

Oral Testimony

1. Betsy Elizabeth Martin-Doud Family Childcare Graduate How Quality Family Childcare Changed Our Lives

Being the oldest in a single-parent family was not easy. My Mom worked a lot to make ends meet. We were bounced around from babysitter to babysitter, and living in the City of Schenectady, the quality of care at these places varied greatly.

I remember one sitter where we were not allowed to go inside of the house; we were kept outside on the porch (thankfully, it was enclosed). This woman was so mean that I was afraid to ask her to use the bathroom, resulting in my having numerous “accidents”. The next babysitter was much nicer. So nice that she let us roam the city streets and do whatever we wanted. And it was with this sitter that I watched my younger brother get chased down the street by a dog, running up to doorsteps crying for help until the dog caught up with him and bit him in the ankle.

As the oldest sibling, these experiences were especially tough because I felt responsible for my younger brother and sister. And I wanted to take care of them, and make sure they were safe. But other than being the eyes and ears for my Mom and tell her what was going on, there was nothing else that I could do except beg her not to “make us go back”. In retrospect, this must have been the hardest for my Mom. As a single parent she worked full-time and had three growing kids to take care of. There was no other support: no other money coming in and no help from family. She did not have many options.

I will always remember the day we went to “Annie’s”. She had a big house and we were even allowed to go upstairs and watch the “Pink Panther” and “Gidget”. She lived in a nice neighborhood, by Central Park. We would go on field trips and to the library. And best of all, going to Annie’s was fun - she would sing into her hairbrush microphone and do a dance to the beginning of “Gidget” each time the show came on! I would chime in with the other younger children, “Sing-it Annie, Sing-it!” “Sing-it, please...” And she would slowly get-up and then start kicking her legs and waving her arms... I can still hear her singing, “...that Gidget is miiiiiiine!”

“Annie’s” was a turning point for our family. It was a new and refreshing beginning. Annie’s house was not only a fun and safe place for us, but she provided structure and discipline in a nurturing way as well— this support helped my Mother a great deal. This was also the beginning of a friendship that spanned the daycare setting; from spending graduation and wedding celebrations together, to an employment and educational opportunity for my sister in the daycare, and most recently at a coffeehouse where Annie and I chatted while she rocked my six-week old daughter to sleep.

The difference between Annie and the babysitters that we had gone to was that Annie was a Certified Daycare Provider. This was a fact that Annie would always point out to me if I referred to her as a “babysitter”. At the time, I was too young to understand the significance of this. Now, I am fully aware of and so thankful that licensed, high quality Family Daycare is available.

The Family Daycare program provided an option for my Mother that my family desperately needed. It provided monetary support in the way of a subsidy, and it

supported our autonomy by allowing my Mom to keep her job and stay in the workforce, and by creating standards for quality assurance that gave my Mom peace of mind knowing that we were safe and in good hands. And most importantly, the Family Daycare program supported our family unit, by providing an option for my Mom to bring her kids to an environment where we were free to grow, have fun, gain respect for others, and ourselves and just be regular kids.

2. Linda Scott
Niagara County
Child Care Funding Cuts Cut Deeply

I am a registered family childcare provider in Niagara County where I operate my business, Linda's Lullaby. I have a great concern for this dilemma we're facing with the child care subsidies funding program. I've been in the child care business for 15 years and I found many unfair regulations and been through many stressful situations along the way, but for the most part, I have learned to deal with whatever comes. It all comes with the job. But one thing I do expect is to get paid after a long day of changing diapers, cleaning runny noses, making nutritional meals 5-6 times a day, praying each day that no child gets hurt, reading a story before nap time, taking a walk even though I don't feel like it sometimes, doing crafts, bottle feedings etc.. It's all in the days work. The children look forward to these activities because they are getting good quality childcare. Everyday when these children leave the door I know I have done my best. When I see a parent walk away with a smile on her face whether she is dropping the child off or picking them up, I take pride in the fact I am providing high quality childcare. It helps parents concentrate knowing that their child is in a safe environment while they are working. When I see that we have allowed our funding to be cut and don't try to restore it, this concerns me greatly. I know there are parents that have had to choose to quit their jobs because there was a cut from their subsidy program without notice. When a parent can't support their families that means they have to go on public assistance which will then cost tax payers more money because they'll lose their health benefits as well. I can't imagine the people who will have to leave their children home with older siblings. With all our 30 hours of training on child neglect, safety codes, and violations I can't imagine what kinds of things that could happen while parents are away working. With all our training and concerns for the children from the state, what was it all for if it's not a concern now? I think it's quite clear why we need the childcare subsidies program. The \$5 million block grant we received in 2005 only \$141,239 was used for childcare. The waiting list is about half from last year. Only 420 families are receiving funding from 908 families who were last year and the numbers are growing everyday. The waiting list is at least 2 years. Please think of the children. Don't wait until things get worse.

3. Fran Nantista Albany County Incompetent Licensor Abuses Power

My name is Fran Nantista. I am a Family Daycare Provider – I care for children in my home. I'd like to speak to you today about licensors. A licensor is a person employed by the NYS Office of Children and Family Services to come into my home, evaluate and inspect my daycare home to ensure that I am following regulations. I have been a registered child care provider for the past ten years. In those ten years, I have had the privilege of having five different licensors, two of whom I never met.

My experience with licensors has been tiresome. The first licensor I had – and I had her for two years – was, by far, the worst. I spent many hours preparing for my first inspection and welcomed the licensor into my home. This was my very first contact with ANY licensor and I had been in business for five years without incident, accident, injury or complaint.

I thought everything was going well until she decided that I was pretty much doing nothing right. She didn't like my second method of egress, even though I am on the first floor and am grandfathered in as far as city code is concerned. I was forced to build a deck with stairs from my spare bedroom window going out to a 4-way stop on a main thoroughfare. Can you imagine how safe that now makes my home? When she questioned me on the fact that I had covered my cast-iron radiator with a 2-inch foam mat, I quoted the regulation that states, “radiators must be covered to insure against injury to children.” Her comment to me was, “That’s not what they mean.” I had a lengthy discussion with her over the fact that I can hardly be held responsible for an interpretation of a regulation of which I am not aware. How does *her* interpretation take precedence over mine? Why am I not aware of the “accepted” interpretation of a regulation?

