 also have about 85 staff who have a variety of  
25 duties, but that include conducting clearances that

2 are there to work on special situations when there is  
3 a reason that there needs to be somebody expedited.  
4 So that may be a way that we are able to handle. You  
5 know, I can't speak to the specific circumstance that  
6 you're describing, but we do have some staff because  
7 we know that there are situations where a program  
8 isn't able to operate because they have a new  
9 education director and that person has to be cleared.  
10 And so we handle the-- we really hand-hold those and  
11 handle them differently so that we're able to triage  
12 what's coming in to us to meet the needs of the  
13 providers. We also have-- we have a dedicated line.  
14 We do have staff who are monitoring a dedicated email  
15 address that we have been repeatedly sharing with  
16 programs so that they know how to reach us when they  
17 have an issue so that we can trouble-shoot that with  
18 them. It's an email box that we have actively  
19 monitored and getting back to program as quickly as  
20 we possibly can to solve these kids of issues.

21 CHAIRPERSON STEVENS: And so-- and I-- so,  
22 like, we all know like especially in the summer it's  
23 always gearing-up time. Do you guys-- and I think  
24 for me, thinking about when you're talking about the  
25 temps, is that when you're like getting additional

2 temps and things like that? Because I always just  
3 felt like it just-- especially in summer we know  
4 every year it's the same year and it happens. How  
5 are we preparing to make sure those things happen,  
6 because we know we're going to have an influx of  
7 SYEP? We're going to have all these summer camps and  
8 all these things. Can you talk to me a little bit  
9 about what that looks like to gear up for that time  
10 frame, and especially even with this new system, how  
11 are you guys thinking about preparing for next  
12 summer?

13 DEPUTY COMMISSIONER SCHIFF: There is a  
14 seasonality to some of this work. You know, as we  
15 head into next summer, this will be the first summer  
16 that we will have with our full staff, full  
17 complement of staff, and our new system. We do-- you  
18 know, we will sometimes pull in, ask our staff to do  
19 overtime when we have additional work happening. So  
20 that's one option. But it's a good question, and  
21 we'll be-- you know, we're still in our start-up  
22 phase really. But as we get into-- as we really hit  
23 a steady state, I think that's the time when we can  
24 start to think about some surge capacity for the  
25 seasonality when we get additional applications.

2 CHAIRPERSON STEVENS: Yeah, I think that  
3 that's definitely something we should definitely be  
4 considering and thinking about, because you know,  
5 especially at the startup of the summer you always  
6 get a influx, and then at the start-up of the school  
7 year, you get another influx, right? Like, during  
8 the rest of the time, you know, we have-- we lose  
9 staff and people come in and out, but I think that if  
10 we know that those are the busiest times, how are we  
11 kind of like being a little bit more prepared for  
12 that. I just have a couple of more questions before  
13 I turn it over to my colleagues. And I would like to  
14 also acknowledge Council Member Hudson has joined us.  
15 SAC license providers received an invitation to join  
16 OCFS Family Application Management System or FAMS in  
17 May of this year. They reported that while this  
18 protocol has improved there is no matrix to correct  
19 or changes to their application after submission. As  
20 a result, providers are constantly reaching out to  
21 DOHMH for questions and guidance. Has DOHMH explored  
22 on creating mechanics to allow providers to correct  
23 or add additional information?

24 DEPUTY COMMISSIONER SCHIFF: So, the--  
25 FAMS, the state system, they're online system

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 46  
2 launched about a week or two before ours, so also in  
3 May 2023. We'd be happy-- they designed that system.  
4 It's their system, but we'd be happy to provide-- I  
5 think that's important feedback. So happy to provide  
6 that information to OCFS. That might be a change  
7 that they can make.

8 CHAIRPERSON STEVENS: And so even with  
9 that, thinking about they launched it, did they not  
10 consult you guys? Did you guys not have like  
11 conversations about the-- it looked like you guys  
12 didn't give recommendations. How does this work?  
13 Because that just seems very strange that, you know,  
14 they launched it a week before you guys, and why  
15 didn't you guys coordinate these things a little bit  
16 better? Just trying to figure out that relationship.

17 DEPUTY COMMISSIONER SCHIFF: So, they did  
18 do some demonstrations of their new system for us.  
19 Maybe we were both, I think, trying to launch an  
20 online system as quickly as we could, and they were  
21 just a week or two ahead of us.

22 CHAIRPERSON STEVENS: Okay. For SAC  
23 programs, OCFS licensing and enforcement agencies in  
24 DOHMH is con-- contractors conduct oversight on  
25 behalf of OCFS. SAC providers report that they have

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 47  
2 struggled to identify a point person. They often are  
3 cycled between city and state to get answers to their  
4 questions. Who should providers contact if they have  
5 questions or need expedited-- an expedited background  
6 check?

7 DEPUTY COMMISSIONER SCHIFF: So that's  
8 really important feedback. I think what we should do  
9 is work with OCFS which is the agency that  
10 communicates directly with those providers to make  
11 sure that that's clear about how to reach them and  
12 when and how to reach us and when. On the city side,  
13 we do have very clear channels of communication, and  
14 that's important and I think helpful for providers,  
15 and so we would like to establish that for our state-  
16 regulated programs as well.

17 CHAIRPERSON STEVENS: But that-- I mean,  
18 again, this is why I feel like folks are confused.  
19 Because if they're contracting you to be the first  
20 line of defense, then why are we then going to the  
21 state? So why wouldn't they be coming to you guys  
22 first, and you clearing it out? Like, I feel like  
23 this is part of the confusion here.

24

25

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2 DEPUTY COMMISSIONER SCHIFF: It's very--  
3 it's helpful to have this feedback. If providers are  
4 confused, then we would-- we will work on--

5 CHAIRPERSON STEVENS: [interposing] I  
6 mean, I'm confused right now.

7 DEPUTY COMMISSIONER SCHIFF: I hear-- I  
8 hear you. So we will work-- you know, it is OCFS  
9 that communicates with their programs, but we will  
10 work-- we will speak--

11 CHAIRPERSON STEVENS: [interposing]  
12 [inaudible] communicate too.

13 DEPUTY COMMISSIONER SCHIFF: We're happy  
14 to work with OCFS to work on communicating with  
15 state-regulated programs so they know who to reach.

16 CHAIRPERSON STEVENS: Again, it's very  
17 confusing, because again, I'm asking-- you're saying  
18 like, oh, we're happy to communicate, but like you  
19 guys are typically the first person they reach out  
20 to. And so I don't understand why you wouldn't have  
21 the information or the answers, because they  
22 contract-- because in your opening statement you  
23 mentioned that they have contracted you guys to do  
24 this work. So wouldn't you guys be the first person  
25 that they would reach out to? So that's why it's

2 very confusing. And even when I was a provider it  
3 was always confusing because I would call you guys  
4 and you would say call OCFS, and I would call them  
5 and they would say call you guys back. And so this  
6 clarity between you two agencies, this is not our  
7 fight. This is y'all's fight. So y'all need to  
8 really figure this out and get clarity so that  
9 providers know distinctly yes, we go to OCFS and  
10 they're responsible; don't call us. But that's not  
11 what you guys say. It is sometimes we'll call and  
12 I'll get an answer or sometimes it'll say call them,  
13 and then they'll be like call you guys back, and then  
14 you'll give us an answer. And so that's part of the  
15 issue around even backlogs. I think definitely we  
16 should continue to have conversations about what this  
17 looks like around making sure the protocols are clear  
18 and concise so that everyone can be on the same page.  
19 I just have one more question. How often and at what  
20 point during the process does DOHMH communicate with  
21 providers about the status of their background  
22 checks?

23 DEPUTY COMMISSIONER SCHIFF: So one of  
24 the other innovations of the online system is we  
25 created a look-up tool so that providers can check

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2 themselves. So when you submit your application, you  
3 get an ID number and at any time you'll get an email  
4 response to day it's been submitted, and then we have  
5 a look-up that you can type in that number and you  
6 can see and follow the status along the way.

7 CHAIRPERSON STEVENS: And so this is with  
8 the new system.

9 DEPUTY COMMISSIONER SCHIFF: Yes.

10 CHAIRPERSON STEVENS: Okay. I'm going  
11 to-- oh, Council Member Sanchez is here and she has a  
12 very brief statement, and then I'll turn it over to  
13 Chair Schulman for her questions.

14 COUNCIL MEMBER SANCHEZ: Thank you.  
15 Thank you so much, Chairs, and thank you both Chair  
16 Stevens and Chair Schulman for your attention to  
17 these issues of background check backlogs and center  
18 inspections long before tragedy struck in  
19 Kingsbridge. And so I just wanted to make a  
20 statement on behalf of our community and in  
21 particular, Nicholas' family. Nicholas was a  
22 beautiful, fast-running, smiley one-year-old baby  
23 that we lost following opioid exposure at a daycare  
24 center in our neighborhood where he lost his life and  
25 three other children were hurt and their families

2 traumatized. And this is a painful time in  
3 Kingsbridge, especially for those who have babies of  
4 our own, and we see little Nicholas in our own  
5 children. It's a call to action for our city and our  
6 state and our country. These children should have  
7 been safe at daycare. Their parents did everything  
8 right, from working with trusted community  
9 institutions, to vetting their own licensed daycare  
10 providers. They followed everything that they should  
11 have, and we believe that government protocols  
12 failed, and this hearing, although it's been in the  
13 works for such a long time, because of your  
14 leadership-- thank you chairs-- is part of the  
15 investigation that we all have to do. I want to share  
16 that, you know, that the family-- Nicholas' family at  
17 this stage, all they want is for their baby back.  
18 That's all they would want, but since that cannot  
19 happen, they're calling on us, on us policy-makers,  
20 on us who have power to make change to leave no stone  
21 unturned, and make sure that we ask all the questions  
22 so that something like this can never happen again.  
23 So I thank you Department of Health, Department of--  
24 both of you for your leadership and your cooperation  
25 with the investigation in particular. I want to also

2 just thank the NYPD and law enforcement for the swift  
3 capture of those responsible. And I want to thank  
4 the many great providers and advocates who have come  
5 to me and come to our colleagues providing and  
6 offering ideas and support during this time, because  
7 there are, of course, many great providers out there.  
8 But I want to make sure that I ask questions in  
9 connection to the tragedy here and foreshadow that I  
10 hope with the support of the Speaker, with my  
11 colleagues and our colleagues in the state, that in  
12 addition to the conversation we're having today about  
13 background checks, that we're also going to have an  
14 in-depth conversation about inspection processes.  
15 Commissioner Vassan [sp?] has said that inspectors at  
16 DOHMH, of course, were not trained to look for  
17 illicit substances. Perhaps we never would have  
18 thought, but perhaps they should have been. And so  
19 those are conversations that I really look forward to  
20 having on behalf of and in honor of the Nicholas  
21 family. And so just a few questions. In this  
22 particular case, did the childcare inspector backlog  
23 affect the opening of the center? Was anyone who was  
24 a known person-- since we know that there was-- there  
25 were lies told to the agency, but for folks that were

2 known to be part of the childcare center care  
3 providing team, was anyone operating with their own  
4 background check not yet approved? And in support of  
5 Council Member Abreu's Introduction 1160, if 14 days  
6 is too onerous-- as you mentioned, there are  
7 realities that might be outside of DOHMH's control.  
8 How long is it currently taking? You may have  
9 mentioned this. How long is it currently taking for  
10 DOHMH to turn around background checks, and what  
11 would be a more suitable timeframe? Thank you,  
12 Chairs.

13 DEPUTY COMMISSIONER SCHIFF: Thank you,  
14 Council Member Sanchez. You know, the tragic death  
15 of that little boy in the homebase childcare program  
16 shook all of us at the Health Department and in our  
17 childcare program. We've expressed our condolences  
18 to Nicholas' family, and you know, as always is the  
19 case when something terrible happens in any business  
20 that we work with in any industry that we work with,  
21 we take a very hard look at everything that we do. I  
22 have been meeting with our childcare staff at every  
23 level. They're public health professionals who come  
24 to work every day really driven to promote safe  
25 environments for children. They conduct health and

2 safety inspections using a checklist that document  
3 the regulations that the providers are responsible  
4 for filing. Those are unannounced inspections.

5 They're also-- they also know to escalate, and this

6 is something we've been talking about as I've been

7 talking with our staff. When they see something

8 that's unsafe, even if it's not on the checklist,

9 they escalate that to their supervisor, and if it's

10 something that should be called into NYPD, they do

11 that. We know as you have said and we know from our

12 work that the vast majority of childcare providers

13 are working hard and creating safe and loving

14 environments for children, and I want to reiterate

15 that as you have just said. It's so important for

16 parents to hear that, and for the childcare providers

17 to hear that. I think it's been a very hard time for

18 everybody. So we're thinking about what are their--

19 what other important things are there for us to do.

20 We're also speaking with OCFS. So, I did just want

21 to say that, and now I've forgotten your questions.

22 COUNCIL MEMBER SANCHEZ: Just about--

23 thank you. Thank you, Deputy Commissioner. The

24 specific questions were about whether known folks who

25 are working in this daycare center, whether they had

2 their background checks active, right, they had good  
3 clear background checks? And if 14 days is too  
4 onerous, how may-- how much time is appropriate?

5 DEPUTY COMMISSIONER SCHIFF: So, you  
6 know, this case is part of a criminal investigation,  
7 so what I can say is the people who were known to the  
8 Department had been cleared. As for the timeline,  
9 you know, I-- we do think that the 45-day federal  
10 mandated process, that that is the right timeline.  
11 As I noted, you know, there are pieces of this that  
12 just take a long time. if someone has work-- and I  
13 think, you know, thinking about this family and but  
14 for all of our children, we want to do this as  
15 quickly as possible, but we also want to make sure  
16 that children are in spaces with people who have been  
17 cleared, and some of this just takes a long time. If  
18 someone has worked-- has lived out of state, we are  
19 consulting the records out of state. Some states are  
20 quick, some states are not. If we find something in  
21 the background, we're doing an assessment of that,  
22 and I wouldn't want our staff to feel like they need  
23 to rush that assessment to meet a different timeline.  
24 We want to do it in a timely way, but we want to do  
25 it carefully.

2 COUNCIL MEMBER SANCHEZ: I'm sorry, if I  
3 may? When-- before the change to DOHMH  
4 responsibility for these background checks, do you  
5 have a sense of how long it was taking the private  
6 providers?

7 DEPUTY COMMISSIONER SCHIFF: So, let me  
8 get back to you about that. I know we had plenty of  
9 complaints then too about waits. But just recall  
10 that that check was-- there was less being checked.  
11 So it was also-- it was also different. But let me--  
12 let me talk to people. You know, I've sort of-- five  
13 years ago I would have been able to answer that, but  
14 I'm so focused on or new requirements, so let me get  
15 to you about a timeline. But I-- you know, I think  
16 what's important here is that the comprehensive  
17 background check, which is what this is called, this  
18 is a good thing, right? This is enhancing safety.  
19 This is making sure that we are checking many  
20 different databases, repositories, information. So  
21 that is an enhancement for child safety, but then  
22 it's just taking time.

23 COUNCIL MEMBER SANCHEZ: Thank you.

2 CHAIRPERSON STEVENS: Thank you, Council  
3 Member Sanchez. We're going to turn it over to Chair  
4 Schulman. Thank you.

