



NEW YORK STATE SENATOR

Jeffrey D. Klein

Klein & Savino call for letter grades for day care facilities in New York City

JEFFREY D. KLEIN November 5, 2015

| ISSUE: CHILD SAFETY, VIOLATIONS, INVESTIGATIONS, NEW YORK CITY

Report features day care centers with dangerous, persistent health code violations — that lie to parents about their records

New York, NY — **State Senator Jeff Klein (D-Bronx/Westchester)** and **State Senator Diane Savino (D-SI/Brooklyn)** today released an investigative report, “The Hidden Dangers in Day Care,” revealing the worst and most persistent violators in the city. The legislators called for a letter-grading system, similar to the popular restaurant A, B, C’s, to communicate clearly to parents a day care facility’s health and safety record.

“A parent cannot always tell by glancing at the colorful class projects at a day care center that there are hidden dangers lurking inside. They trust that providers are qualified and tell the truth about their records. But our report reveals that many day cares across this city rack up chronic violations and some even lie when asked about their records. We want parents to know that the places where they leave their children all day are safe, clean and licensed. Letter-grading on restaurants communicates to the public in a very clear manner the track record of an eatery. We wouldn’t eat at a restaurant with a poor-letter grade, would we leave a child in a place with a bad grade? It’ll undoubtedly lead to day care facilities cleaning up their acts,” **said State Senator Jeff Klein.**

“When it comes to the safety and sanitation of day care centers, New York City parents are truly left in the dark. While many locations have repeat critical violations, it has become increasingly difficult for parents to track down information about the security, staffing, and cleanliness of the center to which they are entrusting their most precious family members. Parents and guardians need an easy-to-understand, accessible system to let them know that their child’s day care is clean and safe, just as the restaurant letter-grading system lets diners know that a restaurant is clean and safe. In regards to the health and safety of their child, parents should never have to cross their fingers and hope for the best, and with the proposal of this day care letter-grading system, they will no longer have to,” **said State Senator Diane Savino.**

The Independent Democratic Conference’s alarming report found that a total 18,102 violations were issued to 2,271 group day care centers throughout the city between 2013 and 2015. Since 2013, New York City group day care centers have accumulated an average of nearly eight violations per provider. The worst offenders were in Brooklyn, where day care providers averaged 11 violations each, and a total of 9,565 violations in just two and a half short years.

Common violations throughout the city included a failure to designate a qualified education director to oversee the program, a failure to provide adequate hand wash stations, and obstructed and impassable hallways, among other critical violations. The combination of these violations indicate unsafe and unsanitary child care conditions.

Top Violators: 2013-2015

Rank	<u>Name of Facility</u>	<u>Permit #</u>	<u># of Violations (2013-2015)</u>	<u># of Public Health Hazards (2013-2015)</u>
1	Brightside Academy – Bronx	7482	77	11
2	Magic Kingdom – Brooklyn	14118	67	21
3	196 Albany Avenue Day Care – Brooklyn	4003	62	4
4	All My Children Day Care and Nursery School (2 to 5 yrs)– Brooklyn	24658	60	11
5	All My Children Day Care And Nursery 11 – Brooklyn	24878	57	11
6	Friends of Crown Heights Educational Centers – Manhattan	25817	54	9
7	Northeast Bronx Day Care Center, Inc. – Bronx	23617	52	5
8	Children of the Future Day Care, Inc. #2 – Brooklyn	16437	47	25
9	Mabel Barrett Fitzgerald Day Care Center – Manhattan	1345	43	13
10	Friends of Crown Heights Educational Center #4 Preschool – Brooklyn	7892	41	15

Source: IDC Analysis of DOHMH data located at <https://a816-healthpsi.nyc.gov/ChildCare/ChildCareList.do>.

Even after being cited, many day care centers do not learn their lessons. Startlingly, 236 day cares continue to operate within the five boroughs even though they fail their annual inspections year after year. Of those, 88 are persistently slapped with the same violations.

Top Violators: Persistent, Chronic Violators

<i>Rank</i>	<i>Name of Facility</i>	<i>Permit #</i>	<i>Consecutive Inspections w/ Violations</i>	<i>Violations (Total)</i>	<i>Public Health Hazards (Total)</i>	<i>Examples of Violations</i>
1	Northeast Bronx Day Care Center, Inc. – Bronx	23617	8	52	5	Childcare service failed to arrange/conduct criminal/SCR background checks or to re-clear required individuals (5x)
2	Nuestros Ninos Day Care Center – Brooklyn	4135	18	50	3	Inside temperature of 68-72 °F not maintained when outside temperature is below 55 °F (5x)
3	Kiddies Learning Center – Brooklyn	8118	14	46	7	Child care providing service without a staff member trained in First Aid/CPR on site (6x); Child care not free of pests or maintains pest harborage conditions (6x)