This was the beginning of the end of any relationship I could have had with this licensor. From that point on, I was the subject of an inspection that made absolutely no sense. She asked to see my first aid kit. I brought her the first aid kit that the Child Care Coordinating Council had given me when I started my business. She repeatedly stated that there was a smaller one available. I advised her that this one went everywhere we went – into the yard and on walks off the property. I get a letter from her 3 days later stating that I am in violation because I do not have a portable first aid kit! This was an out-and-out LIE!!!

This same licensor came to my home another time with someone else and then proceeded to speak between themselves in Spanish. I advised them both that this was rude and that I would appreciate them speaking in English while at my home.

I was actually threatened by this licensor to have an order issued for me to cease and desist because I apparently had not completed my renewal application to her satisfaction. When I called her, I was advised that she was on vacation so I demanded that this situation be solved by the end of the business day or I would contact an attorney. I ultimately found out that I could not possibly have completed my application for renewal because SHE had sent me the fronts of the forms and not the BACKS. Apparently this was MY fault!!!

I have had a licensor who demanded that I have a signed statement by a parent that their son's epi-pen CANNOT BE ON THE PREMISES AT ALL because I have chosen not to administer medications. I advised this licensor that I would not ask ANY parent to sign anything unless she provided me with the regulation that states this cannot be on the premises. This was 8 months ago and I have not heard a word from her since that time. There are other providers experiencing the same problems with licensors. One provider was charged with a violation for having "toxic" substances in her refrigerator. This "toxic" substance is commonly known as BEER and it was UNOPENED! Why is it that we cannot keep beer for our own consumption in our own refrigerator? At snack time we are not in the habit of popping the top off of a can of beer. Another provider was charged with a violation because the cabinet under her bathroom sink was not locked. A cursory inspection by the licensor stated that there were toxic chemicals stored there. However, upon appeal by the provider, it was discovered that the only things stored there were soap and toothpaste. These are things that are usually kept on the vanity of this bathroom. They are now considered toxic?

My basic problem with any licensor is that I cannot seem to understand why every one of them has had a different interpretation of regulations. They seem to be free to violate providers for some things and not violate other providers for the same thing. Don't they know that providers talk among themselves? Aren't they aware that we do have a support system?

It is apparent that the licensors are either given training that is not adequate or the caliber of the people being hired for these positions is not of sufficient intelligence to handle the position. Having spoken with many providers across this 4 county area, it is apparent that there are no two licensors that interpret the regulations the same. How, then, can we be expected to follow a set of rules when we are not made aware of an interpretation prior to an inspection. This has to stop. There must be a universal set of regulations and a universal set of acceptable interpretations available to ALL providers.

We cannot follow rules that are not provided to us. Can any of you?

This has been the most frustrating ten years of my life. I absolutely love my business and the children for whom I care. I spent 25 years out in the working world and have NEVER found an institution harder to satisfy than the NYS Office of Children and Family Services. However, I REFUSE to back down. I will not let this institution force me out of business without a worthy battle. I feel that I have made a difference in the lives of many children who have passed through my care and I hope to continue to do so as long as I am physically able. This is my life, this is my profession, and my only source of income. I have found the job of my dreams and refuse to let OCFS dash that dream into oblivion.

**4. Sharon Foti
Monroe County
Labeled a Troublemaker For Speaking the Truth**

My name is Sharon Foti, and I have been providing daycare in Monroe County for 26 years. I'd like to speak to you today about what appears to be deficient training of

licensing representatives in the Family Daycare Registration and Compliance Unit. There seems to be no universal model for inspection, no consistency in handing out violations, and no due process in place for removing unsubstantiated violations. Each licensing rep. has his agenda and time constraint. An inspection can last anywhere from one hour to several. Some reps are obsessed with paperwork; others, health and safety issues and still others have turned inspections into a “sport” to see how many violations they can find. Licensing reps have been running over providers for years, writing us up for questionable violations and giving out misinformation. ON several occasions I have had to explain the regulations to a Licensing Rep. Providers have been violated for running out of paper towels during inspection, for not doing dishes in a timely manner and for using the bathroom out of the sight of the children in care. I was personally violated for not having a current medical form in place for a school age child, when, in fact, annual medical exams are not required for school age children. I was found in violations for having a table in the basement two inches too close to the furnace. I immediately moved the table in the presence of the licensing rep, but still received a violation.

For many years providers have been told by our licensing reps and in my case, the Child Care Council in Rochester, that “infants” under two must be in a crib for napping purposes. During one of my training classes on Statutes and Regulations, I asked the facilitator, Ella Renkhart, who is the Regional Manager of OCFS, what to do if I had a child under two who was climbing out of his crib? She told me to call my Licensing Rep. and ask for a waiver of the regulations. Not long thereafter I admitted an 18 mo. of age. She spoke to her supervisor, who then told her that I COULD nap this child in a bed or a cot. Subsequently, I re-read my regulations and could find no Statute or Regulation requiring an infant under two to be in a crib. It’s no wonder that they complied so quickly without a waiver.

In a separate incident, my daughter-in-law was opening a family Daycare and was expecting her first inspection. The Licensing Rep sent her a checklist of items that she should have on hand when he arrived; among them was “an Emergency Bag” and a “fire blanket”. She called to ask me where to buy a fire blanket. I told her that the Regulations have no requirement for a fire blanket or an Emergency Bag and that she couldn’t be violated for not having them. The following evening while attending a class at the Child Care Council, I ran into the CEO of the Council, a licensing rep from another county and a training facilitator for the council. I asked them first about the fire blanket and they had no idea what I was talking about. When I asked them why providers were required to have an Emergency Bag if it’s not in the regulations, they sheepishly admitted that the Emergency Bag was merely a good suggestion from the “Health and Safety people”?? (whoever they are) and was indeed not in the Regulations. The following week, while attending another class at the Council, the training facilitator mentioned earlier, saw me and remarked to the others, “Uh Oh, here comes trouble.” Now, I ask you because I provide the highest quality care and have made it my business to stay current with regard to the Statutes and Regulations, should I then be labeled a “troublemaker?” I know what qualified ME to be a good provider. What I would LIKE to know is what are the job and training qualifications to become a good NYS Licensing Representative?