5 CHAIRPERSON SCHULMAN: Thank you. Thank  
6 you, Chair. So I just want to go back for a second  
7 to a couple of things that Chair Stevens talked  
8 about. The confusion issue, because when she was  
9 asking you the questions, I was looking out in the  
10 audience and saw a lot of people, providers I  
11 presume, shaking their heads and smiling. So there  
12 has to be a way that-- and I know the state is part  
13 of it. Year it's this back and forth between city  
14 and state, city and state. If there's a way that we  
15 could even give like a fact sheet or something that  
16 would be helpful that can just, you know, clear up  
17 some of the confusion around what's needed and what's  
18 not, that would be really helpful. I mean, I'm just  
19 making a statement about that before I ask a  
20 question, but-- and you could answer it when I ask.  
21 So, the other thing is, you talked about having 15  
22 staff, is that full-- is that-- there's no--

23 CHAIRPERSON STEVENS: [interposing] There  
24 at 55.

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2 CHAIRPERSON SCHULMAN: Oh, 55, I'm sorry.  
3 That was 15 before. Sorry, sorry, sorry. sorry. Is  
4 that-- are there any vacancies there or they're all  
5 filled?

6 DEPUTY COMMISSIONER SCHIFF: So, in our  
7 Clearance Unit which people who are working fulltime  
8 on this work we have 55 staff now. We've got eight  
9 in the on-boarding process who haven't started with  
10 us yet. We've got five openings. So we are, you  
11 know-- if you now people--

12 CHAIRPERSON SCHULMAN: [interposing] So,  
13 five--

14 DEPUTY COMMISSIONER SCHIFF: [interposing]  
15 ready to--

16 CHAIRPERSON SCHULMAN: [interposing] So,  
17 five openings in addition to whatever you have on-  
18 boarding, five separate.

19 DEPUTY COMMISSIONER SCHIFF: Yeah, so  
20 then we have-- you know, we have, as I noted-- we  
21 also have 85 staff who have a variety of duties  
22 including doing this work, and that's where we can do  
23 some of the, you know, the opening, when a program is  
24 opening, when there's an education director who is--  
25 which is a leader position in the childcare program--

2 when there's a childcare program that we've had to  
3 close for a safety reason. So we have other staff  
4 who have a variety of duties, but where they can also  
5 work on background clearances. But fully dedicated  
6 to the work we have 55 now. We're waiting on eight  
7 more, and then we've got-- you know, had a little  
8 turnover, so--

9 CHAIRPERSON SCHULMAN: [interposing] You  
10 have five vacancies.

11 DEPUTY COMMISSIONER SCHIFF: we have five  
12 opening. So please send us good candidates.

13 CHAIRPERSON SCHULMAN: Has any thought  
14 been given to having maybe special number for  
15 providers that they can call if there's an issue. It  
16 doesn't have to be like a person answering all the  
17 time. At least somebody can monitor it and get back  
18 to people. So--

19 DEPUTY COMMISSIONER SCHIFF: So we do  
20 have-- we have an email box dedicated just to this.  
21 We do have-- we do have phone numbers, also. We have  
22 borough offices, and so there are phone numbers, but  
23 we also have an email box that is dedicated to  
24 clearance issues that is actively monitored by  
25

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2 multiple people so that we can get back to people as  
3 quickly as possible.

4 CHAIRPERSON SCHULMAN: I would like you  
5 to consider having one phone number that is just for  
6 everyone. I think that would be helpful, and maybe  
7 that you don't have to do it on the borough basis.  
8 You just have the one phone number and people can  
9 monitor it, and you can make assignments for that.  
10 But I'm just-- I'm making a suggestion, because I  
11 think that might be a little easier for folks. Or we  
12 could try it on a, you know, on a test basis. So,  
13 other regions in New York State have contracted with  
14 third-party providers to process background checks,  
15 has DOHMH considered exploring this option to  
16 expedite processing?

17 DEPUTY COMMISSIONER SCHIFF: so, I think,  
18 you know, at this point we're-- as I've said, we're  
19 on a pretty good trajectory. I think-- you know,  
20 I'm-- again, I'm not here to say we're all the way  
21 there, but I think we have what we need now. We're  
22 still in a sort of start-up phase, but I think we're  
23 getting there, and it's appropriate for us to manage  
24 this.

25

2 CHAIRPERSON SCHULMAN: Okay. So going  
3 back to the five vacancies, I want to know how the  
4 central Clearance Unit will be impacted by the five  
5 percent budget cut in the November Plan and recently  
6 implemented hiring freeze.

7 DEPUTY COMMISSIONER SCHIFF: So, you  
8 know, as we are working through that backlog, and we  
9 really are on this good trajectory and we're working  
10 very closely with OMB.

11 CHAIRPERSON SCHULMAN: Okay. It's not  
12 really an answer, but okay. The Bureau of Daycare's  
13 Fiscal Year 2024 budget is \$23.7 million dollars. In  
14 comparison, FY 2023 budget is \$28.6 million dollars.  
15 How is this reduction in funding antiquated to impact  
16 services? Does the Bureau of Daycare have a  
17 satisfactory budget to inspect this city's childcare  
18 centers?

19 DEPUTY COMMISSIONER SCHIFF: So, we do  
20 have what we need to conduct the inspections and to  
21 conduct the background clearances.

22 CHAIRPERSON SCHULMAN: There were 259  
23 fulltime employees at the Bureau of Daycare when the  
24 FY 2024 budget was adopted. At adoption of the FY  
25 2023 budget, the number of fulltime employees was 266

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2 which is a decrease of seven positions when compared  
3 to this Fiscal Year. What are the seven job titles  
4 that are currently vacant?

5 DEPUTY COMMISSIONER SCHIFF: I'm going to  
6 have to get back to you about that.

7 CHAIRPERSON SCHULMAN: Please do.

8 DEPUTY COMMISSIONER SCHIFF: Yeah.

9 CHAIRPERSON SCHULMAN: How have the  
10 Fiscal 2023 PEGS impacted the agency's capacity to  
11 fill those positions?

12 DEPUTY COMMISSIONER SCHIFF: So, we have  
13 been actively filling positions.

14 CHAIRPERSON SCHULMAN: How many fulltime  
15 inspectors does DOHMH employ?

16 DEPUTY COMMISSIONER SCHIFF: We have  
17 about 100 inspectors who are out in the community  
18 doing inspections.

19 CHAIRPERSON SCHULMAN: Do these  
20 inspectors-- how many of those inspectors are  
21 specifically for childcare?

22 DEPUTY COMMISSIONER SCHIFF: Those are  
23 inspectors for childcare.

24 CHAIRPERSON STEVENS: Are they also doing  
25 inspections for other things? Because I know at one

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 63  
2 point there was inspectors who were also inspecting  
3 childcares and also doing restaurant inspections, and  
4 there were different inspectors because there was a  
5 shortage.

6 DEPUTY COMMISSIONER SCHIFF: Those are  
7 childcare inspectors.

8 CHAIRPERSON STEVENS: So, there's not  
9 people doing multiple inspections?

10 DEPUTY COMMISSIONER SCHIFF: We have 100  
11 people who are doing inspections of childcare  
12 programs.

13 CHAIRPERSON STEVENS: Okay, you didn't  
14 answer the question, but okay.

15 DEPUTY COMMISSIONER SCHIFF: OH, I meant  
16 to answer the question. Childcare-- people who are  
17 doing inspections of childcare programs are not doing  
18 inspections of restaurants.

19 CHAIRPERSON SCHULMAN: According to OCFS,  
20 in 2022 there were 9,692 registered childcare  
21 providers in New York City. Does DOHMH have enough  
22 staff to inspect these programs?

23 DEPUTY COMMISSIONER SCHIFF: Yes, we do.

24 CHAIRPERSON SCHULMAN: Based on the  
25 Administration's plan to issue a hiring freeze and

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 64  
2 cut five percent of DOHMH's budget next month, how  
3 does the agency plan to ensure that the almost 10,000  
4 childcare providers in the City are being adequately  
5 inspected?

6 DEPUTY COMMISSIONER SCHIFF: we are  
7 working closely with our OMB colleagues.

8 CHAIRPERSON SCHULMAN: Okay, I can see  
9 the road this is going. What is DOHMH's role in the  
10 inspection process for group childcare programs that  
11 fall under Article 47 of the Health Code?

12 DEPUTY COMMISSIONER SCHIFF: So, the  
13 childcare centers that are under Article 47, those  
14 are the city-regulated programs. So our role is to  
15 issue permits and to conduct inspections and also to  
16 conduct the background clearances.

17 CHAIRPERSON SCHULMAN: How often does  
18 DOHMH inspect such programs per year?

19 DEPUTY COMMISSIONER SCHIFF: So, we will  
20 inspect those programs at least annually as part of  
21 the health and safety inspection. We will conduct a  
22 re-inspection depending on what we observe. If there  
23 are issues that need to-- need a follow-up inspection  
24 we will conduct a follow-up inspection. We also have  
25 inspections conducted by Early Childhood Education

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2 consultants, and those are sort of a combination of  
3 checking issues like staff qualifications, medical  
4 records, and also those staff are master's level  
5 educators, Early Childhood educators who have been  
6 education directors themselves, and so they also have  
7 a role in supporting childcare programs in best  
8 practices, reviewing curriculum, that sort of thing.  
9 I've been on these inspections and they're really  
10 terrific.

11 CHAIRPERSON SCHULMAN: Okay. Does DOH  
12 conduct surprise inspections of Article 47 programs?

13 DEPUTY COMMISSIONER SCHIFF: Our  
14 inspections are unannounced.

15 CHAIRPERSON SCHULMAN: So, because in the  
16 case of this particular situation that Council Member  
17 Sanchez mentioned, they had had a surprise  
18 inspection, right? Was that by-- was that by DOHMH?

19 DEPUTY COMMISSIONER SCHIFF: Yes. So our  
20 contract with OCFS is conduct inspections. We report  
21 those findings to OCFS and we conduct-- those are  
22 also unannounced or surprise inspections.

23 CHAIRPERSON SCHULMAN: Is there a  
24 difference between a regular inspection and an  
25

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2 unannounced, or there's the same criteria that you  
3 look [sic]?

4 DEPUTY COMMISSIONER SCHIFF: Yes, it's  
5 the inspection. It's just that we don't say in  
6 advance that we are coming. It is just unannounced.  
7 You could say surprise. We just say unannounced.

8 CHAIRPERSON SCHULMAN: Okay. What is  
9 DOHMH's role in the inspection process for group  
10 family and family daycares?

11 DEPUTY COMMISSIONER SCHIFF: So, those  
12 inspections similarly are health safety inspections.  
13 We are-- the inspector is working through a checklist  
14 which includes the state regulations. They're  
15 looking for health and safety issues. Is there a  
16 fire extinguisher? Is there a second means of  
17 egress? Are medications out of reach of children?  
18 So, similar kinds of health and safety checks.

19 CHAIRPERSON SCHULMAN: Is it possible to  
20 share the checklist with us?

21 DEPUTY COMMISSIONER SCHIFF: Yes.

22 CHAIRPERSON SCHULMAN: Okay. Love to see  
23 that. Does DOHMH conduct inspection-- you conduct it  
24 on behalf of the State Office of Children and Family  
25 Services, right?

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2 DEPUTY COMMISSIONER SCHIFF: Correct. We  
3 report our observations to them.

4 CHAIRPERSON SCHULMAN: Is that a legal  
5 requirement, or that's a policy decision?

6 DEPUTY COMMISSIONER SCHIFF: That is what  
7 our-- so these requirements-- the requirements for  
8 Article 47 programs are in the New York City Health  
9 Code. The requirements for family daycare programs,  
10 homebase programs, are in New York State Law. OCFS  
11 is the regulatory agency charged under state law, and  
12 they issue a contract to us.

13 CHAIRPERSON SCHULMAN: Okay. So what is  
14 DOHMH's role in the inspection process for SAC  
15 license programs?

16 DEPUTY COMMISSIONER SCHIFF: SAC  
17 programs, as we've been discussing, are also under  
18 state authority. Our contract with OCFS has us  
19 conducting those inspections. So it's a similar  
20 review when we go, and it's also an unannounced  
21 inspection checking for those health and safety  
22 requirements and reporting our findings to the state.

23 CHAIRPERSON SCHULMAN: Can you describe  
24 the training that inspectors receive to do the  
25 inspections?

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2 DEPUTY COMMISSIONER SCHIFF: Yeah, sure.

3 So our health inspectors are all college graduates  
4 with a heavy background in science. They need to  
5 have 30 science credits to meet the hiring  
6 requirements, and then we have about a three-month  
7 training program. we have-- there's a classroom  
8 training component, and then there is experiential  
9 training where they will shadow more senior  
10 inspectors, and then as they grow they are out there,  
11 but being shadowed, and then they're ready to be out  
12 on their own. I just-- we just had a new group  
13 starting this week. I just went and met with them to  
14 welcome them yesterday. They have started their  
15 training.

16 CHAIRPERSON SCHULMAN: [inaudible]

17 CHAIRPERSON STEVENS: Why do they have to  
18 have a science background? Why do they have to have  
19 30 credits? Because that seems like that would be a  
20 barrier to put up and would be a reason why you're  
21 having trouble hiring.

22 DEPUTY COMMISSIONER SCHIFF: So, that is  
23 a state law, state law that dictates the public  
24 health sanitarian requirements.

25

2 CHAIRPERSON SCHULMAN: How often do the  
3 inspectors receive refresher trainings?

4 DEPUTY COMMISSIONER SCHIFF: So, we have  
5 an active in-house training unit that-- so that we  
6 have opportunities for in-house training. So, I  
7 don't know-- I'll have to get back to you to see if  
8 they have a regular cadence of training, but we do  
9 have a unit that is devoted to ongoing in-service  
10 training for our staff.

11 CHAIRPERSON SCHULMAN: So, when you have--  
12 - and I know this particular case where the child  
13 passed away is under investigation, but in general  
14 when something happens like that, do you just-- do  
15 you go through what the inspection was and all that?  
16 I'm just asking the process. I'm not asking for the  
17 specific findings of what happens in those particular  
18 circumstances.

19 DEPUTY COMMISSIONER SCHIFF: So, I'm  
20 trying to think of how to answer the question. You  
21 know, any time there is an inspection where there is  
22 a question, there is a conversation with the  
23 inspector, a review of the documentation, a review  
24 with the supervisor.

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2 CHAIRPERSON SCHULMAN: Is there-- when  
3 they do the inspections is it just one person that  
4 goes out?

5 DEPUTY COMMISSIONER SCHIFF: Yes.

6 CHAIRPERSON SCHULMAN: And then those--  
7 when-- about how many inspections do they do in the  
8 course of a day?

9 DEPUTY COMMISSIONER SCHIFF: I will have  
10 to get back to you about that.

11 CHAIRPERSON SCHULMAN: I just-- what I'm  
12 getting-- what I'm trying to get at is there are a  
13 lot? Are they overwhelmed with what they're looking  
14 for? That's what I'm trying to figure out, the work  
15 load?

16 DEPUTY COMMISSIONER SCHIFF: You know, I  
17 will say that we are all busy, but you know, it also  
18 varies. A program that is, you know, an Article 47  
19 program that has many classrooms, many children, is  
20 going to take longer than a small home-based program.  
21 A class-- a program where we find a lot of  
22 deficiencies is going to take longer, than a walk-  
23 through of a program where things are in good shape.  
24 So there's just a lot of variability.

