"Kids at Risk" Synopsis

Since 1995, studies have shown that the need for childcare has increased exponentially over the last few years. Working women and welfare reform policies have placed an enormous amount of pressure on the government to create more day care slots. According to Entrepreneur Magazine, the demand for day care has become so intense that it was chosen as one of 1998's hottest businesses along with juice bars and Internet marketing. Along with this growing need for day care slots is concern for appropriate enforcement and the overseeing of regulatory measures to protect children in childcare. New York is one of the states most in need for day care slots as it pushes single parents and families out into the workforce due to its welfare reform policies. An 18-month examination of how New York regulates day care by Newsday, revealed that in case after case, the well-being of children has been compromised by the failures of a small enforcement staff struggling with growing caseloads, conflicting priorities between state and local officials regarding the priorities of children's safety and best interests, and gaps in the state's laws and rules.

Overseen by the state regulatory agency for day care, the Bureau of Early Childhood Services (BECS), is inundated with an overload of state-approved day care centers and home providers to regulate. The number has grown from 14,279 providers statewide in 1994 to more than 23,000 this year. This explosion, partly fueled by New York's welfare-to-work laws along with understaffing, inadequate budgeting, lack of enforcement authority, limited regulations, and weak administrative procedures have all contributed to the weaknesses in New York's regulatory system for day care. Other states have been able to combat these problems with stronger laws and more thorough administrative processes. For instance, in New Jersey and 36 other states, state agencies inspect day care homes before they operate. New York does not conduct an inspection before operation, and its goal is to inspect only 20 percent a year of all facilities. In Massachusetts and Rhode Island, providers with a bad record are put on probationary licenses to drive them to improving. In Minnesota, both home providers and centers can be fined without hearings. And unlike New York, Vermont and Virginia require that providers know how to read. Such measures are not incorporated in New York's policies or actions.

As a consequence, there is an endless source of complaints, violations, and tragedies associated with less than acceptable, state-approved day care providers. The scarce training and inferior guidelines put forth by New York have been part of the underlying causes in the weaknesses of the system. Those wanting a license to be a hairdresser or manicurist must undergo hundreds of hours of comprehensive instruction and testing. Minimal standards are set for those who want a license to be a childcare provider due to the state's reticent requirements for training and no competency testing in place. Unlike other state-regulated occupations, care providers can begin caring for children and commence training later.

The state approves the content of a 2 ½ hour orientation and general topics in a 15 hour course which narrowly includes first aid and emergency treatment; however, there is no standard curriculum that requires providers to take a set of mandatory courses. In New York, most training courses are run by nonprofit organizations that are not required to tell the state what subjects are being taught or who is receiving the training. And based on existing laws, the state has no authority to force more training on providers. Lastly, to renew one's license, no proof or documentation of attendance at training sessions is required. Worse yet, applicants or existing providers can lie on their applications to easily circumvent these provisions.

Although there are few barriers in place to prevent such evasions, there is little enforcement of penalties to deter the violation of these and other laws once they are found. The lack of action of the BECS significantly adds to New York's problems. After recurrent recorded complaints of day care providers, few follow-up visits and verifications of compliance are ever done. Most of the time complaints that are investigated are later deemed unsubstantiated. Overcrowding, understaffing, and poor supervision are among the most common complaints made to state day care regulators. BECS rarely does more then issue warnings to violators. Sometimes the providers will comply with suggestions, but more than likely, providers will return to their previous illegal activities. Even when children's safety is questioned or clearly endangered, inspectors will seldom takes rough action. Only last year did it finally become a misdemeanor to deliberately misrepresent certain facts about the program; yet, no prosecutions have been made since this law took effect.

Unfortunately, the problem of understaffed and under-qualified workers in day care often goes hand in hand with over-enrollment. Inadequate, poor supervision, coupled with an abundance of youngsters endangers the safety of children. Not only does over-enrollment mean children's interactions with each other are poorly monitored, in home day care settings, it can mean that children's interactions with other adults in the house are not monitored. In some cases, this has led to physical abuse or sexual molestation. Also, over enrollment means children do not receive enough attention, reassurance, and nurtured responses that they need most in their formative years. As it stands, the state laws allow for a higher ratio of children to adult than recommended by the Pediatric Association. Since there is no statute that calls for a maximum allotment of children to one facility, BECS will grant waivers to providers allowing them to take in more children sometimes. Of course the ratio gradually increases with age. Even with the aid of public subsidies, the profit margin is only 2-5% for providers, hence the greater incentive to over-enroll children into their programs.

In the face of the system's already shortcomings, it also must deal with the lack of communication among the state agencies. In New York, there are no formal guidelines for sharing information from agency to agency. Due to this lack of coordination, neither BECS nor other agencies are able to provide the safety net parents expect and depend on. For instance, it does not conduct background checks or fingerprinting procedures that could link an applicant's history in a vast data system to be used by all. BECS does not tell state and other local agencies who is providing childcare leaving agencies unable to pass on information that could help BECS better protect children in day care. State agencies are not required to check with BECS before taking any action affecting children in care. Police are not given the names of licensed and registered providers. Thus, they do not report domestic violence in day care, even they routinely notify other agencies of these types of problems. Even firefighters are not told of day care home facilities in their areas. This presents many obstacles in the protection and safety of children.

What is as disconcerting are other loopholes available for day care providers circumvent the system. Nursery schools and informal day care are not subject to the same standards and regulations. As long as a "nursery" school does not receive any public subsidies, providers who care for less than three children at once or whose care lasts less than three hours a day are not regulated by the state. How does one get around this? Enrolling children into morning and afternoon sessions. In response to this loophole and others, the Office of Children and Family Services has issued some regulations such as requiring employees of nursery schools and other exempt programs to tell the state if they have ever been convicted of a crime. Informal daycare, defined as overseeing less than three children, is also exempt from being monitored by state officials and regulations.

Since the release of the findings of Newsday's investigation, the BECS's weaknesses and lax oversight have come to the forefront of New York's public policy agenda. Governor Pataki recently released a proposal that would allow for an additional $18.5 million to fund more comprehensive administrative processes to evaluate all potential and state approved day care providers and is set to hire 170 more state employees in order to better police childcare providers. The proposal calls for all regulated providers to be fingerprinted and checked for criminal history with additional inspectors to visit each provider every two instead of five years. One of the main focuses of the proposal is to shift the state's emphasis away from helping day care centers comply with state rules and to punishment if they do not comply. The proposal also recommends the maximum penalty for violating state rules be doubled to $500 with inspectors being given discretion for imposing fines. As it stands, only $3,200 in fines have been imposed this decade. Pataki's proposal would make it more difficult for day care providers to open in the first place and mandate twice as much training completed businesses are allowed to commensurate. It would also extend the list of crimes to disqualify potential providers. Lastly, the proposal provides for informal day care center to adhere to regulations and makes them subject to monitoring.

KIDS AT RISK / How Day-Care Oversight Fails Our Children / No Force Behind Enforcement / When it cites providers, state doesn't follow through

By Brian Donovan, INVESTIGATIONS TEAM

A day-care teacher in Hempstead hit a 4-year-old in the face, state records say, splitting his lip.

A day-care teacher in North Merrick frightened little children, records say, by yelling and making threats.

A day-care provider in Freeport left two girls unwatched, the records say, and a man sexually molested them.

A day-care center in Plainview left a teenager in charge of children, the records say, and he sexually molested two boys.

A day-care center in Miller Place subjected children for years, records say, to overcrowding, dirty play areas, unqualified teachers, skimpy meals and a "chaotic" atmosphere.

In each case, the state sent out inspectors who cited the programs for violating day-care regulations.

But under New York States weak enforcement system for overseeing daycare, an official finding that rules have been broken doesn't necessarily mean that violators are punished or that conditions improve for the children, a Newsday investigation found. CW CW-11

The state didn't follow through effectively to protect the kids in the Hempstead and North Merrick programs, and the same teachers continued treating children badly, according to records.

The providers who left kids alone with the molesters weren't penalized, and they remain state-approved providers today.

And for two decades, the state didn't do anything to protect the children at the Miller Place center except issue more violations. The centers license was never suspended, and the owner was never fined.

Cases like these show how the state system has repeatedly allowed day-care children to remain in abusive, dirty, unsafe or badly run facilities, sometimes for years after state inspectors first discovered the problems, Newsday found.

Newsday's 18-month examination of how New York State regulates day care found that in case after case, the well-being of children has been compromised by the predictable failures of a small enforcement staff struggling with growing caseloads, conflicting priorities and gaps in the states laws and rules.

Straining the system has been the explosive growth in recent years of the number of providers overseen by the state regulatory agency for day care, the Bureau of Early Childhood Services (BECS). The number of state-approved day care centers and home providers has grown from 14,279 providers statewide in 1994 to more than 23,000 this year, fueled by welfare-to-work laws and an increasing number of women in the work force.

Newsday found that inspectors' caseloads are growing on Long Island and are higher than elsewhere.

The state tries to oversee all day care on Long Island with about 15 inspectors. By contrast, local governments on Long Island employ about 30 bingo inspectors. The day-care inspectors are supposed to monitor about 1,800 legal programs, investigate illegal providers, look into all complaints and process growing numbers of new applicants. Their caseloads have grown 24.6 percent in five years. In 1995 a Long Island inspector's caseload of 142 was 16.2 percent below the state average. This year the Long Island caseload of 177 is 13.4 percent above the state average. Inspectors spend more time on office paperwork than field inspections, although public health officials recommend the opposite. "They need a lot more help," said Jill Turin, who runs a day-care center in Freeport. "They're stressed out and overworked."

Often investigations are superficial. In many cases examined by Newsday, BECS' entire investigation of a complaint consisted of asking the provider about it, writing a brief report on the provider's denial of a problem, and closing the inquiry. As caseloads have grown, the percentage of complaints substantiated by inspectors has shrunk. In 1995, inspectors substantiated 35 percent of complaints, statewide and on Long Island. This year, only 23 percent of complaints have been substantiated statewide and only 19 percent on Long Island. Even when kids are hurt, sometimes follow-up action has been tardy. BECS said the teacher involved in the child-abuse violation at the North Merrick center needed three months of close observation but then the agency didnt check on the situation for eight months and simply accepted the directors assurance that everything was fine.

The system is also understaffed at the top. Only two lawyers at BECS headquarters near Albany make up the states entire legal staff for enforcement proceedings against day-care providers across the state who are accused of violating regulations. And those lawyers can spend only part of their time on day care because they have other duties. This tiny staff has remained the same size even though the number of providers statewide has increased 51.5 percent since 1995. Because BECS doesn't have lawyers in its regional offices, the two Albany lawyers have to travel around the state to hearings. Other pending cases have to wait or are settled through compromises. Some problem centers like the one in Miller Place, where inspectors repeatedly found safety hazards and dirty conditions, operate for years with no penalties.

Few violators are ever fined. Unlike bars, auto-repair shops and restaurants, day-care providers can safely assume that breaking the rules won't cost them any money. Although state law authorizes fines up to $250 for every day a harmful condition exists at a center, BECS hasn't fined any Long Island center a penny, even when inspectors have documented many such conditions. Fines collected for day-care violations statewide during the 1990s totaled only $3,200 as of October, BECS reported. In contrast, Long Island food establishments were fined about $450,000 by county health departments for violations last year alone. Except in some serious cases, state law makes providers immune to fines if they demonstrate "that corrective action has been taken." Even levying small fines against centers where violations harm or endanger children requires a time-consuming hearing process, another burden on a system employing only two lawyers. The law doesn't authorize fines against state-approved home providers, depriving BECS inspectors of an enforcement tool routinely used by other state agencies. Nine years ago the state comptrollers office recommended that day-care regulators begin fining the worst centers, but the advice has been largely ignored.

Some providers aren't monitored at all. Kids who spend their days with providers who take in only one or two children aren't protected by New York State's regulatory system. Those providers aren't cleared through the state's database of child abusers. No doctor checks on their health. They're not required to be trained in anything. The homes aren't ever inspected. If conditions are bad or kids are harmed, nobody's responsible for making things better or closing down the provider. Twelve other states don't exempt any providers from state oversight. Even providers who are kicked out of the regulated system can continue caring for children as part of this unregulated underground.

Because of this loophole, for example, a North Babylon provider who propped up a bottle on a baby's chest with a heavy purse, causing the baby's death, was allowed to remain in business during state enforcement proceedings in 1997 because she told officials she would care for only two children.

For years the system, according to people who have worked in it and dozens of case files, has generally worked like this: If you run a day-care program, violate rules and children are harmed, the odds are strong that nothing bad will happen to you. You will not be fined. Only rarely will your license be suspended or revoked.

Instead, the state will warn you to do better. If you don't, the state may send training people to lecture you. Whether or not you improve, you will almost certainly remain in business.

Suzanne Zafonte Sennett, director of BECS, said that "prior to 1995 there was little vigor behind enforcement cases." But she said recent statistics show that BECS has begun enforcing the rules more strongly. Serious enforcement actions such as denials, suspensions or revocations of licenses totaled 158 last year statewide, 100 more than in 1997, she said. On Long Island the total was 35, more than in the previous three years combined.

In a letter to Newsday, she said "we acknowledge that there is clear room for further improvements in the area of child care monitoring and inspection. However, we also point proudly to the work already accomplished and that which is under way."

Some of the cases examined by Newsday "highlighted the limitations placed on this office by current law and resources," she said. Others reflected "policies and practices that we have been working hard to strengthen and correct."

She said a new computer system for provider histories and enforcement records, which is under way, "will go a long way to eradicating some of the concerns you have found in existing files, particularly with regards to maintenance and documentation of provider case histories."

The new system, she said, "will allow us to do adequate, timely and thorough work on a more consistent basis."

As New York governors and legislators have shaped the evolution of the state's laws and regulatory machinery for day care over the years, the system has been asked to carry out two sometimes contradictory jobs.

BECS has been given the jobs of serving both as the cop on the beat, enforcing rules on childrens' safety and well-being, and also of serving as the supportive coach and trainer for thousands of day-care providers with varying levels of competence and motivation.

Because of growing caseloads and the emphasis on coaching and working in collaboration with providers, the cop role generally comes out in second place, some critics say. The BECS manual for inspectors explains the priorities this way: "Our goal is to keep programs in the system, keep their registrations up to date and to ensure as much as possible that programs are complying with all applicable day care regulations."

Of providers who don't submit required material on time, the manual says: Generally, actual enforcement should be a last resort once we have exhausted reasonable efforts to work with the [provider's] program."

In many other states, stronger laws, regulations or administrative procedures have been put in place to address what critics say are some of the weaknesses in New York's regulatory system for day care. For instance, New Jersey and 36 other states, unlike New York, inspect day-care homes before they can operate. New York allows them to open without inspections, and the goal is to inspect only 20 percent a year.

In California, Illinois, Michigan and 22 other states, unlike New York, home providers must live in the home where care is provided. In Massachusetts and Rhode Island, providers with bad records are put on probationary licenses to prod them into improving. In Minnesota, both home providers and centers can be fined without hearings. Since licensing inspectors tend to come from social work or child-care backgrounds, Massachusetts supplements them with professional investigators for the worst cases.

Unlike New York, Vermont and West Virginia require that providers know how to read. That's important when you're looking at the back of a package of pills that a child just swallowed, said Coleman Baker, Vermont's chief of child-care licensing.

A Man in the Basement

Two sisters, 6 and 7 years old, were sleeping in the TV room of Sylvia

Roberts' day-care home in Freeport, early one morning in December 1997. Their mom had dropped them off for breakfast, and as usual, they were napping until it was time to leave for school.

Although BECS didn't know it, Roberts had a man living in her basement, Fitzroy Williams. Court files show a history of violence against his former wife and a conviction for resisting arrest in one of those domestic-abuse incidents.

That morning Williams came up the basement stairs and sexually molested the two little girls. He fondled their buttocks and genital areas, according to records and law enforcement officials.

He was arrested the day after the incident, pleaded guilty to two counts of attempted sexual abuse in the first degree, spent eight months in jail and was deported to Jamaica.

BECS found out about the incident five days after it happened and sent a licensing inspector to interview Roberts and check on her program. The outcome shows how a system that emphasizes helping providers and keeping them registered sometimes allows them to escape adverse consequences when children are harmed.

Records say Roberts was upstairs when Williams molested the girls. She wasn't cited for poor supervision of the children, but the inspector did cite her for seven other violations. The most serious was overcrowding: Roberts had seven children in care, including three infants. Home providers are allowed only two infants and three older children.

Roberts, who declined to talk to Newsday, knew something about Williams domestic troubles - she told the inspector he was her husband's cousin who had problems with his wife and needed housing.

State regulations aren't clear on whether providers are supposed to disclose tenants or live-in friends to BECS as living in the home. They say any change in family composition must be reported. They don't define home or family or ask about tenants or long-term guests.

And no matter what rules are broken, state law doesn't provide for fines against home providers as long as they're registered with the state. Records don't indicate that revoking Roberts' registration as a provider was ever considered. She gave BECS a statement that she'd corrected the violations, and the agency closed the case.

In a statement, Sennett, the BECS director, said: "The case was not brought to the attention of the Central Office in Albany. This was not an appropriate decision on the part of the regional office \[on Long Island\]. We are currently evaluating this case to determine the appropriate next steps.

Five weeks after the girls were molested, Roberts applied to the Long Island BECS office for authorization to care part-time for two school-age children in addition to the preschoolers she already had in day care.

Two weeks later, BECS approved the request and notified the Child Care Council of Nassau, which helps parents in search of day care find openings in state-approved programs. Thank you for your expressed interest in quality child care, BECS said in its form letter to Roberts.

A Teenage Molester

A 6-year-old boy was singing in the shower in the fall of 1997, records say, when his mother heard him refer to sexual matters she thought he knew nothing about.

She asked him about what he was singing, and that conversation began an unraveling of secrets that led BECS to issue a substantiated child-abuse violation against the boy's day-care program at the Mid-Island Y in Plainview, records show.

The case illustrates how the state allows even day-care providers to avoid fines CW NO1 or other punishment, even when violations result in serious harm to children. Officials of the Mid-Island Y declined to be interviewed. State records tell this story:

The boy told his mother that a 15-year-old boy working at the day-care center had orally sodomized him and kissed him. The youngster told his mother he hated the teenager, and if he touched his little brother he would kill him. The teenager could have been molesting the 6-year-old over several months, records said.

When police went to the center, records say, they learned that officials there had been keeping something quiet, too. More than a month earlier, state records show, center officials had learned that the same teenager had sexually abused an 11-year-old boy. He had fondled the boy's genitals while helping him use a computer, records say.

Officials of the center and the 11-year-old's parents had agreed not to report the abuse to police or other agencies as long as the teenager was quietly fired and put into therapy, according to records. At that point, officials of the center didn't know that the teenager had also molested the 6-year-old, records say. The younger boys family notified the police, and the teenager was arrested.

Two weeks later, BECS found out about the case from a lawyer for the 6-year-old's family. After investigating, the state agency cited the Mid-Island Y for child abuse and several other substantiated violations of day-care regulations.

The agency found the center hadn't obtained the required state license for its before and after-school program, which both abuse victims were in. That meant the center hadn't given BECS the identities of those caring for the children.

If that had been done, BECS would have found out some of them were under 18 and couldn't legally be left alone with children, according to records. The state said the center had improperly hired minors to supervise day care children and did not follow child abuse reporting and screening procedures.

Joyce Glick, the Mid-Island Y's acting executive director, said the organization would not comment because of a pending lawsuit by the 6-year-old's family. She said the center has a history of providing quality day care to the community for more than 15 years. We take the health and welfare of our children with the utmost seriousness and concern, which is exemplified by our reputation. Lawyers for the center denied in court papers that it was negligent in the hiring of the teenager or in the way he was supervised. The papers also denied that the Mid Island Y had failed to adequately investigate a previous complaint of sexual misconduct.

In 1996, the year before the two boys were molested, BECS got a parent's complaint of another sexual incident at the center. A state report says: Child told mother she saw a boy with a big penis in the bathroom. Mom checked school and is sure it is a boy (not a man) who was in the bathroom with other children playing with himself. Mom learned that girls and boys share bathroom .

The mother told BECS that the center didn't take her seriously and brushed off the incident. She was told if she did not like the school she could take her child out. BECS visited the center a week later, found no indication of lack of supervision and wrote off the complaint as unsubstantiated. The records do not show that BECS made any attempt to identify the boy who'd exposed himself in the bathroom.

One of the 6-year-old's lawyers, Dunewood Truglia, said a more thorough investigation should have been done. This was an early warning sign that they had a sexual predator, he said.

In the case involving the two boys who were molested, the state closed the matter without a fine or license suspension. In a statement, Sennett said that because the center came into compliance and installed a new fire system in that part of the building serving school-age children, this Office determined that [the center's] funds were better used in investing in this needed equipment than being paid into a fine that would have no material effect on improving the health and safety conditions for children.

As a general policy, BECS officials say, it's better for day-care centers, particularly struggling facilities in poor neighborhoods, to spend their money on improvements rather than fines. "We'd rather put more money into the \[center's\] program than into the states general fund," said Edward Watkins, one of BECS two enforcement lawyers.

Truglia, however, said fines would deter violations by others. "If you can't fine them, the only other sanction is to put them out of business," he said. "Fines are an accepted way of keeping society under control. They ought to rethink their policy." The Mid-Island Y has an annual budget of about $5 million, according to records.

Truglia said the teenager has been sent to a residential treatment facility. The little boy who was sodomized, Truglia said, "will be in therapy for a long time."

Imminent Danger

When BECS found in 1994 that a 4-year-old boy had been hit in the face by a teacher at the Dorothy K. Robin Child Care Center in Hempstead, the agency declared the teacher's conduct posed an "imminent danger" to children.

"The child's lip was busted and bleeding," the complaint report said. "Child's lip was swollen for two days. Parent asked teacher what happened, and teacher admitted to hitting child."

The teacher, Carolyn Hall, had to be retrained "immediately" in how to discipline children properly, BECS ordered in filing a substantiated child-abuse violation against the center.

More than three years later, BECS actually got around to making that happen - and the teacher's behavior, records say, improved significantly. But during the 38-month delay, children in Hall's 4-year-olds class continued to spend their days in what one report called "an authoritarian dictatorship" that stifled their ability to learn.

David Washington, vice president of the center's board, insisted the state found the hitting complaint "unfounded," though records say it was substantiated. Hall and center director Joseph Cooper did not respond to repeated requests for comment. In 1996 a BECS inspector visiting Hall's class found "a lack of interaction, i.e., positive response to children. No encouraging statements . When children told teacher they loved her, she did not respond."

In January, 1997, BECS again criticized Hall after an inspection visit: "The teaching methodology of Ms. Hall is restrictive. Her tone is harsh. Children are not learning in a self-initiated, group-initiated environment There is a lack of positive interaction between staff and children."

In July, 1997, the state finally followed up on the problem it had described as an imminent danger three years earlier. Training experts from the New York State Child Care Coördinating Council began observing and working with Hall. The initial assessment: "It was apparent during the observation that an authoritarian dictatorship was practiced."

But after a few months of training, reports said, "Ms. Hall's attitude is significantly different. She is very interested in learning and has changed her tone of voice when talking to the children . Ms. Hall has made some significant changes in the classroom as well as her attitude becoming much more positive."

Records released by BECS don't explain why it took so long to get the teacher trained. But a recent audit by the state comptroller's office found that such lapses weren't unusual. In 1998 the auditors sampled 50 cases and found an error rate of 20 percent in BECS performance in looking into complaints and in making sure violations were corrected in a timely way.

The auditors said "a complaint tracking system that does not accurately reflect the status of all complaints is not a useful monitoring tool. As a result, Bureau managers cannot rely on data in the system to determine whether complaints have been investigated, or whether providers have acted to correct deficiencies."

Sennett said that system is now being modernized and "should go a long way in helping to maintain official documentation and historical record keeping on providers."

Frightened Children

Teacher Susan Trapani would yell and make threats, frightening children at the Town of Hempstead Day Care Center in North Merrick, according to records. Some children begged to be kept away from her, a former colleague said. Trapani and former head teacher Alissa Cusumano each had a group of kids in a room partly divided down the middle by cubbies and toy shelves. The sink was on Trapani's side. When kids in Cusumano's class had to wash their hands, they would whisper pleas to her not to make them cross over to where Trapani might notice them, Cusumano said.

They would beg her to take them down the hall to the bathroom instead, Cusumano said. "She yells and screams and I'm scared," one little boy said in notes Cusumano made of the incidents.