**5. Roxanne Savage
Suffolk County
Town Officials Ignore State Law,
Create a Nightmare for Family Childcare Provider**

Hello, my name is Roxanne Savage and I am the owner of H.U.G.S. Group Family Day in Holbrook on Long Island. On behalf of all NY State Group and Family Day Care providers I am here to present our challenges with the local townships. I think the simplest means of doing this would be to relate my personal experience. After several attempts by Islip Town Enforcers during the spring of 2002, I was finally issued a summons on 6/28/02 -- SECTION 68 - Subdivision 25 B - Change of Occupancy-Building * Written on the summons was ".did allow, permit and maintain 1 family dwelling as a child day care center with approximately 9 children at this time." (I had received several verbal "threats" from Town staff about being shut down.)

When three Town Code Enforcers came to my home on that day I asked them to please come in and look around. I wanted them to see what they were attempting to "close down." They all appeared to be impressed and confused, one even commented that it "was like a 'club-med' for kids". Nonetheless, they were very clear that this time they could not go back to the office without total follow-through as their boss, (Mr. T. Shea ?) implied their jobs would be on the line. I was advised to obtain a lawyer and upon receiving my summons they left with what I felt were sincere apologies.

The saga with the town continued for about eleven months. I found the entire ordeal to be one big nightmare. I was emotionally and financially drained. Much time was spent writing letters, placing calls, sending faxes and a day in court. All of this cost me time and money. Some of my larger expenses were the lawyer, salaries to cover my time away from the day care, whether it be outside the premises or in another room taking care of 'town' business, and correspondence costs.

During these months I had the opportunity to listen to the stories of other providers. Some were going through the court experience or just being hassled by the town. Islip town encompasses the many zip code areas* and in the area of 200 Group/Family Providers. Unfortunately there were a number of providers that either could not speak English well or lacked the education to defend themselves. And if all of this wasn't already frustrating enough, it was difficult, if not impossible to find someone to listen and help us. I personally appealed to many individuals from: the Office of Children and Family Services, the Town of Islip, the Child Care Council, the State, the County and even the media*.

As I speak here today, I am aware of a provider in Islip who is being harassed by the town and the neighbors of her new Group Family Day Care home. The neighbors have posted huge signs on their lawns with arrows pointing to this lovely home in an attempt to display their negative feelings. It is my understanding at present, that this day care has yet to open, at least in part, I'm sure, due to the fact that the neighbors have told her outright that they will harass anyone who sets foot on that property. In the meantime this woman has invested a huge amount of time and money to fulfill her dream and the dream of many families---to have a "home" where children can come for "nourishment" and the parents can go off to work confident that their child is being well cared for.

It is my feeling that the time has finally come to educate the general public and most importantly, the government agencies (towns) of the following: "Fifty Percent of the Child Care Establishments are regulated Group and Family Child Care contributing greatly to a \$755 million dollar industry annually (LI - CCR &R data, 2003) (the). "Child Care Sector is BIG-Fiscally, Socially and Economically" Group/Family Day Care Providers are people committed to the child(ren) and their families. For most they are dedicated professionals who put in long hours for the love and needs of the child. I have been asked over the years why I continue with HOME based day care (and not open a center). My reply is always the same, "I believe in Group/Family Day Care. It provides the child with more-- things that are not tangible. The basics of "family" that either are not happening at home or need to be reinforced throughout the day, every day." Obviously I can go on for several hours but due to limitations I will not. I hope my testimony will help everyone come to the realization that the government has a responsibility to all sectors (business, family, etc.) to support Group and Family Day Care.

**6. Edith Gaines-Rivera
Westchester County
Providers Publicly Humiliated with Scarlet Letters**

The Office of Children and Family Services website was originally designed to help parents search for childcare and act as a marketing tool for daycare facilities. The provider community paid scant attention to it since it really did not generate many inquiries from potential clients. Then in the spring of 2004, some new features were added. Two questions and a statement were supposed to help parents make a decision about childcare.

They read as follows:

"Is there currently an unresolved serious violation?"

"Has there been a serious violation in the past two years?"

"Enforcement actions in the past two years"

Each of these is followed by a no or a bright Red YES with no explanation. Though a parent could call OCFS for more detailed information more often than not a Red YES prompted the parent to move on to the next potential facility. This caught the attention of the provider community. The Red YES became known as the Scarlet Letter. In August of 2004, according to OCFS, 25% of all facilities had a Scarlet letter.

In March of 2005 approximately 1400 facilities were approved under Medication Administration Training. 5000 have Scarlet Letters. What is wrong with this picture? As many of you know, VOICE held discussions with OCFS concerning this beginning last summer and then led a petition campaign to get this website changed into something more palatable. OCFS in March added a profile page to the website. On it, the regulation alleged to have been violated is identified and whether it is considered serious and corrected. But no explanation of the situation is offered. So for instance, if during the last inspection two years ago, the fence around a pool met the 48" height requirement, but happened to settle an inch to 47" which the provider did not notice, the provider is labeled as a serious violator and is identified on the profile page as having violated:

417.5(f)(1) Barriers of adequate height & security must exist to prevent access to pools/bodies of open water. The fact the fence settled an inch is not noted.

It is not hard to imagine a parent being suspicious of the provider if the provider offers as the explanation that she was violated for the fence settling an inch.

In spite of this attempt to improve the website, the Provider community is still unhappy because of the lack of an explanation which OCFS says it will not do and for the humiliation the website still causes providers. Is there some irony here? One section of disciplinary regulations in a daycare setting reads:

417.9 (h) Methods of discipline, interaction or toilet training which frighten, demean or humiliate a child are prohibited. Now can someone explain to me how OCFS has a regulation prohibiting the humiliation of children and then defend as a best practice the public humiliation of childcare providers?

7. Claudia Ruiz Suffolk County

New Child Support Law Devastates Providers, Parents And Children

Buenos Dias damas y caballeros mi nombre es Claudia Ruiz.

Vivo en el condado de Suffolk soy maestro por 17 anos. Proveedora por 12 anos, he estado con ninos practiqua mente toda mi vida. He seguido paso a paso por 12 anos muchos cambios en las Regulaciones del estado the NY, toda para el bienestar de los ninos. En su mayoria buenas.