25

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2 CHAIRPERSON SCHULMAN: I just want to make  
3 sure that they feel they have the time to do a  
4 thorough inspection. That was--

5 DEPUTY COMMISSIONER SCHIFF: [interposing]  
6 The training is to do a thorough inspection. There  
7 are no mandates to do a certain number a week. We  
8 have-- you know, our goals are to meet-- to do at  
9 least one annual inspection a year, but we are  
10 staffed to do that, and as I noted in response to  
11 Council Member Sanchez's comment, as I have been out  
12 talking to our staff, I just felt really reminded of  
13 how much they are out there to-- it is important to  
14 them. They know how important this work is, and  
15 they-- I don't think-- I don't have any reason to  
16 think that they are feeling pressured to get in and  
17 out of there, is that's what the question--

18 CHAIRPERSON SCHULMAN: [interposing] I  
19 have one more question before I hand it back to Chair  
20 Stevens. When staff are pending approval and DOHMH  
21 conducts an inspection, is the provider penalized  
22 because their staff has not yet been cleared?

23 DEPUTY COMMISSIONER SCHIFF: So, there  
24 needs-- the education director who is the lead at the  
25 program needs to have been cleared, and that's why I

2 noted that we've got staff who are sort of there to  
3 hand-hold and expedite those, because that's how the  
4 program can open. For other staff, so long as they  
5 have submitted the application to us and they are  
6 under supervision of a cleared person, there isn't a  
7 summons for that. You know, we know that too is a  
8 burden. I don't mean to say that it's not, and that  
9 is why we are just so happy that we are now-- we're  
10 not there yet-- but that we are on a trajectory to  
11 getting where we want to be.

12 CHAIRPERSON SCHULMAN: Alright, now I'm  
13 going to hand it back to Chair Stevens. Thank you  
14 very much, Deputy Commissioner.

15 CHAIRPERSON STEVENS: Well, thank you. I  
16 know DYCD, I have questions for you. Don't worry,  
17 I'm coming. But I'm going to create space for my  
18 colleagues and I'm going to turn it over to Shaun--  
19 Council Member Abreu.

20 COUNCIL MEMBER ABREU: Thank you, Chair  
21 Stevens and Chair Schulman. First, I would like to  
22 open up by thanking you for your testimony and your  
23 feedback. First, I would like to push back on 1159.  
24 The intent of 1159 is to utilize the online system.  
25 We're not asking for them-- we're not asking for you

2 to have a phone conversation for each background  
3 check. That's not the goal. In fact, we're trying  
4 to-- we want to move away from that. We want to be  
5 efficient. If DOHMH is already checking the DOE  
6 system where applicable, then we would want to codify  
7 that and explore how we can go further. And we look  
8 forward to discussing that offline. But I also-- but  
9 I do have a question on Identogo. Why does Identogo  
10 process both DOE and DOHMH fingerprints but they are  
11 not interchangeable? Is this due to the vendor, or  
12 is DOHMH requiring additional fingerprints apart from  
13 DOE?

14 DEPUTY COMMISSIONER SCHIFF: I'm going to  
15 have to get back to you about that. I'll say that  
16 Identogo, the Health Department engaged Identogo  
17 which is a third-party provider which has outlets all  
18 over the City and elsewhere as a way to make it  
19 easier for providers to get fingerprints, that there  
20 are many, many locations which had been a barrier to  
21 clearances in the old system that Council Member you  
22 had asked me about, the pre-CCDBG system. So that  
23 was an innovation that we started a few years ago  
24 that I think has made things very helpful. I'll get  
25 back to you about that interchangeability.

2 COUNCIL MEMBER ABREU: Should they be  
3 interchangeable?

4 DEPUTY COMMISSIONER SCHIFF: I'll have to  
5 get back to you.

6 COUNCIL MEMBER ABREU: Okay. With  
7 respect to 1160, the Administration is-- at least you  
8 have said on behalf of the Administration that  
9 individual data is too burdensome and that you prefer  
10 to do aggregate data. The question is what data are  
11 you already collecting?

12 DEPUTY COMMISSIONER SCHIFF: So, we're  
13 looking at the items that you have in the bill that  
14 you would like us to report to make sure that's  
15 something we'll be able to report. Really, our  
16 recommendation is because we do receive about 50,000  
17 applications a year, that we find something that  
18 would be-- you know, ways to report aggregate data  
19 that would be useful to you, rather than report line  
20 level data.

21 COUNCIL MEMBER ABREU: Wouldn't it be less  
22 work to report for each individual? According to our  
23 Council data team, it suggests that it wouldn't be  
24 more burdensome, so it's why I ask the question.

2 DEPUTY COMMISSIONER SCHIFF: I think  
3 producing a report with 50,000 line entries would be  
4 burdensome, and really we want to produce information  
5 that's useful to you and that's easy for us to  
6 create, because I will have to pull people off of the  
7 clearance work to do this report. So we'd love to  
8 talk with you about this. I think we can find  
9 something. You know, as I said, we're happy to  
10 report, so we'd like to report something that meets  
11 your needs and that is easy for us to produce.

12 COUNCIL MEMBER ABREU: We'll be in  
13 communication. Thank you.

14 DEPUTY COMMISSIONER SCHIFF: Look forward  
15 to it.

16 CHAIRPERSON STEVENS: Council Member  
17 Menin.

18 COUNCIL MEMBER MENIN: Thank you so much.  
19 So I have a line of questioning based on the powerful  
20 statement from my colleague Council Member Sanchez,  
21 and based on the Chair's prior questioning. DOHMH  
22 inspector checklist, does it include an inspection of  
23 every single room in a home-based childcare facility?

24 DEPUTY COMMISSIONER SCHIFF: Yes.  
25

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2 COUNCIL MEMBER MENIN: Okay. How long  
3 did this particular inspection take?

4 DEPUTY COMMISSIONER SCHIFF: Do you mean  
5 the inspection of--

6 COUNCIL MEMBER MENIN: [interposing] The  
7 time, the time, the time period. Because inspectors  
8 generally clock in and clock out and put that  
9 information on. How long did this particular  
10 inspection take, and how does that differ from the  
11 average inspection time?

12 DEPUTY COMMISSIONER SCHIFF: When you say  
13 this particular inspection--

14 COUNCIL MEMBER MENIN: [interposing] The  
15 one involved in the Bronx tragedy.

16 DEPUTY COMMISSIONER SCHIFF: I don't have  
17 the time stamps for that inspection or the general  
18 time stamps, but we can get back to you about that,  
19 you know, if it's appropriate to share.

20 COUNCIL MEMBER MENIN: Yes, could you  
21 please provide to the respective committees, the  
22 actual time inspection and how it differs from the  
23 average time of a homebase childcare facility, just  
24 so we-- the respective committees can have that.  
25 That would be really helpful if you can provide that.

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2 DEPUTY COMMISSIONER SCHIFF: We'll look  
3 and see if we-- if that's something we can provide.

4 COUNCIL MEMBER MENIN: Okay. Did you--  
5 have you all changed the protocol training for the  
6 inspectors in light of this tragedy?

7 DEPUTY COMMISSIONER SCHIFF: So, as I  
8 said, when any terrible thing happens, we look inside  
9 out and upside down at every piece of the process,  
10 and we're looking to see what else we should be  
11 doing.

12 COUNCIL MEMBER MENIN: But has there-- I  
13 guess my question is, has-- I mean, I served  
14 previously as Commissioner of Consumer Affairs that  
15 had a whole division of inspectors. We would  
16 constantly modify training. Have you all modified  
17 the training that's given to these particular  
18 inspectors in light of the tragedy, and if so, how?

19 DEPUTY COMMISSIONER SCHIFF: we're  
20 looking to see what- if-- what other training we  
21 might need to do.

22 COUNCIL MEMBER MENIN: Okay, I can't-- I  
23 understand there's an active criminal investigation.  
24 I certainly understand that, but I can't impress upon  
25 the fact that I think, you know, given what happened

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2 there needs to be a modification of the training.

3 So, for example, when these inspectors are going into  
4 every room, how long are they taking? What-- what  
5 are they exactly looking for? And given the scourge  
6 of fentanyl that is existing in the city, what can be  
7 done to improve the training process?

8 DEPUTY COMMISSIONER SCHIFF: So, as I  
9 said, we are-- we are reviewing all of these issues  
10 to determine what other things we might want to add.

11 COUNCIL MEMBER MENIN: Have you all  
12 looked at how other cities in terms of their  
13 inspection process, how are they dealing specifically  
14 with the issue of fentanyl, and are there best  
15 practices that we in New York City can learn from  
16 other cities?

17 DEPUTY COMMISSIONER SCHIFF: This is part  
18 of the review that we're doing. We will be looking  
19 at other jurisdictions as well.

20 COUNCIL MEMBER MENIN: Okay, alright. I'm  
21 going to go in a different area with the little time  
22 that I have left. So an EDC report from last  
23 December acknowledged the issue of obtaining second  
24 floor and basement space for childcare centers. The  
25 Administration shared that it would be developing

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2 additional guidance from FDNY, from DOB, from DOHMH  
3 for property owners. What are the latest  
4 developments with that?

5 DEPUTY COMMISSIONER SCHIFF: We did  
6 develop a guide-- I think this was in response to  
7 your legislation, Council Member-- for property  
8 owners so that they could market their space to  
9 childcare providers which does address some of these  
10 issues about where a childcare program can be located  
11 on which floors.

12 COUNCIL MEMBER MENIN: So there is this  
13 additional guidance, and it has been disseminated?

14 DEPUTY COMMISSIONER SCHIFF: There is  
15 this additional guidance. Let me check and see how we  
16 have disseminated this. This was really addressed  
17 towards-- to property owners so that they can engage  
18 with childcare programs. So let me get back to you  
19 about the details of how that has been disseminated.

20 COUNCIL MEMBER MENIN: My office has  
21 heard that DOHMH, DOB, and FDNY all do not want to  
22 take responsibility for providing second floor or  
23 basement space permits for childcare providers. Why  
24 doesn't DOHMH take that central authority, given that  
25 it is in the Health Code?

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2 DEPUTY COMMISSIONER SCHIFF: So, there  
3 are requirements in the Health Code about where a  
4 childcare program can be located. Those are key fire  
5 safety measures. Then we consult very closely with  
6 FDNY to make sure that the Health Code sets out  
7 appropriate requirements so that if there is a fire,  
8 children will be safe.

9 COUNCIL MEMBER MENIN: Okay. Alright,  
10 those are my questions. Thank you very much.

11 CHAIRPERSON STEVENS: Thank you, Council  
12 Member. Council Member Ariola?

13 COUNCIL MEMBER ARIOLA: Thank you,  
14 Chairs. You have 100 inspectors that go out and  
15 there are 9,692 providers. So did I hear correctly  
16 when you say that the inspectors go out annually, and  
17 then you kind of rely on a good faith of the  
18 providers to say if anything has changed within their  
19 daycare center or school during that period of time?

20 DEPUTY COMMISSIONER SCHIFF: So, our  
21 inspections are unannounced inspections at least  
22 annually, and those are point-in-time inspections.  
23 Childcare providers are responsible for following the  
24 health and safety rules at all times, and the  
25 inspection is designed to be a point-in-time check to

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2 see whether they are following those requirements.

3 If we observe something that requires correction,  
4 depending on exactly what it is, the severity of it,  
5 we will go back out to make sure that that's  
6 corrected.

7 COUNCIL MEMBER ARIOLA: On September 6<sup>th</sup>  
8 when the inspector went out to this daycare location  
9 where Nicholas Dominici lost his life and three other  
10 children were sick, was this inspection generated by  
11 a complaint, or was it in standard, you know,  
12 standard operating procedure?

13 DEPUTY COMMISSIONER SCHIFF: This was a  
14 routine, unannounced inspection.

15 COUNCIL MEMBER ARIOLA: I want to go back  
16 to Council Member Menin's question, because it's  
17 actually a question I have here on my page, and I  
18 don't really think that you answered it appropriately  
19 or specifically enough. Because the quote from your  
20 commissioner for ABC News, that I saw, was that your  
21 inspectors are not trained in fentanyl detection, and  
22 maybe they should be, maybe. How committed is the  
23 DOHMH to providing that type of training if your  
24 commissioner is saying maybe?

25

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2 DEPUTY COMMISSIONER SCHIFF: So, what I  
3 can say is that this is-- it is a high priority for  
4 us. We are reviewing everything about the program.  
5 We're in conversation with OCFS and looking to see  
6 what else is important to add to our program.

7 COUNCIL MEMBER ARIOLA: Are there any  
8 drug treatment programs that you're working with to  
9 come in and give training to the inspectors? Are you  
10 working with other agencies like the DEA or any law  
11 enforcement to come in and give training?

12 DEPUTY COMMISSIONER SCHIFF: So, we,  
13 obviously, have a lot of resources that we can tap  
14 into and we will work with those resources when we  
15 determine what's appropriate.

16 COUNCIL MEMBER ARIOLA: So, can you say  
17 which resources you have reached out to, or is it  
18 something you can't say?

19 DEPUTY COMMISSIONER SCHIFF: I'm not able  
20 to comment in any more detail about that.

21 COUNCIL MEMBER ARIOLA: Okay. I want to  
22 go back to the background checks. What triggers a  
23 safety assessment when you get the background check  
24 back from any one provider about a person who's  
25 working there or living there?

2 DEPUTY COMMISSIONER SCHIFF: Yeah, so,  
3 you know, as I noted, a part of the CCDBG  
4 requirements is that if there is a flag in the  
5 history for that particular applicant, that we are--  
6 we do a safety assessment. So, there are certain  
7 crimes, you know, that make it a mandatory  
8 disqualification. You know, I do want to assure  
9 everyone this is rare, but it does happen. So,  
10 arson, child pornography, that person is not able to  
11 work in childcare. So we have to do-- so we do a  
12 review of that, and that's a mandatory disqualifier.  
13 It could be that there's a finding that a person  
14 jumped a turnstile. That requires an assessment, and  
15 that person may not need to be disqualified from  
16 working in childcare. Someone could have, you know,  
17 a DUI. There are certain restrictions you can put on  
18 the person, no working with transportation. You--  
19 everybody in the childcare program has to be cleared.  
20 You could be an employee who works when there are no  
21 children present. So it is really an assessment of  
22 the particular circumstances, and you can imagine how  
23 important this work is. We are identifying whether a  
24 person can work with children, and we are also  
25 assessing whether this person can pursue this job.

2 COUNCIL MEMBER ARIOLA: And are they able  
3 to work while this is being ascertained, since there  
4 is a backlog? Are they able to work until their  
5 background check comes in?

6 DEPUTY COMMISSIONER SCHIFF: So, I want  
7 to get this right, because it's so important. So let  
8 me find out exactly what happens when we get this  
9 employee we call a hit [sic], and how we communicate  
10 that, and through what that time period is. Let me  
11 get back to you about that.

12 COUNCIL MEMBER ARIOLA: No, no, it's  
13 really cut and dry. It's-- are-- if I'm being-- my  
14 background is being checked, am I able to work at a  
15 daycare center while I'm awaiting that response?

16 DEPUTY COMMISSIONER SCHIFF: So, when--  
17 so the person-- a person has to be fully cleared, at  
18 least the education director has to be fully cleared.  
19 The people-- a person can work so long as they are  
20 under constant supervision of a cleared person, so  
21 they're not alone with children, while we are  
22 processing. I misunderstood what your question was.  
23 So that is the safety mechanism. And as I said, that  
24 doesn't get us all the way where we want to be. That  
25 is also a burden on the childcare program, that that

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2 person can't work independently, and that's why we're  
3 really happy that we are in a better place. We're on  
4 a trajectory to improvement, and we'll be able to get  
5 those results back faster to programs.