There are conflicting accounts about whether Trapani used physical force on children. The center's former director, Zane Williams, told BECS in April, 1996, that Trapani had physically punished children several times, including holding a child in the air and shaking the child. The state agency investigated, found the complaint against Trapani substantiated and cited the center for violations of child-abuse and supervision regulations. After finding that Trapani was "shaking children and yelling at them," BECS directed the center to "train staff in appropriate methods of caring for children." Trapani denied physically punishing any child, however, and another agency, Nassau County's Child Protective Services, later found the shaking incident unfounded.

"All of these allegations are completely false nothing was ever founded in any form of abuse that I have ever, ever hurt a child. It's completely an unfounded ground," she said in a recent interview. In a letter to Newsday last week, Trapani said, "I would never harm a child. NEVER!" She described Williams as a disgruntled former employee seeking revenge. CW CS8. Cusumano and Williams told Newsday that although they often complained about Trapani's conduct, she couldn't be fired because her sister served on the board of town officials and employees that ran the center. Williams was fired in April, 1996, by the centers board. She said it was for raising too many questions about Trapani. Board members, however, said she wasnt a good administrator.

The center's daily log, kept by Williams, reported two other incidents of Trapani being rough with children. One entry said, "I observed Susan grabbing \[a child\] in a very angry way " Another entry: "A parent complained to me about Susan grabbing a child's face very angrily, squeezing his cheeks and asking him why he was pulling \[another boy's\] hair." In another incident, a report signed by Trapani said: "After two attempts to stop \[a boy\] from throwing food (plastic) in the kitchen area I grabbed his shirt. He lost his footing and rolled into the chair, hitting his left temple."

Trapani denied doing anything wrong in those alleged incidents as well. CPS issued its determination in May, 1997, of "unfounded" for the alleged shaking incident Williams had reported 13 months earlier. The centers former board president, John Gibilaro, said CPS didn't look into the matter until many months after the complaint. The reason for the delay couldn't be established; CPS officials are prohibited from discussing cases. CW CW-3 Trapani said her sister's position on the board of directors never benefited her. The sister, Edith Longo, and other board members said Trapani had been a good teacher and was shown no favoritism.

A memo by Cusumano quotes Gibilaro as telling her in 1997 that "attorneys are looking into" who made complaints to outside agencies about Trapani and that "if he finds out an employee made calls, they will be terminated immediately." Gibilaro and the center's legal counsel, Francesca Capitano, denied that any efforts were made to find or punish employees who made complaints. Cusumano left the center later that year after a dispute over staffing.

Both in public schools and day care, punishing children with physical force is prohibited. Public school teachers who break this rule, officials say, often get fired.

But in Trapani's case, BECS settled for a "corrective action" plan that left her on the job, then failed to follow up in a timely way on whether she actually improved, records show.

After concluding that Trapani must be "retrained in disciplinary methods and observed closely for three months," BECS didn't revisit the center for eight months. Then the agency closed the matter after accepting the center's assurance that "there is no abuse toward children and it will never happen."

BECS director Sennett, in a statement, said the BECS investigation "revealed that, while the April, 1996, complaint was about a particular teacher, there were underlying issues related to the lack of adequate supervision and oversight of staff." She noted the center had filed a plan to retrain staff and hire a new director.

Last year BECS got a complaint that Trapani forced a 4-year-old girl who had a toilet-training accident to sit in her soiled underpants. Regulations prohibit humiliating punishments. The name of the person who made the complaint was deleted from records released to Newsday.

The complaint report said "Trapani has done this in the past, and the director was made aware of it and has done nothing to stop the teacher's abusive behavior. Susan Trapani is related to a oard member and is allowed to do as she pleases."

Trapani denied she had done anything abusive. "Accidents happen when you are potty-training a child, and there's nothing more I can say about that," she said. A BECS inspector wrote off the complaint as unsubstantiated after the "director assured me that Ms. Trapani doesn't intimidate her, that Ms. Trapani has come a long way" since the earlier complaints.

The records mentioned two possible witnesses to the toilet-training incident. But there was no mention of their being interviewed.

Dangerously Noncompliant For more than 20 years, a day-care center called A to Z Adventures in Miller Place received repeated violation notices telling the management to do basic things such as sweeping the floor, putting soap and paper towels in the bathrooms, cleaning dirt off the toys and serving children more than two ounces of milk with their meals.

State records going back to the 1970s describe a dirty, "chaotic" facility unwilling to comply with regulations. Inspectors found fire hazards, broken toys, poor security, a leaky roof, a dangerous pool, unsafe wiring, uncharged fire extinguishers, cold drafts blowing through leaky doors and poor supervision. Twice when children were hurt, nobody could explain.

And for years, records show, all of the inspections and citations accomplished little. The Long Island office of BECS recommended twice, in 1986 and 1991, that Albany crack down through legal action against the center. But there is no sign in the records that any steps were taken to force the center to comply.

Periodically, children would get hurt or simply be overlooked, records say. In 1992, a teacher who was working alone with too many kids closed the center for the night and left 2-year-old Katelynn Hillenbrand alone in the dark for almost four hours. Her frightened mother, who couldn't reach owner Marie Makrides or other employees, finally found her daughter when a police officer forced open a window at the center. The child was cold and soaked with urine. Makrides did not respond to requests for an interview.

A BECS inspector wrote in 1997 that the center "has fallen below minimally acceptable levels. Staff coverage is inadequate; the pool may be a health hazard; health procedures are poor; sanitation is poor; safety concerns are prevalent. Staffing was dangerously non-compliant. Atmosphere was chaotic."

Training experts from the New York State Child Care Coordinating Council were dispatched from Albany to work with Makrides and her staff. A teacher was promoted to director, and for a while, officials were pleased with progress at the center. But then the new director and two other teachers quit, and the problems intensified.

"From working intensely with this program for the last nine months, we feel strongly that the owner is not committed to making long term changes to benefit the program," Robin Beller, one of the trainers, wrote in a report.

Late last year, while Newsday was looking into the history of this and other centers with records of violations, BECS negotiated an agreement with the center to renew its license for one year contingent on new management and "renewed commitment to training."

Sennett said in a statement: "Since March, 1999, there have been three monitoring visits, and the program appears to have made significant improvements under the leadership of the new program director. Therefore, while the long profile of limited action \[by BECS\] is not one that we would want to see in a contemporary case, we believe that our efforts in the past year have resulted in positive change "

Unacceptable Risks

Laureen Latouche of North Babylon was 85 days old on April 10, 1997, when her day-care provider, Audrey Brown, propped up a baby bottle on her chest with a purse that weighed 3 1/2 pounds.

Laureen choked on the formula, stopped breathing and lost consciousness. Brown was shopping for rugs at the time with five day-care children, including Laureen in a stroller. By the time Brown noticed Laureen's problem, it was too late. She never came out of a coma and died eight days later later.

BECS officials decided Brown should no longer be a state-approved day-care provider and began taking steps to revoke her registration. It was a slow process - even though BECS officials knew Brown was still caring for children, she wasnt given a letter suspending her registration until six months after Laureen's death, and the revocation didn't actually happen until January, 1998.

But because of a gap in New York State law, there wasnt any point in moving faster. After Laureen's death, Brown and her lawyer notified BECS that from then on, she planned to care for no more than two children. Under New York's laws, day-care providers who care for only two children are exempt from any state oversight.

Even when providers are kicked out of the state-regulated system for serious violations, as Brown was, they can legally continue caring for one or two day-care children without any government rules or scrutiny. And because theyre outside the scope of the law, there is no system of inspections to see if they really limit their program to only two children.

Records on the Brown case show she continued caring for children for at least several months after Laureens death. BECS sent her name to the State Central Register, a database of people who have abused or maltreated children. BECS also told the Child Care Council of Suffolk not to refer any more children to Brown. But those steps don't put providers out of business if they take in only two children.

Brown's husband, Eric, said she did not want to comment. Eric Naiburg, a lawyer who is handling a lawsuit against the state and county over Laureen's death, said the Latouche family had no comment. In court papers, the state has denied any responsibility in the death.

Brown is not named in the suit. Naiburg said the Latouche family bears no ill will against Brown.

The American Public Health Association and the American Academy of Pediatrics published recommended day-care standards in 1992 saying that all providers caring for children who aren't part of their family should be subject to state health and safety rules, even for only one or two children.

The two groups said regulating all providers "gives government the authority to protect children as vulnerable and dependent citizens and to protect families as consumers of child care services. These exclusions and gaps in coverage expose children to unacceptable risks."

Brian Donovan, KIDS AT RISK / How Day-Care Oversight Fails Our Children / No Force Behind Enforcement / When it cites providers, state doesn't follow through. , Newsday, 12-07-1999, pp. A06.

KIDS AT RISK / How Day-Care Oversight Fails Our Children / Who's Minding the Children? / As Day-care violations endanger youngsters, state and city watchdogs repeatedly have failed to act.

By Sarah Kershaw. INVESTIGATIONS TEAM

A year after the city shut Eleta Brown's illegal day-care operation in Hollis, following a fire in her basement that killed two of the eight children there, she decided to go back into business, this time legally.

She was 84, and there was the matter of the fire, in which two boys perished in 1993 while playing unsupervised with a lighter in Brown's basement.

But it was easy for Brown to get a permit because the state a few years earlier had loosened the rules for legal day-care providers.

Under the new law, inspections are not conducted before the permit is granted.

So with virtually no questions asked, the city in 1994 granted a day-care permit to Brown. And Brown's home was not inspected until three years later, after a parent complained of unsanitary conditions and inadequate supervision.

When inspectors finally checked out the house in 1997, they discovered fire hazards. There was no smoke detector in the basement and the house lacked a fire extinguisher. What's more, while Brown said on her application that there were two exits on the first floor, where She cared for children -required under the rules -the second exit was actually a window. Anyone trying to leave that way would have to jump out, onto a rooftop and then leap 15 feet to the ground.

Based on those findings, Brown's permit, which was to expire later that year, was not renewed.

But even now, as an 89-year-old Brown cares for a single infant -legally- in the same house, people with knowledge in the field are wondering how Brown could have been registered and how she was able to operate for so long in what were determined to be dangerous conditions for children.

"If we value children, how can we put them at risk and how can we shrug our shoulders like that?" said Richard Oppenheimer, the director of family day care for Nuestros Niños, a day-care center in Williamsburg and vice president of the city union that represents 500 day-care center directors. "We have created legal forms of child care that have absolutely no oversight attached to them." An industry of barely monitored day care has sprung up in New York City, and a Newsday investigation has found that gaps in government oversight allow almost anyone to go into the day-care business.

For the past 18 months, Newsday has been looking into New York State's day-care system. Across the state, poor oversight of day care has allowed children to be harmed in facilities run by providers who aren't adequately screened, trained or watched over.

In New York City, where city government oversees all day-care facilities, Newsday found a patchwork of enforcement in which some children are protected by strong city laws or inspections by nonprofit agencies and others are protected little, if at all.

The expansion of virtually unmonitored day care is largely the result of a 1992 state law which replaced a licensing system that carefully screened in-home providers with one that allows providers to simply register with the state and operate with almost no oversight. The change in the law also transferred the ultimate enforcement responsibility for the smallest day-care facilities to the state.

The 1992 law was intended to cut down on the number of illegal and potentially dangerous day-care operations by bringing more providers into the regulatory system.

But the case of an illegal provider in Elmhurst who was discovered after an infant died in her care shows both the difficulties of achieving that goal and the weaknesses of the current regulatory system. Instead of fining the provider or shutting her down, city health department inspectors, following the new state policy, paid a visit to her apartment and told her how to sign up as a legal day-care provider.

Even when providers do register and obey the rules, critics say, thousands of children are being looked after by those who, like Eleta Brown, can post their state-approved day-care permit on the wall but are subject to almost no government scrutiny. The Newsday investigation found that children in those settings are most at risk because providers are given permits on the honor system. Those who care for up to eight children are issued certificates with no prior inspection and based on completion of their own "home safety checklist" without verification of health and safety information. The information includes whether there are sufficient fire exits, smoke detectors, radiator covers or window guards. Inspections are not performed before permits are issued. Even after permits are issued, the city health department does random visits, inspecting only 20 percent of the providers annually, unless they get a complaint serious enough to warrant an inspection. That means most providers get inspected once every five years.

Nonprofit agencies that have visited registered providers to potentially add them to their networks of family day-care homes have found many in violation of the safety requirements, despite what providers said on their permit applications, discovering situations such as candles burning on floors and pit bulls roaming among toddlers.

Permits are issued without checking whether a provider or anyone else in the household has a criminal record. A Newsday comparison of records involving persons convicted of crimes and day-care homes found 35 day-care addresses in New York City where registered providers or their relatives, with convictions for crimes or violations, have said they live. That figure probably understates the situation because apartment numbers are missing from some data. Statewide, a Newsday computer analysis found 178 people with convictions for crimes, or violations such as harassment and disorderly conduct, who gave their addresses in court documents as homes that New York State has approved for day care.

Among the registered providers in the city was a Bronx woman who had been charged with arson and attempted murder and had a history of drug and alcohol abuse and hearing voices, and a Corona provider whose daughter had two convictions for dealing cocaine but was approved as an assistant in the day care home.

Under the new registration system, illegal day-care operations rarely are shut down. While the health department monitors, the state must levy fines and issue "cease and desist" orders. But those steps rarely are taken. In 1999, only one of the 10,600 registered city providers had a permit suspended, according to state figures, and only one received a cease-and-desist order. In 1998, three providers got cease-and-desist orders and none had their permit suspended. By contrast, the city sanitation department shut 381 mobile food vendors between May and October of this year.

"I used to go in and shut places down," said James Langford, a day-care inspector for the health department in the late 1980s who now works for the Children's Aid Society. In Queens alone, he said, he had a list of 100 illegal day-care operations at any given time that he had to investigate, and he spent his time tracking them down and making unannounced visits. "I think the loopholes that exist now are hazardous. I believe the city is inadvertently creating an underclass child-care system which is dangerous to kids," Langford said.

Thousands more children are being watched by people who do not fall under any regulatory net, despite their care being paid for with public funds. Welfare reform has spurred an explosion of so-called informal day care as parents scramble to find child care for fear of missing work and losing benefits under the new welfare rules. About 30,000 city children on public assistance, or 84 percent of all welfare children in day care, are in informal care settings that are not monitored. The city doled out $65 million last year to fund informal care with no oversight of the spending. Another 30,000 children will need day care in the next year because their parents are working for benefits or moving into the work force. The care is provided typically by relatives and neighbors, but increasingly by strangers, without inspections or other controls.

Reflecting the concerns of many child-care advocates, Barbara Blum, a former city day-care official and the state commissioner of social services from 1977 to 1982, called the level of spending on informal care and the lack of monitoring "the scandal of the next decade." If you're a city parent looking for day care for your child, you can experience an almost bewildering spectrum of regulation.

Put that child in a city day-care center, and the child will be covered by the provisions of the New York City health code, which includes some of the highest standards in the nation. All centers serving more than seven children will be inspected at least once a year. Under the health code, classes are small and teachers are certified and trained in early-childhood education.

Then there are home-based programs, where "family day care" providers with minimal training have permits or licenses to care for up to 14 children. Some of those programs, linked to nonprofit agencies that oversee them under contract with the city, are inspected eight times a year by the nonprofit groups, which also provide additional training. The providers are screened, including a criminal background check of them and any household member 16 or older.

Other family day-care providers, under the system that allowed Eleta Brown to go into business, are state- registered and inspected on average once every five years. These providers are not subject to criminal background checks and receive no additional training unless they seek it out on their own.

For low-income families, there are 350 public day-care centers that provide day care on a sliding-scale fee, costing from $1 to $90 per week, depending on family income.

However, the waiting list for subsidized slots is upward of 30,000 children, and the demand for day care for the working poor and welfare recipients far outstrips the supply. In Queens alone, only half the estimated 14,704 children who qualify for subsidized care are getting it, according to the Citizens Committee for Children, an advocacy group that collects data on child care.

Because of the shortage of slots in centers and contracted family day-care programs, the city has increasingly relied on vouchers, worth about $6,000 a year, that eligible parents can exchange for services at any type of day- care facility, including unlicensed programs and informal care. About 16,000 children currently are using vouchers, up from 1,500 in 1992.

Adding to the confusion is that three separate city agencies get involved with day care. The health department licenses and inspects all day-care facilities, except informal care providers who are subject to no regulation. The Administration for Children's Services oversees the public day-care centers and distributes day-care aid to low-income families. The Human Resources Administration handles childcare for welfare recipients, with the majority of the participants using informal care.

The current family day-care system was implemented following a 1992 change in New York State Social Services law that replaced a licensing process for in-home day-care providers with a simplified registration system that was intended to increase the ranks of legal providers. The law was billed as a way to improve safety by bringing more underground providers under the regulatory net.

How many children are in the different types of care? The various types of city facilities have total capacity of about 235,000. Day-care centers account for about 90,000 of the slots; group family day-care homes-watching up to 14 children-account for just under 11,000 slots; and family day-care homes, about 53,500. Another 80,000 slots are for school-age children in before- and after-school programs.

The number of children actually being looked after by family day-care providers is hard to pin down because officials do not keep track of the providers once they issue registration and many may not be in business. Child Care Inc., an advocacy group that recently surveyed providers, estimates there is a total of 3,200 in business, including the 2,100 with city contracts.

Candles and Pit Bulls Because permits are issued based on the uncorroborated information provided on applications, city officials have no idea about the quality and safety of places they have given permission to operate.

Representatives of some of the nonprofit agencies that run day-care networks - referring children to facilities that meet their criteria-were shocked at some of what they saw when they visited dozens of registered day-care providers.

Several who were interviewed said most of the providers failed to meet minimum standards, even though they had said they did on their registration applications.

"I met some very lovely people who lived in satisfactory buildings, but they didn't have fire extinguishers, first-aid kits or window guards, yet they had certificates," said Kathy Faust, director of family day care for the Hartley House in Manhattan, a nonprofit agency that administers city contracts to 48 in-home providers.

"These people said on their applications they had all this stuff, "Faust said.

"It's a serious concern to me." In the apartment of one registered provider who was caring for children, she said, pit bulls were roaming freely around the kids. When Faust told the provider her family members would be subject to fingerprinting if she wanted to join the network, the provider said she was not interested.

Carmen Sepulveda, assistant director of day-care services for Cardinal McCloskey Services, a nonprofit agency that has a network of providers in the Bronx, recently visited two registered providers who practiced Santería and as part of their rituals were burning candles on the floor accessible to children.

The health department already had inspected one of the homes, but it neglected to look in the room where the candles were burning, Sepulveda said.

In the Brown case, officials said neither the fire nor Brown's Age disqualified her from becoming a day-care provider. City officials visited her twice after the fire to make sure she was not caring for children. But no official visited before issuing her the state registration. Health Department officials acknowledged it is possible that whoever issued her the registration did so without knowing about the fire because of an incomplete recordkeeping system.

Brown was not charged criminally in the fire, which was ruled an accident. When she applied for a permit, she "met the requirements," said James McCormack, deputy director of central operations for the health department's Bureau of Day Care. It was not until three years later, when the inspection revealed the house did not have the required second exit, that her permit was not renewed.

On her application for the permit, Brown had said there was a backdoor exit, but there was only a window, requiring a 15-foot jump, according to the fire inspection summary report included in Brown's day-care file.

The inspection report also noted that Brown had "difficulty hearing as she constantly made us repeat what we were saying with, 'Huh? What did you say?'" In an interview at her home in a duplex on Dunlop Avenue in a working-class section of southeast Queens, Brown was unable to recall the details of the fire or her contact with the health department. But her son-in-law, Jose Mendez, who has lived at the house for three and a half years, disputed the health department's findings, saying Brown adequately supervised children when she had her permit. Of conditions at the address, he said, "This house is decent to me." He did admit there was only one fire exit, on the first floor.

She still was providing child care, as she said she had most of her life, although this time she was caring for only one infant, charging $100 a week, she said.

She had the baby in her bedroom in a crib alongside two empty cribs.

Brown said she was hoping to find more children, but her daughter, Natasha Brown, one of eight that Brown adopted, said she would not allow her mother, now 89, to look after any other children. As it is, Brown said, Natasha had to assist her with the one infant.

Since they declined to renew her registration, health department inspectors, who received a complaint that Brown was operating illegally, returned once to Brown's house and discovered she was caring for only one infant, which does not require a permit.

A Shaking Death The health department never received a complaint about Judy Tang, the Elmhurst provider who was caring for four infants -two more than legally allowed - until after a child in her care had died. And even then, the department treated it not as a situation in need of strong action, but an occasion to show an illegal provider how to join the system.

Tang was well known in the Flushing-Elmhurst area for taking care of the infant sons and daughters of Chinese immigrants, who in some cases would drop off their children at her tiny apartment Monday morning and not pick them up until Friday night, paying between $20 and $30 a day.

March 9, 1995, was a Thursday, and Tang, 48, had been caring for four infants, two of them overnight, all week. Providers are not supposed to care for more than two infants without an assistant, under state and city law.

Terrence Li, 10 months old, was crying constantly. He cried all afternoon, refused to eat his usual supper of baby food mixed with cooked egg, and continued to wail late into the night.

Queens Assistant District Attorney Marjory Fisher would later say that Tang's "plate was too full" with all the infants. At first Tang tried to quiet the baby with cold medicine, using 26 times the therapeutic dose, Fisher said.

But the crying didn't stop, and after Tang couldn't take it anymore, she scooped Terrence out of his crib, which was nestled among three other cribs lining the wall of her living room, and shook him to death. The shaking was so violent, according to court accounts, that Terrence's brain broke away from the blood vessels holding it in place and slammed into his skull, killing him.

Tang was charged with manslaughter but ultimately convicted of criminally negligent homicide, for which she was sentenced to 11/3 to 4 years in prison.

Tang's lawyer, Albert Gaudelli, who is appealing her conviction, argued that the baby sustained the injuries before that night, while notin her care. He said Tang, a Chinese immigrant herself, had been caring for children for 20 years - eight of them in Elmhurst – without incident. Tang declined to comment.

Health department officials say they respond to all complaints of illegal day-care homes, but if no one reports them, it is often difficult to find out about them.

"What are we doing about underground sites?" McCormack said. " The challenge is, I can't do a lot relative to a site that I don't know about." Notified by the police, the health department learned of the Tang day care after she was arrested, and it paid her a visit four days later. But instead of fining her or barring her from operating, inspectors gave her the telephone number of the family day-care registration office "so that she may continue the service if she so wishes," records show.

Health department officials said they would not have approved Tang unless she was cleared of the murder charges and that they routinely tell all providers how to get a permit. They did the same thing with Eleta Brown in the aftermath of the fire, and by the following year she was in business.

"As part of any visit, we will advise people how to become a family day-care provider," McCormack said. "That does not imply we're encouraging the person to become registered." Tang did not have that option, because she went to prison.

Tang declined to be interviewed. But her supporters said she had taken care of children most of her adult life and, while she received no formal training, was highly experienced with young children.

"She took good care of the children," said Jack Wong, a close friendof Tang's.

"The whole community supported her." Terrence's parents, Zhijia and Wen Li, who moved to New Jersey after Terrence died, declined to discuss the case, other than to say they found Judy Tang through a poster in their local supermarket, the way many parents find babysitters.

In a letter to the judge before Tang was sentenced, the couple wrote, "Terrence smiled at everybody, and after a hard and long working day, our weariness would melt away at the sight of his smiling face.

"In hopes of forgetting our grief and sorrow, we moved out of the city...we hope and pray that what happened to Terrence never happens to anyone else. We hope that everyone treats their child with love and kindness. We hope that people learn from our son's case." A Statewide Problem In many ways, the tone for how the city deals with family day-care operators has been set by the state.

With a small staff and a fast-growing work load, the Bureau of Early Childhood Services often does only superficial investigations, and those who break the rules usually get no punishment. While the city health department issues family day-care registration and conducts the random inspections, BECS is in charge of enforcement, including denying applications, suspending permits and issuing cease-and-desist orders for in-home providers, for the entire state.

Despite hundreds of substantiated violations, from child abuse to faulty paperwork, BECS has collected only $3,200 in fines from providers statewide. In the past few years, BECS fined one registered city provider, after the health department investigated a dozen complaints about overcrowding and inadequate supervision, substantiating many of them. The provider, Tally and Amos Rosenthal of Fresh Meadows, which was licensed for 12 children but had as many as 27 at one point, one inspection showed, was fined $750 last year and is still in business. Tally Rosenthal acknowledged the violations but said they were "misunderstandings." She said, "We run a clean, safe environment." Only two part-time lawyers are assigned to do the legal work and hearings for all enforcement proceedings for the state including New York City. Some cases have dragged on for several years while violations continued.

For example, for more than 20 years, a Miller Place day-care center got dozens of citations for unsafe, dirty, "chaotic" conditions and poor supervision. One winter night the staff overlooked a sleeping child when they left, and the toddler, cold and soaked with urine, had to be rescued by police. But the owner never was fined or forced to close.