Pero...esta ultima modificacion del soporte de ninos para mi opinion personally y la opinion de 25 a 30 proveedoras del cuidado de mi area ha sido un fracaso que solo ha veneficiado al estado y el condado porque la gran mayoria de los ninos bajo nuestro cuidado han hido a parar en manos de cuidadoras de ninos informales.

Ninos en su mayoria que han tenido que pasar de nuestras rutinas bien planificadas, centros de cuidados organizados y limpias por cuartos oscuros, television, y maltratoes en algunos casos.

Padres que se han distanciado de sus ninos por ese mantenimiento obligado que en muchos casos no pueden pagar y al final el estado por ahorrar un presupuesto a puesto en peligro la salud emocional y fisica de todos estos ninos; gve son tan importantes para el estado.

Nuestro centro de cuidado se han quedado vasio, muchas de las proveedoras teniendo licencia han tenido que bajoar sus tarifas a nivel de cuidadoras informales, inventar una cantidad increíble de veneficios que no don. Por ejemplo ofrecen panales gratis, formulas para bebes gratis, paseos, etc.

Algunas de nos otras que hemos invertido anos en preparacion, studio, entrenamientos carisimos, porque el estado y el presidente piden centros de cuidado de calidad pero no

hay presupuesto para nosotras ni para los niños que al final, estos pequeños son los más importantes.

Pedimos un cambio inmediato en esta reforma ridícula de soporte de los niños. Pedimos respeto y consideración por parte de estos empleados del departamento de servicio social que es tan allí porque nosotros trabajamos porque si no nubieran centros de cuidados ellas no trabajarían.

Que paren de tartar mal a estos padres que cada día salen de su casa a trabajar y dejan a sus niños en manos extrañas muchas veces manos dañinas que lastiman estos niños y arriba de esto tienen que aguantar, escuchar palabras de racismo, y malos tratos de estas empleadas del gobierno.

Por este motivo nuestros niños han dejado nuestros centros de cuidado porque estos padres no quieren bregar más con toda esta pesadilla. Entonces nosotras preguntamos ¿hasta cuándo tanto maltrato? ¿Abuso? Y tanta falta de respeto a esta clase media y trabajadora. ¿Y hacia nosotras? Nuestra preocupación acerca de todo esto nos involucra a todos. Y ahora mi asistente mi mano derecha y mi hija Jennifer Rios les podrá transmitir nuestro mensaje en su idioma. Gracias por la atención y gracias a VOICE por darnos la oportunidad de compartir nuestra inquietud. Gracias

8. Jennifer Rios
Suffolk County
Translation of Claudia Ruiz's Testimony

Now did everyone understand what she said? This is what Spanish-speaking parents and providers go through everyday.

Good morning ladies and gentlemen. My name is Jennifer Rios and I would be translating for my boss who also happens to be my mom. We live in Long Island, NY, Suffolk County. She has been a teacher for 17 years and a provider for 12. She has been around children practically all her life. She has followed the regulations in NYS step by step for the past 12 years. Most of them for the well being of the children.

But the last modification of the child support law, in my opinion and the opinion of about 25 to 30 providers in our area was a fraud. This regulation has only benefited the state and the county because the majority of children under our care are now ending up with babysitters.

Children are now going from our well planned routines, well organized daycares, and clean rooms, to dark rooms, unending hours of television and abuse in some cases.

Parents are now being forced to distance themselves from their daycares because they are being charged fees they cannot pay at the end because the state wants to “stay in budget”. They are putting at risk the well being of the children, hurting their emotional and

physical health. If these children are so important to the state, then why force them out of our care?

Our daycare facilities are being emptied out, a lot of providers with licenses are having to lower their fees match the same pricing as the “babysitters”. They are being forced to make up ridiculous benefits to get children to come to their care. Some examples of this are “free diapers, babyhood, baby formulas, field trips etc.”.

Some of us have invested years in preparation studies, and very expensive trainings because the state and the president want high quality daycares, but they are saying there is not enough money in the budget to help us.

We are asking an immediate change to child support law. We are asking for respect and consideration from DSS because if it wasn’t for us providers, they would be out of jobs along with the parents.

They need to stop treating us with disrespect because these parents are leaving their children with strange hands, who in many cases are hurting hands. These parents have to hear words of racism from government employees.

For these reasons our children have left our daycares because they don’t want to deal with DSS, they think this is all a nightmare.

Parents are being pushed to the point to where they are asking us when are we going to deal with all this abuse? When are we going to be treated as working class and when are the providers going to be recognized as workers for the state?

All these worries involve all of us. Thank you for listening and thank you VOICE for giving us the opportunity to share our troubles.

Hillary (voice representative), thank you for being with us every step of the way. If it wasn’t for you we would still be at home taking all this abuse and wondering when it would all end.

**9. Ed Gresco
Albany County
Childcare Is Vital to the Economy**

I would like to thank all the members of the panel once again for coming and listening. I know you all have been sitting for a while.

I noticed some of you have started to wiggle a bit in your chairs, so I will be brief.

My name is Ed Gresco. I spent sixteen years as a Group Family Child Care Provider and I was a nationally accredited provider. I am now a representative of VOICE, the VOICE of Organized Independent Child Care Educators. VOICE is a statewide family child care

provider organization that has partnered with CSEA AFSCME Local 1000. We work to materially and directly improve the working environments and careers of providers. We believe the quality of childcare in New York State will improve in direct proportion to the fate of the providers.

In the coming months and years VOICE members may approach some or all you with problems and issues of our members. We ask that you help and support VOICE/CSEA whenever you are able.

You have heard testimony about the problems and issues in the Family Childcare Community. You may think a rather bleak picture has been painted. It is not. Every one who has testified is a committed family provider----providers who desire to remain family providers but who are feeling intense pressures from both the regulatory environment and in the financial arenas. These factors are contributing to a very high attrition rate across the state---estimated at 20 to 30% per year.

Yet this is an industry, which is absolutely vital to the economic health of New York State. Daycare in many ways has become an integral part of the economic infrastructure similar in importance to transportation, utilities and communication industries. Without childcare facilities opening at 6am across the state, many businesses, both private and public would be hard pressed to properly staff their organizations by 9am. In New York State, childcare frees 750,000 parents to go work each day. These parents earn \$30.5 billion dollars in income each year. Needless to say that is a significant contribution to the economy of New York State.