6 COUNCIL MEMBER ARIOLA: Okay, and I just  
7 have one last question. Just indulge. Were there  
8 any complaints on this particular location prior to  
9 the inspector going even though it was a routine  
10 inspection? Were there any complaints made about  
11 this particular daycare center?

12 DEPUTY COMMISSIONER SCHIFF: You mean the  
13 program, the family--

14 COUNCIL MEMBER ARIOLA: [interposing] Yes,  
15 programming.

16 DEPUTY COMMISSIONER SCHIFF: program in  
17 the Bronx.

18 COUNCIL MEMBER ARIOLA: Right.

19 DEPUTY COMMISSIONER SCHIFF: I don't want  
20 to misspeak so I need to have my staff confirm before  
21 I get back to you.

22 CHAIRPERSON STEVENS: Thank you. Council  
23 Member Velázquez?

24 COUNCIL MEMBER VELÁZQUEZ: Thank you,  
25 Deputy Commissioner, for today. I have a couple of

2 questions, and I kind of need to echo the sentiment  
3 of my fellow colleagues here, especially when it  
4 comes to the checklist and the reliance so heavily on  
5 this and yet, there's no real confirmation of how are  
6 we considering revising this, given the fact that we  
7 know what happened and we understand. So I mean,  
8 even given the circumstances, has anything changed  
9 within the last even couple of weeks? We understand  
10 that you do have to have a formal review process. We  
11 do understand that much, but at the same time, you  
12 know, they're our daycare centers, and these are our  
13 children, all of our kids, and it's on us. And we  
14 want to make sure that besides the long-term version  
15 what is your short term right now? What are you  
16 doing with the checklist right now? In addition to  
17 that, you did mention a reliance on a lot of state  
18 guidance. Is there an opportunity where you have  
19 seen where we can advocate here through a resolution  
20 where we can actually work with our colleagues in  
21 state government to modify those guidances [sic], to  
22 accurately reflect or to go to issues that haven't  
23 been addressed that your inspectors have seen?

24 DEPUTY COMMISSIONER SCHIFF: So we are,  
25 you know, undergoing the review. As I said, when any

2 terrible thing happens to any of our-- any entity  
3 that we-- where we have regulatory authority, that's  
4 an opportunity for us to look at our processes and  
5 our protocol and also the law. So we are in-- we're  
6 doing that. As I have been out meeting with our  
7 inspectors, I have heard from them about the  
8 thoroughness of their inspection and how they do look  
9 for safety issues, even if they're not on that  
10 checklist, and they do know to escalate those to  
11 their supervisor and to NYPD. As for communicating  
12 with the state, we do work very closely with OCFS.  
13 We are in conversation with them, and we would be,  
14 you know-- we have a very good relationship with  
15 them, but we would be happy to come back to council  
16 if there are areas where we think that your advocacy  
17 might help. We're happy to-- you know, I think it's  
18 a good idea and would like to engage with you about  
19 that if we feel that that's necessary.

20 COUNCIL MEMBER VELÁZQUEZ: Okay, and then  
21 in regards to inspectors, I have several questions.  
22 You had mentioned that you do have 100 inspectors  
23 dedicated and it looks like it's 9,000 centers that  
24 you are using-- inspecting annually. What kind of  
25 metrics do you have for these inspectors,

2 specifically time preformed? In addition to that,  
3 what kinds of behaviors have you noticed with  
4 inspectors; i.e. if they are overwhelmed, what kind  
5 of mitigations do you have for them?

6 DEPUTY COMMISSIONER SCHIFF: I didn't  
7 catch the-- can you repeat the first part of your  
8 question?

9 COUNCIL MEMBER VELÁZQUEZ: The metrics  
10 for inspectors.

11 DEPUTY COMMISSIONER SCHIFF: Oh, what  
12 kind of metrics do we have? So we do know the  
13 caseloads for inspectors and we, you know, review  
14 those regularly to determine whether distribute-- you  
15 know, redistributing some of the work load is needed.  
16 Inspectors, you know, work closely with their  
17 supervisor to make sure that they're able to complete  
18 to get to their case load. We are monitoring very,  
19 very closely that we're meeting our goals to inspect  
20 all programs at least one a year, and to get back to  
21 those programs where we do find a deficiency within  
22 the timeframes to do re-inspections. So we do have  
23 quite a lot of metrics, and we are monitoring those  
24 very actively.

25 COUNCIL MEMBER VELÁZQUEZ: thank you.

2 CHAIRPERSON STEVENS: Thank you. We've  
3 been joined by Council Member Felíz. I do have a  
4 couple more questions, but you've been going for a  
5 really long time, so I'm going to ease over here to  
6 DYCD and give you a break, because you've been  
7 getting a lot of questions. So, questions for DYCD.  
8 What feedback has DYCD received from providers about  
9 the delays in processing school-aged childcare  
10 clearances? Does the agency track or qualify new how  
11 many providers are struggling to get staff cleared?

12 ASSISTANT COMMISSIONER GUILLEN: First  
13 off, good morning to all my--

14 CHAIRPERSON STEVENS: [interposing] Hold  
15 on.

16 ASSISTANT COMMISSIONER GUILLEN: Can you  
17 hear me?

18 CHAIRPERSON STEVENS: I can hear you.

19 ASSISTANT COMMISSIONER GUILLEN: I just  
20 want to make sure. Thank you, Chairs, for inviting  
21 DYCD today. My name is Daniel Guillen, Assistant  
22 Commissioner for the Youth Services Operations Unit  
23 here at DYCD. Since the transition to the online  
24 portal, providers do have access to webinars, user  
25 guides, tutorials, FAQs, and we are recognizing a

2 significant reduction in flags from providers when  
3 there are challenges. DYCD does have a dedicated  
4 unit within the operations unit to support providers  
5 through all of the licensing process, including the  
6 background checks, and in the event when a provider  
7 does flag and need an escalation, we work  
8 collaboratively with DOHMH to escalate any concerns  
9 and delays.

10 CHAIRPERSON STEVENS: I giggle, because  
11 even with the unit, I remember often it wasn't very  
12 helpful. So could you tell me, like, since the  
13 online portal has happened, what changes have been  
14 made as far as like DYCD and this unit that's  
15 supposed to help with these clearances? Cause a lot  
16 of times the just referred us back to DOHMH.

17 ASSISTANT COMMISSIONER GUILLEN: Yeah,  
18 so one of the things we wanted to make sure that we  
19 were offering constant training and operations guides  
20 itself. As you know, there are new program directors  
21 that come board and they're used to this process, and  
22 we want to make sure that they're on-boarded, aside  
23 from their CBO's do their own internal on-boarding,  
24 that they feel that, you know, the funder DYCD is  
25 supporting them through that process. so it's not

2 just limited to hey, here's the phone number, but  
3 here's the process, here's where you can learn more  
4 about the regulations and what those requirements  
5 are, here are the live links to the webinars and  
6 tutorials that offered on the OCFS website so that  
7 they have that that guide, you know, on-hand  
8 digitally for usage and throughout the program here.

9 We do recognize that it is a large number of  
10 programs, right? So right now, at Youth Services  
11 there are over a thousand programs that operate under  
12 the school-age childcare license. So we want to make  
13 sure that there are systems in place where it's self-  
14 sustainable. But we do have staff that are amiable to  
15 do one-on-one TA support as-needed.

16 CHAIRPERSON STEVENS: So, if there's a new  
17 director that comes on, does that trigger it where  
18 you guys reach out and say, like hey, these are the  
19 tools, this is what we do, or they have to know to  
20 reach out to you?

21 ASSISTANT COMMISSIONER GUILLEN: Well,  
22 our team had directly lead contacts for every CBO.  
23 So typically, either the CBO has the central support,  
24 and in the event that they don't have those resources  
25 in place, they do reach out directly to DYCD. We are

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2 aware when there is a new director, because it is  
3 required to notify--

4 CHAIRPERSON STEVENS: [interposing] I  
5 know, they have to notify you, and--

6 ASSISTANT COMMISSIONER GUILLEN:  
7 [interposing] Yep, so in that case we also do follow  
8 up to make sure that they know those procedures in  
9 place. In many cases it's that it's a new director,  
10 but they're from another CBO so they're very familiar  
11 with the process.

12 CHAIRPERSON STEVENS: What supports has  
13 DYCD offered to providers struggling with background  
14 check backlogs? I mean, I know you just talked about  
15 like the unit, but like what other supports. I know  
16 you said there's a couple of webinars, but when we're  
17 talking about some times when clearances are just  
18 taking really long. Does that kick into the unit?  
19 DO you guys reach out to the state or DOHMH? Do you  
20 guys do some of that work?

21 ASSISTANT COMMISSIONER GUILLEN: Yeah, so  
22 we do have constant communication with the team at  
23 DOHMH, the Bureau of Childcare, and have active  
24 conversations and flag when we're noticing that  
25 providers are continuously reaching out to us, aside

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2 from the first step of just, you know, redirecting  
3 them to DOHMH. If we notice a pattern, if it's more  
4 than one, you know, program within a CBO, then we  
5 know there's a need to escalate.

6 CHAIRPERSON STEVENS: And what does the  
7 escalation look like?

8 ASSISTANT COMMISSIONER GUILLEN: Well, I  
9 mean, it's a case by case basis, right? You know,  
10 there may be background checks and maybe the lead  
11 director that requires-- it's a new director that  
12 now-- there's a change in director and the SAC  
13 license which is a much more thorough process. So,  
14 it's the--

15 CHAIRPERSON STEVENS: [interposing] Let me  
16 tell you, it's--

17 ASSISTANT COMMISSIONER GUILLEN:  
18 [interposing] nuances, yeah.

19 CHAIRPERSON STEVENS: Change in SAC  
20 license is like a [inaudible]

21 ASSISTANT COMMISSIONER GUILLEN: Yeah, so  
22 it does require thorough review on our end based on  
23 the knowledge we know from the provider, and also,  
24 you know, what capacity and supports that they have  
25 internally to make sure that they're able to

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2 implement and reach out to the right people to solve  
3 their issue.

4 CHAIRPERSON STEVENS: So-- and just  
5 thinking about the new system that was launched in  
6 May, what was the communication like between DOHMH  
7 and DYCD? How soon were you brought in on board when  
8 they were changing it with the state, and then with  
9 the city? Like, what did that process look like for  
10 you guys, and what communication did you guys have?

11 ASSISTANT COMMISSIONER GUILLEN: So, as  
12 we begin to learn that the system was being  
13 implemented, we began regular communications with  
14 DOHMH to really assess what that impact would be for  
15 our programs. We were excited to hear that the  
16 process was moving into an online portal, because we  
17 know that would streamline processes and hopefully  
18 reduce the number of backlogs and the number of  
19 inquiries that would come our way to help escalate to  
20 DOHMH. So, as we went along we wanted to make sure  
21 that our providers were aware. So as soon as those  
22 links were made available, we were making sure that  
23 we were communicating out to those CBOs to access  
24 those tutorials, access those web links and  
25 communicate with DOHMH, because that is the

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2 centralized process. It was something that we were  
3 needing ourselves.

4 CHAIRPERSON STEVENS: And so just even  
5 thinking about the process of when it was coming  
6 online, was there time for your guys to give feedback  
7 to DOHMH, and were you guys like working  
8 collaboratively together, or was this something that  
9 was done totally separate?

10 ASSISTANT COMMISSIONER GUILLEN: I mean,  
11 there's been ongoing conversations for a long time  
12 between both of our agencies, just about the process  
13 itself vehicle we've been engaged so consistently in  
14 helping providers, so that when the system was coming  
15 into fruition, it was something that already, you  
16 know, engrained in our minds what expectations, what  
17 hopes we really wanted to drive home in the system.

18 CHAIRPERSON STEVENS: What communication  
19 has DYCD had with OCFS about the impact processing  
20 delays have had on providers?

21 ASSISTANT COMMISSIONER GUILLEN: So,  
22 because DOHMH is that lead agency, we do being direct  
23 contacts, but we've had a number of meetings with  
24 OCFS. When we did learn about the new system, we did  
25 have that conversation with DOHMH and OCFS. So it

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 96  
2 was first revealed to us, OCFS was a part of that  
3 conversation.

4 CHAIRPERSON STEVENS: SAC providers  
5 report that they don't have enough cleared staff.  
6 They cannot meet the full rate of participation for  
7 each classroom. Does this have a negative impact on  
8 their vindex [sic] rating? Does DYCD take this under  
9 advisement and how can the agency adjust ratings on  
10 the account for staff deficiencies?

11 ASSISTANT COMMISSIONER GUILLEN: So, yes,  
12 we are aware that, you know, the annual evaluations  
13 impact a provider's vendex [sic] or passport rating.  
14 You know, we want to make sure that programs are  
15 operating at the correct and required ratio, because  
16 safety is paramount and accurate supervision is  
17 paramount to a safe program. When we do recognize  
18 that there was a delay in staffing up and having  
19 appropriate staff, we did allow providers and  
20 opportunity to ramp up enrollment at as clearances  
21 did come through. We have been engaging in  
22 conversations with CBOs, first with a survey and we  
23 hope once we have that survey completed to share with  
24 you all. Just really getting-- assessing the full  
25 impact over the process and really rethink what that

2 may look like in the future in terms of the ROP and  
3 enrollment indicators. It's also important to note  
4 that we do individual evaluations as well, so it's  
5 not just one site visit, there's multiple. So, you  
6 know, it is possible that in that first site ,  
7 especially as programs are ramping up, the  
8 performances may not be as strong, but given the  
9 timeline that, you know, we do go out on two visits,  
10 it may give enough ample opportunity for folks to  
11 catch up and be able to resolve those pending  
12 [inaudible].

13 CHAIRPERSON STEVENS: I mean, that still  
14 becomes very hard especially around the staffing  
15 issue, because you ramp up program and have like a  
16 great program, but if you don't have enough cleared  
17 staff, and even-- like, even if you have cleared  
18 staff, but you don't have enough cleared staff to  
19 then supervise the staff, that's still going to have  
20 an impact on programming because you can't do the  
21 things that you would normally do. And so I do know  
22 that there is other factors taken into consideration,  
23 but I think that especially as the system is ramping  
24 up and things like that, and we know that there's a  
25 backlog, we should really not be penalizing

2 organizations for things that are kind of out of  
3 their control, right? Like, they don't'-- they're  
4 not in charge of the clearance process, so why are we  
5 then penalizing them for something that they don't  
6 have control over, especially when things are  
7 submitted in a timely manner, and those thing are  
8 done. That's all the questions I have for you right  
9 now. Thank you. And back to the Deputy

10 Commissioner. Just-- I just have a couple more  
11 questions, and then-- so since the rolling out of the  
12 new automatic process system in May, how many  
13 successful applications have you guys processed, and  
14 how many have had errors and you had to be corrected?

15 DEPUTY COMMISSIONER SCHIFF: We've  
16 cleared over 5,000 applicants since the online system  
17 was launched. In terms of sending, you know,  
18 applications that have been-- that were not complete  
19 or were not-- we sort of call them healthy  
20 applications, things that were missing something. I  
21 don't have that number with me. I think we can pull  
22 that number for you, though. I think we have that in  
23 our data. So if we have it, I'm happy to share with  
24 you. And again, you know, that's-- that is part of  
25 the learning process, and we-- that is why we've had

2 webinars. We have FAQs. We're doing email reminders  
3 to programs for sort of top, you know, things that we  
4 see people making mistakes repeatedly so that we--  
5 because we want everyone to submit correctly on that  
6 first shot. So I think that's just part of the  
7 learning process, and we'll see things go even more  
8 quickly once everyone is used to the new system. I do  
9 want to-- I did-- in a question that I was asked  
10 before and I was able to get the answer regarding the  
11 homebase program in the Bronx, we had not received  
12 any complaints about that program.

