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## Recommendations based on testimony during the Family Childcare Providers Hearing, October 22, 2005

### A. ACHIEVABLE IN THE SHORT TERM

**A1. Provider Retention Program:** The Provider Retention Program was allowed to expire in March of 2005. It should be immediately reinstated and fully funded.

**Justification:** During the four years the Provider Retention Program functioned, it awarded grants to nearly 40,000 childcare workers across the state as a reward for longevity and credentialing. Childcare suffers from an annual attrition rate of 30%. Programs that reduce the loss of experienced providers improve the quality of care and foster the documented importance of continuity of care for children.

**A2. Recognition** The Senate, Assembly and Governor should all work to enact a law that will allow family childcare providers to organize, be recognized by the state and to bargain collectively.

In the past legislative session two bills were introduced and passed in the Senate and the Assembly that will establish collective bargaining rights for family childcare providers. The Governor vetoed the bill and the Senate overrode his veto. At this time the Assembly should override the Governor's veto of the House Bill, #10060, to complete the passage of this bill into law.

**Justification:** Currently family childcare providers have little direct input into the regulatory process and avenues of redress of grievances and disputes are blatantly biased in favor of government agencies or non-existent. A law establishing collective bargaining rights for family childcare providers will allow them to have an effective voice in childcare advocacy, promote fairness in the treatment of providers, and will result in improved care for the children of New York.

**A3. Spanish Publications:** All OCFS regulations, information and policies should be available in Spanish.

**Justification:** Large numbers of providers whose first or only language is Spanish find understanding regulations, policies and information very difficult. Their ability to comply with regulations and deliver quality childcare would be greatly improved if regulatory and training materials were available in Spanish. Recruitment of new Spanish speaking providers would also be improved.

**A4. Social Service Law 390:** The section of SSL 390 which exempts family childcare from local ordinances and zoning must be strengthened.

**Justification:** County and town officials in various parts of the state have been harassing family daycare providers with attempts to circumvent 390 and impose their own regulations leading to confusion and conflict with state regulations which are already stringent and strictly enforced. The word “assessment” should be added as a tax exemption in view of the fact one county tried to reclassify family daycare into a commercial tax category. This would have resulted in a 21% increase in property taxes on the provider’s residence.

**A5. Informal Providers:** The regulations enacted by the Office of Children and Family Services governing informal care (legal childcare providers caring for 2 or less children) should be implemented immediately and thoroughly through out the state. These regulations will impose a minimal burden on informal providers and promote quality care for families and children.

**Justification:** Counties employ thousands of informal providers in the subsidy system as a means of saving money but there are hidden costs and dangers. A study by the New York State’s Comptroller Office uncovered massive fraud and seriously deficient care of children who are cared for by informal providers. Within the past few months, informal providers have become subject to regulation. Those informal providers who participate honestly within the system should be offered resources, training and incentives encouraging them to become licensed or registered family childcare providers.

**A6. Health Insurance:** The qualifications of acceptance in the Healthy New York program should be relaxed or waived for all family childcare providers.

**Justification:** There exists a void of accessibility and affordability of health care insurance to family daycare providers. Their incomes are limited and self-pay of high insurance premiums precludes most providers from obtaining even the most basic of health insurance plans.

## B. MID-RANGE

### B1. Website:

- a. Allow providers to opt out of having their addresses, phone numbers and map link to their home posted on the Bureau of Early Childhood Services website

- b. Replace the adverse approach to posting information about providers on the website with a more affirmative construct.

**Justification:**

- a. The OCFS/BECS website posts addresses, phone numbers and map links to providers' homes posing safety and security threats to provider families and the children in their care. By posting such information, a pedophile or non-custodial parent can easily identify family childcare providers who are home alone with children and target the children for abduction or other crimes.
- b. The design of the information pertaining to alleged violations posted on the website unfairly humiliates thousands of providers causing in the process the loss of clientele and undeserved damage to professional reputations.

**B2. Medication Administration Training:** A complete revision and overhaul of this training is imperative.

**Justification:** Known as MAT, this training to qualify to administer everyday over the counter drugs and common prescriptions goes arguably beyond what is necessary to insure competence. It is expensive and time consuming. The result has been a massive opt out of the program by the majority of providers resulting in an overall reduction of service to the families who have children in daycare programs.

## C. LONG-TERM

**C1. Licensors and Registrars:** A new, intensive and comprehensive training for OCFS licensors and registrars be developed and implemented. Policies and procedures should be adopted which support and foster mutual understanding between the childcare community and the Bureau of Early Childhood Services of the Office of Children and Family Services.

**Justification:** regulations have become burdensome, expensive and complex. Interpretation of regulations is inconsistent and enforcement has become at times arbitrary and questionable. Providers are frequently cited for inadvertent, relatively minor infractions, which are easily correctable and then questionably labeled as a serious violation.

**C2. Insurance:** The New York State Insurance Department should require admitted A rated property and casualty insurance companies to create and offer standard homeowner's insurance policies to family daycare providers.

**Justification:** In spite of the lack of evidence that family childcare providers pose an adverse risk, few insurance companies offer standard homeowner policies to family childcare providers. Many providers have been forced to purchase substandard

policies or hide their daycare activities or even to close down because of the non-availability of a standard homeowner's policy.

**C3. Childcare Subsidies:** A complete overhaul of antiquated county computer systems and the addition of staff to approve and disburse subsidy payments should be undertaken immediately. Policies that result in providers not being paid the subsidies they are owed because of the parent's deliberate or unintentional actions should be changed immediately. In regard to the late, short and non-payment problems, counties should be forced to pay interest and penalties to providers for payments 30 days beyond the normal due dates.

**Justification:** Providers across the state who offer services to the childcare subsidized families regularly experience late, short or non-payment for services rendered. Many counties have become overburdened with the administration of subsidy payments causing financial hardships to providers forcing many to cease operations. Non-payment and late payment of subsidized monies also results in providers refusing to care for subsidized families.

**C4. Childcare Subsidies:** Funding for childcare subsidies should be increased substantially and a moratorium declared on the parental cooperation requirement.

**Justification:** Childcare subsidies have been successful over the past decade affording millions of New Yorkers the opportunity to pursue gainful employment and self-sufficiency. Unfortunately, due to inadequate funding, many counties have reduced the qualifying threshold from 200% of Federal poverty level guidelines to 150% or less. This has resulted in loss of childcare to many families because they can no longer afford licensed regulated care. In some cases a parent has lost employment or had to place a child in an unregulated, unsafe environment to continue to work. The new mandate that all custodial parents must pursue the non-custodial parent for child support has imposed serious hardship on custodial parents. The court process is slow and time consuming, discouraging custodial parents from pursuing legal remedies and resulting in loss of income as the custodial parent is forced to take inordinate amounts of time off to appear in court.