



Testimony of the Day Care Council of New York  
Before the New York City Council  
Committee on Youth Services, Honorable Althea Stevens, Chair  
of Committee on Youth Services, Honorable Lynn Schulman, Chair  
Of Committee on Health

Prepared by Gregory Brender, Chief Policy and Innovation Officer and Shelby Lohr,  
Policy Analyst

October 12, 2023

Thank you, Chair Stevens and Chair Schulman, for the opportunity to testify about the Comprehensive Background Check (CBC) system in New York City.

The Day Care Council of New York (DCCNY) is the membership organization of early care and education providers across New York City. DCCNY supports its member organizations and New York City's early childhood field at large through policy research and advocacy, labor relations and mediation, professional development and training for early childhood educators, directors, and staff, and referral services for parents looking to find child care. DCCNY member organizations provide early care and education at over 200 sites in neighborhoods across all five boroughs. Most DCCNY member organizations operate with contracts with the New York City Public Schools (NYCPS), while a smaller portion works with federally-funded Head Start contracts or through private funding. DCCNY member organizations seek to provide quality early care and education services to New York's children and families across all five boroughs and employ over 4,000 New Yorkers, the majority of whom are Black and Brown women. The Day Care Council of New York is an active member of the Campaign for Children, which has long advocated for an improved system, and we support their recommendations.

DCCNY works under the belief that all children—regardless of their zip code or their parents' income—deserve access to high-quality early childhood education. We know that achieving program quality requires government action, both in funding and

regulation. We are grateful for the opportunity to work with the City Council and the NYC Department of Health and Mental Hygiene (DOHMH) to improve the Comprehensive Background Check process.

## **Comprehensive Background Checks**

New York City implemented its Comprehensive Background Check (CBC) system on September 25, 2019, in response to changes from the 2014 reauthorization of the Federal Child Care Community Development Block Grant (CCDBG). Under CBC, NYC DOHMH conducts the following checks on all staff and volunteers in child care centers:

- New York State Criminal History Check with NYS Division of Criminal Justice Services
- A national criminal record check with the Federal Bureau of Investigation
- A check of the New York State sex offender registry
- A check of the New York State Statewide Central Register of Child Care and Maltreatment

If the individual has lived outside of New York State, DOHMH conducts additional checks with the criminal history repository, the sex offender registry, and the child abuse and maltreatment registry of every state or territory in which the applicant has lived.

The initial implementation of Comprehensive Background Checks caused the temporary closure of many child care and after-school programs. Programs that were awaiting approvals of new or existing staff members simply did not have the staff to keep their programs open.

In response to the slow rollout of CBC in New York City and other parts of New York State, the New York State Office of Children and Family Services (OCFS) issued new rules on February 7, 2020, allowing staff or volunteers to start working under provisional clearances if they: submitted their CBC background, passed the initial review, and were supervised 100% of the time that the staff member or volunteer has access to children.

This change enabled child care centers to re-open their doors by bringing staff on board quickly. However, this was intended as a stopgap measure, not as an ongoing method for ensuring staff availability.

Child care providers continue to report:

- Clearance wait times of 3-6 months for new hires
- Losing prospective staff members while they await their clearances
- Having a significant number of staff members working under provisional clearances. This creates obstacles in staffing, since a small number of fully-cleared staff members must supervise all other staff members at all times.

## **The Staffing Crisis in Child Care Centers**

New York City's child care programs face a staffing crisis. Low pay remains the primary cause of this staffing crisis. However, delays in the Comprehensive Background Check process contribute to the challenges that providers face. In 2023, DCCNY conducted a survey of more than 250 childcare centers in New York City. 83% of centers reported dealing with staff vacancies. Among that 83%, nearly a quarter of centers dealt with seven or more vacancies at their site.<sup>1</sup>

This staffing crisis significantly impacts the availability of child care. Several centers operating with DOE contracts are currently operating fewer classrooms than their contract budget allows. This shortage is not due to a lack of need in their neighborhoods, but rather due to centers' chronic staffing challenges. A statewide survey conducted this March by the Empire State Campaign for Child Care and Schuyler Center for Analysis and Advocacy uncovered that 776 classrooms in community-based organizations closed due to understaffing.<sup>2</sup>

Actions to improve the CBC system must ensure that clearances do not become an impediment to keeping classrooms and child care centers open.

## **Recommendations**

In order to improve the CBC system, the Day Care Council of New York makes the following recommendations:

- Ensure that DOHMH Bureau of Child Care has adequate staffing to process applications
- Conduct meetings between DOHMH and providers to identify challenges and solutions to the process
- Develop procedures through the newly launched online application system for DOHMH to proactively reach out to providers when there are paperwork issues with an application.

Thank you for the opportunity to testify. If you have any questions, please feel free to reach out to us at [gbrender@dccnyinc.org](mailto:gbrender@dccnyinc.org) or [slohr@dccnyinc.org](mailto:slohr@dccnyinc.org).

---

<sup>1</sup> New York City Council Black, Latino and Asian Caucus and Day Care Council of New York. The Enduring Value of the Early Childhood Workforce: Why New York City Must Complete the Path to Parity for the Community-Based Early Childhood Education Workforce. September 2023.

<https://www.dccnyinc.org/our-work/public-policy/publications/>

<sup>2</sup> Empire State Campaign for Child Care and Schuyler Center for Analysis and Advocacy. Staffing Shortages Due to Low Wages are Driving the Child Care Crisis in New York. March 2023.

<https://www.empirestatechildcare.org/staffing-shortages-and-the-child-care-crisis.html>