13 CHAIRPERSON STEVENS: When the new system  
14 was started, did you test it, and how did you-- how  
15 did you train-- how did the training go for those  
16 things, and did you have partners? Did you partner  
17 with DOE and DYCD to do those trainings and kind of  
18 like flush those things out a bit?

19 DEPUTY COMMISSIONER SCHIFF: Yes. So  
20 during the testing phase of the online form, we did  
21 use our acceptance testing with our own staff, both  
22 for the front end as though they were providers, and  
23 on the back end for their receipt of the information,  
24 but we also partnered with community-based  
25 organizations with providers. We invited some

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2 providers to come in and do the testing, too, and got  
3 really good feedback from them and we were able to  
4 make some adjustments. So, DYCD's programs are using  
5 the other, you know, using the state's system. I  
6 would-- I don't know, and I don't know if my  
7 colleague knows whether, you know, how New York State  
8 did their testing. So I'm not sure about that, but  
9 for our testing--

10 CHAIRPERSON STEVENS: [interposing] Don't  
11 worry, I'll ask him when you're done.

12 DEPUTY COMMISSIONER SCHIFF: For our  
13 system, that was part of our testing protocol.

14 CHAIRPERSON STEVENS: Thank you. So, did  
15 you guys work with OCFS before they released it, and  
16 did they do similar things that they did as well?

17 ASSISTANT COMMISSIONER GUILLEN: They did  
18 the user acceptance test directly with the CBOs, not  
19 necessarily with DYCD.

20 CHAIRPERSON STEVENS: SO you didn't-- you  
21 guys weren't able to work with them?

22 ASSISTANT COMMISSIONER GUILLEN: Not  
23 necessarily for the user acceptance test.

24 CHAIRPERSON STEVENS: Okay, alright,  
25 thank you. At this time I don't have-- oh, I'm

2 sorry. I would like to acknowledge Council Member  
3 Narcisse and she has a question.

4 COUNCIL MEMBER NARCISSE: Thank you. I  
5 was still preparing some other questions, but thank  
6 you Chairs. Thank you for being here. Some of the--  
7 I understand the importance of completing a  
8 comprehensive background check. It takes about 45  
9 days from where-- I'm in the middle of the reading of  
10 those, the statements. So, what steps are being  
11 taken to overhaul the background check system to  
12 prevent such bottlenecks in the future? Are there  
13 plans to modernize the system to make it more  
14 efficient and less prone to such destructive delays?

15 DEPUTY COMMISSIONER SCHIFF: Yeah. So I  
16 as I had testified before, we were able to launch our  
17 online system and bring on the 50 fulltime staff for  
18 the unit. It was taking us many, many months. I  
19 mean, it would be very common for it to take eight  
20 months for us to process the clearance. We had  
21 really tens of thousands of applications in our  
22 backlog. So, we-- since we've been able to hire  
23 fulltime staff and really build our program and  
24 launch an online form, those processing times have  
25 dramatically increased. It now takes us about 36

2 days to process and application. Federal law  
3 provides 45 days, and there are some circumstances  
4 where we do absolutely need that full time. Not  
5 everything is in our control. We-- I think that as  
6 we-- as all of our staff are trained and we get  
7 better and better at using these new systems, we will  
8 eliminate the backlog entirely. We now have only  
9 about 140 applications in our backlog. So things are  
10 really on a positive trajectory, and we expect to  
11 just continue to troubleshoot, refine our process and  
12 get better.

13 COUNCIL MEMBER NARCISSE: So we are in  
14 better shape, that's what you're saying. Can you  
15 provide detailed data on how many educational and  
16 special needs program have been directly impacted by  
17 this clearance backlog? What is the estimated number  
18 of children left without essential services due to  
19 the delay?

20 DEPUTY COMMISSIONER SCHIFF: And so we  
21 know that before we had our really-- almost our new  
22 program, a program that is fully staffed, although we  
23 still have some staff that we are on-boarding and  
24 some of the staff are still in training and have our  
25 new system that our processing time is dramatically

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2 reduced and our backlog is dwindling. I don't know  
3 that if-- that I could turn back the clock, and I  
4 don't know that we have information about, you know,  
5 a year and a half ago when we had a backlog of tens  
6 of thousands, you know, which programs were impacted  
7 by that. I'm not sure that we have that. What I can  
8 tell you now is that our processing times are much,  
9 much faster--

10 COUNCIL MEMBER NARCISSE: [interposing]  
11 Much better.

12 DEPUTY COMMISSIONER SCHIFF: and our  
13 backlog is much, much smaller and we are on our way  
14 to not having a backlog which is our goal.

15 COUNCIL MEMBER NARCISSE: What mechanisms  
16 are in place for providers and families to voice  
17 their concerns and receive timely updates about when  
18 they can expect resolutions?

19 DEPUTY COMMISSIONER SCHIFF: So, one of  
20 the things that we included in the online system,  
21 which we knew was really important to providers, was  
22 a way for them to check themselves, the status of the  
23 application. So we have automated notifications that  
24 go out, but we also have a place where a provider,  
25 they have an identifier for that applications, they

2 can type that in and they can get a check on the  
3 status of their application.

4 COUNCIL MEMBER NARCISSE: So, now I will  
5 say, if I may, that you have enough staff that can  
6 take care of making sure we don't have backlogs like  
7 we used to?

8 DEPUTY COMMISSIONER SCHIFF: So we do.  
9 We have eight more people coming and we have-- some  
10 of our staff are still in training, so this is why we  
11 are-- you know, I'm not ready to say that we're all  
12 the way there, but we do have the staff that we need  
13 to really run this program properly.

14 COUNCIL MEMBER NARCISSE: One of the  
15 things that as a mother of four I'm always concerned  
16 about the safety of our children in New York City.  
17 We don't want to say oops to children that relied on  
18 us, especially the innocent faces that we can see.  
19 So whatever we do, I'm counting on you to continue  
20 pushing and making sure that our children in New York  
21 City are safe the best that we can in the best of our  
22 ability to keep them safe. Thank you so much for  
23 your time. And I know my Chair probably been asking  
24 a lot of question. I'm not going to push it. Thank  
25 you.

2 CHAIRPERSON STEVENS: Thank you. Council  
3 Member Sanchez?

4 COUNCIL MEMBER SANCHEZ: Thank you so  
5 much Chair. Just quick follow-up questions, and I  
6 want to thank all my colleagues asking questions that  
7 have come up from the tragedy in Kingsbridge. So  
8 just to follow up, what triggers a background check  
9 requirement? Is it just you have to be living in the  
10 facility or is there a certain amount of time spent  
11 in a facility that triggers a requirement, and does  
12 DOHMH take any measures or does OCFS require any  
13 measures during surprise inspections or otherwise to  
14 understand whether there are extraneous folks living  
15 or spending time in a childcare facility?

16 DEPUTY COMMISSIONER SCHIFF: so, anyone  
17 who lives-- this is for homebase programs. Anyone  
18 who lives in that apartment who is 18 or older, and  
19 I've got my colleague who's going to correct me if  
20 I'm getting this wrong, and anyone who works in that  
21 childcare program needs a background clearance to be  
22 processed. The program is response-- the childcare  
23 provider is responsible for submitting that  
24 application immediately if there's any change in that  
25 and who is residing there or working there, and

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2 updating the records about who those people are. And  
3 when we conduct the inspection, that inspection is--  
4 you know, as I said, we have a checklist for health  
5 and safety requirements, and it is also to make just  
6 general observations to see if this sort of matches  
7 what we know in our records about that program.

8 COUNCIL MEMBER SANCHEZ: So it's self-  
9 report essentially. There's not anything in existing  
10 protocols or requirements that has the agency check  
11 for extra people.

12 DEPUTY COMMISSIONER SCHIFF: So, the-- we  
13 conduct an unannounced inspection and that would be  
14 an opportunity to observe something that doesn't  
15 match the records.

16 COUNCIL MEMBER SANCHEZ: Okay. And--  
17 never thought I'd-- any of us never would have  
18 thought to be asking this question, but could you  
19 explain what if any emergency procedures are in place  
20 at daycare facilities specifically regarding opioid  
21 overdoses? Do-- is anyone responsible or required to  
22 have Narcan administration training or anything like  
23 that, anything else that could be life-saving?

24 DEPUTY COMMISSIONER SCHIFF: I don't-- I  
25 don't think that there are any regulations specific

2 about Narcan. There are-- every childcare provider  
3 under Article 47 is required to have a safety plan,  
4 an emergency plan. They're required to have--  
5 they're required to do a variety of courses on  
6 emergency medical type issues. They have to have  
7 first aid training, for example. They're required to  
8 have an epinephrine auto-injector on site to address  
9 those kinds of emergencies. So there are many, many  
10 kinds of emergencies that childcare providers are  
11 required to be ready to implement.

12 COUNCIL MEMBER SANCHEZ: Thank you.

13 Yeah, understanding that there are requirements for  
14 the providers to report and to have plans, but  
15 unfortunately, of course, we're talking about how do  
16 we catch folks, how do we become aware of those who  
17 may be depraved as they were in the actions that we  
18 saw in Kingsbridge, those who do not want to be  
19 caught. You know, what are-- what safeguards exist  
20 within our protocols to catch folks that don't want  
21 to be caught. And so, you know, it's a longer  
22 discussion that I look forward to having in the-- you  
23 know, I've committed to the family to have on their  
24 behalf. But yeah, just want to make sure that, you  
25 know, we're thinking in that way, right? In addition

2 to the self-report and the, you know, the measures  
3 that childcare providers are supposed to be reporting  
4 to you all. What are we doing? How are-- I talk  
5 about this as how are we using our street smarts as  
6 New Yorkers, translating that into the inspections  
7 protocols that we have to save lives and protect  
8 children. Thank you, Chairs.

9 COMMITTEE COUNSEL: Thank you so much to  
10 this panel. We will now be moving to public  
11 testimony. We will be limiting public testimony  
12 today to two minutes each. For in-person panelists,  
13 please come up to the table once your name has been  
14 called. For virtual panelists, once your name is  
15 called a member of our staff will unmute you and the  
16 Sergeant at Arms will set the timer and give you the  
17 go-ahead to begin. Please wait for the Sergeant to  
18 announce that you may begin before delivering your  
19 testimony. Our first in-person panel will be Nora  
20 Moran, Faith Behum, Gregory Brender, and Alok Rai.

21 NORA MORAN: Should I start?

22 COMMITTEE COUNSEL: Okay, start when  
23 you're ready.

24 NORAN MORAN: Okay. Hi my name is Nora  
25 Moran. I'm the Director of Policy and Advocacy at

2 United Neighborhood Houses. We are a membership  
3 organization representing 40 Settlement Houses in New  
4 York City and provide a wide variety of services, but  
5 specialized and a lot of youth and childcare serving  
6 programs. You know, Settlement Houses really rely on  
7 the background check process to hire staff. They  
8 strongly support it. It's a necessary component of  
9 running a high-quality childcare youth program, and  
10 Settlement Houses and other providers rely on our  
11 partners in government to process those checks  
12 quickly and efficiently, and I think as we've heard  
13 today that has not been happening over the last  
14 couple of years. I won't go into all the background  
15 on sort of what's happened. We've heard a big  
16 accounting of it today. you know, for us it's been  
17 difficult to quantify exactly what has-- what the  
18 result of the background check backlog has been, but  
19 just some examples from providers that we've heard  
20 over the years since this first changed back in 2019  
21 have been extremely long wait times for prospective  
22 staff to be cleared, leading them to take jobs in  
23 other industries rather than wait to get cleared.  
24 Hiring challenges because of these long clearance  
25 times, right? People are in a pipeline and say I can

2 go get a job somewhere else where I can get hired  
3 quickly and I don't have to go through this terrible  
4 background check process. This has led to providers  
5 closing programs, closing classrooms, reducing  
6 capacity, because they can't open fully and that  
7 ultimately causes problems for parents trying to find  
8 safe and affordable childcare. Staff time, right?  
9 Organizations have had to spend a significant amount  
10 of HR and compliance staff time to just understand  
11 this process, chase things down, when that could have  
12 been spent on other activities. And then, you know,  
13 the last thing that's been challenging has just been  
14 penalties and issues for providers from DOHMH, from  
15 DYCD because they don't have enough cleared staff,  
16 even though the government agency is the reason for  
17 not having those cleared staff. Providers can show  
18 the paper trail of emails they've submitted and you  
19 know, there's still an issue even though they're  
20 doing everything they can. We will say that the new  
21 online automated process has been-- it's been better.  
22 Things are slowly getting better. We're not out of  
23 the hole yet. There's a huge backlog that we heard  
24 today of people who, you know, submitted clearances  
25 in 2019-2020. We have, you know, program directors

2 in our provider network who've been there sometimes  
3 20 years and are still waiting, you know, from that  
4 paper form they emailed in two, three years ago. So,  
5 we, you know, it's good that everybody's now using  
6 the same system. We're concerned that, you know,  
7 there's going to be a backlog of that system because  
8 of all the people who, you know, did a paper  
9 application that never went anywhere. So, you know,  
10 generally we want DOHMH to have the right resources  
11 that they need to get the checks processed  
12 efficiently, not rush the process and make sure that  
13 they're doing things thoroughly. Yeah, I'm way over  
14 time so I apologize. Thank you.

15 FAITH BEHUM: Thank you for the  
16 opportunity to testify. My name is Faith Behum. I'm  
17 a Senior Policy and Advocacy Advisor at UJA  
18 Federation of New York. UJA is one of the nation's  
19 largest local philanthropies and has more than 50,000  
20 engaged donors in New York area, and supports and  
21 expansive network of nearly 100 nonprofit  
22 organizations. A number of our nonprofits oversee  
23 Early Childhood education and afterschool programs,  
24 and have been greatly impacted by the comprehensive  
25 background check process. as Nora has said, I would

2 say the two main issues from the beginning is how  
3 long it has taken to receive completed background  
4 checks, taking months, but in sometimes years,  
5 honestly. Second is communication with DOHMH has  
6 been really challenging. When providers would send  
7 inquiries about the status of pending background  
8 checks, DOHMH they often received delayed responses  
9 with little information, or worse, no responses at  
10 all. This is incredibly frustrating for providers who  
11 are just trying to do the right thing, get their  
12 people through the system, and get staff in their  
13 classrooms and afterschool programs. We recognize  
14 that the Adams Administration indicated in their  
15 Blueprint for Childcare and Early Childhood Education  
16 the need to improve this system, and they said we  
17 need 40 additional staff, which we heard have been  
18 hired, and we now have this online system. Online  
19 system, as Nora has said, it's not perfect, but it is  
20 a welcomed change. Our provider said that it's great  
21 to be able to upload this to an online system and not  
22 have to email a packet of information. It's really  
23 more time-friendly to be able to just check online to  
24 see the status of an application. There have been  
25 little challenges as far as we're told originally

2 that they would not have to submit packets that were  
3 submitted before May 14<sup>th</sup>, and that was eventually  
4 rescinded by DOHMH. So it caused a bit of a scramble  
5 amongst our providers and additional paperwork. I  
6 think the most important thing is that it's not a  
7 coincidence that this process has seem to get better  
8 once there was additional staff given to the  
9 Department. So we reject any programs to eliminate  
10 the gap or other cuts to DOHMH's budget that could  
11 negatively impact this background check process. And  
12 we do understand hearing that it could take longer  
13 than the two weeks, but we have been advocating to  
14 have at least try to commit to a two-week turnover  
15 for the background checks, and to notify providers  
16 within 48 hours when background checks have been  
17 completed. I just want to be clear that all of our  
18 providers support rigorous background checks. They  
19 want to keep all of the kids in their care safe, but  
20 we need our partners in government to process those  
21 checks quickly and efficiently in order to maintain  
22 the high level of services they provide. Thank you  
23 so much.