Unlike 42 other states, New York doesn't check whether day-care applicants have criminal records. Instead, the state relies on voluntary disclosures by providers, but only for providers, not for others living in day-care homes. One provider in South Setauket, who was approved despite a criminal record that included killing a young man in a DWI crash, got drunk repeatedly with day-care children in her house and at least four kids were hurt, records say.

In addition, illegal facilities with bad records have operated on Long Island for years with state officials' knowledge. Overcrowded centers, with too many kids and too few adults, have been cited for violations in which children died, were molested, suffered injuries, or were subjected to yelling and harsh discipline, records show. Some providers have been found hiding children from inspectors in closed rooms, basements and nearby houses. Some collect public funds from county government for more children than their state licenses allow.

And New York State allows providers to care for substantially larger groups of children than the standards recommended by the nation's pediatricians.

The oversight of an unlicensed Southold center was so sloppy that the state never realized the man in charge was an ex-convict once charged with sodomizing a baby.

When a baby suffered a seizure at one Commack day-care center with a record of repeated overcrowding complaints, the facility was so understaffed that a 10-year-old had to be in charge of infants while the adults dealt with the crisis.

A major priority for BECS has been to facilitate the rapid growth of the state-regulated portion of the day-care industry. Bringing thousands of formerly illegal providers into a regulated system is a major undertaking in a state where as many as a million children are in day care but only about 473,000 slots exist in regulated facilities.

As long as children's safety isn't sacrificed, BECS officials say, they'd rather use training and moderate pressure to get providers to improve, rather than harsh enforcement crackdowns that might only cause marginal providers to go back to operating illegally. Inspectors in the BECS regional offices are encouraged by supervisors to "work with" providers rather than take a hawkish approach to enforcement, people in the system say.

And even when New York State's regulatory system is working according to its own rules, some day-care kids will grow old enough for public school without ever seeing a state inspector. About 23 percent of the kids in regulated day care in New York State are in family day-care homes.

State officials say quality remains the top priority. "Gov. George E. Pataki recognizes the need to support good quality child care, because good child care gives parents peace of mind while they are working," John Johnson, commissioner of the state Office of Children and Family Services, which includes BECS, said last spring when he kicked off a statewide campaign to help families select care.

But critics say New York now lets virtually anyone who wants to take care of children. "They may indeed be increasing slots," said Fran Karliner, corporate and information services coordinator at the Child Care Council of Nassau, " we will have less quality. We will have quantity, but we won't have quality." Every year Working Mother magazine assembles a panel of nationally recognized child-care advocates to study the state of child care in America. And every year those experts have not been impressed by New York. In the latest review, the panel said child care in New York is "average" - compared with "above average" and "poor" - in its four key areas: quality, safety, availability and commitment by government. A major reason for the low score was that New York does not require caregivers to have any training when they start work at a day-care center or home.

"...New York still needs to improve its own standards for training," the study's editors wrote.

Providers in New York State, who can start with no training, are required to complete only a fraction of the training hours required of hairdressers, manicurists and hot-wax appliers. Or they can completely avoid training by simply checking the wrong block on a state form. The state's oversight of required training is disorganized and depends heavily on an honor system some officials say is easily abused. The state pays for training but keeps no central records of who gets trained in what skills.

Even providers who comply with all state rules get only half the training hours recommended by doctors and public health officials. They don't have to pass any tests, and blank certificates sometimes are passed out at training sessions.

In the seven years that Working Mother magazine has been rating states, New York has never made the Top 10 list. The best states for childcare are California, Colorado, Connecticut, Hawaii, Maryland, Massachusetts, Minnesota, Vermont, Washington and Wisconsin, the magazine's experts say.

Private organizations also are critical of New York's way of regulating day care. "My perception is that New York seems to have good regulations but that not a great deal of money is spent on enforcement," said Lynn White, spokeswoman for the National Child Care Association, a group of licensed, private day-care centers. "And there's a trade-off here. We believe enforcement is as critical as regulation." Children's advocates such as Elie Ward of Statewide Youth Advocacy say more must be done. "We can do a whole lot better," she said. "I certainly think this administration has been very lax on the registration and licensing quality issue." BECS officials acknowledged in interviews that enforcement was poor in the early and mid-1990s and that problems have been allowed to persist for too long. But they say enforcement has started to improve and will continue to get stronger. They said a computerized record-keeping system, to be ready soon, will strengthen enforcement.

Suzanne Zafonte Sennett, director of BECS, said in a letter to Newsday that some of the older cases the newspaper examined reflected "outdated policies and practices that we have been working hard to strengthen and correct" and that others "have highlighted the limitations placed on this Office by current law and resources." She said that "we acknowledge that there is clear room for further improvements in the area of child-care monitoring and inspections. However, we also point proudly to the work already accomplished and that which is underway." Money for the City The city spends $400 million annually on day care. This year it received an additional $64 million from the state for day-care subsidies for low-income families and welfare recipients. Under a deal worked out last month, $44 million will go to the Administration for Children's Services, which runs day-care centers and other regulated programs, and $20 million to the Human Resources Administration, to pay for child care for welfare recipients.

Another $42 million in state day-care money has been earmarked for quality enhancement" that could include increased monitoring, but that money has not yet been released to the city and city officials have not said how much they would use for inspections and other forms of quality control.

ACS Commissioner Nicholas Scoppetta said he supports more inspections and that discussions were under way with the state to secure the money.

He said he backs more monitoring of both city-funded programs and independent day-care programs. "I would like to see more resources to do inspections," Scoppetta said. "So there would be some assurance that these are what we want them to be." He added, "We're talking to the state now...so we can have more inspectors for day care, period." So far ACS has earmarked

$18 million of the new state money to add 3,500 slots in regulated programs - in centers and family day-care programs – and officials say the rest will go to a combination of vouchers and contract care.

While ACS officials would not release further details, many believe the city will choose vouchers because it is the fastest way to expand the day-care supply. And with space limited in the regulated programs, many parents could wind up using vouchers in the loosely regulated family day-care programs.

But even the new investment will barely chip away at demand for subsidized day care. In many neighborhoods, parents wait years for spots, while day-care center directors from Washington Heights to Bushwick turn away dozens of children a week either because they have no space or no funding from the city to accommodate subsidized children.

At Nuestros Niños, the Williamsburg day-care center that sponsors a network of family day-care programs, 600 parents are on the waiting list for day care, many of them for years, according to Oppenheimer, the family day-care director.

When the new day-care money reaches the center, it will be able to add 26 of those 600 kids on the list.

"We're so desperate that any ray of light coming through the window - we'll take it," Oppenheimer said. "But it's not going to meet the needs of the community." And while the new state money was released in early October, it had yet to be distributed to day-care centers and programs, where providers are eager to contact some of the people on their long waiting lists, although city officials said the funds would go out this month.

Belkis Rodriguez, a Williamsburg resident who first applied to Nuestros Niños seven years ago, is seeking a place for her now-10-year-old daughter. She now has two other children, ages 8 and 9, and has been using a babysitter instead.

She spends almost half the $250 weekly salary she earns as the volunteer coordinator of a local community group on the babysitting, and more during school vacations.

Rodriguez stops into the center weekly to check her place on the waiting list, which has not changed for years.

"I keep coming, coming and coming," she said recently. "And they say, 'We don't have space.'" For years, funding for the more regulated programs has been frozen, with almost 5,000 kids on waiting lists for the city-funded family day-care programs.

Meanwhile, the Giuliani administration, citing cost, has opposed efforts to increase oversight of family day-care providers receiving public money.

A pending City Council bill would do just that for all family day-care providers receiving public funds, including ACS vouchers and welfare money. The City Council finance division estimated about 3,300 children would be affected by the bill.

The council says the bill would cost between $4 million and $8 million a year if enacted, but the Giuliani administration put the figure at $20 million and said it would rather use the money to increase the supply of day care.

Administration officials said they support more inspections but that the bill, which would mandate between eight and 12 per year, goes too far. Scott Cantone, director of City Legislative Affairs, said the Giuliani administration does not want to approve any measure that would have the effect of "enlarging the day-care bureaucracy." However, administration officials still were negotiating with the council over the bill, sponsored by Councilwoman Ronnie Eldridge (D-Manhattan), to see if a compromise could be reached.

Eldridge said lack of support for the bill underscores the city's waning commitment to quality childcare.

"I'm so appalled at the whole child-care picture," Eldridge said. "It so lacks any purpose other than babysitting and in so many cases the city's attitude towards it has been so disappointing."

Sarah Kershaw, KIDS AT RISK / How Day-Care Oversight Fails Our Children / Who's Minding the Children? / As Day-care violations endangeer youngsters, state and city watchdogs repeatedly have failed to act.. , Newsday, 12-05-1999, pp. A06.

KIDS AT RISK / How Day-Care Oversight Fails Our Children / Faulty Lines of Communication / When they find trouble, agenccies aren't trading info

By Sandra Peddie, INVESTIGATIONS TEAM

Sixth in a series Nichola Csere knew Alpha Beckford as an elder in her church, the Upper Room Tabernacle in Dix Hills, and liked her sweet, soft-spoken manner. And she felt sure Beckford's home was safe because she was a state-approved day-care provider. So when Csere took a job as an ultrasound technician and needed child care for her 15-month-old son, Chance, she turned to Beckford.

Csere, 24, had no idea a nonprofit agency was removing developmentally disabled adults from Beckford's home because of serious problems with the care she provided, as state records showed. Nor, apparently, did state day-care officials. Had she known, she said, she never would have left Chance in Beckford's care. And she would have avoided the nightmare that followed.

"They should let parents know the history on these people," she said. "This woman was the sweetest, nicest person. You would never know what she was capable of doing." Csere left her son in Beckford's care. On his third day with her, Chance was beaten, according to medical records. Citing abuse and neglect, state officials suspended and revoked Beckford's day-care license. However, records also show that officials of Little Flower Children's Services, a nonprofit agency that had included Beckford in its network of homes for the developmentally disabled, knew about Beckford's "past adult abuse issues." But the agency apparently did not notify the state's Bureau of Early Childhood Services (BECS), which approved Beckford to do day care, until after Chance was hurt.

Beckford declined to comment. Little Flower officials said they notified the Office of Mental Retardation and Developmental Disabilities, the state agency that oversees the adult program. Agency spokeswoman Deborah Sturm Rausch said she did not believe her agency knew Beckford was doing day care but declined to comment further.

The Beckford case is a striking example of what happens when agencies don't communicate. But, a Newsday investigation has found, it is not an isolated one.

Routinely, information that common sense would dictate government agencies should share does not find its way to those who need it. Nor, in many cases, is it required. As a result, children are put at risk.

Child-care standards set by the American Public Health Association and the American Academy of Pediatrics recommend that government authorities "work together as a team." But in New York, there are no formal guidelines on sharing information from agency to agency. "It depends on the case, who coordinates it," said Suzanne Zafonte Sennett, BECS' director.

Because of this lack of coordination, neither BECS nor other agencies can provide the safety net parents expect. BECS does not tell other state and local agencies, for example, who is doing day care, so the agencies cannot or do not pass on information that would help the bureau better protect children in day care.

Newsday's investigation found: State agencies are not required to check with BECS before taking action affecting children in care. As a result, in some cases, children's needs have been overlooked. In Medford, for example, Department of Corrections officials approved as a day-care assistant a prison inmate on work release - without asking anyone at BECS whether it was appropriate. They never notified state day-care regulators, but point out that her prison status is posted on the Internet.

Local authorities frequently do not pass complaints on to BECS. When child abuse is suspected, state law requires that it be reported to authorities. But there is no requirement to report other situations that may endanger children.

For example, for three years, one provider operated both day care and a sober house for recovering alcoholics and drug addicts in a Central Islip home before day-care inspectors learned of it, despite complaints to both Islip Town and Suffolk County.

Police are not given names of licensed and registered providers and thus do not report domestic violence in a day-care home. Yet, they routinely notify other agencies of problems, such as child abuse, hazardous intersections or even restaurants with repeated disorderly conduct. Comprehensive figures were not available; but by checking addresses of day-care providers against police records, Newsday found dozens of incidents of domestic violence at state-approved day-care homes. BECS learned of few of those incidents, BECS officials say. Because the bureau doesn't give police the locations of day-care homes, officers have no system for reporting incidents back to the state. "It's ridiculous that they don't tell us," said Lt. Larry Strand, Hempstead Village Police chief of detectives.

Firefighters, who need to know what they face when responding to a call, are not told of day-care homes in their area. State law does not require it. By contrast, state law requires operators of group homes for developmentally disabled adults to notify local fire departments. In Roosevelt, firefighters responded to two fires at a house without knowing it was a day-care home. "It'd be hell to walk up to a place where there were a half-dozen kids and think there's nothing," said Herb Davis, Suffolk County's former commissioner of Fire Rescue and Emergency Services.

Because there is no concerted effort to coordinate information, vital information literally can get lost. "They're overworked, overwhelmed and nobody's thought about it," Andrea Holmes, of Debbie's Creative Childcare in Plainview, said of state day-care inspectors. "Everybody's just trying to do their daily job." She added, "Is that a legitimate excuse? No. The cost is too great." In Beckford's case, two different state agencies approved her to care for children and developmentally disabled adults. Such "dual certification" is legal in New York. Some other states, including California and Vermont, prohibit dual certification.

In March, 1998, Little Flower Children's Services removed developmentally disabled adults from Beckford's home. Little Flower officials said Beckford failed to meet clients' needs, was "argumentative," complained about not getting enough money and refused to comply with regulations, according to records. There is no indication in files released to Newsday that Beckford responded.

Robin Amato, Little Flower spokeswoman, said her agency's "first priority" was to assure safety of the developmentally disabled adults by reporting its actions to the state agency overseeing their care.

Records indicate BECS officials learned of Beckford's history only after Chance was hurt, when a Little Flower representative told an investigator Beckford had "past adult abuse issues." Sennett said BECSis not required to ask day-care operators if they are providing services to "special populations," but after Newsday reporters asked about the policy and the Beckford case, she added, "we have decided to collect this information as part of the licensing/registration process." To Nichola Csere, all that matters is what happened to Chance. It was May 4, 1998, a day she will not forget.

That morning, Chance, normally a happy, easygoing baby, fought going to Beckford. He kicked, screamed and cried. Csere's father, who was watching him because Csere and her husband had left for work, thought something might be wrong, but gave the baby to Beckford anyway. To this day, he regrets it.

That afternoon, Csere's mother picked up Chance, who was the only child in Beckford's care in her Wheatley Heights home that day. Beckford quickly bundled up the 20-pound boy in a hooded jacket and handed him to her. Csere's mother thought he seemed sick and hurried home.

When she got home and pulled off his hood, she was stunned by what she saw. His face and neck were covered with deep, red scratches and bruises, and he was slumped and listless. Chance's father arrived home shortly afterward and immediately went to Beckford and questioned her. Beckford told him Chance must have scratched himself.

Within minutes, Csere returned home from work. Hysterical, she and her husband rushed Chance to Good Samaritan Hospital in West Islip and called police.

Medical records catalogued bruises and swelling on his forehead, scratches on his neck and nose, and bruising on his chest. Fearing a fracture, the doctor ordered a skull X-ray. There was no fracture, but Chance was sent home with a list of warning signs of a concussion. Csere said the doctor told her Chance had been hit by a blunt object and that fingernails probably had caused the scratches on his face.

The trauma didn't end there. For months, Csere said, Chance woke up screaming in his sleep.

Police questioned Beckford as well as Csere's family. But Beckford's story kept changing over the next three days, records show.

She initially told police she didn't know how Chance was injured. Then she said she was at the Suffolk Department of Social Services, that she left children in her car and "maybe one child hit the other child with a bottle." Department officials confirmed Beckford had been there for at least 20 minutes.

Other state records show Beckford also said she had stopped at her house and had only momentarily left children in her car when Chance was injured.

Csere said a CPS investigator told her Beckford abused Chance. Citing abuse and neglect, state day-care regulators suspended and revoked her registration a week later, records show. Beckford appealed, and a hearing was held in July, 1998. The decision is pending, according to her lawyer, Joseph R. Mule. Mule declined to comment on the case. CPS officials are barred by confidentiality rules from commenting.

Despite that determination, police couldn't press charges because there were no witnesses and Chance couldn't tell them what happened, Csere said. "It was as if it just did not happen and she got off scot-free," she said. Suffolk police said the case is still open.

Csere's cousin is now watching Chance temporarily, but Csere has to make other arrangements soon. Still haunted by what happened, she doesn't know what to do, she said.

"How can people work and feel safe?" From Prison to Day Care Because state agencies are not required to check with BECS before taking action, sometimes questionable decisions get made, placing children in inappropriate situations.

Such was the case of Natasha Copelin and how she was approved for a work release prison program that entailed working at her mother's day-care home in Medford.

On Oct. 29, 1995, Copelin, 24, was sentenced to 41/2 to 9 years in prison for forgery and grand larceny. When she was ready for work release in 1998, she needed a job. So her mother, Lorine Copelin, agreed to take her as a day-care assistant. State correction officials approved her placement - without ever telling state day-care regulators.

The state corrections department approved it because she was a nonviolent offender, had not been accused of a sex crime and was doing secretarial work, said Jim Flateau, department spokesman. However, he added, "She should not have been approved to work in a day-care center." Lorine Copelin's day care is not a center, but a group family day care in her Medford home. She is licensed to take up to 14 children. Natasha Copelin started on work release there on June 19, 1998. She worked weekdays at the day care, returning to Bayview State Prison on weekends.

About three weeks later, on July 9, Natasha Copelin filed an application with BECS to be an assistant in her mother's day care. Asked on the state form if she had ever been convicted of a crime, she left the answer blank.

BECS officials had no idea she already was working there on work release, but discovered that she did have a "criminal background" after seeing an item about her in Newsday, Sennett said. They denied the application to let her be an assistant.

She nonetheless continued working there until she applied for a job change in January. That was when prison officials realized she was working in day care and removed her. She subsequently worked in a hospital, Flateau said.

Lorine Copelin said her daughter did not have any contact with the children and just handled paperwork.

State day-care officials maintain they don't have authority to conduct a criminal background check on providers and household members. In fact, Flateau said, anyone can find out whether a person has served time in a New York State prison in the past 40 years by simply checking the department's Web site, www.docs.state.ny.us.

Natasha Copelin said her crime had nothing to do with children. "If they [the state] messed up, that has nothing to do with me," she said.

She added that she was told she could work at another day care. "I did my crime. I did my time." Lorine Copelin said she also does foster care and has adopted 11 foster children. This year, through September, the Suffolk County Department of Social Services paid her $67,005 in subsidies for children she has adopted. This year, through August, the department paid her $64,137 in day-care subsidies.

Sennett said her office plans to revoke Copelin's day-care license.

Copelin said she has stopped doing day care since the state took action after Newsday's inquiries. "I am closed," she said. "No more kids in here. I don't want any trouble. It isn't worth it. I don't need the money. I do fine without it." Day Care/Sober House When a day-care provider hides information or lies about circumstances that may affect the children in care, it may not always be possible for day-care regulators to know what is really going on. But in one case, several local government agencies had contact with a day-care provider whose home was not appropriate for day care, but they never told BECS.

When a state day-care inspector visited Chum Inc., a group family day care in Central Islip, last year, she saw two children playing unsupervised in a backyard littered with debris, and an exposed cesspool. But what came as a complete surprise was what one man living there told her - that Chum was also a sober house.

Sober houses provide transitional housing to recovering substance abusers. They are unregulated and many of their residents have criminal records, said Legis.

Steve Levy (D-Holbrook), who has pushed for restrictions on sober houses.

For three years after granting Chum owner Natalie Fowora a day-care license, BECS officials had no idea she also was operating a sober house there, despite the fact that Islip Town and Suffolk County had received complaints about that address. Once state officials learned of the sober house, they immediately suspended Fowora's license. But Chum is an example of how one provider slipped through the cracks of the regulatory system, even though there were many red flags along the way.

"The different levels of government operate with tunnel vision and take the course of least resistance," Levy said. "They don't want any extra work that they don't have to have." In an interview, Fowora denied there had been a sober house at her day care.

Asked why a man living there told a state inspector that there was, she declined to comment further.

Fowora has run several sober houses. At Chum's Central Islip office, Fowora and her husband also run a tax service, provide mobile communications service, repair computers, teach computer classes and sell hats.

Fowora applied for a group family day-care license under the name Chum Inc., on June 26, 1995, for a home on Wilson Boulevard in Central Islip. She stated that she, her husband Anthony and two daughters lived there. By September, she was approved to care for up to 12 children.

Shortly after Fowora began day care, the Suffolk County Department of Social Services began paying Chum child-care subsidies. At the same time, the department also began sending public assistance shelter payments for one person - not Fowora or her husband - living there.

Under state day-care regulations, a group family day-care license is granted to a "family home which is a personal residence." Even though state inspectors noted at least four times that Fowora was not present during their visits, officials apparently were unaware that the Foworas actually live in Belle Terre. Voter records show they have been registered at a Belle Terre address since June 5, 1996.

In 1996, the Suffolk Department of Social Services paid Chum $8,078 in public assistance for seven people living at the Wilson Boulevard house. In 1997, records show it paid $9,873 for nine people. But because the county department does not conduct day-care inspections, officials there did not know it was a sober house because they were public assistance payments. There is no distinction made in payments for sober-house residents. "There's no way for us to know it," said Dennis Nowak, DSS spokesman.

On Aug. 12, 1997, the Suffolk County Health Department, prompted by a complaint about an open cesspool, inspected the home. The sanitarian found no sewage or water problems, but did count 20 children and four adults. It is unclear whether the department's report was passed on to the state, said Ernest Dinda, the department's environmental protection chief.

Complaints to BECS followed. Then, on Sept. 15, 1997, Fowora's day-care license was renewed for two years.

Last year, Islip Town code enforcement cited Fowora for illegally renting the house after a complaint said Islip Town Attorney Vincent Messina. He would not provide details of the investigation because he said it was a pending law enforcement action.

On July 2, 1998, according to records, someone called BECS officials to complain that Fowora did not live there. The caller said the house also was occupied by men in a drug and alcohol rehabilitation and ex-offender program.

The caller said one resident made advances toward her.

When the BECS inspector confirmed the complaint, Fowora's license was revoked.

A subsequent investigation by Suffolk DSS found Chum required employees to use its day care as a condition of employment. In addition, Fowora withheld employees' wages until she was paid their child-care subsidies by the county, according to a letter written by DSS Commissioner John Wingate.

Fowora said that her day-care license has been reinstated, but that she no longer is doing childcare because she wants to do "bigger things." BECS officials did not respond to the question of whether her license had been reinstated.

Violent Stalker State day-care regulators do not routinely check out day-care providers, their family members or their home addresses with law enforcement agencies. As a result, they do not learn of violent or potentially violent situations in day-care homes.

"The state should be asking law enforcement agencies if we have any history on people and residences involved in day care," said Suffolk Probation Officer Philip Proferes. "If a person has a record of being a danger to the community, I think they should be kept away from little kids who can't defend themselves." In turn, police say they should be given names of day-care providers so they can report problems to the state. "If we had a day-care center that had something unusual going on, we certainly would ," said Lt. William Neubauer, commanding officer of Suffolk County's Fifth Precinct crime section. "It would be the prudent thing to do." Hempstead Village Police, records show, have gone to the home of day-care provider Yolanda Bueno repeatedly in response to calls that her grown daughter Michelle was being stalked by her ex-boyfriend, Nathaniel Funderburke.

Funderburke has been convicted of charges that he vandalized Michelle Bueno's car and threatened her with a knife. "We don't know what to do about this guy," Yolanda Bueno said.

Funderburke could not be reached. But a woman who answered the telephone at his house and said she was his aunt said any problems were caused by both Funderburke and Michelle Bueno.

When Hempstead police responded to calls about disputes between Funderburke and Michelle Bueno, they never knew they could be going to a state-approved day-care home.

BECS officials never knew, either. "We have no direct knowledge of Michelle being stalked by an ex-boyfriend," Sennett said.

Michelle Bueno's tumultuous relationship with Funderburke began in 1995, her mother said. That was four years after Yolanda Bueno was approved as a family day-care provider, which permits her to care for up to eight children.

By 1997, Michelle Bueno had gotten an order of protection against Funderburke.

On Jan. 28, 1997, records show she called police because he contacted her inside her home, in violation of the order. The incident occurred at 4:30 p.m.

On a Tuesday, during day-care hours, records show.

Yolanda Bueno denied he had ever bothered her daughter during day-care hours, although records show her hours are from 7:30 a.m. to 5 p.m.

The following month, Hempstead police arrested Funderburke after he allegedly threatened Michelle at her job at the Nassau County Department of Social Services. The disposition of the case could not be learned.