When we talk in large numbers, billions of dollars, thousands of providers, hundreds of thousands of children and parents, sometimes we might suffer from what accountants call decimal creep. What that means is when huge numbers are thrown at people--30.5 billion dollars for example, people just cannot completely grasp the significance.

So let's break it down to a more immediate level. There are approximately 100 VOICE members here today. And let's say they all go out of business on Monday. What would be the immediate repercussions? At least 800 parents and 800 children would be without daycare. These 800 parents face losing combined total incomes of \$625,000 during this first week alone. These parents now must scramble to find new daycare---many being forced to take their children to substandard or unregulated care because of the chronic shortage of high quality providers. Now if you want to subject yourself to a serious case of decimal creep multiply those numbers by 50. There are approximately 15,000 family and group family providers in New York State. With a turnover rate of 30% annually, 5000 leave the business. I will let you do the rest of the math at your leisure.

I want to point something else out. Everyone who testified identified regulatory or financial issues. Not one of them complained about the children or the parents. Yes, there are problem children and there are difficult parents. Providers can handle those situations. It is the regulatory environment and the county payment systems, which for the most part, force providers to reconsider their career of choice.

I said I would be brief. I have here two reports-- the first is called Investing in New York, which clearly defines the economic impact of childcare in New York. The second is The Child Care Funding Crisis, which gives an overview of the funding streams for childcare. I encourage you all to read both reports. And when finished I want you to ask yourselves--is government spending on childcare actually spending or is it in reality a government investment? I of course believe it is an investment, not expenditure.

In closing we ask you that when you are dealing with questions or policies about child daycare, you take it a step further and ask yourself, "how does this new policy or regulation affect Family Daycare Providers"? And again I ask for your support of the efforts of VOICE/CSEA in the future.

Thank you.

Written Testimony

10. Kim Bannister Erie County

Why Quality Providers Are Shutting Their Doors

I would like to speak to you about the problem of high quality providers leaving the Early Childhood field. They are leaving mostly due to regulations, interpretation of regulations and unfair treatment by licensors/registrars. For the last 13 years I have been told that all new regulations were put into place to promote high quality child care I am here to tell you it has had the opposite effect.

High quality providers feel overwhelmed by ridiculous regulations. For instance: 416.5(i): Protective caps covers or permanently installed obstructive devices must be used on all electrical outlets that are accessible to children. Providers get written up all the time on this one. I'm not saying this is a bad regulation all I'm asking is if the cap is right in view of the licensor and obviously was an oversight by the provider it should not be written as a serious violation. Now if a provider continues to not cover electrical outlets in her home a violation is warranted. 416.5(l): Any pet or animal kept indoors at the group family day care home must be in good health, show no evidence of carrying disease, and pose no threat to the children. Great regulation all pets should be kept in great health. But what about the inspector that asked the provider to take her gold fish to the vet for an exam or face a violation. Or the provider who bought a new puppy unexpectedly and her inspector showed up two days later and wrote her up for not telling the office before she purchased the dog. By the way that provider was not running her program yet and there were no children in care. She almost quit before she even started. 416.11(9): After use, dishes and all utensils must be washed with soap and hot water and rinsed in hot running water. This is a new favorite for licensors. There is no consideration to the children's needs after breakfast and lunch. A provider was written up for this

because of dirty lunch dishes in the sink. The provider was getting the children down for their naps. Which would you rather see the provider taking care of children or the provider taking care of dishes?

There are so many more regulations I could sight to show provider frustration but I'm limited to time and would literally need hours to give you a true picture. I would like to tell you about a Nationally Accredited Provider who just closed her business in September. She did not leave because of low enrollment in fact she was completely full for September. She did not leave for a higher paying job; she would have made more money in childcare. She left because she was overwhelmed by the regulations. She was one of the most conscientious providers I knew. She knew her regulations inside and out and did everything by the book. Yet, she was terrified of getting written up. Why was she so afraid well she knew other providers were receiving their scarlet letters for erroneous infractions and was afraid it was only a matter of time before it was her turn. I have never known this woman to do one thing wrong, ever but the stress of the possibility of having an unjust violation was just too much. This was a Nationally Accredited, college educated woman who loved her job but felt no other way out but to quit. I'm here to fight for these women I do not want to see the quality providers leaving the field.

When a high quality provider is written up for a regulation and receives a red yes on the website they are devastated. I know of 2 providers who are seriously considering not renewing their licenses because they were written up for pool infractions. Their pools were already deemed safe by the state when Alyssa's law first came out. Yet, apparently this year inspectors want different barriers in place. They were given no chance to correct the "so called" problem and now have the scarlet yes next to their names. They may be leaving the field. How many excellent providers is this state willing to lose before they realize there is a problem. By the way the providers who are not doing the right thing do not care about their violations, they will continue on. It is the providers who care about their reputations that are fearful of getting written up for every minor infraction. They are the ones who burn out and leave for other jobs.

I challenge you to read the regulations and implement them in your own homes with your own children or grandchildren. Now realize if you forget to put a plug outlet back in, leave dishes in the sink, don't have proper documentation for sun screen, or medicine you will be immediately written up and everyone in your field of employment will think you are not doing a proper job. You must take care of children for 11-12 hours a day without a break for lunch or lord forbid you have to go to the bathroom. It doesn't matter if a child in your care was not feeling right an you just wanted to sit and rock him, everything better be clean and all paperwork must be in order there are no excuses, no exceptions. We have taken the care out of childcare the emphasis is on paperwork and not on the type of program the provider in running or the quality of care the child receives.

