



Advocates for Children of New York

Protecting every child's right to learn

July 24, 2017

New York City Board of Health
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, 3rd Floor, Room 3-32
Long Island City, NY 11101-4132

Re: Comments on Proposed Amendments to Article 47 of the New York City Health Code regarding Care for Children in Shelter

Board of Directors

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Advocates for Children of New York (AFC) appreciates the opportunity to submit comments on the proposed amendment to Article 47 of the New York City Health Code regarding child care for children living in shelter. For more than 40 years, AFC has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. Every year, we help thousands of New York City parents navigate the education system, starting from the time children are born. We conduct trainings for parents and professionals, including child care providers and homeless shelter staff. We use our on-the-ground experience to identify barriers and work to pursue systemic change.

AFC is proud to house the New York State Technical & Education Assistance Center for Homeless Students (NYS-TEACHS), which provides information, resources, and trainings about the educational rights of children and youth experiencing homelessness. In addition, AFC's Early Childhood Education Project has provided in-depth assistance and legal representation to families experiencing homelessness to help their young children access child care and other early childhood education programs. As a result of this experience, we are well-positioned to comment on these proposed changes.

We appreciate the City's focus on increasing the quality of child care for children living in shelters. Child care can have a significant impact on a young child and family experiencing homelessness, providing a safe, supportive environment where a child can prepare for kindergarten while the family works to access needed support including permanent housing. For many young children from low-income backgrounds, child care serves as their opportunity to participate in an early childhood education program.

We support the proposal to require that family shelter-based drop-off child supervision programs adhere to quality standards. We agree strongly that child care programs in shelters should meet certain requirements regarding staffing ratios, staff



qualifications, staff training, and health and safety standards. Overall, the proposed regulations would help ensure that children living in shelters who participate in drop-off child supervision programs are in safe and developmentally appropriate settings. We are pleased with these proposed changes.

Section 47.05(c) – Cap on Hours Per Week for Family Shelter-Based Drop-Off Child Supervision Program

We are deeply concerned, however, about the proposal to amend section 47.05 to place an arbitrary cap on the number of hours per week that a child can participate in a family shelter-based drop-off child supervision program. This shortsighted proposal would pull the rug out from under children and families living in shelters with no guarantee of an alternative high-quality child care option for these children.

First, not all children who are homeless are even *eligible* for subsidized child care in New York City. Federal law and regulations allow for categorical child care eligibility for children who are homeless, and New York State regulations give localities the *option* of making income-eligible children who are homeless categorically eligible for subsidized child care. However, New York City has not yet extended child care eligibility to all children who are homeless. We are pleased that, this year, the Administration for Children’s Services (ACS) did broaden the group of children experiencing homelessness who are eligible for child care subsidies. However, because the new eligibility category of children who are homeless does not apply to families on cash assistance, some families who are homeless and receive cash assistance are still *not* eligible for child care. For example, a child who is homeless whose parent receives cash assistance but is exempt from the cash assistance work requirements due to a disability or illness *would still not qualify* for child care subsidies under current NYC policy. We would like to see the City make all children who are homeless eligible for subsidized child care. In the meantime though, the City should not remove a child care option from these children.

Second, even families who are eligible for subsidized child care are often unable to access child care seats. In fact, due to lack of funding, only around 14 percent of income-eligible infants and toddlers in New York City can access subsidized child care. AFC has had cases in which our attorneys and advocates engaged in extensive searches, but were unable to help families find early childhood education programs for their young children because there were simply no available seats in a particular neighborhood. While this shortage impacts all low-income families, it is often even more difficult for families who are homeless, who may be placed at a shelter far away from their original neighborhood in the middle of the year when child care programs are more likely to be full.



Third, even families who can find an available seat in an early childhood education program may need child care outside of the hours covered by the program. For example, while Pre-K for All provides four-year-old children with early childhood education seats, the program lasts for only 6 hours and 20 minutes per day during weekdays during the 10-month school year. Pre-K for All does not provide care for children after school or over the summer. Families may need additional child care during these times in order to work, look for housing, or attend appointments. Furthermore, it is hard to know how many hours a particular social services appointment will take, making it difficult for a parent to plan for a rigid ten-hour child care limit.

Fourth, even if a family is ultimately successful in finding an early childhood education program that meets the family's needs, there is likely to be a gap between the time the family enters the shelter and the time the child can start participating in an early childhood education program. Families and child care liaisons will need time to complete child care applications, await eligibility determinations, and find available seats. During this time, families have many additional responsibilities and face many challenges. For example, while elementary school students living in shelter are eligible for yellow bus service, it often takes several weeks for the DOE to arrange busing. A parent might need ten hours per week of drop-off child care just to provide care to a younger child while the parent transports older children to and from schools in other boroughs, not to mention the appointments the parent must attend while the children are at school.

We support the City's efforts to strengthen the quality and safety of family shelter-based drop-off child supervision programs. The proposed quality standards will help ensure that children are in safe, developmentally appropriate settings. We agree that shelter staff and City agencies should help families find and enroll their children in the highest quality early childhood education programs whenever possible. However, we fear that placing an arbitrary cap on the number of hours per week that families can use drop-off child care without a guarantee of an alternative high-quality child care program available will result in children who are homeless spending the day being dragged to various stressful housing and social services appointments or left in child care settings that are entirely unregulated instead of participating in child care programs that adhere to the new standards being proposed. We urge you to modify the proposed regulations to eliminate the limit on the number of hours a child can participate in drop-off child care supervision programs by deleting section 47.05(c).



Section 47.01(x) – Shelter Child Care Liaison

We appreciate that, under the proposed regulations, the responsibilities of the shelter child care liaison include referring families to child care programs and helping them apply and referring families to the Early Intervention Program. We urge you to add “preschool special education programs and services” to the categories of programs with which the shelter child care liaison should assist. While the Early Intervention Program serves children from birth to age three who have developmental delays or disabilities, the preschool special education program serves three-to-five-year-old children who have developmental delays or disabilities. Unlike the Early Intervention Program, which provides each family with a service coordinator, families of children receiving preschool special education programs or services are not assigned a service coordinator. We have worked with families whose preschoolers had been participating in a preschool special education program and then, upon entering a shelter, missed months of their program because nobody assisted them with getting transportation to the original preschool special education program or finding a preschool special education program closer to the shelter. We do not want preschoolers who have the legal right to receive special education classes and services to miss out merely because nobody has assisted the family in reinstating special education services. We request that you amend the proposed regulations to state:

47.01(x) Shelter child care liaison shall mean a person who is employed in a family shelter-based drop-off child supervision program and whose responsibilities shall include but not be limited to supervising the program and its staff, referring families to child care programs, helping them apply for child care services, referring families to the Early Intervention Program, referring families for preschool special education evaluations and helping them arrange preschool special education programs and services when appropriate, and arranging in-service training of all staff as required by this Article.

Thank you for the opportunity to submit comments. If you have any questions, please feel free to contact me at 212-822-9532 or rlevine@afcnyc.org.

Respectfully submitted,

A handwritten signature in black ink that reads 'Randi Levine'.

Randi Levine
Policy Director