On Jan. 14, 1998, Michelle was at work when one of Funderburke's friends handed her a card. Michelle said she recognized Funderburke's handwriting. The card read, in part, "I know where you live and work. No one is going to be around to try and protect you forever." She called police, who arrested Funderburke for aggravated harassment and criminal contempt. He pleaded guilty to disorderly conduct and was given a conditional discharge and a $100 fine.

On Jan. 9 of this year, Michelle was at home. It was Saturday morning.

Funderburke showed up. She went outside and told him to leave, according to police records. "He cursed me and called me a --- bitch and said he's not leaving," she told police. "Then he pulled out a kitchen knife that had a brown wooden handle with a 1- to 2-inch blade on it. I was walking away from him, then he said, 'I am going to slice you and wreck you.' Then I tried to run in the house. He grabbed me, but I was able to get in the house." He then slashed her tires. He was charged with menacing, pleaded guilty to disorderly conduct and was sentenced to time served.

Funderburke has stalked Michelle, according to police records, even though she has gotten several orders of protection against him. Orders of protection are recorded in a registry. Courts and police have access to it. State day-care officials do not.

Yolanda Bueno said Funderburke has never threatened her or children in her care. State records show she has listed both Michelle and her other daughter, Josette, as able to assist her in child care in case of emergency.

Bueno has not been cited for any problems in her day care. In fact, in one report, the inspector noted, "There seemed to be a mutual respect between parents and provider and vice versa. The children in care were also treated with respect and patience." Suspicious Fires County fire officials inspect day-care centers annually. They inspect family and group family day-care providers far less frequently. If there is a suspicious fire, state fire inspectors notify local fire departments. But they do not routinely tell them where registered and licensed providers live, even though such information can be critical in an emergency.

"It's not hard to notify local fire departments," said former Suffolk Fire and Rescue Emergency Services Commissioner Davis. "All it takes is a letter or a phone call." On Jan. 16 of this year, firefighters responded to two basement fires about two hours apart at a day-care home in Roosevelt. The fires caused extensive damage and were deemed suspicious. But firefighters never knew it was a state-approved day-care home.

"That really shocks me," said Joseph Saudo, the Nassau County Fire Marshal's Office investigator who is looking into the fires. He said he could not discuss details of the fires because they are under investigation, but said family problems may have played a role.

But the fires highlight a critical problem that could have dire consequences: Firefighters are not told of state-approved day-care providers in their area.

Knowing how many people are in a residence changes the strategy of responding to a fire, said Levittown Fire Chief Michael Gilroy. "When we do our operations, we would like to know what we're up against."

Other States

In some other states, information affecting child care is shared more often.

For example, in Massachusetts, police recently told state day-care regulators there of gang violence involving one provider's son. As a result, her license was revoked. In addition, Boston police use mapping software to find out how close day-care providers are to registered sex offenders. If they're close, they'll alert the authorities.

In Minnesota, both police and Child Protective Services work with day-care licensors, said Laura Plummer Zrust, spokeswoman for the Minnesota Department of Human Services.

And in Vermont, every licensed day-care provider is posted on the Internet, said Coleman Baker, chief of child-care licensing in that state.

Sennett said that in the future, BECS will try to improve coordination of vital information affecting child care by giving more weight to complaints passed on by other agencies.

"For example, obviously if a building inspector goes in and says wires are all hanging down and I'm not going to give them an approval, we obviously take action on the basis of that," she said.

She added that her agency is looking into working with 911 operators, as well.

"I would think that a 911 respondent would like to be able to say there's four infants there because they're doing family day care," she said.

To Holmes of Debbie's Creative Childcare in Plainview, that's a step in the right direction. "There are certain things that can fall through the cracks," she said. "And there are certain things that can't. And safety is one of them."

CORRECTION: Alpha Beckford is not an elder at the Upper Room Tabernacle in Dix Hills. Beckford's status in the church was erroneously reported in a story about Beckford as a day-care provider in the Dec. 10, issue. Pg. A02 ALL 12/22/99

Sandra Peddie, KIDS AT RISK / How Day-Care Oversight Fails Our Children / Faulty Lines of Communication / When they find trouble, agenccies aren't trading info. , Newsday, 12-10-1999, pp. A07.

KIDS AT RISK / The 'Nursery School' Exception

By Amanda Harris. INVESTIGATIONS TEAM

For most people, the phrase "nursery school" triggers an image of a friendly and safe place run by Mary Poppins look-alikes. But on Long Island, many nursery schools are completely unregulated, creating the potential for problems.

State regulations exempt from licensing and registration nursery schools or any other preschool programs that last less than three hours a day. State officials say the rule is a practical solution to the difficulty of trying to regulate all early childhood education. Also exempt from regulation by the state are day camps and day-care programs in school districts, federal buildings and on Indian lands, but those programs are supposed to be regulated by other government agencies.

As long as they do not receive any public subsidies, providers who care for fewer than three children at once or whose care lasts less than three hours a day are not regulated by New York State.

"It comes down to what we believe is a reasonable cut-off," said Suzanne Zafonte Sennett, director of the Bureau of Early Childhood Services, in an interview last year. "I have no interest in regulating birthday parties." But the policy has critics. Experts say part-time day care can be just as risky as full-day care. And Long Island activists say some nursery schools illegally circumvent the law by allowing parents to enroll their children in two sequential part-time programs, resulting in day-long care.

". . . They have two sessions," said Fran Karliner, corporate and information services coordinator for the Child Care Council of Nassau. "It starts at nine o'clock, ends at eleven fifty-five, starts at one o'clock and ends at three fifty-five . . . I can register my children for both sessions and they'll give them lunch, so they are keeping my children for more than three hours." In 1992, the American Academy of Pediatrics and the American Public Health Association established national health and safety performance standards for day care that strongly urged regulators to supervise part-time programs.

"We recommend that every state should have a statute that . . .mandates the licensing and regulation of all regular full-time and part-time out-of-home care of children, regardless of setting, except that provided by parents or legal guardians, grandparents, siblings, aunts or uncles," the associations stated. "Nothing in the educational philosophy, religious orientation or setting of an early childhood program inherently protects children from health and safety risks or provides assurance of a level of quality of child care." Long Island and the rest of the state are different from New York City, where all programs, including nursery schools, that take in 10 or more children under the age of six need a permit from the city.

Officials say parents are often attracted by the word "school" in a program's name, but it has no legal weight.

"A lot of places use the word school, and the word has lost a lot of its meaning because of that," said Tom Hogan, supervisor for nonpublic schools in the state education department. The state education department has jurisdiction only over schools that instruct children from the ages of 6 to 16.

The laws are so complex it is often difficult for parents to understand them.

"It's almost like peeling an onion," Hogan said.

Child Care Council officials say parents are sometimes angry when they learn about the nursery school loophole. "They usually are upset that, if there is a complaint to be made, there is nobody to complain to," Karliner said.

Sennett said there have been only a few complaints about abuses of the nursery school loophole. And she said she has no legal authority to regulate places with morning and afternoon programs when different children attend each session.

But her department has taken the first step toward regulating nursery schools and other exempt programs when public money is used to pay children's tuition.

Regulations issued by the Office of Children and Family Services in October require these providers to promise to meet basic health and safety requirements, such as having a first aid kit on hand and observing sensible food-handling techniques. The new regulations also require employees of nursery schools and other exempt programs to tell the state if they have ever been convicted of a crime.

But many day-care activists would like New York to go further and change state laws to treat part-time nursery programs the same as day-care programs.

"Many parents of 3- and 4-year-olds will call and say, 'I want a nursery school, not a day-care center,' " said Arlene Labenson, resource and referral coordinator for the Child Care Council of Nassau. "They have the stereotype that a day-care center is for poor people, and they pack the children in like cattle. But the difference between a nursery school and a child-care center is often just the opposite of what most parents assume. They ask how many children are allowed to be in the classroom in a nursery school and we say, 'As many as they can get away with.' "

Amanda Harris, KIDS AT RISK / The 'Nursery School' Exceptiton. , Newsday, 12-09-1999, pp. A83.

KIDS AT RISK / How Day-Care Oversight Fails Our Children / Laws Don't Scare Illegal Providers / Little to stop the unliccensed from caring for kids

By Amanda Harris. INVESTIGATIONS TEAM

Fifth in a series Salvatore Visconti, a one-time sex offender with a 30-year history of criminal activity and a penchant for using different names, took charge of a Southold church's day-care center in the autumn of 1997. And by the time the church banned him from the center, court papers show, he had terrorized a 3-year-old girl and her father.

Visconti was able to take control of the organization that ran a program for 22 children because the New York State agency that regulates day care took more than three years to issue a license to the program. Because the state was so slow, the safeguards against violent criminals being involved in day care were not in place. State officials admitted that the case was mishandled.

But the Visconti case, which involved the Church of the Open Door's Morning Star Day Care Center on Suffolk's North Fork, is a dramatic example of one of the biggest problems in New York State's regulation of day care. During an 18-month investigation, Newsday has found that numerous providers cared for very young children for years without being licensed, and state officials did little to stop them.

Even though it is illegal to operate a day-care center or a day-care home without a license or registration, New York State has only limited resources to combat recalcitrant operators and shut illegal programs. Newsday's investigation determined that state officials have not even used the toughest tool they have: The state agency has never fined anyone on Long Island, even for operating without a license.

As Newsday reported yesterday, Ellen Sirkin-Blanthorn operated an unlicensed group family day-care home in Levittown for more than two years without a license. The state sent her three separate letters ordering her to stop doing day care immediately, to no avail. She finally applied for and received a license in July 1994 - 10 months before a baby died in her house. Two children died while in the care of Kelly Simmons, an unlicensed provider in Hampton Bays, who never received a license. Sirkin-Blanthorn would not talk to Newsday.

Simmons would not talk about the deaths but said she now cares for only two children, which does not require a license.

Officials defended the agency that regulates day care, the Bureau of Early Childhood Services (BECS), saying it does the best it can under existing laws.

"The issue is the limited tools we have for enforcement," said BECS director Suzanne Zafonte Sennett, citing the restrictions of statutes passed by the State Legislature. The agency also has a comparatively small number of licensing representatives, who manage large caseloads, and only two attorneys to work on enforcement matters statewide.

But another major factor is philosophical. Sennett and Edward Watkins, one of the two lawyers who enforce the bureau's regulations, each said the agency's fundamental policy is to encourage illegal providers to become legal, not to put them out of the day-care business completely or to drive them completely underground.

"My hope is that we will move more cases into compliance, instead of assuming they will move to enforcement," Sennett said.

Many child-care advocates say Sennett and her staff need more ammunition to use against unlicensed providers and other violators. "They don't have a strong enough law," said Janet Walerstein, executive director of the Child Care Council of Suffolk Inc. "They don't have the teeth to close a home or facility for noncompliance." BECS grants authority to provide day care in two ways: It licenses centers and group family day-care providers, and it registers family day-care providers.

Each of these three types of day care has its own set of regulations; a center has the most detailed and stringent requirements, for example. All people who care for three or more children who are not their relatives for more than three hours a day are legally required to apply for BECS certification.

Once they learn the rules, most providers submit to government review and complete all the paperwork needed to become legal, officials said. If they don't, the state often hears about them, usually from neighbors who notice children being dropped off and picked up or from legal providers who are afraid their business will be hurt by cut-rate, off-the-books competitors. Sometimes - but not always – state investigators have done surveillance to confirm illegal operations.

When regulators learn about illegal places, licensing representatives are assigned to approach the illegal providers and explain how to become legal. "We work with them, try to get them up to code and on board and regulated," Sennett said.

If providers do not cooperate, the state's most powerful tool is the right to fine them $250 for each day they operate without a license or registration - that's about $65,000 a year. But the state has never assessed any fines for illegal day care on Long Island.

And Sennett admitted that her agency has in recent years rarely referred cases anywhere in the state to the New York attorney general's office for court action.

"In the early to mid-'80s, they were very active in helping us stop the operation of a number of illegal day-care operations on Long Island, as a matter of fact," Sennett said. "There were maybe 10 or 12 of them over the course of a period of a few years. They have been less active since then." Sennett said she and her staff are working hard to improve the system and crack down on unlicensed providers and other violators.

In 1995, the state sent 10 "cease and desist" letters to illegal providers across the state; last year, the number rose to 51. "Prior to 1995, there was little vigor behind enforcement cases," Sennett said in a statement.

On Long Island, the number of cease-and-desist letters has increased from three in 1995 to eight last year. During the first nine months of this year, the state sent out nine cease-and-desist letters on Long Island.

"Our track record on enforcement has gotten better," Sennett said.

Despite this tougher treatment of unlicensed operators, the agency still had problems processing the license application from Open Door's Morning Star Day Care Center. It normally takes six to 12 months to get a day-care license, and, in May, 1995, the church began the process. It applied for a permit to run an all-day program for 22 children between the ages of 1 1/2 and 5.

"I am looking forward to our center becoming one that is known for its caring staff and happy children," director Danielle S. Durkin said in a letter to the state in September, 1995.

The center opened for business before the state approved its application, and shortly afterward an incident occurred that alerted regulators to the unlicensed operation. In October 1997, 2-year-old Claire O'Kane was bitten several times on the face by another 2-year-old while the children were playing in a toy castle at the school.

"Eventually someone heard my daughter screaming and saw this girl on my daughter's chest with her face down on my daughter's face," said Debra O'Kane, Claire's mother. "She was mauled. It was terrible." O'Kane said the center's teachers were not properly supervising the children. A state inspector noted not only that the center was unlicensed but also found the supervision was inadequate. The inspector recommended no supervision changes but did say the center should have a license.

In discussing the incident, center staff wrote in an unsigned report that is in the state file: "... This was an incident that could not be anticipated, and all appropriate actions were taken." While state officials were handling the required paperwork on the biting incident, a more ominous event was occurring at the center.

In the fall of 1997, Salvatore Visconti arrived on the scene.

He told people in Southold that he ran the United Yokefellow Ministry and was known as the Rev. Anthony. The ministry was part of a national, spiritual institute founded in 1952 by a Quaker theologian in Indiana and has become a support program for people in or headed to prison. But according to a 1995 bankruptcy filing upstate, Visconti has used seven different names: Charles A. Viscount, Anthony Viscount, Salvatore Viscount, Salvatore Visconti, Anthony Visconti, Sylvester Visconti and Tony King. He's also used various birth dates.

The church trustees apparently didn't know that he had been arrested for several violent sex crimes under two of those names.

According to records, Salvatore Visconti was arrested four times for rape and sodomy in 1967 on Staten Island and Sal Viscount was arrested in 1974 in Brooklyn for sodomy and sexual abuse of a child under the age of 1. He was convicted of one of the sodomy charges, another was dismissed, but the disposition of the other sex charges is unknown, according to court papers filed by Visconti's attorney.

Records show that his long criminal record also includes more recent charges of larceny, using the mail or phone to commit bribery, burglary and possession of drugs and a hypodermic needle. He served several prison terms in New York and New Jersey in the 1970s and 1980s on sentences totaling more than 12 years.

Visconti's lawyer said Visconti became aware of the Church of the Open Door when he saw an ad in The New York Times listing the property for sale. Visconti told people in Southold he would help the small, non-denominational church raise money. He persuaded Claudia Green, chairwoman of the church's board of trustees, to sign a deed giving his ministry co-ownership of Open Door's property on Main Bayview Road. Visconti told Green, who could not be reached, that he wouldn't record the deed, according to court records, but as soon as she signed it, Visconti established his title by filing the deed in the county clerk' s office. Then he dismissed church employees and took control of its bank account.

Within a few months, parents of children in the day-care center and church employees were calling the Southold Town Police to express concerns about Visconti's involvement with the center because they had heard rumors about his criminal background. Cathy Reilly told police that after she removed her child from the center, Visconti "followed her down the hall, telling her she couldn't do this and she was not going to get her tuition back." Julia Benjamin, who was a director of the center, told police Visconti fired her. And Edward Hansen, a founder and the pastor of the Church of the Open Door, said Visconti was running "a scam operation" and was soliciting $300 contributions from parents at the day-care center. After Hansen tried to determine whether Visconti had a criminal background, police records show Hansen said Visconti telephoned him and said, "If I go to jail, they will find you in 14 pieces." On Feb. 4, 1998, the church trustees hurriedly issued a statement asserting that Visconti had no authority over the day-care center or the church and ordered him to return its checkbooks and other legal materials.

Two days later, Christopher Bishop, another parent, pulled his 3-year-old daughter, Alison, out of the center and, court records say, Visconti tried to run his car off the road, screaming, "Just for your information, you're going to be killed." Town police arrested Visconti a few days later on three charges: reckless endangerment, endangering the welfare of a child and harassment. But it took almost two weeks for state day-care regulators to learn about Visconti and his involvement with Morning Star.

That's when an anonymous caller tipped off BECS that Visconti had told parents he was the new chief executive of Morning Star Day Care Center. "Parents do not want a convicted sex offender to have access to their children," the caller told the state.

If the state had regulated Morning Star properly, Visconti would not have been permitted to become an officer of the day-care center before officials checked whether he had a record of child abuse and he had been asked if he had ever been convicted of a crime. Sennett said her staff had no way of knowing about Visconti or his background before a weekly newspaper wrote a story about parents' concerns.

Meanwhile, the criminal case continued in Southold Town Court. Visconti pleaded not guilty to the charges connected to his chasing down Christopher and Alison Bishop, claiming that he controlled the day-care center and that Bishop was trespassing. Visconti also claimed, unsuccessfully, that his threat to murder Bishop was "constitutionally protected speech and served the legitimate purpose of communication." After a brief trial, Visconti was convicted of reckless endangerment and spent a month in the Suffolk County jail as part of a 45-day sentence. He is now on probation in Brooklyn.

Several attempts to reach Visconti were unsuccessful. But his lawyer, Thomas J. Kalish of Lindenhurst, said in an interview that Visconti was the victim of a witch-hunt in Southold. "No children were ever in any danger," Kalish said.

"Mr. Visconti was to be in charge of fund-raising and finances for the church ... He never said two words to any children." While the criminal case was under way, delays still plagued Morning Star's license application. On June 2, 1998, the director of the regional office wrote to the center's director informing her Morning Star was licensed. The next day, a licensing representative in the same office wrote to the director and listed six items that had to be finished before the center could be licensed.

The state finally licensed Morning Star on July 21, 1998, but Durkin said the Visconti controversy contributed to the center's closing later in the year.

Durkin is bitter that the state took so long to issue the license. "We were told we were licensed and just had to wait for the paperwork, and it never came," she told Newsday.

Durkin was particularly critical of the state licensing representative assigned to the case. After waiting two years for the license without results, Durkin wrote his boss, Aurora Farrington, saying the representative "has been telling us that your department is so overloaded and backed up that he has not gotten the chance to work on our license as of yet. Could this be true???" BECS has refused Newsday permission to talk to Farrington or any other officials in the Long Island regional office. Sennett said the handling of the case by the regional office was "unacceptable." She said the representative told his supervisors that he was waiting for paperwork from the center.

Sennett said the entire licensing process should take only six months to a year, depending on whether or not the center has a staff and a building ready to go when it submits an application. Sennett added that a new computer system for tracking licensing and enforcement of all providers, which she expects to launch in February, could prevent the delays that kept Open Door unlicensed for so long. The Morning Star licensing application "got lost in the shuffle," she said.

A second center that apparently also got lost was Busy Bee Nursery School and Kindergarten in Amityville, although it was initially a properly regulated and virtually complaint-free day-care center.

It first opened in 1953 as a private school. In 1976, Busy Bee was taken over by Maxine and Jeffrey Postal and eventually became a nursery school and kindergarten for children ages 21/2 to 6. As of Jan. 1, 1991, Maxine Postal, who had become a member of the Suffolk County Legislature sold the business to Elizabeth Solomon, who took over Postal's day-care license. That expired on March 15, 1991. Repeated efforts to reach Solomon, whose most recent address is a post office box in Connecticut, were unsuccessful.

The state began hearing about problems shortly after the transfer took place.

On Sept. 10, 1991, a parent complained to the state that her 3-year-old daughter "was left with people who were taken off the street to watch the children because there were no teachers there." The parent claimed there was hazardous construction debris at the center and inadequate supervision of the children. She removed her daughter after one day. Inspectors found many violations of day-care regulations, supporting the parent's claims.

In March 1993, an anonymous caller complained to the state that children's food was being wrapped in used supermarket bags, their fruit juice was being watered down to save money and children's cots were dirty. An inspector could not substantiate these complaints, but he concluded: "This center does meet minimum compliance. I feel provider could do a much better job than is currently being done." As the years passed, the state continued to receive and investigate complaints about Busy Bee, while prodding it to renew its license. Most complaints were minor and unsubstantiated; others were more serious. "That's the thing. You operate and you're not in compliance, and they don't close you down and they don't fine you," Postal said. "And so the lesson you learn is that you can continue to do that sort of thing and nothing happens." In 1996, a 3-year-old came home with what records described as the mark of a hand on her leg, where she said a teacher had hit her. Someone else, whose identity was removed from the records given Newsday, complained that rat poison was left around the center in easy reach of young children.

Finally, state officials got fed up. "It is beyond my comprehension how this center can repeatedly have fallen through some crack and be permitted to operate without being renewed for more than five years after some 17 attempts by the regional office to provide assistance," assistant counsel David N. Green wrote on June 27, 1996.

During those years, agency representatives inspected the center and sent copies of form letters asking Solomon to renew the expired license. In April, 1996, Solomon finally submitted a partial renewal application, but the state records indicate the application was incomplete.

Postal, concerned that parents and creditors would think she was still responsible for Busy Bee, prodded the state throughout the unlicensed period.

"I implore you to take immediate action to secure an injunction to stop Elizabeth Solomon from operating Busy Bee," Postal wrote attorney Edward Watkins on Sept. 13, 1996. "Her facility is unhealthy, dangerous and destructive to the welfare of the children in her care, and should someone be injured on the premises, she has no liability coverage." But before the state hearing was held, the Suffolk County sheriff's office evicted Busy Bee from its buildings for nonpayment of rent. On Dec. 3, 1996, moments after parents arrived to take three children home, two deputy sheriffs removed the day-care materials from the building. But after it closed, the state was unable to collect civil penalties of about $35,000 because agency representatives couldn't prove at the hearing that Solomon was illegally caring for more than three children for more than three hours during that time.

Today, bureau officials say, the state would move faster and be tougher than it was with Busy Bee. They added that it would be unfair to conclude the case could happen again even though the state still has a policy of encouraging illegal operators to become legal.

"There is now a very, very different mode of operation," Sennett said in an interview in Albany.

But the Suffolk Child Care Council's Janet Walerstein and others say the agency still needs tougher laws and a larger staff. "They have these fines that are kind of nebulous and low where it doesn't mean anything," Walerstein said. "It [the Bureau of Early Childhood Services] really has no clout."

Amanda Harris, KIDS AT RISK / How Day-Care Oversight Fails Our Children / Laws Don't Scare Illegal Providers / Little to stop the unlicensed from caring for kids. , Newsday, 12-09-1999, pp. A06.

KIDS AT RISK / How Day-Care Oversight Fails Our Children / Big Bucks Go To Unregulated Care / City turns to 'self-policing honor system'

By Sarah Kershaw. INVESTIGATIONS TEAM

Rosalyn Powell had two weeks to find day care for her four children - a 1-year-old infant, a 6-year-old, a 9-year-old and a 12-year-old.

After nearly 10 years on public assistance, city welfare authorities were forcing her back into the job market. In exchange for her benefits, she was to clean the grounds of a city housing project and start job hunting.

Powell then faced a frustrating decision about how to find safe and reliable day care for her children and, with few other options, convinced a neighbor in her South Bronx apartment building to watch the kids.

Powell's children are among thousands flooding the day-care system as the city has begun to rely on what is known as informal day care to meet the skyrocketing demand spurred by new welfare rules.

And while city officials view a system of informal care –where parents place children with another relative, a neighbor or even strangers -as an adequate solution to a growing day-care problem, the trend raises a number of troubling issues.

Most notably, the city is spending millions of dollars annually on care that is not monitored and, according to many parents interviewed, not reliable.

Five out of six children-84 percent of the 35,000 city children whose care is paid through the welfare system -are in informal care this year, double the number in 1998, according to city officials.

Spending, too, more than doubled in the last year, with the city welfare agency doling out more than $65 million in child-care benefits that went to informal providers. Informal providers are typically relatives and neighbors, but many parents, under pressure to find day care in a hurry, have also turned to strangers.

Welfare regulations are expected to increase the number of children who will need day care - because their parents are working for benefits or are moving into the labor force - by another 30,000 kids in the next year alone, officials estimate.