**11. Mary Jarvis
Onondaga County
Huge Communication Gap Between Providers and Regulatory Agencies**

My name is Mary Jarvis and I have been doing daycare as both a Family Daycare and now Group Daycare for 16 years in Onondaga County. Our community and county have gone through so many changes over the years. One agency in particular is the Department of Social Services. This agency was and still is vital to the Family Daycare Programs in Onondaga. The department oversaw the food program for many years. They are no longer the regulatory agency nor do they supervise the food program. At this time the Department plays the primary role of distributing subsidy funds for families who qualify for daycare assistance. The Department of Social Services did work hand in hand with Providers at one time and were very helpful to me on many occasions. DSS's role changed when they were no longer the registrar or licensor and things became very confusing for providers as to who were doing what and what was taking place within the regulations pertaining to daycare. It is unfortunate that at this time many providers can no longer look to that avenue of support that existed when the county DSS was in charge of

regulatory concerns. A partnership between providers and the support staff who over see our business was and still is so very important to the success of quality daycare in the community as a whole. Many providers, including myself, feel it has become a time of assuming good sound daycare businesses are always either guilty of being out of compliance or just uneducated individuals who are talked to in such a manner. Registrars and licensors don't work with us on a consistent basis when communicating the rules and regulations that are so important to have good quality daycare homes. Providers who are either group or family do not receive updates to the regulations in a timely manner or just don't receive this information at all. My question to you is: How can daycare providers in my county and across the state still continue having quality daycare homes when we are left in the dark and not informed about all the new or revised updates that govern our daycare businesses?

We do not have a crystal ball to know what will be added to the list of requirements next. We as good, quality daycare providers strive to be on top of what is expected of us but feel we are on a treadmill always running to catch up with the regs. But unfortunately, feeling like we will never achieve what is necessary to comply with all that is set before us at any given time. At this very moment we are losing exceptional daycare providers because of the challenges that hang over our industry. Yet many substandard daycare homes are still open across the state. This is truly a GRAVE concern to providers who are offering a safe haven for children. Retention of good quality daycare homes in the community is so very important to everyone. How can we continue to keep going on the way things are and still maintain the standard of daycare service so very important to many families who need to work and not worry about the quality of care for their children? Providers are not against regulation. What we are against is the lack of consistent understand and clarifications of the regulations by the licensors/registrars who implement those rules. A question that we often ponder is who is overseeing the overseers? No one has ever asked me "how is your licensor doing with regard to the

renewal process"? OCFS has never asked me or any other provider I know of, what OCFS could do to help us achieve the compliance necessary for all the regulations. Their attitude seems to be, here are the regs, they are open to interpretation, and if you don't like the interpretation, too bad. Lastly, I would like to thank you for hearing my concerns.

**12. Linda Oliver
Niagara County
Regulations Cause Widespread Confusion**

In our experience as daycare providers we have been told that the regulations are open to interpretation. I have been a daycare provider in NYS for 3 years and have had 3 registrars. Each time the registrar comes to the daycare there is a new interpretation. We would like regulations that are absolute in nature and not open to interpretation. We are sure it would eliminate the confusion daycare providers experience. When there is an accident in a daycare environment does the daycare industry need to be hard pressed be with another regulation? Why should all children be refused the opportunity to swim in a 3-inch plast blow up pool because of a drowning incident? Does this mean all daycare providers are not able to supervise children in a few inches of water? Maybe we should refrain from giving children baths because someone might drown? Daycare providers would like the opportunity to be in the decision making process before new regulations are added.

**13. Sonya Agee
Niagara County
Subsidy Cuts Are A Disaster**

Over the past year subsidized programs have been cut throughout Niagara County, which leaves daycares, parents and children suffering. In the past few months over 400 families on the daycare assistance programs have been terminated. This affect has caused daycare providers to cut their rates, lose children due to parents having to quit their jobs or leaving children with whom every they can to provide care for their children while they try to hold on to their jobs. The funding has also caused an affect with the 800 families who are on the waiting list to apply for daycare assistance so they can search for a job. Therefore they are forced to stay on public assistance until they can get some help from the county. Us providers are hoping that we will get a decent raise soon to help off-set some of the business that we have lost in the past few months. Group family daycares have not had a raise since October 2003, and Family Daycares have not had a raise since October 2002. Since Niagara County has been paying us fair market rates they have taken away our absent days in which Providers loose a days pay when a child is absent from daycare. Other counties in the State of New York have been granted raises and still get absent days.

14. Linda Oliver
Niagara County
Work For 12 Hours—Get Paid for 6

Many childcare providers are vendors for the Dept of Social Services and only get paid for 6 hours when we have worked 10-12 hours. How many other non-daycare related vendors from DSS work 12 hours and get paid for 6? How about getting interest on all those late payments? Auntie's House daycare home has had daycare payments as late as 6 months from DSS. We have no contract with DSS and when requesting a copy of the DSS regulations, we were refused. How can we be accountable for regulations governing DSS subsidized childcare when we don't even know what they are? What's the big secret?

15. Donna Majors-Hill
Monroe County
Informals Are Unfair Competition

I am a Group Family Day Care provider of 13 years. I have a concern about license provider verses informal providers. The Licensed providers are mandated to take 30 hours of training and the informals are not required to have any training at all. The informal daycares get business because they are less expensive. The new Medical Administration Training to administer medication is not fair to the Licensed Day Care Provider because if we choose not to take the class we are not allowed to give out medication. However, the informal can give out medication without any training and do the same duties and responsibilities as the licensed provider.

16. Antoinette Davis
Erie County
Market Rate Inequities

When the state allocates a specific amount of money to their districts that includes the Market Rate Increase for Licensed Child Care Providers, why are the districts given an option as to where they can actually allocate these specific funds? When they decide to distribute the funds outside of the state's designated target, why are they not paying the providers retroactive from the past market rate increase they have not honored? When providers received the contract for the new market rate increase, we were not aware of a 'new formula' that will be used to calculate our payment. The new rates do not make sense when you use the states regulations to calculate them. Many providers had the documents notarized without realizing the major discrepancy in the figures. Can someone please explain the 'new formula' the state has devised and explain it to the business owners it will effect?

17. Marcia Mango
Schenectady County
The Frustrations of Dealing with Licensors and Regulations

My name is Marcia Mango. I am a group family provider in Schenectady County. Group Family allows us to care for more children than Family Day Care with the help of an assistant. I am the provider who was written up for a violation because I had beer in my refrigerator. My licensor opened my refrigerator door without asking, I said “Roberta, what are you looking for?” She said, “I am looking to see if you have beer in your refrigerator.” I said, “Roberta, I am not drinking beer, I am not letting the children drink beer, so what is the problem? It is not against the regulations to have beer in my refrigerator.” She said. “I’ll have to check with my supervisor.” She proceeded to send me a violation report stating that I had toxic substances within reach of the children. I then had to write her supervisor to dispute the violation, which was removed from my record. The problem is; that not a day passes in which we are not in violation some way or another simply because the regulations contradict each other and they are subject to individual interpretation.