24 GREGORY BRENDER: Thank you so much. My  
25 name's Gregory Brender. I'm here on behalf of the

2 Daycare Council of New York. We are the membership  
3 organization of New York City's Early Childhood  
4 Education providers, and we are-- work in the belief  
5 that we should be a city where every child has access  
6 to high-quality Early Childhood education regardless  
7 of their parent's zip code or their income. Our  
8 providers, as my colleagues have stated, really  
9 understand the importance of background checks. It  
10 is a role that only government can play to ensure  
11 that the people we are hiring are qualified to be in  
12 these programs, and we know we need a system that  
13 truly works. And as your question was pointed out,  
14 since this system has gone into place in 2019, in  
15 many ways the system is not working. It has-- it is  
16 getting better with the additional staff and with the  
17 online system, but we still need systemic reform to  
18 make sure that checks are processed in time. And  
19 this is happening in the context of a staffing crisis  
20 in Early Childhood programs. We did a survey of over  
21 250 centers over the summer, and while low pay is the  
22 main reason that programs are understaffed,  
23 background checks are a part of it. Eighty-three  
24 percent of those centers reported dealing with staff  
25 vacancies and among that 83 percent, nearly a quarter

2 of them have seven or more vacancies in the site.

3 Our statewide colleagues at the Empire State Campaign

4 for Childcare have found that there are 776

5 classrooms in New York State closed in community-

6 based organizations due to understaffing. So getting

7 this right and making sure that we have a system that

8 works and works quickly is so important to ensuring

9 the availability of childcare and the availability of

10 quality childcare for New Yorkers. We have

11 recommendations in line with what our colleagues

12 saying. One is to ensure that DOHMH has adequate

13 staffing, conducting meetings between DOHMH and

14 providers to identify the challenges and solutions in

15 the process and developing procedures through the

16 newly launched online application system to

17 proactively inform providers when there are paperwork

18 issues with their application. Thank you so much for

19 this hearing and the great questions you all had, and

20 we're excited to work with both City Council, Health

21 Department, other agencies to make sure that this is

22 a system that works.

23 CHAIRPERSON STEVENS: Thank you.

24 ALOK RAI: Good afternoon members of New

25 York City Council, esteemed guests, and concerned

2 citizens. I stand before you today to address a  
3 matter of utmost importance, the unacceptable delays  
4 in the background clearance process for teachers of  
5 Early Childhood education in our city. My name is  
6 Alok Rai, owner of Lightbridge Academy of Greenpoint,  
7 Brooklyn. We opened up our doors on March 7<sup>th</sup>, 2022,  
8 and provide support for children from age six weeks  
9 to five years with a capacity of 170 children. We  
10 all know that Early Child education is foundation of  
11 a child's education journey. The individuals  
12 entrusted with that responsibility, our teachers,  
13 must undergo rigorous background checks to ensure the  
14 safety and wellbeing of our children. While these  
15 checks are crucial, the prolonged delays in the  
16 clearance process has become an unintended obstacle  
17 in the pursuit of quality education and consideration  
18 for our center being the solution for working  
19 parents. Let us reflect on the impact of the delays.  
20 As owner of a prestigious brand new childcare  
21 franchise location, it's crucial for us to be in  
22 compliance not only with Article 47, but also with  
23 our franchise agreement requirements. Our compliance  
24 audits are regular and very frequent, internally and  
25 from our home office. Even with all the oversight

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2 our center was shut down by DOHMH on August 3<sup>rd</sup>, 2023  
3 for two months due to lack of cleared staff. the  
4 staff clearances were submitted over five months back  
5 in February, March, and April of 2023, but many  
6 follow-up emails with DOHMH with absolutely no  
7 response. This closure led to following for everyone  
8 in our circle of care, disruption to our community.  
9 There are only three childcare center in our  
10 Greenpoint community, and ours is the only one which  
11 provides care for under 12 months old. Our children  
12 were left with no care for two months. Financial  
13 impact of our families: during this time our families  
14 had to adjust their working hours, use their vacation  
15 time, fly in family members, some of them from  
16 overseas, to take care of our children every day with  
17 no end in sight. Financial impact on the childcare  
18 provider: in two months we lost well over \$250,000.  
19 We continued to pay our teachers, pay our rent, and  
20 our expenses. This almost led us to bankruptcy. We  
21 reopened last week, and but this is certainly going  
22 to take our families, our teachers, and our business  
23 a long time to recover from this disruption. So I  
24 would like to express my wholehearted support for  
25 Council Member Abreu's proposed bills, 1159 and 1160

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2 and 1189 which aims to address and rectify this  
3 pressing matter by calling for a speedy process,  
4 across Department communication, and collaboration  
5 between DOH and DOE. And last but not the least,  
6 affordability of background clearances between  
7 childcare programs especially if they coexist in the  
8 same location. In conclusion, I stand here as a  
9 proud advocate for quality education, and I urge each  
10 one of you to consider the urgency of this issue.  
11 Let us support Council Member Abreu's three bills as  
12 step towards a brighter future for our younger  
13 citizens, for the dedicated teachers who serve them,  
14 and towards the future of our city. Again, thank you  
15 for your time and attention and opportunity to have  
16 my words heard today.

17 CHAIRPERSON STEVENS: Thank you. I have a  
18 few questions. But you can start. You can go ahead.

19 CHAIRPERSON SCHULMAN: No, I just want to  
20 say-- and I remember I've met with a lot with a lot  
21 of you on Zoom when I first took office. So, just a  
22 quick question has-- you mentioned about meeting with  
23 DOHMH, have they not met with you as providers to  
24 talk to you, or?

25

2 NORA MORAN: I can speak for UNH. They  
3 have. We are on a-- we're also on an advisory  
4 committee with the Bureau of Childcare. We're not--  
5 I should clarify, United Neighborhood Houses, we're  
6 not a provider. We work with providers. So we are  
7 kind of there--

8 CHAIRPERSON SCHULMAN: [interposing]  
9 Okay.

10 NORA MORAN: as a provider voice. So,  
11 they have, and you know, we've been in communication  
12 with them trying to troubleshoot in our networks some  
13 of the delays. You know, I think once the new system  
14 was put in place it's definitely a step in the right  
15 direction. It's really sad that it took almost three  
16 years for them to get an online system up and  
17 running, but yea, there have been lines of  
18 communication open. I think it can always be better  
19 to the broader provider community. You know, the  
20 suggestion you made earlier about phone line, like  
21 that's a small example. Whether it's that-- office  
22 hours, just anything. You know, I know if not just  
23 DOHMH, every city agency has an email inbox. That's  
24 not always the best way for a provider to get a quick  
25 answer.

2 CHAIRPERSON SCHULMAN: No.

3 NORA MORAN: And so I think, thinking of  
4 those-- some of those other solutions, right? To  
5 have those lines of communication open is very  
6 important things to lift up.

7 CHAIRPERSON SCHULMAN: But definitely  
8 let us know if you need further help with that,  
9 because I'm going to talk to them as well as Chair of  
10 the Health Committee to tell them that, you know,  
11 maybe they just need to have a more regular  
12 communication with you guys. And particularly, by  
13 the way, the new system, they have five vacancies. If  
14 any-- if you know anyone that can fill those, because  
15 before the cuts come in November, we'd like to have  
16 people in those positions. It'll make it a little bit  
17 harder to do that. So, you know, we're going to keep  
18 an eye on that as well, and I want to thank all of  
19 you for your advocacy.

20 CHAIRPERSON STEVENS: I just have a  
21 question in just trying to understand. Do we have a  
22 number or a count of how many agencies that have been  
23 closed due to lack of staff being cleared?

24 GREGORY BRENDER: Yeah, we don't. We  
25 definitely heard sort of these anec-data [sic] about

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 121  
2 classroom in particular. What we've seen more often  
3 is in the Early Childhood-- I can't speak as much in  
4 youth services-- that individual classrooms and we  
5 know of, for example, several centers where they have  
6 fewer classrooms than their DOE budget allows for  
7 because they're not able to staff. And that's been a  
8 mix of both issues around the underpayment of staff  
9 as well as people waiting for background checks. And  
10 we've also heard of-- we've had people who've taken  
11 other jobs while--

12 CHAIRPERSON STEVENS: [interposing] Yep.

13 GREGORY BRENDER: You've probably  
14 experienced this in your time as a provider. It's  
15 been, you know, frequent. We do bi-weekly membership  
16 meetings and we hear that a lot in the kind of  
17 conversation with our member organizations, that  
18 they've hired someone. They've gotten an education  
19 director, they've got someone new, and then they  
20 leave before the background check is done [sic].

21 CHAIRPERSON STEVENS: Yeah, you call them  
22 and they're like, oh, I'm sorry I'm working somewhere  
23 else. It's one of those things that like makes your  
24 heart stop.

25

2 GREGORY BRENDER: The other sort of  
3 closure that I think is harder to quantify, but also  
4 with looking to -- is when it's like temporary,  
5 because what's happened is-- because there's a stop-  
6 gap measure in place with the provisional clearances,  
7 you sometimes will have one staff member who's  
8 cleared along with several provisionally cleared  
9 staff members. So if that person is not in--

10 CHAIRPERSON STEVENS: [interposing] Yeah,  
11 no one can work.

12 GREGORY BRENDER: Right. You can't--  
13 yeah.

14 CHAIRPERSON STEVENS: And I guess this is  
15 more for the SAC licenses. Do you guys think that  
16 it's-- because I-- like, you figure it out if you're  
17 here as a provider. But I remember how confusing it  
18 was often trying to figure out who to talk to, and it  
19 often felt like everyone was pointing the finger  
20 back, and it's like no, you go to DOH. DOH go back to  
21 go to OCFS. You could guys talk a little bit about  
22 that experience? Because I think that it's really  
23 important to make sure that we have on record about  
24 how confusing that is and how the system is kind of

1 COMMITTEE ON YOUTH SERVICES WITH COMMITTEE ON HEALTH 123  
2 set up to kind of keep the wheels spinning a little  
3 bit.

4 ALOK RAI: I can talk about that, because  
5 I've-- my recent experience the last two months.  
6 We've been open for 18 months now, and in that time  
7 we have almost four EC consultants changed, and it  
8 depends upon-- it's very specific to who we are  
9 working with. So, first one we had response was like  
10 within 24 hours. The one we're working right now, no  
11 response for four months. I have-- I sent like, I  
12 don't know, 20 emails, right? It's just very  
13 frustrating because if I don't know then I can't act  
14 on it. For example-- and this is a very unique  
15 scenario-- my education director was cleared because  
16 she had Bachelor's in General Ed with middle [sic]  
17 grades of minor. She was cleared because the  
18 [inaudible] field of study was not defined before.  
19 It was a grey area.

20 CHAIRPERSON STEVENS: Oh, I remember.  
21 That happened to me.

22 ALOK RAI: Right? And then--

23 CHAIRPERSON STEVENS: [interposing] I  
24 almost didn't get cleared because they said that I  
25 didn't have enough education credits.

2 ALOK RAI: so, for this, I kept on  
3 emailing like for last-- since March, and now I--  
4 they come for inspection and they tell me that oh,  
5 this is not a qualified Ed director. I said why,  
6 because-- oh that it's not counted as a registry of  
7 study. I said, do you have it defined somewhere? So  
8 finally, they sent us a document, because they  
9 defined it like I think a month ago, and it's not  
10 there. So they say you don't have a qualified  
11 director, so you shut down your program. I said,  
12 okay, this changed. Give me a grace period so I can  
13 find somebody. But nothing was given, because it was  
14 shut down on the spot. And the person who was there  
15 kept on saying, "Oh, I'm getting push from the  
16 central office. Let's close them down. Let's close  
17 them down." And I said, can I show you the email  
18 trail I've sent to you specifically? "Oh, I can't  
19 see that right now." So the entire experience was so  
20 frustrating and then I said, please explain to me how  
21 I'm supposed to fix this issue if you're not  
22 answering my questions sitting here in front of me.  
23 You have not responded to all my emails for like the  
24 last four months. And said, "Oh, sorry, you have to  
25 call somebody." I said, who? It was-- it was just

2 very frustrating experience, and I just felt I'm  
3 being-- calling it unfair is an understatement. It  
4 was just not right, the way it was shut down. And  
5 we're trying hard to be compliant.

6 CHAIRPERSON STEVENS: No, and I hear you.  
7 And I mean, it's interesting enough. When I as a  
8 provider, I got an issue with my SAC license, because  
9 the requirement changed. You needed 30 educational  
10 credits, and they said I had 29, and so I was no  
11 longer qualified to be SAC director when I had been  
12 one for over 10 years. So, I do remember that  
13 experience firsthand, and had to fight really hard  
14 because it didn't make sense. And I guess my last  
15 question for the panel is-- and I know it Mr. Rai,  
16 you had said you were supporting the-- especially the  
17 expedited and trying to get them-- the clearances  
18 done a lot faster. And just from your opinion,  
19 because like for me, I like things to make sense,  
20 right? If we're already struggling to get the  
21 clearances done in 45 days, what would make it  
22 different from now changing it to 14 days? Because  
23 it sounds like we would be then saying we want you to  
24 be out of compliance, because they said that they are  
25 now-- it's an average of 36 days. So it seems like

2 they're itching towards there, but we're nowhere near  
3 there. So I understand like we want to expedite  
4 things, but how we're putting this in place, not  
5 help-- I feel like it would actually create more of a  
6 backlog. So, just from-- I would love to hear  
7 feedback on that as well.

8 ALOK RAI: Is the question that if it  
9 used the clearance in 14 days, how to improve?

10 CHAIRPERSON STEVENS: No, the question  
11 is, especially you specially, because you said you  
12 100 percent support it, and I understand the hope of  
13 it, right? But if we're right now at 45 days they're  
14 struggling to get 45 days, people cleared on 45 days,  
15 how is shortening it going to help?

16 ALOK RAI: Well, if my teachers, if I  
17 have-- somebody leaves, and I have to wait 45 days to  
18 fill that classroom with a teacher, I have to shut  
19 down my classroom right now, and parents want to be  
20 supporting like that. It's like, why don't I have  
21 things in order in your center? If we shorten it,  
22 that means I can tell them, okay, we'll be in  
23 compliance within two weeks so we can open the  
24 classroom in two weeks. That's a better answer than  
25 say we don't know right now, right?

2 CHAIRPERSON STEVENS: No I hear you, but  
3 I just-- I just want to say I think we also as  
4 providers and making sure that when we're advocating  
5 for things, we're advocating for things that's going  
6 to work, and not saying we're going to advocate for  
7 something [inaudible] compliance, because that's the  
8 goal. First of all, I would love for us to be at a  
9 place where you can actually open up a classroom and  
10 get someone cleared immediately. Like, we're in  
11 technology, we should be able to expedite things a  
12 little bit quicker.