While the city is expected to use some of the $64 million in day-care money approved in the state budget this year to expand licensed programs in the next year by between 5,000 and 10,000 slots, there are already more than 30,000 low-income children on the waiting list for spaces in public day-care centers and licensed programs. That leaves a huge gap, one that will likely be filled by informal care.

Critics say the level of public spending on informal care, with no monitoring of the money or the child care, is fiscally irresponsible and risky to children.

"It is so clearly a knee-jerk response to an overwhelming demand for care," said Gail Nayowith, executive director of the Citizens Committee for Children, an advocacy group in Manhattan. "Basically you are giving cash to people, and you have no idea what it buys. In every other instance, when tax dollars are at stake the city has figured out how to ensure there's some accountability for expenditure of public money."

Recent research has shown that high quality day care provides long-term benefits for children, including getting them ready to learn and promoting their long-term success in school. Low-quality care can actually have a detrimental effect, research has shown.

By pouring so much money into informal care, critics say the city is missing an opportunity to provide these children with the kind of stimulating environment that could give the most vulnerable children a chance to succeed.

"There's now a huge amount of government money going into unregulated child care," said Lilliam Barrios-Paoli, the former commissioner of the city welfare agency, the Human Resources Administration, who resigned in late 1998 and is now with the United Way of New York City. "Now that we know what we know about brain development, isn't it a waste of time not to be able to provide an educational experience?" City officials say parents, who have the right to choose informal care, are driving the expansion of this type of care.

But many believe the city has encouraged it because informal care is much cheaper than day-care centers. Also, enrolling a child in a licensed day-care program - many of which have years-long waiting lists - takes a lot longer than finding a neighbor or relative to babysit.

Under state law, providers do not have to obtain a day-care license or register with the state as long as they are caring for no more than two children at any given time. The providers receive public funding, mostly through the welfare system, but are not subject to criminal background checks, child abuse screening or monitoring.

Several deadly tragedies in the city and Long Island in illegal day care operations , where providers were caring for more than two children have called attention to the dangers of unlicensed child care. In one Elmhurst case, a provider who had been caring for four infants by herself, was convicted in April of criminally negligent homicide after shaking one of the babies to death in March, 1995.

Statewide, publicly subsidized informal care has exploded in the past few years. In 1997, 20,000 children on public assistance were in informal care paid for through state and federal welfare money, according to state officials.

Projections for the year 2000 put the number at 89,000. Under new state regulations issued in October - the city for the first time is being forced to hold the informal providers to some basic health and safety standards and request information about their qualifications and backgrounds, including criminal records.

But like the existing rules on home-based, or family day-care programs, the regulations rely on an honor system. Providers must fill out a form, which has to be signed by the parents, attesting to basic health and safety measures in their homes, such as smoke detectors and fire exits. Providers must also submit sworn statements about whether they have been convicted of a crime or involved in a substantiated case of child abuse.

"It's basically a self-policing honor system that isn't sufficient when you're talking about vulnerable young children," said Sandy Socolar, who chairs the child care committee of the Welfare Reform Network, a citywide coalition of advocates for fair income policies.

The state regulations do not require independent screening of the providers or monitoring of the homes. Previous plans by the Human Resources Administration to inspect informal providers' homes have been deemed too costly and too intrusive and abandoned.

However, Kay Hendon, child care liaison for the Human Resources Administration, said last month the city was "moving toward monitoring, "although she declined to discuss further details.

The state allows local governments to take more aggressive steps to screen informal providers, and Hendon said the city was considering doing criminal background checks on the providers.

But many questions remain about the new regulations, which took effect immediately for new providers and must be applied to current providers by next month. And officials could not specify who would do the checking or the monitoring or how it would be funded.

City officials say parents choose informal care because it is more flexible and more convenient, although they acknowledge that if there were more spaces available in day-care centers in their neighborhoods, parents might choose regulated care.

But at a City Council hearing on day care last month, Hendon made a new argument, saying parents have a "cash incentive" to choose informal care because the city pays them directly for the care.

"We don't like that incentive," Hendon said. "And we plan to change it." Parents on public assistance who qualify for day-care aid receive an additional $76-$95 a week per child if they choose informal care, although many interviewed have reported delays of weeks or months and said they have lost providers because the checks didn't arrive. For full-time care, the city pays informal providers $95 a week per child for children under 3, $76 weekly for preschool children and $50 for school-age kids. Under state-set market rates that determine how much the city will pay for child care, the weekly rate for city day-care programs ranges from $120 to $215 per child, depending on the age of the child. Fees for home-based family day-care programs range from $102 to $142 weekly.

Saying the city wanted to keep better track of the money going into informal care, Hendon said that early next year, the city would begin paying the providers directly and collecting their Social Security numbers to officially enroll them as providers.

On Long Island, officials say about two-thirds of the informal providers receiving public funds are strangers. City officials said "anecdotal" information indicated the majority of informal providers are relatives. Citing confidentiality rules, officials said they could not release further information about the providers.

Some child-care experts say too much regulation could scare away potential informal providers, causing an even greater shortage. They also say that it is not the government's role to monitor informal care.

"There should be some accountability for the federal money, but you don't want to regulate grandma," said Lynn White, spokeswoman for the National Child Care Association, an organization of licensed, private child-care centers based in Atlanta.

Dozens of parents seeking child care, who were interviewed at welfare offices and job-training programs across the city, said they would choose licensed day care if they could find centers in their neighborhoods with room for their kids.

A 1997 survey by Public Advocate Mark Green's office of 234 former and current welfare recipients seeking child care found that the majority were using informal care, but two out of three said they would prefer licensed care.

Under city policy, public assistance recipients with children who are called in for work assignments are given five days to find child care. By law, caseworkers must give each parent leaving welfare the names of at least two available day-care places, only one of which must be government regulated.

If the parents don't go to work because they don't like the day-care arrangements, their welfare benefits may be reduced. If they can prove they were unable to find acceptable child care, parents are allowed an extension.

Parents with children under the age of 1 are exempt from work requirements. Hendon insisted that caseworkers help parents find day care and that "no one is forced into using informal care." But many parents interviewed described desperate searches for day care and informal arrangements that often fell through, causing them to miss work or job interviews. Several said they were not informed by caseworkers about where to find licensed care, but were told instead to "find a babysitter" as quickly as possible and get to work.

After initially feeling a sense of relief about getting off welfare after 10 years, Rosalyn Powell became increasingly concerned about the pressure to find adequate day care.

Powell had received notice from the city welfare agency in July, telling her to report in two weeks for an assignment cleaning thegrounds of the Mitchell Houses in the Bronx, and to start looking for a job. At first, she didn't mind the change.

"I've been on [public assistance] long enough, and I have to set a better example for my children," said Powell, 39, a single mother.

Powell scrambled to find child care she was comfortable with and eventually turned to a neighbor, a woman in her apartment building, who agreed to take care of the baby all day and the other three children for a few hours after school. Under the arrangement, the neighbor would earn $490 every two weeks, with the money paid to Powell as a supplement to her public assistance check.

The plan seemed like it was going to work except that the child-care payments from the city were delayed for two months, and the babysitter finally got fed up with working for free, Powell said. Then the payments started coming, and she was willing to watch the kids again, except that she often had to leave to tend to a sick sister, forcing Powell to ask her mother to fill in.

"My child care is not really in place," she said. "It's been problem after problem." Powell said.

Other parents said they experienced similar problems.

"I went crazy looking for day care," said Evelyn Santiago, 28, as she waited to meet with a caseworker recently at the Bushwick welfare office in Brooklyn, which is technically called a job center.

Santiago, who lives in Bushwick, had received a letter from the city stating she was at risk of losing her benefits, including food stamps, because she had missed work and was not supplying adequate proof that she was actively job-hunting. She told officials she couldn't find child care for her two children because the friend who had watched her children for more than a year had to go back to work herself.

The friend and informal child-care provider, Evelyn Ruiz, said she had to stop babysitting also because the city often delayed payment for the child care for weeks. The city paid $175 every two weeks for the child care, she said, with the check going to Santiago to deliver to her friend.

Santiago said she received no assistance in finding child care from the city and had not been able to find a provider or space in a day-care center for more than a month, since her friend stopped watching the children. The children are 5 and 7, so they need care after school, and Santiago said she would prefer to send them to a day-care center if her friend can't watch them.

"I want to work, but I don't have a child-care provider," she said. "I'm not going to leave my girls with a stranger. There are too many perverts out there.

I love my girls too much." Santiago's experience is not unusual, according to advocacy groups, who say parents often choose informal care because they have little or no information about other options. Even if they learn about day-care centers in their neighborhoods, the parents have little chance of getting their children in because of the long waiting lists.

Most of the day-care vacancies that do exist are in loosely regulated family day-care programs, serving up to 12 children, that are registered by the state and receive little monitoring. Given a choice between leaving their children at a stranger's family day-care program or a friend or relative's home, many parents said they would choose the person they know.

There are several thousand other family day-care programs in the city that are attached to nonprofit agencies that monitor quality and train providers. But funding for those programs, which operate under city contract, has been frozen for more than five years, with the programs capped at current capacity and reporting long waiting lists. The city is now planning to expand those programs, but because of the huge demand for day care, it is unlikely to reduce the use of informal care.

"There's no real choice anymore," said Julie Levine, Director of Workforce Development for the Northern Manhattan Development Improvement Corp., which operates welfare-to-work programs and training for family day care and informal providers in Washington Heights.

"That leaves parents leaving children with relatives who may be ambivalent about caring for the children and often are not getting paid," Levine said.

"They certainly don't understand the importance of early childhood development."

Sarah Kershaw, KIDS AT RISK / How Day-Care Oversight Fails Our Children / Big Bucks Go To Unregulated Care / City turns to 'self-policing honor system'. , Newsday, 12-07-1999, pp. A06.

A New Standard?

By Amanda Harris. INVESTIGATIONS TEAM

At the front line of state regulation of day care on Long Island are about a dozen investigators who have to inspect and monitor all 1,659 providers caring for 35,319 preschool children in Nassau and Suffolk Counties.

Called licensors or licensing representatives, these men and women are civil servants whose top salary this year is $44,739. They come from a variety of professional backgrounds. To qualify for the position under state rules, they need to have had at least six years of experience as inspectors of day care or other children's programs or as designers or reviewers of various social services programs. Specifications for the job emphasize that experience as a child-care worker or teacher is not sufficient; workers must have some background in case management as well.

New York's minimum requirements appear to be stiffer than those of many other states, even states that have earned reputations for better day-care regulation. California, for example, requires day-care inspectors to have a minimum of a college degree or six months' experience with the state.

Top officials acknowledged that investigators on Long Island and elsewhere in the state have been swamped by the recent surge in day-care providers. In addition to monitoring all the day-care centers, group family and family day-care providers, the licensing representatives also are responsible for the separate before- and after-school programs for school-age children.

The state says the licensors will soon get help in two ways: reinforcements and computers.

Sometime next year, about 11 workers at the Suffolk Department of Social Services and the Child Care Council of Suffolk will be under contract with the state to inspect day-care providers in the county.

"It swells our ranks in terms of people who are out there actually doing inspections and are able to recommend an enforcement act," said Suzanne Zafonte Sennett, director of the state Bureau of Early Childhood Services. "More importantly, I think, it will provide technical assistance and reinforce the depth of our presence with the provider community." Nassau has not volunteered to participate. Peter Clement, assistant to the commissioner of social services for finance and development, said, "It might start to get sticky if the county worker has a different standard than the state." Until this year, New York was unlike several other states because it did not give its licensing representatives any formal training once they were on the job. In 1992, the American Academy of Pediatrics and the American Health Association recommended that day-care inspectors get 40 hours of training when they are hired and at least 24 hours of training each year after that.

But this year, experts from the State University of New York have developed two new training tools for the investigators. Last summer, the Long Island representatives went for their first formal training in day-care regulation, and in the past year they have received copies of a twovolume manual of all the state regulations, policy statements, state social services law and other basic guidelines on how to do their jobs.

Sennett also said that by next February investigators will be using a new laptop-based computer network called the Child Care Facility System for tracking each provider's history that can be updated quickly and shared by everyone working on day-care regulation. It will replace the existing piles of paper and often-jumbled manila folders of documents - occasionally with a child's drawing on the back - that are the core of the state's system now.

She said the plan is "basically, get rid of the paper and put the entire licensing inspection process and the monitoring process online through a better automated support."

Amanda Harris, A New Standard?. , Newsday, 12-07-1999, pp. A33.

KIDS AT RISK / How Day-Care Oversight Fails Our Children / The Criminal In The Next Room / State fails to bar the dangerrous from day-care home

By Brian Donovan and Eden Laikin. INVESTIGATIONS TEAM

Caring for day-care children in a drunken stupor, Holly Hanemann of South Setauket passed out on her couch while a baby in a crib went hungry for hours, Suffolk Child Protective Services reported in 1997.

"It was learned that Holly ... gets intoxicated when she is with the children," sometimes drinking as early as 7 a.m., the agency said of Hanemann, who had been approved by New York State as a day-care provider. "She has blacked out while working. Holly's actions have placed these young children at risk of harm." On the day she was found unconscious at 3 p.m., a CPS report said, "there were an unknown number of children in the home. An infant was found in a crib who appeared to have been in the crib since the morning. It appeared that the child had not been fed his lunch at the time." Previously, there had been complaints that at least four other day-care children were hurt at her home, another CPS report said.

It wasn't just Hanemann's irresponsibility that led to these problems.

New York State approved her without knowing she had a criminal record that included a DWI conviction for an accident in which a young man was killed.

The state's approval wasn't an isolated mistake - Hanemann slipped through the cracks of one of the nation's weakest systems for keeping dangerous people away from day-care children.

A Newsday investigation has found dozens of others with criminal records, on Long Island and across the state, who have given their addresses in public court documents as homes that New York State has approved for day care. They are among 178 people with records of convictions for crimes or violations such as harassment, including 31 day-care providers. And state officials, acknowledging that mistakes have been made, say they want to strengthen the system.

Hanemann, whose day-care license eventually was revoked by the Bureau of Early Childhood Services (BECS), did not respond to repeated requests for an interview. Lawyers representing her said she had no comment. She sued the state, seeking to get her day-care license back, and has denied in court papers that she ever harmed children or drank during day-care hours.

One mother who chose Hanemann for day care, Linda Ackley, said the fact she had a state license was a strong factor in the decision. "It makes you feel comfortable that someone has looked into their history," Ackley said.

"If you hear the state of New York is backing something up, it's like with the dairy farmers - when the state backs up milk, I feel like I'm going to get fresh milk. So when the state says this person is licensed and they know about her, they must know that she's OK." In fact, the state certificate on the wall of a day- care home in New York State doesn't guarantee anything of the sort.

Across the state, from the suburbs of Long Island to neighborhoods in New York City to cities and villages upstate, records show some parents like Linda Ackley are unwittingly leaving their children at state-sanctioned day-care homes where people with criminal records live.

Statewide, a computer analysis by Newsday found 178 people with convictions for crimes, or violations such as harassment and disorderly conduct, who gave their addresses in court documents as homes that New York State has approved for day care. In Nassau and Suffolk, 76 such offenders have listed their addresses as day-care homes.

The cases range from minor offenses such as shoplifting to people who have committed sex crimes, injured victims with weapons, beaten women, sold drugs, wrecked cars while drunk and served prison sentences.

On Long Island, 43 of the offenders had been arrested for alleged violence or drug activity, and at least 32 of the cases elsewhere in the state also involved violence or drugs. Thirty-one of those 178 with conviction records, on Long Island and elsewhere in the state, were the providers themselves; others were relatives who gave their addresses as the day-care homes.

Some, like Hanemann, disclosed that they had criminal records but were approved anyway. A DWI conviction wouldn't have automatically disqualified her, but BECS officials admitted her case was handled badly. The agency should have checked court records and learned about her fatal DWI accident before deciding whether to approve her for day care, officials said.

But most of the offenders found by Newsday escaped notice by BECS simply because under New York's system, officials don't check the records or ask the questions that would bring such situations to light.

The fact that someone with a criminal record list a day-care home as their address in police and court records does not prove, of course, that he or she regularly has access to day-care children. But it raises the possibility that they might, which is why most states have a system for looking into such matters. New York doesn't.

New York is one of a handful of states that does not screen day-care applicants and household members for criminal records, despite recommendations from the American Academy of Pediatrics and the American Public Health Association that states check criminal-record files for all providers and all adults who live in day-care homes.

A study this year by The Children's Foundation found that at least 42 states do some kind of independent checking into whether day-care applicants have criminal records. Proposed legislation to authorize such checks has been introduced several times in the State Legislature but has never passed.

Instead, New York relies on voluntary disclosures - essentially, an honor system. Applicants seeking state approval as home providers are asked to check a box on the application form if they've ever been convicted of a crime.

Although state law says "the applicant and all members of the household must be of good character and habits," BECS doesn't even ask if other members of day-care households have criminal records, a step that could be taken without any legislation. After Newsday asked about that, BECS officials said they would soon add such a question to a redesigned application form. For day-care center jobs, under state regulations the center's own management - not the state - asks applicants if they have criminal records. Some centers conduct criminal-background checks at their own expense; others don't, industry officials say.

Newsday's findings, to be sure, involve only a small percentage of the state's approximately 20,650 state-approved day-care homes. For most day-care kids, there's no criminal in the next room.

But for the hundreds of preschool children who are affected, day care means spending most of their waking hours in houses that adults with conviction records have listed as their homes. When those children move on to kindergarten, others in their most formative, vulnerable years will take their places.

Some day-care professionals say the danger posed by people withcriminal backgrounds in day-care homes is not so much that the children will become crime victims but that they will be exposed to - and copy - the behavior of people who use violence or drugs to cope with the routine stress of life.

"As a society we need to err on the side of the safety and welfare of the children," said Deborah Bedell, a partner in Debbie's Creative Childcare, a Plainview day-care center accredited by the National Association for the Education of Young Children. "If that means some people can't be in this profession, then that's what it means." Suzanne Zafonte Sennett, director of BECS, said in a letter to Newsday in October that "the information that surfaced during your review of day care providers with regards to criminal convictions only reinforces our position that we must go back to the drawing board and work harder and more aggressively this year to remove barriers in this area." Since Newsday began looking into the issue, officials said, the agency has begun working on a proposal for new legislation to authorize checking applicants for criminal records, but no details have been disclosed.

Currently, day-care applicants in New York are checked only through a state register of people who have figured in substantiated child-abuse cases within this state.

These are some other elements of the situation: State officials don't use available information. BECS officials say they don't have legal authority to check for criminal records. The State Legislature hasn't authorized them to take fingerprints, they say, and fingerprints are the key to getting criminal records from the state's criminal-justice agency. But there's another way to find many of the people with criminal records at day-care homes. Newsday used a computer to match data on convicted defendants' addresses, which are public record and available from the state

Office of Court Administration, to BECS data on the addresses of day-care homes. BECS officials said they never thought of doing that. Among those Newsday found was Yolanda Linares of the Bronx, approved as a provider shortly after a judge ruled that a "serious mental disorder" led her to set a family's house on fire with a gasoline bomb.

Newsday's numbers understate the situation. Matching OCA data to day-care homes gives only a partial picture of how many people with criminal records have access to day-care kids in New York State. Newsday's figures don't include people convicted of crimes in other states. They don't include people who care for children in day-care centers rather than homes. In New York and other big cities, Newsday's computer-matching was less effective because apartment numbers are missing from some data. The superior resources available to state government could find more criminals. The OCA data also do not include federal crimes. One Elmont provider with a history of violating day-care regulations was being processed for a new license last year when the state happened to find out she'd been arrested on federal charges of trafficking in automatic weapons.

The woman, later convicted, didn't get the license, but there's no system for screening out other federal offenders.

The state has accepted offenders' self-serving versions of their crimes. When applicants voluntarily disclose criminal records, state guidelines say regulators should check law enforcement documents to find out exactly what the applicant was accused of doing. But records show that's not always done. In the push to expand the day-care system, sometimes the state has approved applicants from their own accounts of their crimes, which omit key facts. They approved Felicia Bellamy of Westbury-whose home day-care program had a child-abuse violation this year-after she acknowledged convictions for marijuana possession and resisting arrest. They didn't check court records that say the drug case involved smuggling more than 10 pounds of marijuana into the United States, and that Bellamy, who declined to comment, threatened to kill a police officer, his wife and his children.

People accused of violent crimes aren't screened out because their criminal charges were plea-bargained. Among those who gave their addresses as day-care homes are people arrested for rape, fighting with police, beating and stalking women, buying cocaine, hitting a police officer with a bottle, and committing violent crimes with guns, knives, razors, baseball bats and a rake. One victim needed 100 stitches, records show. But all of those cases were settled with guilty pleas to harassment or disorderly conduct. Those are "violations," not crimes. Such plea deals are common when victims such as family members, girlfriends or people with criminal backgrounds themselves decide not to testify. Even if the state starts asking relatives of day-care providers about their criminal records, all of those people can say - truthfully-that they have none. The state doesn't ask about arrests. Carolyn Wade of Roosevelt fired a shotgun in the direction of her sons while they fought with a baseball bat, then pointed the gun at police, court records say. Charged with a felony, she pleaded guilty to disorderly conduct, told the state she had no criminal record, and was approved for day care. Wade did not respond to requests for an interview.

Evidence of criminals in day-care homes hasn't always been investigated. BECS policy guidelines say that if regulators get information that a day-care household may include a criminal, "the department is obligated to follow up ... It may be necessary for [regional office] staff to do some 'leg work' in order to obtain the information needed to evaluate the criminal conviction history." But with a handful of inspectors trying to monitor about 1,800 day-care facilities from the Queens border to the East End, that hasn't always happened.

A source told BECS that Hempstead provider Clydia Smith had two sons with records of drug dealing and other crimes living with her. Court records show three sons with criminal records have given their address as the day-care house. Two inspection visits found unidentified young men hanging around, but the state never looked into who they were, records show. Smith declined to comment.

Some day-care centers won't hire people with any kind of crime in their background, no matter how minor. "I'm very liberal in most of my attitudes and very conservative about who should care for children," said Jill Rooney, executive director of Harbor Child Care, which has five centers in Nassau. "The person you want has to be mentally and emotionally competent and follow the rules of citizenship - that's the model." State governments, however, generally don't set standards that strict. Most states' guidelines ban people who have harmed children or have been convicted of serious sexual or violent crimes. For lesser crimes, day-care regulators are allowed to use discretion to consider how long ago the offense happened and whether applicants or household members have straightened out their lives.

New York State has such guidelines for applicants who voluntarily disclose past crimes. But with no independent checking, few criminals are found. On Long Island, Newsday found only two providers whose registrations were revoked because state officials learned they had criminal records: one person twice convicted of drunk driving, and a woman convicted of prostitution-related charges in 1979 and 1982.

Although the state does not check for criminal records, some local governments do. Providers who are paid with public money through the Nassau and Suffolk departments of social service under welfare and workfare programs, and those household members whom providers disclose, are fingerprinted by the counties.

But Newsday found more than a dozen such day-care homes-places that providers or relatives with conviction records had given as their addresses-that weren't eliminated through county-level screening. The reason remains unclear; the counties would not release records on the screening of specific people or homes, citing confidentiality rules.

When state officials in New York consider whether an applicant should be disqualified because of a criminal background, their legal authority to reject people is restricted by a little-known law that tilts the system in favor of those with criminal convictions.

Passed by the State Legislature before day care was a pressing public issue, this 1976 law, intended to curb discrimination against ex-offenders, says: "The public policy of the state to encourage the licensure and employment of persons previously convicted of one or more crimes." To reject an applicant with a criminal record, state policy says, BECS officials should establish "a direct relationship between one or more of the criminal convictions and the person's child care responsibilities" or that "the person would present an unreasonable risk to the welfare of the children." Sometimes people arrested for violent crimes aren't disqualified from day care because they were allowed to plead guilty to violations such as disorderly conduct or harassment. Those offenses aren't crimes under the law, and state applications ask only if would-be providers have been convicted of any crime.

That was the case with Carolyn Wade of Roosevelt. One evening in 1992, Wade's teenage sons were fighting in the living room when she came in with a shotgun "and fired one round at me ... but she missed," her son Robert Spurgeon said in a written complaint. "Then she fired two more shots into the ceiling. She was saying 'stop fighting' as she was firing the shotgun." Police said she pointed the gun at them, too. Charged with a felony and two misdemeanors, she pleaded guilty only to disorderly conduct. When she filled out her day-care application in 1997, she said she'd never been "convicted of a crime." The answer was true, and the state approved her.

Both sons have criminal records. One woman told police that at Wade's day-care home at 4 p.m. on a Tuesday in 1998, Kyle Spurgeon, her other son, grabbed her hair when she refused to leave and dragged her down two flights of stairs. That case was dismissed after the woman later refused to cooperate. He has an assault conviction in another case.