Let me tell you a little bit about the discrepancies in some of our regulations. Before I became a group family provider I was a family provider. I was allowed to care for up to 8 children by myself. Now that I am a group family provider I am only allowed to care for up to 6 children by myself. I guess when I decided to do group day care the state assumed that I’d lost my mind, and that I was no longer competent to handle two more children. This makes no sense to any of the providers and neither do a lot of other regulations; such as; Regulation # 416.3 (d) which states; Toxic paints or finishes must not be used on room surfaces, furniture or any other equipment, materials or furnishings which may be used by the children or are within their reach. When my friend received a violation for having soap underneath her sink, I said, what is the difference, if you have soap out for use by the children or stored for use by the children at a later date? Regulation # 416.11 (q) States; toilet facilities must be kept clean at all times and must be supplied with toilet paper, soap and towels accessible to the children.

I decided to write a letter to Suzanne Sennet, Bureau of Early Childhood Services, Director. I asked her if soap, shampoo, toothpaste, dish soap, laundry detergent, interior house paint, wallpaper, carpets, bleach, and a number of other products were considered toxic or hazardous materials. Ms. Sennet wrote back and told me they are all toxic and should be kept out of reach of small children, and specifically said that older children should be taught to use soap properly. I again wrote her a letter, and asked her to define what she meant by small and older children (some five year old kindergartners are short and might be considered a small child). If left open to individual interpretations, some of us could be violated while others doing the same thing would be okay. Ms Sennet wrote me back again and said a small child is considered preschool and an older child is school age.

Now, first let me address the soap issue. Regulation # 416.8 (2) states; Children who are able to toilet independently, including fastening and unfastening clothing, wiping themselves, flushing the toilet, and WASHING their hands, may use the bathroom on another floor for a short period of time WITHOUT direct adult supervision. Most

children are potty trained between the ages of 2 and 3 years of age. I'm not sure what the state wants from us. Do we put soap out in the bathroom, or keep it out of the reach of children? Now let's look at bleach. Regulation # 416.11 (r) 1, states; Equipment that is frequently used or touched by children on a daily basis must be cleaned and disinfected when soiled and at least once weekly. We are told to use a bleach solution. Bleach is toxic, on one hand we are instructed to use it and on the other we are told not to use toxic substances on surfaces which will be used by children.

I can't speak for all the providers but I know that every provider's home that I have been to is in violation of the regulations. I know mine is, because I have interior house paint, and wallpaper on my walls, I also have carpets and there is wood stain on my cupboards, floors and furniture. In our Home Safety Checklist (which we are required by the state to sign), it asks us to attest to the fact that there are no toxic paints, finishes or hazardous materials USED in or on the floors, walls, windowsills, beds, toys or any objects within reach of children, it also has us attest to the fact that our home is in good repair.

Regulation # 416.4 (f) 1 states; When care is provided primarily on the first floor, of a group family day care home and the second floor is used on a limited basis including for napping purposes, one means of egress from the second floor must be either an interior stairway with no intervening rooms or obstructions which leads to an exterior door at ground level, or an exterior stairway which leads directly to the ground. The second means of egress may be a window which is at least 24 inches in its smallest dimension and which is adequate for the safe evacuation of children and adults. The smallest dimension of my second floor windows is 35 inches and my husband and I have no trouble at all climbing in and out of them. I have been providing day care for 22 years and have been licensed through NYS for 13 years. The whole time that I have been licensed, I have been in the same house with the same windows, and that regulation has been the same for as long as I can remember. This year my windows shrank. If someone asks you to give them the dimensions of your window, don't you measure from top to bottom and from side to side? This year Roberta Upadyhay, the beer Gestapo licensor decided that she had to take the measurements of my window "opening" (our regulation does not even mention the word opening). She said she received an internal memo from Suzanne Sennet saying that she has to measure the opening, when I asked for a copy of this memo she said she's not allowed to give me it. How are we supposed to follow secret regulations or regulations that contradict others? Any way you look at it we are in violation of the regulations everyday. Here is one more scenario, we are allowed to sleep children on the second floor, so let's say I carry one baby upstairs while my assistant is reading to the rest of the children downstairs, now I go down to get another infant to carry him upstairs, while I went down to get the other infant, the first infant was left on the second floor by themselves, I am in violation. You might be sitting there saying to yourself she is taking this a bit far, but what if I were to tell you that I put this same question to the Gestapo licensor that tried to have me violated for having beer in my refrigerator, and she said, and I quote, "That's right you would be in violation and if I were here, I would have to violate you. That's why you're allowed to watch up to two children under the age of two per person, so you can carry two up at a time." (That's real safe!) That's when I said well, if my assistant carried the other two up, who then would be watching the rest of the children? Even she could then see my point.

I think child care providers have enough stress not only from the children themselves, the children, believe it or not are probably one of our smallest stresses, I would venture to say that most providers would say the licensors and regulations are our biggest stresses, and that is a pretty scary thought, when you consider the fact that this has turned into a society of litigates and that we are well aware of the fact that one small accident could bankrupt us. It is our hope that you can help us with some of these problems. It would be nice to be able to have a good working relationship with the state and to be treated as professionals, many of us have college degrees, some have chosen this career as a means to be home with our children, or just for the plain simple fact that we love the children. We all thank you for taking time out of your busy schedules to help us with this matter.

**18. Darlene Sheldon
Chenango County
Subsidy Payment Problems with DSS**

Good Morning my name is Darlene Sheldon and I am from Norwich, NY in Chenango County. I am the provider at Just Kidding Childcare, which is a Group Family Childcare. The mission statement of our facility is "Children are the heart of our business and we are not Kidding!" I try to do all things involved with our childcare business in a legal and decent manner. This past December of 2004 one of our families moved to an adjoining county. Otsego. As required by New York State I asked the mom to go to the county's office and apply for DSS childcare for her children. These children have been in my care since the oldest was two and the second child since 6 weeks of age. To make a long story short my childcare was their stability and a place for them to feel safe and well cared for.