4	The Rat's Playhouse Workshop, Inc. – Brooklyn	5152	12	43	6	Child care providing service without a staff member trained in First Aid/CPR on site (5x)
5	Sunset Park Early Childhood Development Center – Brooklyn	19137	15	42	7	Child care service failed to provide appropriate guards on designated structures/equipment to protect children from potential injury (5x); Childcare service/camp obstructed DOHMH staff at time of inspection (2x)
6	Tender Years Childcare, Inc. (2-5 Years) – Bronx	6367	14	38	10	Childcare service failed to designate/identify a qualified Education Director (7x)
7	Tender Years Childcare, Inc. (0-2 Years) – Bronx	7231	14	37	12	Childcare service failed to arrange/conduct criminal/SCR background checks or to re-clear required individuals (3x)
8	Step By Step Early Childhood Center, Inc. – Brooklyn	6826	12	35	9	Childcare service failed to maintain required staff to child supervision ratios at time of inspection (3x)
9	Amy's Academy – Brooklyn	7955	12	33	14	Required food protection procedures were not implemented at time of inspection (4x)

10	New York Kids Club DBA PNW Enterprises, LTD. – Brooklyn	19557	10	28	10	At time of inspection floors/walls/ceilings were observed not maintained, in disrepair, or covered in a toxic finish (5x)
----	--	-------	----	----	----	--

Chronic violators often lie about their track records when asked directly about violations. When day care facilities with 100 percent failure rates were called by undercover investigators, 56 percent denied having a history of violations or current violations.

During undercover visits to top violators, undercover investigators were told that centers had no open violations even though Department of Health records indicated otherwise. Despite having been cited in 18 consecutive inspections, at Nuestros Ninos Day Care Center in Brooklyn—the second worst persistent violator—a director claimed that the site had never received a single violation in more than 35 years of operation. Kiddie’s Learning Center in Brooklyn—the third worst persistent violator—stated only that they had previous problems with their fire alarms and that they were being repaired. However, according to their inspection history, they were cited during 14 consecutive inspections for violations having nothing to do with fire alarms, such as failure to provide properly trained staff on site or harboring pests.

These inspection records are difficult for parents to find. Violations are posted a few clicks into the City’s Health Department website and many parents are unaware day care health inspections are readily available.

Like any responsible parents, Lee Towndrow and Amber Scorah toured SoHo Childcare and asked questions. The owner told them she and her staff were CPR certified. So in July they decided to leave their three-month-old son Karl to the care of SoHo Childcare.

Tragically, Karl died hours after being dropped off on his first day of day care.

Unbeknownst to the loving parents the day care was unlicensed and over-capacity. The owner incorrectly performed CPR and as it turned out she, nor anyone else on her staff, was actually trained in lifesaving procedures.

“When working parents have no choice but to put their weeks-old infant into childcare because our system doesn't provide parental leave, it is of the utmost importance that we as a society, at the very least, guarantee the safety of children in these childcare settings. This law is essential. Parents should be given the tools to assess whether their child is in a safe setting, and childcare centers should be held accountable in an open, public way so that they live up to the responsibility of looking after our precious children,” **said Lee Towndrow and Amber Scoria.**

“When parents leave their children at child care centers, it is critical for them to feel confident that their children are in a safe place. We appreciate the efforts of Jeff Klein and the IDC to identify where programs are falling short on safety, and hope that this work leads not only to more transparency, so parents can make the best choices for their children, but also to greater technical assistance to help centers provide safe, high quality services,” **said Stephanie Gendell, Citizen's Committee for Children of NY.**

“The problems identified in the IDC’s report demonstrate the need for the State to invest in high quality early childhood education for all New York’s children. New York’s children deserve facilities that are clean, safe, developmentally appropriate and inviting and a staff that is well-trained and fairly compensated,” **said Gregory Brender, co-director of policy and advocacy, United Neighborhood Houses.**

The IDC will also advocate for up to \$20 million in funding for the QualitystarsNY program to provide strategic direction and improvements to the approximately 330 centers, family-

home providers and public schools that the program serves.

“The New York Early Childhood Professional Development Institute applauds Senator Klein and the IDC’s efforts to ensure that all of New York City’s youngest residents and their parents have access to safe, secure early childhood care and education programs. NYC’s Department of Health and Mental Hygiene provides a vital service in inspecting and evaluating early childhood centers, but much remains to be done to convey the results of their work to parents and the general public. The Institute supports efforts to improve the current system, especially through the expansion of QUALITYstarsNYC, as a tool to help parents understand what good quality early childhood education should look like, from best practices and teacher education standards to enriching classrooms and play spaces. An increase in funding would make these resources available to hundreds of programs and many thousands of young children. The Institute acknowledges the complementary efforts of the proposed ratings system to inform parents about the sanitary conditions of their child’s day care center. Combined with the QUALITYstarsNYC rating system for program quality, parents will have two powerful tools to ensure their children are receiving the highest quality early education experience,” **said Dona Anderson, Deputy Director of the New York Early Childhood Professional Development Institute.**