Besides a drug conviction, Robert Spurgeon has served time for slashing a man with an 11-inch knife in a gang fight, causing "serious permanent scarring to the face." Two rape charges against him have been bargained down, one to disorderly conduct and the other, involving a 15-year-old girl, to sexual misconduct.

Wade did not list either son as living in her home, though Robert has listed her house as his address in court documents as recently as 1998.

Some say the state should be trying harder to keep people with a history of criminal activity out of day-care situations. Det. Lt. Larry Strand of the Hempstead Police Department, who knows some of the criminals who have given their addresses as day-care homes, said, "If the state is not regulating this, it should be. Anyone arrested for drugs, guns, violence or sex offenses should not be around these kids." If the state had checked public records on Holly Hanemann when she first applied in 1993 to become a day-care provider, officials would have found two thick court files raising questions about her suitability.

In 1990, while driving on Route 347 near her home in South Setauket with her 6-year-old daughter in the car and more than twice the legal level of alcohol in her blood, Hanemann got into a crash that killed a 21-year-old man driving in an oncoming lane. She was indicted on charges of manslaughter, endangering the welfare of a child and two other felonies but was convicted only on misdemeanor DWI charges. Visibly pregnant at her trial, she was sentenced to 6 months' home detention and 3 years' probation.

The previous year she had pleaded guilty to criminal mischief for smashing a tenant's $3,300 computer during a dispute. The order sentencing her to 3 years' probation for that offense said she must abstain from alcohol and "enter a facility or rehabilitation program for the treatment of alcoholism as may be deemed necessary by the Department of Probation." Robert Papasodero, whose son died in Hanemann's DWI accident, said he was appalled to hear that the state approved Hanemann for day care. "We knew that it was only a matter of time before something drastic would happen again with this person," he said. Hanemann's ex-husband, Felix, said her drinking got worse after the fatal crash. She favored vodka in the tiny bottles commonly served on airline flights, he said, because they were "easy to down and easy to hide." And she began her career in day care, operating at first as an unregistered home provider.

She was still on probation for both criminal convictions in 1993 when the state got a report from Suffolk's Child Protective Services, which had received a complaint against her from a day-care parent. It was the first of three complaint cases involving Hanemann that BECS would handle over the next few years without learning about her drinking problem, according to records.

Her story shows not only how the state sometimes approves people with criminal convictions but also how parents' complaints about providers sometimes have been dismissed after only cursory investigations by BECS.

In the 1993 case, CPS alerted BECS officials to a parent's complaint. The charges, records say, were that Hanemann "pulls child's hair 'if he doesn't listen'" and that the child was "sent to back room, for punishment." The report also said: "Child currently has bruise on back, may have been kicked," and "Child has 'anxiety' attacks when left with provider." Further details weren't available; the law prohibits CPS from commenting on its cases.

It took BECS 17 days to send a licensing inspector to Hanemann's home, according to records released to Newsday, although state law says an inspection should be made on the next business day if danger to a child is involved. The inspector reported finding nobody home and left a letter in her mailbox. The letter invited her to register as a provider, which is required for anyone taking care of three or more day-care children.

Hanemann sent BECS a note saying she had been caring for only two children.

Records released by the state show no further attempt to look into the complaint. CPS' inquiry into the abuse charge was inconclusive because the child "could not confirm the allegations, as he was too young," a report says.

Later that year, Hanemann applied for state approval as a registered provider.

The application asks if applicants have ever been convicted of a crime, and she disclosed that she'd been convicted of DWI and criminal mischief.

She didn't mention the accident that killed Robert J. Papasodero, 21, of Lake Grove. The BECS application for day-care providers asks applicants to provide "true and accurate" and "relevant" information about their crimes. But the application doesn't pose any specific questions, such as what happened or what harm was caused.

State officials, according to a BECS policy statement, are supposed to look into "the nature of the incident(s) which resulted in the criminal conviction," checking records to "ensure that the applicant's written response is complete ..." After Sennett, director of BECS, was asked by Newsday if the state had looked into the circumstances behind Hanemann's convictions, she replied in a statement: "It appears from the record that staff at that time did not follow agency procedure. There is no record in the file that staff requested written confirmation from local authorities to substantiate Ms. Hanemann's version of her criminal conviction. We did not become aware of the true nature of her criminal involvement until we received information through ... another agency in 1997." Some states that check for criminal convictions authorize regulators to reject applicants convicted of alcohol-related crimes. Oregon law says convictions for DWI or any major traffic offense "are inconsistent with any position of unsupervised contact with children." In North Carolina, driving while impaired or even public intoxication can disqualify an applicant. The Commonwealth of Puerto Rico says providers and family members must have no history of drug or alcohol abuse. West Virginia bans any applicant with a DWI conviction during the past five years.

New York State approved Hanemann for day care in 1994 and the following year authorized her to expand her operation. She was granted a "group family" license, which allows a provider with an assistant to care for 12 preschool children plus two school-age children.

Her ex-husband said that often during her drinking bouts, Hanemann would disappear from the house during the day and he would get frantic calls at work from her assistants. "That happened a lot," Felix Hanemann said.

Once they found her passed out in her car a few blocks away, he said. Other times, he said, he found her drinking at neighbors' houses. "There were numerous occasions," he said.

When parents were around, she chewed gum or garlic to conceal any odor on her breath, he said. "I don't think the parents had any indication," he said.

When she was drunk, he said, "I would do whatever I could to keep her away from the kids, put her in the bedroom." Linda Ackley said she took her son out of Hanemann's day-care program after she observed Hanemann hurting a young boy. Ackley said Hanemann would discipline the child by snapping her index fingernail across his lips. In November 1995, Ackley filed a complaint with BECS alleging that Hanemann had too many children in her care and sometimes left her assistant alone with them.

A BECS licensing inspector interviewed Hanemann, who "stated these allegations are bogus and lies," motivated by a disagreement with Ackley over money, the BECS report said. The agency dismissed the complaint as unsubstantiated. The report does not say that BECS spoke with the assistant, parents or anyone except Hanemann. Although investigators are authorized to check providers' records on how many children are enrolled, the report does not say that was done.

In December, 1995, a mother and CPS reported to BECS that a 5-year-old boy and a 3-year-old girl, brother and sister, were injured at Hanemann's house. A state report says: "CPS reports that [the girl] has a laceration on her nose and a laceration in the corner of her right eye as well as a black eye. [The boy] had a cut inside his mouth caused by Holly pushing him into a table on 12-21-95. Holly reports that [the girl's] injury ... was caused by another child throwing a wooden block... Both children are afraid of Holly." The children gave inconsistent accounts, however, sometimes blaming Hanemann, sometimes another child. The CPS investigation found that another child also was hurt, but conflicting accounts complicated the inquiry.

One CPS report said: "There have been at least four instances of children getting hurt while in Holly Hanemann's care. Mrs. Hanemann does not seem to recognize her responsibility to protect the children ...This worker has serious concerns about the safety of children in day care with Mrs. Hanemann." CPS concluded that Hanemann had provided "inadequate guardianship." But she appealed, and a hearing officer ruled that CPS had not presented credible evidence "to prove the maltreatment alleged" or to list Hanemann in the state's registry of child abusers.

Despite all of these controversies and investigations, BECS concluded that Hanemann was doing a good job.

In a letter to her Dec. 5, 1996, the agency said, "As a result of an investigation ... all allegations have been unsubstantiated ... Your home has been visited several times unannounced by ... licensing representatives. You have never been found out of compliance. You have always informed rep of all changes and concerns in your program. Your program appears to be well run." Just a month later, however, BECS finally learned that Hanemann had a serious drinking problem. CPS notified the state agency that Hanemann had been passing out drunk with day-care children in her house, and that was the beginning of the end for her day-care career.

On some afternoons when she was too drunk to function, CPS said, she would turn the operation over to her young assistants. "During those times the provider goes into another part of the house to continue to drink and sleep ... The other helpers are aware of Holly's actions but fail to take action." On Jan. 2, 1997, Hanemann was hospitalized overnight for acute intoxication.

Records say her blood-alcohol level was .40 percent. (The legal threshold for driving while impaired is .07.) A CPS report said "after being released from the hospital she had 15-20 children in her care and was still intoxicated." Six days later, BECS made its first visit to Hanemann's home and on Jan. 14 sent her a letter suspending her day-care license. Hanemann, however, continued caring for day-care children, records say. One state document says she advertised for new customers in a shoppers guide. She told BECS she had only two children in her care; under state law, providers who care for only one or two children are exempt from state oversight.

After a hearing, the state ruled that she had maltreated children by getting drunk while she was responsible for their care, and it refused to restore her license.

The hearing decision said Hanemann "continues to minimize her drinking and fails to accept responsibility for it," blaming it on stress. "Unfortunately stress is present in any life ..." The same week that decision was issued in August, 1997, she was rushed to an emergency room on two consecutive nights with blood-alcohol levels of .30 and .45 percent.

Hanemann lives in New Jersey now. Her ex-husband said she's continued to have periodic drinking bouts.

Sennett said in recent years her agency has taken various steps to tighten enforcement and application procedures. A revised procedure on screening applicants who disclose criminal records emphasizes that staff should find out the details of what happened by checking records. A computerized system for enforcement records will help staff keep a closer watch on providers who are the subject of repeated complaints, she said.

In a letter to Newsday, Sennett said "the issues Newsday raises about how this case was handled ... and the need to act more aggressively in cases such as this, are exactly the issues that have driven this office to develop more consistent and reliable systems for tracking such cases and helping to ensure that all staff have clear information about policies and procedures."

Methodology of the Series

Newsday's investigations team began looking into state regulation of day care 18 months ago. Brian Donovan was the lead reporter, working with researcher Eden Laikin. They were joined by reporters Sandra.

Brian Donovan, Eden Laikin, KIDS AT RISK / How Day-Care Oversight Fails Our Children / The Criminal In The Next Room / State fails to bar the dangerrous from day- care home. , Newsday, 12-06-1999, pp. A07.

KIDS AT RISK / How Day-Care Ovesight Fails Our Children / Holes in the Net / Bronx case and others illustrate / how backggrounds aren't checked

By Sarah Kershaw and Eden Laikin. INVESTIGATIONS TEAM

Second in a series.

One night in June, 1993, Yolanda Linares could no longer contain her fury against the Penas, a couple she had met several years earlier in the church they run out of their basement in the Mount Eden section of the Bronx.

Just before 1 a.m., Linares went to the Pena home carrying a gallon of gasoline in a plastic jug. She placed a container of fuel by the door, poured gasoline over the front stoop and the welcome mat, and lit a match.

A diagnosed schizophrenic with a history of abusing alcohol, cocaine, marijuana and LSD, according to court records, Linares recalled in an interview that she heard voices that night, telling her to "burn the house down" and "kill the Penas." Later, she told psychiatrists that "Satan had caused a chemical inbalance in her brain," according to court records.

The fire was quickly contained, and the Penas escaped unhurt. Linares was charged with attempted murder and arson, but she used a successful insanity defense, pleading not responsible by reason of "mental disease or defect," and was allowed to go free under certain conditions.

Not long after that, Linares decided to start a day-care business in her home and sought a permit from the state. Taking advantage of one of the weakest systems in the nation for keeping dangerous people away from day-care children, Linares was easily approved, without her troubled past ever coming to light.

Linares is among dozens of people statewide who have been involved in criminal activity and whose address matches those of state-regulated day-care homes, a Newsday investigation shows.

Statewide, a Newsday computer analysis found 178 people with criminal convictions, or violations such as harassment and disorderly conduct, who gave their addresses in court documents as residences where New York State has authorized day care. Thirty-one of the 178 were the providers themselves.

In New York City, where stricter codes require more careful examination of some day-care homes, the analysis still found 35 people, either providers or their relatives, who had criminal backgrounds.

The city cases ranged from minor offenses, such as shoplifting, to more serious crimes, including weapons possession and drug dealing.

The fact that someone with a criminal record lists a day-care home as their address does not prove, of course, that they regularly have access to day- care children. But it raises the possibility that they might, which is why most states have a system for looking into such matters. New York doesn't.

State officials acknowledge that mistakes have been made and say they want to strengthen the system.

Newsday used a computer to match conviction records with day-care homes - centers were not included - but the city figure probably understates the situation because apartment numbers were missing from some records.

Officials with the New York City Health Department, which licenses all day-care facilities and registers in-home providers like Linares on behalf of the state, acknowledged that they would have "serious concerns" about Linares as a provider.

Yet she is one of thousands of child- care providers in the city who have received day-care permits with no criminal background check, other than a screening to determine whether they have figured in any substantiated cases of child abuse.

If Linares had applied to work at one of 1,800 private and public city day-care centers, she would have been subject to a criminal background check, under Article 47 of the City Health Code, which requires fingerprinting for all personnel at day-care centers serving seven or more children and reports all arrests and convictions.

If she had tried to become an in-home or family day-care provider affiliated with one of the nonprofit networks that administer 2,100 family day-care providers under contract with the city, she also would have been subject to a background check.

In both of those situations, the city has in place the safety nets designed to identify and potentially bar those with convictions, and in some cases arrests, from going into business.

But because Linares was seeking registration as a family day-care provider not affiliated with any network, she was covered by a state policy, administered by the city, that fails to independently screen applicants and other people who live at their addresses before giving permission for them to operate family day-care businesses out of their homes.

According to the city health department, about 10,600 family day-care providers hold state-approved registration certificates. So with only 2,100 of those subject to background checks because of their arrangements with the city, the vast majority was approved with no background checks.

City officials say with no state authorization to conduct background checks for those providers, their hands are tied.

"The current system does not call for us to do a criminal background check," said James McCormack, deputy director of central operations for the department's Bureau of Day Care.

New York is one of a handful of states that does not screen day-care applicants and household members for criminal records, despite recommendations from the American Academy of Pediatrics and the American Public Health Association that states should check criminal record files for all providers and all adults who live in day- care homes.

And children have suffered. In one Long Island case, Holly Hanemann of South Setauket was approved for day care despite a criminal record that included a conviction for a drunk driving accident in which a young man was killed.

Hanemann was subsequently licensed to take care of additional children despite repeated complaints that children were being hit or cut. Her license eventually was revoked after a child protective services worker found her passed out, drunk on a couch, while a baby in a crib went unattended for hours. Neither Hanemann nor her attorney would comment on her case.

One mother who chose Hanemann for day care, Linda Ackley, said her state license was a strong factor in the decision. "It makes you feel comfortable that someone has looked into their history," Ackley said.

If anything, Newsday's numbers understate the problem because matching state crime data to day-care homes only gives a partial picture of how many people with criminal records have access to day-care kids. Newsday's figures don't include people convicted of crimes in other states or those convicted of federal crimes. Newsday also found that violent people weren't screened out because their criminal charges were plea-bargained down to lesser offenses.

Among those who gave their addresses as day-care homes were people arrested for rape, fighting with police, beating and stalking women, buying and selling cocaine, and committing violent crimes with guns, knives, razors and baseball bats. All of those cases were settled with guilty pleas to harassment or disorderly conduct. Those are "violations," not crimes.

A Roosevelt woman, Carolyn Wade, fired a shotgun in the direction of her sons while they fought with a baseball bat, then she pointed the gun at police, court records say. Charged with a felony, she pleaded guilty to disorderly conduct, told the state she had no criminal record, and was approved for day care. Wade refused comment.

A study this year by The Children's Foundation found that at least 42 states do some kind of independent checking into whether day-care applicants have criminal records. Proposed state legislation to authorize such checks has been introduced several times in the State Legislature but has never passed.

A proposed City Council bill, floated more than a year ago by Councilwoman Ronnie Eldridge (D-Manhattan), would extend fingerprinting to all family day-care providers who receive city money and those ages 16 and older living in the homes.

The same bill would require more inspections of family day-carehomes, at an estimated cost to the city of between $4 million and $8 million annually. The Giuliani administration has opposed it as too costly and too cumbersome, although officials said they support criminal background checks.

Council and administration officials are still negotiating over the bill.

Suzanne Zafonte Sennett, director of the state's Bureau of Early Childhood Services, which regulates day care statewide, said in a letter to Newsday in October that "the information that surfaced during your review of day care providers with regards to criminal convictions only reinforces our position that we must go back to the drawing board and work harder and more aggressively this year to remove barriers in this area." Since Newsday began looking into the issue, officials said, the agency has begun working on a proposal for new legislation to authorize checking applicants for criminal records, but no details have been disclosed.

Although state law says "the applicant and all members of the household must be of good character and habits," the officials don't even ask if members of day-care households have criminal records, a step that could be taken without any legislation.

Instead, the state family day-care registration system relies on voluntary disclosures - essentially, an honor system. Applicants seeking state approval as home providers are asked to check a box on the application form if they've ever been convicted of a crime. It is also left up to the applicant to say who lives with them, and they can easily leave people off with no one checking.

The applicants are trusted to provide the correct information, and officials "assume they end up with the correct checked box. That is currently where the process ends," McCormack said.

Some providers, like Hanemann, disclosed that they had criminal records but were approved anyway. Most, like Linares, or Queens day-care provider Lena Medlock,whose live-in son was convicted of attempted armed robbery and served two years in prison for selling cocaine, escaped notice because under New York State's system, officials don't check the records or ask the questions that would reveal such situations.

Others like the day-care assistant and daughter of Corona provider Sallie Bloodsaw, left information off their applications and were not questioned about the omissions. The assistant had two drug convictions for dealing cocaine.

She was one of four Bloodsaw family members who said in court papers they lived at the day-care address and had criminal records, one of which is extensive. It was unclear how much contact-if any-those other three relatives had with children, in part because officials never bothered to check on them.

For three years, starting in early 1995, Sallie Bloodsaw operated a licensed group family day care, serving up to 14 children, including some whose fees were paid with public money, out of her duplex on 99th Street in Corona.

The mother of 10 children and the guardian of several foster kids, Bloodsaw has one son, Steven, who has been convicted more than a dozen times since 1987 for dealing crack and marijuana on a corner near the Bloodsaw residence. In court papers, Steven Bloodsaw continually gave the 99th Street location-Sallie Bloodsaw's day-care address-as his home address.

In an interview in September, Bloodsaw, who said she "retired from day care" last March, said her son Steven had not resided with her for at least seven years, and her day-care license application shows she did not list him as living at that address. Bloodsaw abruptly ended the interview before she could be asked about other children, including her daughter, Robin Holloway, who lived with her during the day-care operation and was approved in 1995 as an assistant despite having two convictions for selling cocaine on that same corner near the day care.

On her day-care assistant application, Holloway said she lived next door to the day-care house, another duplex owned by Bloodsaw.

Family day-care assistants, like child-care providers, are subject to a screening to determine whether they have been involved in any substantiated child-abuse cases. If they clear it, which Holloway did, they are automatically eligible to work in the day care.

Often, health department officials have no way of knowing if a criminal lives in a day-care home, because they don't check the records or check to see if the provider listed everyone on the application who is living in the house.

But in this case, Holloway's day-care assistant application contained a red flag: While she had two convictions for dealing cocaine and served 11/2 years of a 2-to-4-year sentence in prison, Holloway left blank the box on the application asking if she had been convicted of a crime.

"The blank box would have been something we should have noticed,"McCormack said.

But another city agency did notice Holloway's criminal background because Bloodsaw was briefly part of a network run by a local nonprofit agency that has a family day-care contract with the city. Those contracts require criminal background checks of the providers.

The agency, A League for a Better Community Life, also in Corona, added Bloodsaw to its network of nine providers in 1997, and according to the agency, Holloway was still working as the day-care assistant then and was regularly interacting with children.

The agency submitted Bloodsaw's name, and those of people living in the home and working in the day care, to the city agency that pays for the care, the Administration for Children's Services. A criminal background check was conducted by the city Department of Investigations.

Under city policy, the results of those checks are supposed to be sent to all agencies involved in monitoring day-care programs, including ACS and the health department. ACS then informs the nonprofit agencies working with the providers.

In the Bloodsaw case, the check came up with Holloway's convictions, and ACS informed A League for a Better Community Life, which then dropped Bloodsaw from its network.

Shirley Morgan, coordinator of family day care for the agency, said she inspected Bloodsaw's home and found it satisfactory, but that Holloway's role in the day care - she came to pick up weekly checks - and contact with children caused the agency concern.

"We never can tell what might happen in the home. That is why a provider has to be dropped," she said.

Despite the fact that ACS, the agency that was paying Bloodsaw, knew of the criminal background of the day- care assistant and that Holloway's record warranted dropping her from the network, the health department continued to keep Bloodsaw's registration current, allowing her to still take children.

Attempts to locate Holloway for comment were unsuccessful. Her mother refused to discuss her involvement with the day care.

Health department officials, who renewed Holloway's license again after she was dropped from the network, said they never received information indicating there were criminal histories in the Bloodsaw home. "If we were to act on that site now, based on what's in our files now, we would continue to license" Bloodsaw, said McCormack, of the health department.

McCormack said a new state computer system would allow the sharing of a database containing information about day-care providers, including complaints, enforcement actions and the status of their license or permit. It also will give other agencies access to information about providers, McCormack said. Had such a system been in place, ACS could have entered information about Holloway's convictions into the computer file on Bloodsaw and the health department automatically would have gotten access to it.

The computer system, he said, "could potentially deal with a lot of these issues." Indeed, state officials say they had never attempted the kind of background searches conducted by Newsday to spot people with criminal histories. If they had, they would have found cases in which state-approved providers had live-in relatives convicted of serious crimes, including some involving weapons.

Lena Medlock, who is currently licensed for group family day care, has run A Spot for Tots out of her Richmond Hill home since 1993. Her application shows she did not list any live-in relatives, health department officials said.

But her son, Keli, who had a 1987 conviction for attempted armed robbery after mugging a man at gunpoint and received 5 years' probation, was living in a basement apartment in her home when she applied to become a home day-care provider. He stayed there until he was arrested and later convicted in 1996 for selling cocaine to an undercover cop. He served two years of a 2-to-4-year prison sentence, before returning to live at the day-care home. He is currently on a work-release program, according to his mother, and moved out of her house in November, 1998.

Medlock said that while Keli lived at the home, he rarely had contact with the day-care kids. But she also said she did not believe his criminal record should disqualify her from day-care registration because he had no history of child abuse and "never had problems" with his own children, twin daughters.

"He is my son, why shouldn't he live here?" said Medlock, who was caring for eight children when she was interviewed last month.

But advocates of tougher screening say child-care providers must be held to higher standards and that most parents, if they knew there were convicted criminals living in the day care, would not opt to send their children.

"It absolutely petrifies me," said Kathy Faust, director of family day care for the Hartley House in Manhattan, a nonprofit agency that administers city contracts to 48 in-home providers who were required to undergo fingerprinting.

"I can't imagine what extenuating circumstances there would be that someone with a conviction involving drugs or weapons, that we would feel comfortable having them in the presence of children." Of the city cases involving people with questionable backgrounds who were approved for day care, Yolanda Linares stands out.

Because she was found "not responsible" of the attempted murder, Linares, now 44, does not have a conviction on her record. She has no other convictions in the state of New York or in Florida, where she lived briefly. So she told the truth on her day-care registration application when she said no to the conviction question. The applications do not ask about arrests.

But the case was not sealed. So if anyone had bothered to screen her, they would have discovered a thick file about the attempted-murder case and her mental disorder.

According to Gilberto and Maria Pena, the couple whose house she tried to burn down, Linares was seeking revenge on them because they had tried to keep her away from their 16-year-old grandson. Maria Pena said that Linares would call constantly and that one night, she picked up the phone and heard her engaging in inappropriate conversation with him.

Linares said in an interview she spent a night at the Penas' house and woke up convinced that Gilberto had raped her, and that's when she started hearing voices telling her to kill the family. She said in an interview that she now knows she was having delusions about the rape and that before she got her day-care permit, she had given up drugs and alcohol and her schizophrenia was controlled by medication, Risperdal.

"That's all over," she said, although she said she sometimes still hears voices.

Accepting her "not responsible by reason of mental disease or defect," a State Supreme Court judge in the Bronx let Linares go in March, 1995, on the condition that she undergo intensive therapy, stay on medication for her schizophrenia, and remain under court supervision for one year.

Before the year was up, Linares applied for her day-care permit. She included in her application a medical statement, signed by a doctor, finding her to be "physically and mentally fit." Consistent with state policy on day care, the health department in the spring of 1996 granted Linares a one-year permit to run a family day- care program, without first doing a criminal background check.

Linares' apartment actually was inspected before she got her permit, according to records, because officials had fire safety concerns based on information she supplied on her application.

In order to renew the permit, providers must complete 151/2 hours of training and supply several pages of paperwork, including personal references, a diagram of the home indicating fire exits, and a "home safety checklist," where the provider is asked about equipment and safety.