I received the Otsego County confirmation letter for Provider Enrollment on January 10, 2005. This letter was originally dated 12/10/04 but the date was crossed out and written in as December 22nd, 2004. The month of January was billed to Chenango County and the bill was paid promptly. New York State has an agreement between counties that the previous county pays the first month of childcare when the counties are changed.

I never received a billing packet from Otsego County but received some payment vouchers at the end of February. I did bill the county at the fair market rate and waited for payment. I received notice that I did not follow the proper procedures of the Billing Packet. I then placed a call to Otsego County and got the registry who could only leave a message for the Person in charge of DSS. The DSS person called me four days later and I requested a billing packet.

The bill for February was corrected and resubmitted. On March 7, 2005 I received a letter Notice of Approval of Your Application of Child Care Benefits. This letter went into effect February 4, 2005. The amount the county agreed to pay me was \$51.25 per week. I had billed them for \$125 per week and was in shock. The above letter went on to explain that the amount that DSS was based on a Court Ordered Child Support letter and that someone was to provide 59% of the child care amount but the Persons name was crossed out. (I still do not know who this person was as the parents were to pay a total amount of \$22.50 per week half coming from each parent).

I called Otsego DSS and again asked them whom the person was whose name was crossed off and received no reply. February's payment never came in March. The first week of April the voucher for March was submitted. The payment was received April 15th in the amount of \$175 this was the March payment. This was \$285.66 short so I called again and got the registry left a message and was called back. They would check into this for me as there now was only one employee for this job and things had fallen behind. I offered my concern but still told them they needed to get this taken care of. So now there was no February payment and March was short.

Now, I submit May's voucher for April billing. On May 26th I received February's payment, which was \$198.30 short. April's payment was also made on this check but guess what it was \$617.65 short. The math equation now is Otsego County was \$1101.61 indebted to me for back payments.

May's payment arrived the 15th of June and was short \$305. I called and talked to registry and left a message. When the call was returned I told them the new court papers from this family had been issued at the beginning of March and the papers stated that the parents only owed me a combined amount of \$22.50 and where was the rest of my money? The DSS person said she could not read the court papers as they had been faxed to her... This is three months since she had them in her possession.

My client had to resubmit her application for Childcare to Otsego in June for the next six months of service, which she did. There seemed to be a problem, not all of the paper work was received or illegible due to fax submission. My client called and continually left messages for the DSS person.

July 8th brought the New Notice of Intent to Change Childcare Benefits. This notice was to go back to May 31st; the amount was to go from \$53.30 to \$119 per week. I had charged them my fee of \$125 per week but wasn't going to argue about \$119. On the fifteenth of July no payment was received. I waited four days and then being so frustrated at the \$1788.31 in back pay that I gave the mom, my client, a two week notice of intent to no longer provide service for her children.

That night I cried all night and just could not allow these precious children to be the broken pieces when the DSS were the ones to blame for my loss of income. I called the mom first thing in the morning and told her to tear up the letter and forgive me for placing the DSS blame on her. Please bring your children back! I know we need to run our business as a business but where do we do the part that is called "Putting Children First"? I could not turn this family away and was so frustrated with Otsego County that I called the billing department to see if they were to send me a check soon and there was no order for a check.

On July 28th I finally received the back pay for February, March, April and May as they admitted they had made a mistake with the amount they were to pay me. Here we go again there was no payment for June. Again, a call was placed to Otsego and I, who usually am very passive, let them have it. I asked, "How in the world do you get things so screwed up? You have an order that tells you how much to pay me and you can't even follow it? I told them I send the children from our childcare to kindergarten who are able to read one even above a fourth grade level and they can't follow a simple calculation that was given to them. I was referred to a person who was in charge of the billing dept. Of course I had to leave a message and she did call me back. She said there

was a check now ordered for the next Thursdays billing. Well, that check came and it was short \$1079 for June and July.

The payment on August 15th finally contained the June and July payments that were in arrears.

The most recent letter I received on October 11th stated that Otsego was going to close this family's case on October 13th because there was a page on the family's application that was not signed by the parent. The page was the citizen certification signature. The parent submitted the paper and on October my payment came for the month of September. There is a discrepancy for \$44. Here we go with the saga "As the Stomach Churns DSS versus Darlene Sheldon page 28."

Who do the Childcare providers go to to assist us with this incompetence? I felt I was on my own. Thank God for VOICE who I and my sister providers are counting on to help us in the future to find some solutions to these kinds of problems.

**19. Cathey Sandman
Niagara County
Unregulated Informals Diminish Quality Regulated Care**

My three main concerns are these:

1. The extreme cuts in subsidized Day Care funding affecting hundreds of families and children who want to work.
2. The large number of "informal" daycare being provided in an unregulated environment that cuts into licensed home care providers abilities to operate and keep their businesses viable. Unregulated care is suspect and known to be of low quality.
3. The general lack of respect and professionalism providers experience when dealing with regulatory agencies.

**20. Kathy Stearns
Cayuga County
Group Family Ratios Make No Sense**

Hi, my name is Kathy Stearns; I have been doing group family daycare for 11 years. I have raised 3 children of my own now 19, 16 and 10. I am an active member in my local daycare association. I am very pleased to finally have the opportunity to speak out on my behalf and the behalf of thousands of daycare providers in the central NY area. We are looking for some standardization on the daycare numbers. It doesn't seem fair that a family provider has a capacity of 6+2 and a group has 12+2 if the group can have double the full-time children then doesn't it make sense that they should also have double the school-age? Also why does the group provider loose their plus 2 after their assistant clocks out? If a family provider can watch 6+2 on their own then a group provider should also be able to have a capacity of 6+2 on THEIR own. The numbers just don't add up!

The CACFP program has similar irregularities. If we all pay the same amount for food, electric, phone etc., why are there tiers for the food reimbursement? Just because there is a disparity of median income levels between certain school district or particular families

within a particular child care program, that doesn't mean the prices are any different for food that we must supply for our daycare children. There should be no tiers within the reimbursement rate schedule in the CACFP program. We feed all the children within a particular program the same meals therefore there should be one flat rate for all children. Instead of a tier program there should be uniformity with the pay structure so that we as providers receive the same rate across the board for our reimbursement.

Thank you for your time and patience. As a daycare provider I thank you for listening to me!