13 ALOK RAI: Yeah.

14 CHAIRPERSON STEVENS: You know? It's  
15 2023. That would be the goal. I don't know what it's  
16 taking that long, but just thinking about a lot of  
17 our agencies are very antiquated and old, and we have  
18 to acknowledge that. And I see Nora, you wanted to  
19 add?

20 NORA MORAN: Yeah, I would just say, you  
21 know, from UNH's perspective, we would support  
22 getting the clearance check to 14 days as long as  
23 DOHMH is resourced the right way to do that. You  
24 know, we would not want to be in a situation where  
25 the agency was rushing to comply with the 14 days,

2 and potentially like skirt safety standards in order  
3 to meet that benchmark. That's something providers  
4 would never want. So, if they had the resources to  
5 get there, yes, that would be great. Part of what  
6 also is complicated about this, and you know this  
7 well, and it came up, is you know, we know that there  
8 are some things that are in New York City's control  
9 and some things that are not, because they do have to  
10 rely on the state and the Federal Government to  
11 process the long list of specific checks that need to  
12 happen. And so what is often hard for us and for  
13 providers to understand is like why-- is-- like which  
14 of these pieces is New York City responsible for that  
15 they can make go faster, and which of these pieces  
16 are their hands tied because it's another level of  
17 government. And so part of, you know, what we would  
18 want to see around this, you know, the 14-day  
19 question in particular is like untangling a little  
20 bit. Is it-- who's the-- who is really the delay,  
21 causing the delay in time? And if it's New York City  
22 and there's a way that we can get New York City to go  
23 faster, then of course, we should have all the  
24 resources to do that. As we saw, when they went from  
25 15 staff to 55 staff things got a lot better.

2 CHAIRPERSON STEVENS: I want to say that  
3 was the most shocking thing I learned today, that it  
4 was 15 staff. Like, I-- I was on record saying like  
5 kudos to them, because the 15 staff, clearing that  
6 amount of staff, that's amazing, but like also crazy  
7 that that was being allowed for so long.

8 NORA MORAN: Yeah. So as long-- like, if  
9 we can investigate and untangle like exactly where  
10 that hold-up, then wait. If 36 days, 45 days is way  
11 better than what we've been dealing with, and it's  
12 something that, you know, providers in our network  
13 have been able to work with and have reported that  
14 brand new coming people coming in since May. Things  
15 have improved. So we're definitely moving in the  
16 right direction, but hear you on the-- let's make  
17 sure we're not pushing toward a standard that's, you  
18 know, unable to be met and could potentially cause  
19 problems down the line or cause problems at certain  
20 times of the year when we know clearances, you know,  
21 there's more clearance at summer or school year start  
22 or whatever.

23 ALOK RAI: Can I just add one more thing  
24 here? During this closure when I was working  
25 directly with somebody from the office, Department of

2 Health office, and I do appreciate them, you know,  
3 able to process quicker during that time. So, during  
4 that time, the background clearances did come back in  
5 about two and a half weeks, consistently for all my  
6 staff except somebody who had something to further  
7 check. So, I don't think that was skirting any  
8 safety issues there, but it was just like they were--  
9 they knew that we were closed, so they were focused  
10 on that. So having the additional staff will  
11 definitely help that. And I heard from the  
12 Department of Health employees that the reason why  
13 there's a delay is we are understaffed, we aren't  
14 able to get to the file for like 30 days. so they're  
15 going to get to the file in 30 days, of course it's  
16 going to take longer and then come back to us, and  
17 say, "Oh, your address is wrong. Submit it again." I  
18 would submit that, and then it's like again wait 30  
19 days before they can even start the process. So, you  
20 know, I think having enough-- if staffed properly  
21 where they can open up a file like within 24-48  
22 hours, within two days at least, and they start the  
23 process, I think it will expedite the process.

24 CHAIRPERSON STEVENS: No, and I hear you,  
25 and I think that we all want to get there, but they

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2 just went from 15 to 40, right? We're seeing  
3 improvements already. So I think, you know, I want to  
4 make sure that we're acknowledging that as well,  
5 because that's progress, and also thinking about we  
6 are at a place where we are looking at more cuts,  
7 right? And so we want to be mindful of those things,  
8 but I really appreciate your feedback and all the  
9 support and thank you.

10 GREGORY BRENDER: Thank you so much.

11 COMMITTEE COUNSEL: Thank you to this  
12 panel. Our next in-person panel will be Brian  
13 Gutman, Michael Day, Sage Schaftel, and Robin  
14 Carrone.

15 CHAIRPERSON STEVENS: Whenever you're  
16 ready.

17 BRIAN GUTMAN: Chair Schulman, Stevens,  
18 members of the committee. My name is Brian Gutman,  
19 and I join you on behalf of Learning Care Group.  
20 Thank you for holding this important hearing today.  
21 I will be providing extended written testimony on the  
22 topic and solutions to help families access safe,  
23 healthy, nurturing care in an educationally-rich  
24 environment. Our 1,100 schools across 39 states,  
25 including three in the City, give us perspective into

2 just how unusual the current situation is here.

3 Despite the same background check requirements, New

4 York City stands alone for taking months instead of

5 days for clearances to process. This makes it harder

6 for families to find the care they need, delays

7 advancements for teachers and staff, makes it

8 difficult to keep classrooms opened, and poses a

9 barrier to expansion. Most states conduct the same

10 clearances as DOHMH within about 14 days, well within

11 the 45-day federal ceiling, yet in New York City we

12 had three times as many of our staff take longer than

13 200 days to clear than have been approved within that

14 45-day window. Intro 1160 will bring New York City

15 into compliance with federal law and match the

16 typical timeframe seen throughout the state and the

17 nation. Long delays also add to the already high

18 cost of care for families. High personnel costs

19 balloon when staff cannot work in the roles for which

20 they are hired. Intro 1159 will improve the official

21 processing of clearances by eliminating the current

22 duplication that DOHMH does of work DOE has already

23 completed. And finally, we urge the Council to make

24 the volume of requests more manageable by making

25 clearances portable as proposed in Intro 1189. Unlike

2 several states including California, Michigan, Texas,  
3 and Virginia, teachers and staff in New York City are  
4 required to have a new clearance conducted every time  
5 they change childcare licenses. In addition to the  
6 obvious examples, moving to a different provider,  
7 moving to a different school within the same  
8 provider, there's the particularly egregious example  
9 of moving across the hall from a preschool class to  
10 an infant class. We know that DOHMH is contending  
11 with considerable volume. The new system is an  
12 improvement that has reduced errors, but is still  
13 heavily dependent on staff. We did a recent review  
14 this week and found that three-quarters of our  
15 current submission to the new system have been  
16 pending for more than 100 days. We remain committed  
17 to health and safety. We appreciate your focus on  
18 this topic and your commitment to New York City  
19 families. We look forward to working with this body  
20 to improve the outcomes for parents, teachers, and  
21 providers alike.

22 SAGE SCHAFTEL: thank you, Chair  
23 Schulman, Chair Stevens, and members of the Council.  
24 My name is Sage SchafTEL. I serve as Assistant  
25 Executive Director for the Early Care and Education

2 Consortium, a national alliance of childcare  
3 providers operating about 7,000 centers nationwide  
4 including 222 in New York and 87 in the City. I want  
5 to start off by thanking DOHMH and City Hall for  
6 their continued efforts. However, for several years  
7 now, childcare before and after school and summer  
8 program providers have been experiencing extreme  
9 delays in the processing of criminal background  
10 checks, far beyond those in the other states in which  
11 our providers operate and across the rest of New York  
12 State. While we have seen some improvements, these  
13 have been inconsistent, and the average processing  
14 time our providers have been seeing is still six to  
15 nine months or longer than the federally mandated 45  
16 days. To that end, we want to thank Council Member  
17 Abreu for his leadership in introducing a three-bill  
18 package to address these issues by ensuring  
19 accountability and increasing efficiency. As you've  
20 heard, these delays are not limited to the 87 centers  
21 our members operate, rather they impact all programs  
22 that go through DOHMH. Meanwhile the City is facing  
23 a workforce crisis compounded by the childcare  
24 workforce crisis. Background checks play a critical  
25 role in assuring parents that their children will be

2 safely cared for, and importantly, a teacher cannot  
3 supervise a classroom without a clearance. While we  
4 are in full support of thorough background checks,  
5 the length of time clearances are taking is  
6 undermining providers' ability to provide children  
7 with care and quality educational programming.

8 Council Member Abreu's two bills under consideration  
9 would help ensure background checks are processed in  
10 a timely manner and reduce administrative duplication  
11 when an educator has already been cleared by the  
12 Department of Education. As of a few months ago,  
13 average wait times were anywhere from six to nine  
14 months with about 50 percent of our clearances taking  
15 over a year. Processing is still taking far longer  
16 than in all of the 48 states in which we operate. On  
17 average most states are completing checks in two to  
18 four weeks or less. These delays are causing would-  
19 be educators to leave the sector and result in  
20 classroom closures and the shortening of operational  
21 hours. In addition to the two aforementioned bills, I  
22 also wanted to call attention to a third bill  
23 introduced by Council Member Abreu which would  
24 address another inefficiency in the system, the lack  
25 of portability. 1189 would allow a teacher to move

2 across the hall to another classroom or across the  
3 City to another center without being required to go  
4 through the check process again, so long as they've  
5 been cleared by the City within the past five years.  
6 Thank you again.

7 ROBYN CARRONE: Chairman Schulman,  
8 Chairman Stevens, members of the Committee, thank you  
9 to the Committee of Health and Committee of Youth  
10 Services for addressing the critical challenge of  
11 childcare background clearance backlog. My name's  
12 Robyn Carrone. I'm a Regional Manager over Bright  
13 Horizons, and I oversee centers in New York State and  
14 New York City, and I'm also the licensing  
15 specialists. I've been working with the challenges  
16 since 2019 and though there are improvements, we  
17 continue to struggle from keeping our centers from  
18 being disrupted for care for the children. We like to  
19 provide example of where we face in our 40 locations.  
20 So the delay in background checks, I have teacher A  
21 who's a veteran, who's been employed with us for  
22 eight years. I have teacher B who's an assistant  
23 teacher just hired three months ago. Teacher A  
24 cannot be left alone because her clearance has not  
25 come back, but teacher B can oversee her. another

2 situation is we constantly need to move our teachers  
3 around which is very disruptive to the children as  
4 well as to the family and to our staff who then in  
5 turn are unhappy with their employment, because they  
6 don't understand why I was hired for the toddler  
7 room, but I need to work in the infant room because  
8 I'm not cleared yet. The portability is also a huge  
9 issue. Our parents do not understand why if teacher  
10 A has to leave for an emergency, teacher B from  
11 across the hall cannot come and support her child's  
12 classroom, and we would have to shut down. Teacher A  
13 is also on vacation and to what Brian said, if we  
14 are-- if a teacher from center B can come assist  
15 physically, we can't do that, because that person's  
16 not cleared. And then with the DOH and DOE, we can  
17 have a teacher who is employed from 8:00 a.m. to 2:00  
18 p.m. and can be by herself. However, at 2:03 can no  
19 longer be by herself because she is not cleared by  
20 the DOHMH background checks. So though there's a  
21 lot, and we understand the 14 days, and I agree with  
22 you, I'd like 45. But if we can have the portability  
23 we would have less submission being put in for the  
24 duplicate waivers that needed to be done. A  
25 clearance is a clearance to us. We all think it's

2 very important, and we hope you will support the  
3 legislation of those three bills. Thank you.

4 MICHAEL DAY: Thank you very much Chair  
5 Stevens, Chair Schulman, and the committee. My name  
6 is Michael Day with Bright Horizons. We manage 600  
7 childcare programs across the country including 40 in  
8 the city. In New York City, a childcare center needs  
9 to be licensed for infant and toddlers separate from  
10 preschools. So we actually manage 80 licensed  
11 programs in the City, and we have contracts for 20  
12 Pre-K for All programs across the City. We have a  
13 perspective similar to what you've just heard of  
14 working on this issue, and the background check  
15 challenges are present in every state, in every  
16 jurisdiction that we work in. There are ways to make  
17 them better. None are like what we face in New York  
18 City. Every other jurisdiction that we're in, we are  
19 typically getting background clearances back within  
20 14 days. Council Member Abreu's bill suggesting that  
21 be a deadline is a great goal, but as others have  
22 said, we're happy with any deadline the committee  
23 would set. This past month we had 40 clearances come  
24 through across all of our programs. So it's only one  
25 clearance per center, but we have a good perspective,

2 40 clearances came through. Of those 40 clearances,  
3 one of them came through within three days of being  
4 submitted and another one came through within 11  
5 months of being submitted. We have to eliminate the  
6 backlog. We have to be able to clear people more  
7 quickly. You all know better than I even on the  
8 impact on families and teachers these delays are  
9 facing. We believe there's a huge opportunity to cut  
10 down the workload that DOHMH is providing. The  
11 staffing numbers they share were astoudnign to me.  
12 and I testified last year ahead of the Health  
13 Committee budget hearing asking you to support more  
14 staff for DOHMH around the clearance unit, but I  
15 didn't realize how limited their staffing was.  
16 They're doing a good job. They're doing a much better  
17 job now than they were a year ago, and better than a  
18 year before that, but they're creating more work than  
19 they need to. If someone's cleared by DOE, let's not  
20 worry about their DOHMH clearance right now. If  
21 someone's cleared by OCFS, let's not worry as much  
22 about them. We want the focus to be on new hires who  
23 haven't been cleared by anyone before. And you know,  
24 we hope that you will do that, and certainly when  
25 we're transferring someone from one location to

2 another, we hope that you would support their  
3 clearance continuing with them, because their  
4 background doesn't change just based on what age  
5 child they're caring for or what building they're in.  
6 Thank you very much.

7 CHAIRPERSON STEVENS: Thank you. I just  
8 have a quick question, because today they testified  
9 that on the onset on their new application that you  
10 can put multiple sites and things now to be cleared  
11 under. Is that not happening? Because it-- I'm  
12 just--

13 MICHAEL DAY: Yeah, so that is happening.  
14 You're allowed to select multiple locations. Again,  
15 each individual center has two licenses. So, we have  
16 to do it.

17 CHAIRPERSON STEVENS: Yeah.

18 MICHAEL DAY: We've been discouraged from  
19 selecting multiple locations because that adds to the  
20 background that DOHMH has to process, and across all  
21 of our centers we certainly don't list every license  
22 on every application. But if a teacher is out absent  
23 because of COVID or whatever--

24 CHAIRPERSON STEVENS: [interposing] Yeah.

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2 MICHAEL DAY: reason, we want to be able  
3 to put somebody there.

4 CHAIRPERSON STEVENS: So, and I-- I think  
5 that's why I'm just trying to clarify, because if  
6 they're saying that you put on the onset, you're  
7 saying that they're discouraging from doing that,  
8 because it'll make the clearance process longer.

9 MICHAEL DAY: For them, yes. And a note  
10 I took away from the comment was to list every one of  
11 our licenses with an application. I'm not sure that  
12 is the most feasible way to handle it.