Linares complied with all the requirements, including the training, and was then granted a two-year permit, good through June, 1999, records show.

Linares said she cared for several children between 1996 and 1998, but that she had trouble recruiting clients. She has not applied for another permit for day care, but she said she would like to continue if she could find children.

"I don't get clients," said Linares, who is on public assistance. "This year I haven't gotten anything." Asked about the incident with the Penas, Linares said she now knows that she had delusions about the rape and that she had tried to go see the Penas a few months ago to apologize - despite the judge's order that she stay away from the family.

In an interview, Gilberto and Maria Pena said Linares also had stopped by before that, and that they believed she still was "obsessed" with the family and taking revenge on them. However, hey did not report Linares' visit to the police, saying they wanted to put the whole incident behind them.

They said they were stunned she had been approved as a registered child-care provider. "She's a dangerous woman," Maria Pena said.

But Linares said she did not believe that her history or her schizophrenia interfered with her ability to become a child-care provider or look after kids.

"It's not like before," she said. "I can control myself now."

Sarah Kershaw, Eden Laikin, KIDS AT RISK / How Day-Care Ovesight Fails Our Children / Holes in the Net / Bronx case and others illustrate / how backggrounds aren't checked. , Newsday, 12-06-1999, pp. A07.

Lee Young use a curriculum called High/Scope, one of several learning philosophies that stresses an environment in which children are encouraged to learn.

Based on the clinical and laboratory work of child psychologist Jean Piaget, the High/Scope approach maintains that the best early-childhood learning activities are child-initiated, developmentally appropriate, and open-ended.

Teachers invite curiosity and encourage participation.

For instance, instead of telling a child that a picture they had just painted was beautiful, a teacher would ask the child about how he or she painted the picture, how did he or she get a shade of blue – or an open-ended question that encourages a response.

"We don't tell children this is how you do this," Roche said. "We set up the environment in such a way that the children have access to all of the materials. We set up the verbal supports and the nonverbal supports with the teachers ... the children get what they need." How important are the curriculum and environment at a day-care facility? Recent studies suggest that they are even more important than previously had been thought. That is because the links developed in a child's brain over the first two years set the pattern for learning and behavior in later life.

"Warm, responsive care is not merely pleasant and reassuring, but plays an especially vital role in the early years," a report released last year by the Families and Work Institute noted. "Negative experiences, or the absence of appropriate stimulation, can have an especially powerful impact on children's development." Beyond the curriculum, both Rainbow Chimes and Rosa Lee Young offer a variety of services that contribute to a better learning environment, according to parents, teachers and other day-care providers familiar with the operations.

Sheppard, of Rosa Lee Young, said that a great deal of effort is put into raising funds to keep child care affordable, including soliciting funds from private and public sources, and money from the United Way.

It costs $187 per week for a preschooler to attend the center. The center receives a maximum of $160 for families who qualify for the county subsidy.

What the family pays is decided by their needs based on a county formula. All families with combined incomes less than $100,000 are eligible for cost-reducing scholarships from the center.

Jeannine Rey, associate director of Rosa Lee Young, said resources also are committed to recruiting and training staff to execute the center's learning philosophy.

Rey said she recently began the lengthy process of trying to hire two teachers for the center, which serves 85 children from 2 years old through kindergarten.

"If they make it through the background check and interview process, then we have to see them with the children," Rey said.

Rainbow Chimes associate director Laura Ludlum said the process is as deliberate there. "We have to see them work and really check them out to see what kinds of working relationships they have had with children. We provided at least 100 hours of training with a new person, which is well above the state's requirements." Both Rey and Ludlum agree that while hiring is difficult, retention can be nearly impossible because of the generally low salaries in the industry, compared with other jobs. Rey said that she has been able to keep some exceptional teachers with the help of a salary enhancement program provided by Nassau County.

Paula (Pepper) Robinson, a teacher at Rosa Lee Young, said that without the pay boost, she could not afford to continue to work at the center no matter how much she enjoys her work. "You have to love what you are doing," Robinson said.

"The pay isn't wonderful ... but I love the feeling I get when a child is asking me for something and I see them develop and learn something new right before my eyes." A parent, Suzanne Walker, said that receiving daily written updates from Robinson about Lily, her 2-year-old daughter enrolled at Rosa Lee Young has enhanced their relationship. "I love that because it enables me to communicate better with my daughter and share her day," Walker said. "It opens our communication together ... because we can talk about what she did ... although I can't be with her every moment of the day."

Curtis L. Taylor, KIDS AT RISK / Creating Room to Grow / When teaching is the mission, children thrive. , Newsday, 12-05-1999, pp. A48.

Domestic Strife in Provider's Home

By Sandra Peddie. INVESTIGATIONS TEAM

Neighbors knew about the violent, screaming fights between Deborah Brendel and her boyfriend, Felipe Gandarillas. Police, who were called to her home in Shirley 40 times, knew. But the state officials who inspect day-care homes like Brendel's had no idea until a school guidance counselor told Suffolk County.

Yet, state records show, even after a county official warned them about the "ongoing situation involving domestic violence in the home during child-care hours," state officials renewed Brendel's registration as a day-care provider.

And, because her registration was renewed, the Suffolk County Department of Social Services has continued paying subsidies for children in Brendel's care.

Brendel's case highlights how easily a dangerous environment for children can slip through the cracks. Important information affecting children's safety often is not passed from one agency to another. Even when agencies share information, the lack of a coordinated response can lead to a complete breakdown in enforcement.

In Brendel's case, police never were told she was a day-care provider. Had they known, they could have notified state officials. "It was a surprise to me until a little while ago that this was a day-care center," said Lt. William Neubauer, commanding officer of the Fifth Precinct's crime control section.

Police routinely notify other governmental agencies of problems they encounter at places regulated by those agencies. For example, they tell the State Liquor Authority about restaurants with repeated incidents involving disorderly conduct. And they notify Child Protective Services of suspected child abuse

Brendel acknowledged that she and her boyfriend had had problems, but she said children were never endangered. Gandarillas did not return calls seeking comment.

State officials said they did not believe the police calls took place while children were in the house.

Brendel, 35, first became registered as a family day-care provider in her home in Shirley in 1994, enabling her to care for up to eight children, with no infants. But during an interview, she acknowledged caring for a baby.

Two years after she was registered, the police calls began - 17 in all in 1996.

At least 10 involved fights between Brendel and Gandarillas, 37, who has convictions for harassment and disorderly conduct. Four calls were made to police during child-care hours.

In one incident, Brendel's neighbor, Anthony Piazza, called police at 2 p.m. on Monday, July 22, 1996, saying that a man threatened his 14-year-old son.

Piazza's wife, Debra, said the man was Gandarillas. She said her son and his friends had built a fort in the vacant lot next to Brendel's home and that Gandarillas threw beer bottles at them and exposed his naked buttocks to them before tearing down the fort.

Debra Piazza said she feared for children in Brendel's care. "Oh my God, these parents don't know what these people are like," she said in an interview with Newsday.

In 1997, police were called to Brendel's home 11 times. At least five calls were for fights Gandarillas and Brendel had midweek during daytime hours. The situation in the home was so turbulent that Brendel's son complained to a guidance counselor at his school, who, in turn, told the Suffolk County Department of Social Services on May 5, 1997, according to Brendel and state records.

County officials immediately notified the state Bureau of Early Childhood Services and passed on copies of police reports of domestic incidents during child-care hours. They also terminated their contract with Brendel and withdrew children paid for by county funds from her care, according to state records.

But because state law requires confidentiality, they never told parents why, said Suffolk DSS spokesman Dennis Nowak.

Although the county terminated its contract with Brendel, that did not actually shut her down because parents are free to choose their own day-care provider.

On May 6, 1997, Aurora Farrington, regional director of the Bureau of Early Childhood Services, wrote a memo to a licensing representative, saying, "This is really serious, you need to visit ASAP and ascertain what provider is doing to keep this man away from her (order of protection, etc.). We may have to suspend her registration if she's unwilling to protect the children in care." On May 19, 1997, Brendel responded to BECS with a handwritten note, saying "any and all incidents DID NOT happen while I had children in my care." Suzanne Zafonte Sennett, BECS director, said that because Brendel was caring for school-age children, "It is very probable, as Ms. Brendel has asserted, that children were not present in the home during school hours, when it appears the calls were made to the police." State officials asked Brendel to give them a "corrective action plan." She did.

It consisted of another handwritten note saying, "For the safety of the children, my doors and fence are always locked. There is no entry without the key. And I am always present." Brendel did not tell state officials Gandarillas was living with her. In an interview, Brendel said state officials knew Gandarillas was living there, but there is no indication in any state records made available to Newsday that they did.

Based on those two notes, BECS renewed Brendel's registration, allowing her to receive subsidies. "If the state renews the registration, we are legally obligated to continue paying," Nowak said.

She received a total of $63,887.60 from 1994 through 1998. In 1997, the year officials discovered the domestic violence in her home, Brendel received $26,977.30. She received $7,602 through August of this year, the latest date for which figures are available.

Brendel said she currently cares for only three children before and after school, as well as an infant full time. But she said the number varies and that she has cared for as many as 16 children at a time. That would be in violation of her license.

She said she never left children in Gandarillas' care and said he is no longer living with her. She and her four children moved to another house after she lost her home to foreclosure. Brendel acknowledged that she and Gandarillas still have contact, but she declined to provide further details.

Brendel said she did not recall whether she told any parents of children in her care of her problems with Gandarillas. But, she said, "My day-care kids are like my own kids." "As an update to this situation, Ms. Brendel has obtained an order of protection against Mr. Gandarillas," Sennett said. "We have received no reports of attempts on his part to violate the order of protection." In fact, police records show that Gandarillas violated it twice this year. In addition, Brendel said, the order of protection has expired.

Sandra Peddie, Domestic Strife in Provider's Home. , Newsday, 12-10-1999, pp. A76.

KIDS AT RISK / How Day-Care Oversight Fails Our Children / A Lack of Resources, But Not Complaints

By Amanda Harris. INVESTIGATIONS TEAM

Last year, Tareyon Johnson, a mother of three with a high-school equivalency diploma, applied for work as a bus driver at the Learning 4 Life Day Care center in Hempstead.

Within three days, the center - which operated literally within the shadow of the Bureau of Early Childhood Service's regional office – had made Johnson the head teacher for a group of 4-year-olds. Despite her lack of training, Johnson said, she was soon single-handedly watching 30 school-aged children, double the limit imposed by state regulation.

"There was no way I could watch 30 kids at the same time," Johnson said in an interview. Johnson organized a talent show for the children, and one boy tried a back flip. He landed wrong and broke a bone in his toe, records show.

A few weeks later Demetrice Hawkins, the center's director, fired Johnson because she wasn't qualified to teach, records show. "I wasn't a teacher, I was a bus driver, but they were so short staffed," Johnson said. "It was a mess." Learning 4 Life continually has struggled with a shortage of both staff and funds, according to state records.

The state's file shows a number of complaints, many substantiated, about overcrowding and supervision from 1997 through last year - complaints that resulted in no punitive action by BECS despite incidents in which a child lost part of a finger, a 2-year-old was left for hours in a badly soiled diaper, and Johnson said she was forced to go to work despite having two highly contagious conditions.

All told, records show that regulators received eight separate, anonymous complaints about Learning 4 Life in the past two years alleging violations of about 36 different rules.

State regulators have used most of their limited tools to try to improve the program - including dispatching experts from Albany to give special training - but with only limited success.

The Rev. E.L. Woodside Sr., the executive director of the day-care center, said his program is now very successful and about 25 children are on a waiting list.

He said most of the complaints were made when the center was first opened and he was assembling a staff. "Now we have a staff that wants to be here," he said. He also disputed Johnson's claim she was left in charge of 30 children.

The center got its license on Dec. 11, 1995. In July, 1997, a mother complained to the state that the center's staff members hurt her 10-year-old son - hitting him, choking him and shoving him against a wall - and one day let him leave and walk 15 blocks home alone. Staff members told regulators that they had only been restraining the boy because he had been fighting with other children. They said one staff member followed the boy for a few blocks but couldn't stop him.

State regulators determined the center did not supervise the boy properly.

A few months later, on a day when records show far too many children were present, a 2-year-old boy was wandering through the center and got his finger caught in a heavy wooden bathroom door. His finger was severed.

The adult in charge told a state inspector she found "the child sitting on the floor next to the upper part of his finger. She stated that the door did not slam and the child was not crying." Again the state found the center did not supervise the children properly.

A few months earlier, the boy's sister had to be taken from the center to the emergency room to have removed from her ear a piece of plastic that another child had stuck inside, according to records released to Newsday. They do not indicate that the state investigated the ear injury.

On Oct. 29, 1997, a BECS inspector found that "a 2-year-old child spent several hours in a diaper so badly soiled that much of the waste spilled out onto his back, stomach and legs. No one noticed the odor or the child's discomfort ... an inadequate number of qualified staff is available." The staff also didn't successfully conduct a fire drill. The director didn't know how to alert the fire detection company before pulling the fire alarm.

Another staff member pulled the fire alarm, but nothing happened. The director then rang a bell in an office to alert everyone, but the bell was almost inaudible.

Later that day, BECS officials immediately suspended the center's license because they decided the children were in imminent danger as a result of the fire alarm problem. State law permits the state to fine a center $250 for each day it violates regulations, but Edward Watkins, counsel to the agency, said officials decided not to fine Learning 4 Life. The center was shut for several days until the repairs were made.

Watkins said the agency wanted the center to spend its money on improving its fire protection system, not on paying money to the state. Woodside said he had to spend $17,000 to upgrade the fire protection system, which passed a county inspection in November, 1997. "If I didn't spend it, I was out of business," he said.

The state also sent a team of child-care experts from the New York State Child Care Coordinating Council in Albany to conduct specialized training for the center's staff. Memos show that the experts found many problems: infants spent long periods in their cribs watching a video, staff members spoke to children in "very controlling and demanding tones," and there was inadequate planning and a shortage of equipment. The team returned every month for six months, but the training ended in July, 1998, after tension escalated between staff and managers and the managers stopped allowing staff members to attend.

Meanwhile, the staff shortage continued. Johnson, hired in February 1998, said that during the two months she worked there, the center was so desperate for adult supervisors that she was ordered to work when she had pinkeye and ringworm.

Records show that Johnson tried to call in sick with pinkeye, but Eva Woodside, the after-school director and the Rev. Woodside's wife, "told her to wear sunglasses and come in anyway." Johnson then told her that she had ringworm on her back. She said Eva Woodside again told her to work because "Who will know?" State regulators investigated Johnson's complaints but deemed them unsubstantiated after Hawkins and Eva Woodside denied they had occurred.

Hawkins did not return phone calls; a call to Eva Woodside was returned by the Rev. Woodside.

The Rev. Woodside said Johnson's statement about taking care of 30 children by herself was untrue. "There's no validity to that," he said. "We don't do that here."

Amanda Harris, KIDS AT RISK / How Day-Care Oversight Fails Our Children / A Lack of Resources, But Not Complaints. , Newsday, 12-12-1999, pp. A07.

KIDS AT RISK / How Day-Care Oversight Fails Our Children / Training Rules Have No Teeth / State's minimal provider requirements

By Curtis L. Taylor, INVESTIGATIONS TEAM; Staff writer Sarah Kershaw contributed to this story.

Last in a series.

New York State doesn't let just anyone style hair or polish fingernails for a living.
Those wanting a license to care for your scalp or cuticles must undergo weeks or months of classroom instruction, pass competency tests, and sometimes demonstrate their skills before a panel of professionals.

But when it comes to people who care for your children, state regulators are much less demanding.

A Newsday investigation found significant loopholes and lax oversight in the state system that is supposed to guarantee at least minimum-competency standards for home day-care providers. The newspaper found that the state system has minimal requirements for training, and that even those provisions can be easily circumvented by applicants or existing providers who don't honestly fill out paperwork or actually attend required courses. There's also no competency testing.

It's even easier if you're already doing day care. For renewal, these providers "are not required to submit documentation of attendance at training sessions with the renewal application," according to regulations.

Dina d'Oyen, the family-child-care trainer at United Neighborhood Houses in Manhattan, taught the 15-hour training course for two years before switching to her current position. She stopped because she said she could not "in good conscience" be part of a system that was letting providers go into business with so little training.

"It was a joke," said d'Oyen, who is now teaching a 65-hour course for providers linked to United Neighborhood Houses. "I wouldn't send my children to anyone \[trained during those sessions.\] I didn't think it was adequate enough for me to feel safe in sending my own children - and I was teaching it." D'Oyen said she had time to briefly cover only the required topics and that it bothered her that the course did not require cardio-pulmonary resuscitation training.

"I would rather have these people spend 15 hours on infant and toddler CPR and child-abuse prevention, so at least they could save lives," she said.

Alice Brown, longtime director of the Child Activity Center at Adelphi University, agrees, noting that poorly trained providers can cause irreparable harm to children.

"We are in the Dark Ages when it comes to training," she said. "There should be more regulations, and providers should be required to show proof of training before they are allowed to take care of children." There are 24,267 licensed providers in the state's three levels of day care, according to the latest figures, which includes centers and the family or group day cares operated out of providers homes. All are licensed to care for different numbers of children ranging from as few as three to more than a dozen.

While the requirements vary slightly for each category, providers are required to complete 15 hours of training during the first year of registration, according to state regulations. An additional 15 hours is required during each two-year licensing period.

For group family providers who care for 12 to 14 children in their homes with an assistant, the law does not specify any number of hours for training. The hours are specified for family day-care providers, who care for fewer children, and for workers and operators of day-care centers, who care for more.

State officials acknowledge gaps in the training requirements for day-care providers and have pledged changes. A review by Newsday of state requirements pertaining to the training of day-care workers showed that: The state has only minimal training standards. Unlike practitioners of other state-regulated occupations, day-care providers can begin caring for children and get their training later. The state requires hundreds of hours of training and passing a test before getting a license to cut hair, manicure nails, remove hair with hot wax or sell real estate. Nail specialists, for example, must have 250 hours, or more than six weeks at a state-certified school, as well as pass written and practical exams for a two-year license.

There is no set curriculum for providers to take. The state approves the overall content of the 21/2-hour orientation course and the general topics that must be covered for the 15-hour training requirement. The topics include early childhood development, nutrition, safety and security procedures, child-abuse identification and prevention and business-record maintenance. But there is no standard curriculum that requires providers to take a set of mandatory courses.

As a result, a provider can complete training courses but not cover important areas of caring for children, such as emergency first-aid or treatment.

State policy says providers seeking renewal are to be taken at their word when they say they have taken the necessary training. Until recently, providers satisfied continued-training requirements merely by marking a box on their license-renewal forms. No proof was necessary. In fact, a 1998 Bureau of Early Childhood Services policy statement says providers should be accepted at their word "unless there is reason to question its veracity" and adds that providers are not required either to submit documentation of their training or keep it on hand for immediate inspection by a bureau representative.

Day-care providers are never tested on what they have learned. As proof of their training, the providers typically receive certificates after attending sessions. "All the certificate says is you attended, it doesn't say you listened," said Connie Galin, education coordinator for the Child Care Council in Suffolk County, which offers some of the sessions. "It doesn't say you learned anything." In fact, a reporter who attended a training session on Long Island walked away with the same blank certificate given to providers. In addition, attendees were required to sign in but not show proof of identification.

The state has no authority to force additional training on those it feels are in need of it. When state day-care regulators spotted a pattern of problems at the Wyandanch Day Care Center on Long Island, they determined that more staff training would help. The state sent the center's director, Louise Hamlett, a letter noting that the Wyandanch Center was one of six centers to be included in something called the 1998 Day Care Directors Management Project.

Under that project, operated by the New York State Child Care Coordinating Council, the center's staff would receive free intensive training in supervising children. But Hamlett, who declined interview requests from Newsday, didn't agree with the state's assessment and politely declined the state's offer.

"As a result of our continued diligence in training, the center is not experiencing any difficulties in the area of supervision," Hamlett wrote the council. "Accordingly, we respectfully decline your invitation." New York lags behind other states in its training requirements. Massachusetts requires that every family day-care provider be certified in first aid and CPR.

Vermont requires that the provider be able to read, pass a pre-application inspection to ensure the potential provider is qualified before registering, and to complete six hours of interactive training yearly. In New York State, most of the training courses are run by non-profit organizations that are not required to tell the state who has received the training, or the subjects being taught. The state does, however, approve the curriculum for the free orientation.

Under the New York City health code, in some instances, different rules apply for public and private day-care facilities.

Leonora Wiener, a spokeswoman for the Administration for Children Services, which oversees certain types of day care, said the city offers a variety of free and voluntary day-care training conferences and courses ranging from child abuse and maltreatment to early childhood education.

In addition to the state training requirement, Wiener said, ACS also requires family day-care providers to take a daylong training course in safety awareness and another on the signs of child abuse and neglect.

Also, there are a variety of city-based initiatives from nonprofit agencies that are designed to improve the quality of provider training and family day care. They range from additional child-care training to college certification.

For example, The Children's Television Workshop offers "Building on Sesame Street," which provides guidance to family child-care providers in the use of educational television and activities with children that extend literacy and learning experiences beyond television.

"There has to be more training, better supervision, and more oversight than now occurs," said Gail Nayowith, executive director of the Citizens' Committee for Children of New York, a child-advocacy agency.

Suzanne Zafonte Sennett, director of the state's Bureau of the Early Childhood Services, acknowledged that there were serious flaws in tracking whether providers had completed their training, partly because the time the state asks for proof is when a provider is inspected. And her department's target is to inspect only 20 percent of the facilities each year. With the typical license or registration valid for two years, this means a provider can go through two renewal periods before any verification effort is made. "I think that is inappropriate; it's a piece that we're changing," Sennett said.

She said a new form, about to be implemented, will require providers to detail the training they have received instead of merely indicating that they have fulfilled the training requirement. "I think that once we start really being able to document and really start to track where it is that people are going for training, I think that we potentially have recommendations for new training that we may want . . . or other incentives to put into the system." While state officials say they will take more aggressive steps to verify that providers are trained, budget cuts have reduced the quality of the courses offered, trainers and advocates say.

"It's painfully clear that over the last several years, there's less training available rather than more," said Nancy Kolben, executive director of Child Care Inc., a Manhattan-based day-care resource and referral agency that provides day-care training.

Just as important as getting trained, providers and day-care officials say, is the type of training, and the form in which it is offered.

Pamela Peddies, family day-care director of the Malcolm X day-care center in Corona, has been training day-care providers for years, but she says cutbacks in state funding have dramatically reduced what she has been able to offer. In 1997, she said, the state stopped paying $40 per person for training and instead began paying $120 a training session. Places like Malcolm X bought a satellite dish and now provide video-conference training sessions, monthly, to groups of 50 or more people, as opposed to small, personalized classes.

Many other organizations have moved to video-conference training because of the cutbacks. "We try to tell people this is not baby-sitting with a piece of paper," she said. "We've gone from being able to do real training to turning the power on and letting them \[prospective providers\] watch the boob tube for an hour," she said.

In the city, where 10,600 family day-care providers hold current state registration, according to state figures, non-profit agencies that work with 2,100 of them often provide additional training.

In the United Neighborhood Houses program, all new providers joining the network are required to take 65 hours of training and a CPR and first-aid course. The agency, an umbrella organization of settlement houses that runs several day-care centers and has a network of about

500 family day-care providers, had to raise private money to cover the cost of the additional hours. New providers are also required to complete 50-hour child-care internships, working with another provider.

The 65-hour course, as compared to the 15 hours of training, " makes the difference between a professional provider and a babysitter," said d'Oyen, the family day-care trainer.

The Jewish Child Care Council, which has a network of 110 providers in Queens and Brooklyn, provides between 15 and 30 additional training hours annually, through a combination of workshops and home inspections that can include training. While the council does not mandate the extra training for providers, family day-care director Rebecca Koffler said providers in her network typically receive 15 to 30 hours a year, in addition to the hours required by the state.

She said all providers should be required to take a minimum of 30 hours of training before going into business and then at least 15 hours a year after that.

"I would prefer they get basic training before they start," Koffler said.

"There are no standards. Anybody can be a provider at the present time." Sennett, of BECS, said the state is looking at at ways "to move training from 'a workshop-driven sort of world . . . towards more of a professional-development kind of an approach.

"What the research shows is that real quality improvement comes when people invest in real skill development moving towards degrees in early childhood \[education\]," Sennett said. "We have developed a scholarship program that allows providers to seek training in programs that will either lead to credentials in early childhood or a degree within the college system." Janet Walerstein, executive director for the Child Care Council of Suffolk, said, "The ideal would be to have all levels of experience, with distance \[learning\], onsite training, mentoring in the providers' homes, a modeling support system through various problems . . . no one model is the best." For instance, a mentor might help a provider with a room arrangement or give advice on a particular problem, such as "How to deal with parents, which can be very stressful, "Walerstein said. "The provider becomes almost a parent to the parents of children. There has to be added things as the provider grows in experience." And, Gloria Alick, executive director of the Child Care Council of Nassau said, she's been working with state legislators to formalize the training requirements for group family day-care providers, who care for 12 to 14 children in their homes with an assistant.