13 ROBYN CARRONE: And can I just clarify?  
14 They only allow assistant teachers to be transferred.

15 CHAIRPERSON STEVENS: so they've only  
16 been allowing assistant teachers?

17 ROBYN CARRONE: Yeah, they will not do a  
18 waiver for a group teacher, so I know they mentioned  
19 Ed director. We all understand that, but a group  
20 teacher is not permitted, so only assistant teachers  
21 are allowed to have a waiver.

22 CHAIRPERSON STEVENS: That's why I'm  
23 asking, because that's-- I wanted to make sure

24 BRIAN GUTMAN: If I may, the new system in  
25 most places would not be a new system you'd see in

2 2023. It's a different way of submitting  
3 information. There's still an email that comes back  
4 if there's missing information or an approval, and  
5 sometimes that takes--

6 CHAIRPERSON STEVENS: [interposing] So,  
7 the-- when they're making corrections in the system,  
8 it's not in the system, it's through email. So it's  
9 still going back to the old--

10 BRIAN GUTMAN: It's still-- once you've  
11 submitted your data, the only other thing that you  
12 can do in the new system is monitor the status, the  
13 broad status. Has a review been started? It takes  
14 about 30 days before we see evidence that the  
15 clearance has been looked at. Has the review been  
16 finalized? It doesn't tell us what that review  
17 finalized, you know, what the determination was. All  
18 additional communication happens through email. If  
19 additional documentation is needed, it generally  
20 resets the clock on day one, even if they've been  
21 sitting on that application for 60 days. It's an  
22 improvement, but--

23 CHAIRPERSON STEVENS: [interposing] No,  
24 no, I mean-- listen, we-- a lot of these systems in  
25 our agencies are antiquated, and this sounds like

2 this is a very antiquates system still, and this is  
3 good information. So thank you for that. And just  
4 one more question, because I know the other bill  
5 around the Department of Education being cleared,  
6 because it's my understanding that they do  
7 communicate with DOE around that, but they still have  
8 to comply with the federal regulations to be cleared  
9 for the rest of it. And so it is my understanding  
10 that they are communicating for that. So I'm just  
11 trying to get clarity around-- it wouldn't go-- it  
12 wouldn't take away from still needing to get the  
13 other clearances done under the SAC piece, even if  
14 you are cleared through it. And so our-- your  
15 request around this legislation would be to say if  
16 DOE cleared you, you should be cleared, because we  
17 can't supersede a federal law.

18 BRIAN GUTMAN: so, I will just say it was  
19 a pleasant surprise for me to hear of the  
20 communication that's already happening. That's  
21 wonderful. Where DOE-- portions of a clearance that  
22 DOE isn't processing would still need to be done by  
23 DOHMH. It's some of these-- some of these broader  
24 requirements that both are doing where it's saying  
25 let's make sure that if it's already done, we're not

2 duplicating effort. Federal law also requires  
3 clearances to be processed as expeditiously as  
4 possible, not to exceed 45 days. That is the  
5 language of federal law. That is not the practice in  
6 New York City today.

7 CHAIRPERSON STEVENS: You have a  
8 question?

9 MICHAEL DAY: And if I may, chair  
10 Stevens?

11 CHAIRPERSON STEVENS: Yeah.

12 MICHAEL DAY: just on that with DOE and  
13 DOHMH. So we hired an employee a couple months ago.  
14 School started. They were going to be a UPK teacher  
15 for us. They had to schedule two fingerprint  
16 screenings with IdenteGo. Go down, they happen to be  
17 back to back appointments, and pay 100 dollars each  
18 time to get fingerprinted twice, once for the DOE  
19 approval and once for the DOHMH approval.

20 CHAIRPERSON STEVENS: I'm sorry. When  
21 did the 100 dollars for DOHMH start? Because I  
22 remember that that-- there wasn't a cost associated  
23 with that. When did that start?

24 ROBYN CARRONE: I think since 2019.

2 CHAIRPERSON STEVENS: That's interesting.  
3 I was still a provider then, and none of my staff  
4 ever had to pay. We only had to pay for the DOE 100  
5 dollars, not the DOHMH, and I was a provider then,  
6 and we did not have that fee. So I would definitely-  
7 - I need to look into that, because that's new to me.

8 MICHAEL DAY: Thank you.

9 CHAIRPERSON STEVENS: Thank you.

10 COMMITTEE COUNSEL: Thank you to this  
11 panel. That concludes our in-person panels. If we  
12 inadvertently missed anyone who would like to testify  
13 in person, please visit the Sergeants table and  
14 complete a witness slip now. We will now turn to our  
15 remote testimony, and our first panel will be Debra  
16 Sue Lorenzen, Rylie Shewbridge, and Audrey  
17 Vandenheuvel. Debra, you may begin when the Sergeant  
18 starts your clock.

19 SERGEANT AT ARMS: Starting time. You  
20 may begin.

21 COMMITTEE COUNSEL: I think you might be  
22 muted.

23 SERGEANT AT ARMS: I think you're on  
24 mute.

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2 CHAIRPERSON STEVENS: We can't hear you.

3 You're muted, and I know you're testifying, so, we're  
4 going to-- let's try to fix that first, please.

5 Thank you. We're going to take a two-minute recess  
6 as we figure out the technical difficulties.

7 COMMITTEE COUNSEL: Okay, we'll try this  
8 one more time. Debra, you can begin when the Sergeant  
9 starts your clock.

10 CHAIRPERSON STEVENS: Can you hear us?  
11 We cannot hear you.

12 COMMITTEE COUNSEL: Okay, we're going to  
13 move on for a moment. We'll come back to Debra.  
14 Rylie, can we see if we can hear you?

15 RYLIE SHEWBRIDGE: Can you hear me?

16 COMMITTEE COUNSEL: Okay, we can hear,  
17 Rylie. You can begin when the Sergeant starts your  
18 clock.

19 SERGEANT AT ARMS: Time has started.

20 RYLIE SHEWBRIDGE: Thank you, Chair  
21 Schulman, Chair Stevens and members of the Council  
22 for the opportunity to testify today. My name is  
23 Rylie Shewbridge and I'm a Government Relations  
24 Representative at KinderCare Learning Companies. I  
25 want to recognize DOHMH for being here today and for

2 your ongoing commitment to working with providers to  
3 improve the background check process. KinderCare is  
4 the largest provider of Education and childcare in  
5 the United States and operates more than 1,500  
6 centers across 40 states and the District of  
7 Columbia. KinderCare has a large footprint in New  
8 York State serving over 2,000 children and employing  
9 over 500 teachers and staff across 20 centers, with  
10 seven of those centers being located in New York  
11 City. We strongly support Council Member Abreu's  
12 legislative package, Intro 1159, 1160 and 1189.  
13 KinderCare strongly supports robust background checks  
14 and believes they are critical in assuring families  
15 and childcare providers will be safely cared for.  
16 However, under the current system, background checks  
17 has taken several months and sometimes over a year to  
18 process. Far too often, protracted [sic] background  
19 clearances have led to qualified professionals  
20 leaving the EC industry, not because of the  
21 background check findings, but because the candidates  
22 cannot afford to wait while their background check  
23 clears. Fifty percent of the background checks we  
24 have submitted within the 12 months have not cleared,  
25 highlighting the significant wait times of these

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2 candidates. Further, our center directors spend far  
3 too much time inquiring about background check  
4 statuses, calling departments, and navigating overly  
5 complex systems. One center director described this  
6 process as having a second job which encroaches on  
7 her valuable time needed to train and coach teachers  
8 and engage with families. Fortunately, Intro 1159  
9 and 1160 would alleviate these challenges by creating  
10 a structure that would ensure a background check is  
11 completed in 14 days as well as removing duplicative  
12 efforts. While not part of today's agenda, Council  
13 Member Abreu's third bill, 1189, is critically  
14 important to allow for portability of clearances.  
15 These bills represent an important step towards  
16 streamlining the administrative processes and  
17 allowing these EC professionals to spend their time  
18 doing what they do best, delivering high-quality  
19 Early Childhood education for students and families.  
20 For these reasons, KinderCare is proud to support  
21 these bills, and we request your support on these  
22 critical pieces of legislation.

23 SERGEANT AT ARMS: Thank you. Your time  
24 is expired.

2 COMMITTEE COUNSEL: Thank you for your  
3 testimony. Debra, can we see if we can hear you one  
4 more time?

5 DEBRA SUE LORENZEN: Sure. Can you hear  
6 me now?

7 COMMITTEE COUNSEL: Yes, perfect. You can  
8 begin when the Sergeant starts your clock.

9 SERGEANT AT ARMS: Starting time.

10 DEBRA SUE LORENZEN: Thank you members of  
11 the New York City Council Committees on Health and  
12 Youth Services for the opportunity to testify and for  
13 this joint hearing. As an Early Childhood provider  
14 and a parent, I want to offer my heartfelt  
15 condolences to the families who suffered such an  
16 unthinkable tragedy in Kingsbridge. My name is Debra  
17 Sue Lorenzen and I'm the Director of Youth and  
18 Education for St. Nick's Alliance and School  
19 Settlement Association. Each year we serve more than  
20 6,000 of north Brooklyn's two to 24-year-olds. When  
21 fully staffed, we have nearly 300 part and full  
22 timers who require DOHMH comprehensive background  
23 clearances. I want to begin my testimony by  
24 recalling a committee hearing in winter 2019, shortly  
25 after the state's new mandates for background

2 clearances were imposed and shortly before the  
3 pandemic caused a major upheaval to the youth  
4 services workforce. Then, my colleagues and I raised  
5 red flags that DOHMH desperately needed  
6 reinforcements in order to resolve the already  
7 existing lengthy clearance backlog and institute the  
8 new regulations. This is not a new problem. In the  
9 years that followed the problem was compounded,  
10 though, to such an extreme degree that the ability  
11 the childcare and youth services fields to function  
12 was undermined. DOHMH testified earlier that the  
13 backlog is down from many thousands to 140. That's  
14 terrific, but I think I might be one of them, because  
15 I have never received my CBC letter for my 6,000  
16 packets submitted in 2019. So I suspect many of  
17 these packets have gone missing and need  
18 resubmission. Based on today's testimony, impressive  
19 progress has been made to improve underlying causes  
20 of the delays, such as staffing and technology, but I  
21 remain concerned about DOHMH's ability to catch up  
22 and stay on top of the clearances, particularly  
23 within a two-week window. Of the 261 [sic] St.  
24 Nick's current staff who require CBC's, we are  
25 waiting clearances for 98. Perhaps there are

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2 additional solutions possible using alternative  
3 clearance systems like Field Print [sic] which OCFS  
4 uses for Americore [sic]. portability of clearances  
5 is sending staff outside New York City for clearances  
6 I must admit I remain a little confused about the  
7 city's and state's role of the--

8 SERGEANT AT ARMS: [interposing] Time is  
9 expired. Thank you.

10 DEBRA SUE LORENZEN: Thank you for your  
11 hard work on behalf of the services field and for  
12 consideration of my testimony.

13 COMMITTEE COUNSEL: Thank you for your  
14 testimony. Our next panelist will be Audrey. You  
15 can begin when the Sergeant starts your clock.

16 SERGEANT AT ARMS: Time is starting.

17 AUDREY VANDENHEUVEL: Thank you Chair  
18 Stevens and Chair Schulman for the opportunity to  
19 testify on addressing the DOHMH clearance backlog. My  
20 name is Audrey Vandenheuvel and I'm a human resources  
21 manager at Good Shepherd Services. It's my  
22 responsibility to ensure compliance with clearances  
23 in all of our programs, including school-age  
24 childcare license programs. For SAC license programs  
25 in particular, our team ensures that staff are

2 fingerprinted, have approved medical clearance, and  
3 that the state central registry and 6,000 packet are  
4 submitted. We then enter their information on  
5 [inaudible] and conduct the follow-up for the  
6 clearance. My testimony will focus on the impacts of  
7 background checks on our after school programs. Good  
8 Shepherd Services operates 22 after school programs  
9 across the Bronx and Brooklyn. We employ 290 staff  
10 members in these programs. We have approval letters  
11 for 177 of our current staff with the remaining 113  
12 still in process. For those in process, some have  
13 been waiting three weeks, while others have been  
14 waiting for up to six months or more for clearance.  
15 The delay in background checks is hindering our  
16 ability to operate programs and to meet staff ratios.  
17 In addition to the impact the delays are having on  
18 our communities we support, we would-- I would like  
19 to share the administrative challenges as well.  
20 While FAMS [sic] improved the processing time for new  
21 staff, it is easy to use and convenient for entering  
22 new staff information. However, with the transition  
23 from the central clearances unit email address to  
24 FAMS, we have had to resubmit 6,000 packets and SER  
25 clearances that were previously submitted multiple

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2 times for staff who have been with us since 2019 when  
3 the process changed. This has created a delay in  
4 processing and an administrative burden. While we  
5 are receiving approval letters for new staff in about  
6 four weeks as opposed to months or never, clearances  
7 for current staff have taken anywhere from eight  
8 weeks to never being received. Earlier this month,  
9 then year Correctional Health Services conducted a  
10 site visit at one of our beacon programs, and we were  
11 told that two of our staff were not on the program  
12 staff list, and they were hired in March and July of  
13 2022. We provided documentation that their packets  
14 had been submitted, and were told by the auditor that  
15 they had been expunged and may have to be re-  
16 fingerprinted--

17 SERGEANT AT ARMS: [interposing] Time is  
18 expired. Thank you.

19 AUDREY VANDENHEUVEL: Thank you for your  
20 time.

21 COMMITTEE COUNSEL: Thank you for your  
22 testimony and thank you all for your patience as we  
23 worked through our tech issues. That concludes this  
24 panel. If we inadvertently missed anyone who would  
25 like to testify virtually, please use the raise hand

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2 function in Zoom and I will call on you in the order  
3 of hands raised. Seeing no one else, I would like to  
4 note that written testimony, which will be reviewed  
5 in full by committee staff, may be submitted to the  
6 record up to 72 hours after the close of this hearing  
7 by emailing it to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov), and I'll  
8 turn it back to the Chair for closing statements.

9 CHAIRPERSON SCHULMAN: I want to thank  
10 everyone who participated in today's hearing,  
11 particularly providers. This is something that's  
12 very important. There were some questions, I will  
13 say, that did not get answered today, but we're going  
14 to be following up, and I want to assure everybody  
15 that we're going to do whatever we can to make sure  
16 that our children get the services they need, and  
17 that you're able to provide that. Thank you.

18 CHAIRPERSON STEVENS: I want to thank my  
19 Co-Chair Lynn Schulman for working with me on having  
20 this very informative hearing today. I think for me  
21 the most pressing thing was finding out that DOH was  
22 operating with 15 staff and clearing thousands and  
23 thousands of folks. So I went from thinking oh my  
24 God, they have been so incompetent to thinking that  
25 those 15 people actually were heroes, and thinking

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2 about the work that they were doing to get done. So  
3 I do not want to go without saying that, because it's  
4 not easy. So this also means that we need to  
5 continue to fight to ensure that they get additional  
6 staff, especially going into budget cuts and thinking  
7 about the importance of making sure that they're  
8 fully staffed and functional to ensure that the  
9 provides have the resources that they need. In  
10 addition, that would help with some of the tra--  
11 obviously, a tragedy that took place that we want to  
12 make sure that we don't underscore [sic]. So we  
13 cannot cut corners in this because it really is about  
14 making sure that all our kids safe. So thank you to  
15 everyone who testified today. I appreciate hearing  
16 all your feedback. Clearly, we have a lot of work to  
17 do, but we will do this together. With that, this  
18 hearing is adjourned.

19 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 19, 2023