"That's a real oversight." She said she has asked state legislators to address the question but has had no success so far.

Curtis L. Taylor, Sarah Kershaw contributed to this story, KIDS AT RISK / How Day-Care Oversight Fails Our Children / Training Rules Have No Teeth / State's minimal provider requiirements. , Newsday, 12-09-1999, pp. A06.

KIDS AT RISK / How Day-Care Oversight Fails Our Children / Overcrowded, Understaffed / In risky numbers game, kids lose the most

By Sandra Peddie. INVESTIGATIONS TEAM

Monday, Aug. 9, started out as a fairly routine day at Children's Montessori Center in Commack - until 8-month-old Brandon Schneider started to convulse. A staffer put him on the floor and screamed for help. Then she ran to find the center's owner, leaving her 10-year-old daughter in charge of four infants.

The staff called 911, and after two terrifying minutes, the seizure stopped.

Brandon had suffered a febrile convulsion. Caused by high fever, it is the most common type of childhood seizure. Although Brandon's mother, Chris Schneider, said he is fine and that she is delighted with the staff response, records show that center director Stacy Tweedie told a state inspector the infant "almost lost his life, due to only one person present in the infant room," and warned that "one day some child will be seriously hurt because of lack of staffing." That was not the first time understaffing was a problem at Children's Montessori Center. State inspectors have found inadequate staffing there a dozen times since 1993. Last year, state officials warned owner Kathy Finkmann that conditions were so bad an emergency evacuation might not be possible and that "infant care is inadequate and borders on dangerous." There is no response from Finkmann in the state file provided to Newsday.

Three former center staffers complained in interviews about understaffing there. One former teacher, Kathleen Andresen, said that was the reason she left in 1995. She recalled being the only person to watch 33 children napping on cots that were so closely spaced she couldn't walk between them. "If we had a fire, there was no way to get them out," she said.

Just as troubling was the infant care. "I would go in the infant room, and I would cry because there was nobody there to hold them," she said.

Andresen recalled trying to pick up one baby who cried a lot, but was told she couldn't because they'd have to do that for all the infants. "He just had to work through it," she said. "It was heartbreaking." Despite the record of verified complaints, the Bureau of Early Childhood Services (BECS) has never taken punitive action. Finkmann told the state that she has hired new staff and in an interview said she recently received a letter saying she was in compliance.

Overcrowding, understaffing and poor supervision are among the most common complaints made to state day-care regulators. Nationally, theyare the leading complaints about child care, said Abbey Griffin, a senior associate at Zero to Three, a national nonprofit clearinghouse focusing on infants and children.

And yet, despite the threats posed to children's safety and well-being, a Newsday investigation has found that the state has frequently failed to take effective action against overcrowding and understaffing. BECS has never fined any provider on Long Island for those violations. Time and time again, state records show, even after inspectors substantiated complaints about day-care providers watching too many children, state officials typically have done little more than send letters to offending providers.

"It's a joke," said one parent, Irene Crisci, who complained to the state about serious staff shortages at Children's Montessori Center. "It[a state inspection] is nothing more than an inconvenience." Crisci, who wrote a detailed letter to BECS Sept. 23, was stunned by the state's apparent inaction. "I never got a response," she said. "Shouldn't I have gotten a response?" BECS officials did not respond to written Newsday requests or telephone calls seeking comment on its actions regarding the center.

Because BECS rarely does more than issue warnings to providers to reduce the number of children or add staff, the Newsday investigation found, it is not unusual for day-care providers to comply temporarily and then resume increasing their numbers. And in some cases, savvy day-care operators have hidden children during inspections, according to complaints to the state.

A Newsday review of state files on day-care providers found: Even when children's safety is endangered, inspectors rarely take tough action.

Although dedicated child-care workers say they cannot possibly watch large groups of children properly to ensure their safety, state officials treat complaints about overcrowding with little urgency. "Anything can happen in a split second when you're with a group of children," said Marge Bisig, owner of the Riverhead Country Day School and a day-care center operator who emphasizes the need for good staffing.

Because inspectors conduct only superficial investigations, providers with too many children can evade detection. State inspectors often rely solely on their own observations when investigating a complaint and close cases without follow-up-even when an inspector believes the complaint is valid. In Elmont, an inspector strongly suspected a provider was exceeding her legal capacity, but complaints about overcrowding were deemed unsubstantiated nonetheless. BECS officials often merely accept the provider's assurances that the complaint is untrue or that the situation has been corrected. Although investigators are authorized to check attendance and financial records, files examined by Newsday show that isn't always done. And before they can do a surveillance of a provider, permission must be granted by the main BECS office in Albany.

Despite research showing that young children do best in small groups with a consistent caregiver state regulations sometimes allow bigger numbers. As other states are pushing for more stringent group-size limits, New York is only "mediocre" in the group sizes it allows, according to Working Mother magazine's annual state-by- state evaluation of child care. New York allows larger group sizes and child-adult ratios in day-care centers than experts recommend for the youngest - and most vulnerable - children. And because size limitations are not set by statute and are purely regulatory, BECS sometimes grants waivers allowing providers to increase their numbers beyond the generous limits New York already allows.

Meanwhile, the State Legislature has signaled it favors taking a tougher stance when it comes to the number of children in day care. After a 3-month- old baby girl died in the home of an

Albany provider who was caring for more than twice the number of children she was allowed, legislators passed a law last year making it a misdemeanor for a provider to misrepresent certain facts about a program, including the number of children. But so far, there have been no prosecutions under the law, said Michael Murphy, press aide to state Sen.

William Larkin (R-Orange County), who sponsored the law.

Under state rules, day-care center operators must have at least 35 square feet of space for each child. Older children must be cared for separately from infants and toddlers. Infants and toddlers must have individual sleeping areas, each with a crib, playpen or cot spaced at least 2 feet apart.

The rules also dictate the maximum number of children each adult can supervise, depending on age. For the youngest children, who range from 6 weeks to 18 months old, there must be at least one adult for each four children. The ratio gradually increases with age.

"The first reason you have good ratios is the health and safety of children," said Barbara Warman, public policy coordinator for the National Association for the Education of Young Children.

Safety Jeopardized

The risks posed to children are real. "When you think of babies, and there's an emergency, how many can you carry out?" Warman said.

More common than emergencies in overcrowded day care are simple accidents, and carelessness that can lead to injury or psychological trauma.

At a Freeport day-care center on Atlantic Avenue, a staffer went for a walk with a line of at least 10 children. She was at the front of the line while several children were dueling with sticks in the back and running out behind cars - unnoticed by their teacher, according to a complaint to the state on March 29, 1996.

State inspectors followed up at the center, Carousel of Learning. Director Esther White acknowledged the problem and agreed to double supervision on walks. But since then, BECS repeatedly has cited the center for poor supervision, crowding too many children into small classrooms, and failing to maintain legal child-adult ratios.

Each time, White has agreed to correct the violations. Each time, state officials have accepted her responses and allowed her to continue operating.

White declined to comment.

One 21/2-year-old girl was overlooked at a Miller Place day-care enter and locked in a darkened building for several hours in February, 1992, after everyone else had left. Her mother had gone to pick her up, but could not locate her daughter until she called police, who slid open a window and got the girl out.

Center owner Marie Makrides declined to comment, but said in court papers that the girl had hidden and that the teacher thought she was picked up and closed the building.

State records show the center, A-Z Adventures - formerly known as Alphabetland - has had persistent problems with understaffing. Despite continuing complaints, BECS officials renewed its license. Recently, under state pressure, center management changed, and state officials said conditions are improving.

Other problems, such as poor sanitation and heavy-handed discipline, have been associated with overcrowding. "Excessive numbers of young children increase the danger of high caregiver stress and loss of control," according to the National Child Care Information Council.

"It's too much for the provider," said Barbara Gish, a family day-care provider in New Hyde Park, adding, "I take what I feel I'm capable to take. Why should I exhaust myself?" Superficial Inquiries State inspectors typically investigate overcrowding by visiting the provider, counting the children, reporting any responses offered by the provider, and then closing the inquiry. In several cases, according to state records, inspectors reported being suspicious of the circumstances but nonetheless deemed complaints unsubstantiated.

In 1995, for example, BECS received five complaints in two weeks about Elmont group family day-care provider Saira Ahmad. According to state records, the anonymous callers said Ahmad, who was licensed for 12 children, frequently cared for up to 21, including seven infants, and that infants remained in chairs or playpens all day. They said she crowded too many children into a small space and said Ahmad left her assistant alone with them. And one caller alleged that "Children are hidden in different rooms and the basement when anyone visits the house." Then on Aug. 8, 1995, a parent complained that Ahmad was caring for 24 children, including eight infants.

A state inspector followed up on Aug. 16. He observed 10 children napping, according to records. He said Ahmad told him she had 15 children on a waiting list and was "extremely persistent about informing this investigator of her interest in expanding her GFDC [group family day care]." He said her tone caused him to be "suspicious of the day-to-day capacity and compliance with regulations." In an Aug. 25, 1995, report, the licensing representative concluded, "I really think she has more than 10 children there some of the days and is attempting to have an expansion approved before she gets caught." Despite his suspicions, the complaints were deemed unsubstantiated.

Ahmad said in an interview that she only seemed overcrowded because she has day and evening shifts that sometimes overlap.

Ahmad runs two group family day-care operations with her husband, Ansar, in houses across the street from each other. Ansar Ahmad has been cited four times for having too many children. Licensed for up to 14 children without any infants, or 12 children with two infants, he was cited on June 4 of this year for having six infants and eight children over the age of 2.

Ansar Ahmad said the 1995 complaints against his wife's operation had been made by "one or two disgruntled employees." He conceded he had been cited for too many children, but said it was because he, like his wife, cares for children in both day and evening shifts. He said he had extra staff to care for the six infants the day he was cited.

Saira Ahmad received $189,284 in child-care subsidies last year from the Nassau County Department of Social Services. A spot check of the records shows that in December, 1996, Saira Ahmad was reimbursed for 15 full-time children in the evening shift, three more than her licensed capacity.

Peter Clement, assistant to the Nassau commissioner of social services, said the rapid growth of publicly subsidized day care has made it difficult for government agencies to monitor every provider closely. "This is a program that is growing very quickly, doubling and tripling over the last few years," Clement said.

Bigger Numbers Small group size and low child-adult ratios are key variables in how well a young child will do emotionally and academically, according to child development researchers. But New York's group-size requirements for the youngest children exceed what child development researchers recommend.

For example, for infants up to 18 months old, New York allows a maximum group size of eight with two adults. But child-development researchers recommend a maximum group size of three to five for that age group, with one adult for every three infants. A group is the number of children kept together for activities or napping.

The kind of nurturing and consistent care necessary for infants isn't always possible in large groups. The effects can be subtle, but profound.

For example, infants who are able to crawl frequently look to their caregiver for a response. If the caregiver is distracted, he or she is unable to respond to the child's cues, said Zero to Three's Griffin. As a result, she said, "The child becomes less and less trusting of adults." Some day-care operators argue that it's difficult to keep their ratios down because of the economics of day care.

Nationally, the profit margin in child care is only 3 percent to 5 percent, said Lynn White, executive director of the National Child Care Association, a trade group for private day-care centers. This creates pressure to take on additional children.

Aware of the problem, state officials sometimes approve waivers to the ratio and group-size requirements. Because they are regulatory requirements and not set by state statute, according to a BECS policy statement, waivers are permissible as long as the health and safety of children is assured.

Children's Montessori had such a waiver, director Tweedie said. Until recently, the center was allowed to take up to 24 3-, 4- and 5-year-olds in a classroom.

State regulations allow up to 18.

After Newsday made inquiries to the state about the program, an inspector called to inform the center its waiver was revoked, Tweedie said. That will force it to lay off two staffers and move 12 children out of the program, she said.

To Children's Montessori owner Finkmann, the alternative is to raise rates.

"There has to be a balance," she said.

Yet, records show BECS found inadequate staffing there as early as 1993. Since December, 1997, the state has received 17 complaints about staffing and verified eight of them. By June of this year, the situation was serious enough to prompt a letter from the state threatening legal action. An inspector found inadequate staffing, chemicals in unmarked bottles within reach of children, and open windows that did not have screens, among other problems.

State records released to Newsday show no response from Finkmann and no further action by the state, until Aug. 10, the day after Brandon's seizure.

That day, Tweedie told a state investigator the complaints about understaffing were true and that Finkmann "had no intention" of complying with state regulations.

Less than a week later, on Aug. 16, a parent complained of seeing 18 children, ranging in age from 18 months to 4 or 5 years old, in the nap room with one staffer. An inspector followed up. According to records, Finkmann said that on the day of the complaint, there was a medical emergency and that all the children had to be grouped together for a short period. She also said the person who complained was a problem parent. The investigator deemed the complaint unsubstantiated.

On Sept. 10, BECS sent Finkmann another letter threatening legal action. This time, she responded, saying she had hired more staff. Records released to Newsday show no further follow-up.

Three complaints about staffing followed that month. When Montessori parent Crisci complained to BECS in September, she listed specific incidents she said were not isolated. On Aug. 20, for example, she said she saw Finkmann tending six infants. On Aug. 17, she saw a 16-year-old alone with 22 children. She said staffing typically improved during drop-off and pickup times, so that many parents probably were unaware of the problem. An attorney, Crisci urged state officials to take legal action.

Records show no response to Crisci. On Oct. 7, BECS sent Finkmann a letter saying the complaints were unsubstantiated. Finkmann conceded she had staffing problems last year, but said she has trouble finding dedicated workers. One day, two workers went for lunch and never came back. "It's hard work," she said.

Finkmann said she currently maintains state ratios, but conceded, "If one person is out, that changes the ratio." More important, she said, is whether the children are safe and still learning.

The situation still troubles Crisci, even though her two children no longer attend the center. She said she does not understand why parents were never told about the continuing problems at Children's Montessori. "At what point are parents told? Shouldn't parents be told that there's a problem here?" she said.

She said the faces of her children's friends at the center stand out in her mind. And she cannot forget Brandon's seizure. "It could easily have been any one of them," Crisci said.

Sandra Peddie, KIDS AT RISK / How Day-Care Oversight Fails Our Children / Overcrowded, Understaffed / In risky numbers game, kids lose the most. , Newsday, 12-12-1999, pp. A07.

KIDS AT RISK / How Day-Care Oversight Fails Our Children / Scant Training, With No tests / State's minimal rules are easy to circumvent

By Curtis L. Taylor INVESTIGATIONS TEAM

New York State doesn't let just anyone style hair or polish fingernails for a living.

Those wanting a license to care for your scalp or cuticles must undergo weeks or months of classroom instruction, pass competency tests and sometimes demonstrate their skills before a panel of professionals.

But when it comes to people who care for your children, state regulators are much less demanding.

A Newsday investigation found significant loopholes and lax oversight in the state system that is supposed to guarantee minimum competency standards for day-care providers. The newspaper found that the state system has minimal requirements for training, and that even those provisions can be easily circumvented by applicants or existing providers who don't honestly fill out paperwork or actually attend required courses. There's also no competency testing.

It's even easier if you're already doing day care. For renewal, these providers "are not required to submit documentation of attendance at training sessions with the renewal application," according to regulations.

"We are in the Dark Ages when it comes to training," said Alice Brown, longtime director of the Child Activity Center at Adelphi University, noting that poorly trained providers can cause irreparable harm to children.

"There should be more regulations, and providers should be required to show proof of training before they are allowed to take care of children," Brown said.

Dina d'Oyen, the family child-care trainer at United Neighborhood Houses in Manhattan, agrees. She taught the required 15-hour training course for two years before switching to her current position. She stopped because she said she could not "in good conscience" be part of a system that was letting providers go into business with so little training.

"It was a joke," said d'Oyen, who is now teaching a 65-hour course for providers linked to United Neighborhood Houses. "I wouldn't send my children to anyone [trained during those sessions]. I didn't think it was adequate enough for me to feel safe in sending my own children- and I was teaching it." D'Oyen said she only had time to briefly cover the required topics and that it bothered her that the course did not require cardiopulmonary resuscitation training.

"I would rather have these people spend 15 hours on infant and toddler CPR and child abuse prevention, so at least they could save lives," she said.

There are 24,267 licensed providers in the state's three levels of day care, including centers and the family or group day cares operated out of providers' homes. And, generally speaking, it's easy to get permission from the state, without verification of skills or competence, to care for children.

While the requirements vary slightly for each category, providers are required to complete 15 hours of training during the first year of registration, according to state regulations. An additional 15 hours is required during each two-year licensing period.

For group family providers who care for 12 to 14 children in their homes with an assistant, the law does not specify any number of hours for training. The hours are specified for family day-care providers, who care for fewer children, and for workers and operators of day-care centers, who care for more.

This quirk in state social services law is but one of the anomalies involving the training required of those who care for children, Newsday found.

State officials acknowledge gaps in the training requirements for day-care providers and have pledged changes. In fact, Gov. George Pataki announced legislation last week to tighten one of the loopholes in the training system and stiffen requirements for providers.

Newsday's review of current state requirements for day-care workers found: The state has only minimal training standards. Unlike other state-regulated occupations, day-care providers can begin caring for children and get their training later. The state requires hundreds of hours of training and passing a test before getting a license to cut hair, manicure nails, remove hair with hot wax or sell real estate.

There is no set curriculum for providers to take.

The state approves the content of the 2 1/2-hour orientation course and the general topic areas for the 15-hour training requirement. But there is no standard curriculum that requires providers to take a set of mandatory courses.

As a result, a provider can complete training courses but not cover something as basic as emergency first-aid or treatment.

Day-care providers are allowed to care for children without adequate training skills. After completing the orientation, providers are allowed to start in the business of day care while they complete their training. Pataki's proposal would end that practice.

State policy says that providers seeking renewal are to be taken at their word when they say they have taken the necessary training. Until recently, providers satisfied continued-training requirements merely by marking a box on their license renewal forms. No proof was necessary. In fact, a 1998 Bureau of Early Childhood Services policy statement says that providers should be accepted at their word "unless there is reason to question its veracity" and adds that providers are not required either to submit documentation of their training or keep it on hand for immediate inspection by a bureau representative.

Day-care providers never are tested on what they have learned. As proof of their training, the providers typically receive certificates after attending sessions. "All the certificate says is you attended, it doesn't say you listened," said Connie Galin, education coordinator for the Child Care Council in Suffolk County, which offers some of the sessions. "It doesn't say you learned anything." In fact, a reporter who attended a training session walked away with the same blank certificate given to providers. In addition, attendees were required to sign in but not show proof of identification.

Providers who do satisfy the state training requirements still can find themselves lacking critical skills. Lifesaving emergency procedures, for example, are not covered in training given to providers.

Even day-care centers with extensive problems, including health and safety violations, can thumb their noses at regulators who suggest their employees need more training. One Suffolk County day care was among a handful on the Island to be singled out by the state for remedial training, but politely refused it.

New York lags behind other states in its training requirements. Massachusetts requires that every family day-care provider be certified in first aid and CPR.

Vermont requires that the provider be able to read; pass a pre-application inspection to ensure the potential provider is qualified before registering, and to complete six hours of interactive training yearly. In New York State, most of the training courses are run by nonprofit organizations that are not required to tell the state who has received the training or the subjects being taught. The state does, however, approve the curriculum for the initial orientation.

These shortcomings in the system pose a threat to thousands of New York children.

Andreia Loures knew something was wrong with an infant girl she started caring for in March. The baby always seemed to be experiencing discomfort: crying, sweating and spitting up milk.

Although she had completed the mandatory state training, none of those courses included instruction in advanced infant care.

Loures relied on what she learned reading books and magazines on infant/toddler care, and her own experience as a mother of two, in caring for the infant.

But on April 27, her self-taught instruction in infant care would prove not enough.

Loures placed the infant in a crib for a nap because the baby was "upset." "I put her in the crib, so she could rest," Loures said. "I folded a blanket and left it under her. I usually don't put them therelike that. I normally lay her on the back with her eyes up. But the other mothers said to put her on her stomach with the blanket for a little while, and it seemed to help her." After making lunch for the other children in her care, Loures went to check on the baby, who still was sleeping.

"I went to check her body and it was cold," Loures said. "But her head was warm. She looked pale and she wasn't breathing. Blood and milk came out of her mouth when I started to pump her heart." Loures dialed 911 and the baby was rushed to the Southside Hospital in Bay Shore, where she was pronounced dead at 4:07 p.m. The cause of death was later determined to be sudden infant death syndrome (SIDS). State authorities determined that Loures was not responsible for what happened to the girl.

Loures said that while no amount of state training would have savedthe baby's life, she believes the infant/toddler courses should bemandatory. She also believes the CPR course she took and used on the baby should be mandatory.

But the state ignores practical training advice that might help day-care workers provide a safer environment for children. Since 1992, the prestigious American Academy of Pediatrics has recommended that healthy infants sleep on their sides or backs. Studies have shown that babies who slept on their stomachs risked a higher incidence of SIDS. Since AAP made this announcement, the SIDS rate in the United States has dropped significantly. While the state does publicize a sticker campaign emphasizing the importance of sleeping positions for infants, the education effort is not reflected in the regulations.

"The problem is the subjects are always the same. This is my third year and the classes are the same, like child abuse and maltreatment," Loures said. "I didn't take any course that teaches you how to care for an infant. Any of this type of training can only help. It should be required." "There's no teeth behind any of this seeming authority," said Fran Karliner, corporate and information services coordinator for the Child Care Council of Nassau. "You have a new provider who has heard what the regulations are, that there are (15 hours of additional training required and), that you'd better do this because you want to be renewed.

"We encourage them to network with other providers and within a year they become savvy: 'You don't have to worry, just say that you have the training and that'll be enough.' "They become aware that there are no teeth to these regulations. It's not because the state doesn't want to have them. There's just not enough money in the budget to support the kind of staff you would need to send people out and really make sure that the rules are being abided by." Suzanne Zafonte Sennett, director of the state's Bureau of Early Childhood Services, acknowledged that there were serious flaws in tracking whether providers had completed their training, partly because the state doesn't ask for proof until a provider is inspected. And her department's target is to inspect only 20 percent of the facilities each year.

With the typical license or registration valid for two years, this means a provider can go through three renewal periods before any verification effort is made. "I think that is inappropriate; it's a piece that we're changing," Sennett said. In fact, Pataki's legislation would raise the goal to 50 percent of facilities each year.

Sennett said that a new form, about to be implemented, will require providers to detail the training they have received instead of merely indicating that they have fulfilled the training requirement. "I think that once we start really being able to document and really start to track where it is that people are going for training, I think that we potentially have recommendations for new training that we may want...or other incentives to put into the system." Just as important, providers and day-care officials say, is the type of training and the form in which it is offered. In particular, some were critical of the reliance on closed-circuit television and telephone hookups. They are cost-effective but not as conducive to learning as teachers in the classroom with students, the providers and officials say.

"A lot of the people who enter the profession have no background in it," said Laura Ludlum, associate director of the Rainbow Chimes day-care center in Huntington. "They are not aware of what a huge task it is. Then we put them in front of a video, and we say, 'Here, learn how to do it.' That doesn't make sense. I understand it is a cost-reduction feature. You can reach more people that way, but is it effective? No." "Getting people into the discussion with things that are relevant to them.

Helping them learn through their own experiences...that is far superior to the video training," said Galin, the Suffolk Child Care Council's education coordinator.

Sennett said the state is looking at ways "to move training from a workshop driven sort of world...toward more of a professional development kind of an approach." "What the research shows is that real quality improvement comes when people invest in real skill development," Sennett said. "We have developed a scholarship program that allows providers to seek training in programs that will either lead to credentials in early childhood or a degree within the college system."

Janet Walerstein, executive director for the Child Care Council of Suffolk, said, "The ideal would be to have all levels of experience with distance learning, onsite training, mentoring in the providers' homes, a modeling support system through various problems...no one model is the best." Brown, of Adelphi University, said recent studies show that positive early interaction and a warm environment contribute to a child's brain development during the first two years and set the pattern for learning and behavior in later life.

"Warm, responsive care is not merely pleasant and reassuring, but plays an especially vital role in the early years," a report released last year by the Families and Work Institute noted. "Negative experiences, or the absence of appropriate stimulation, can have an especially powerful impact on children's development." State officials had concerns about negative experiences at the Wyandanch Day Care Center, but couldn't force additional training on employees there. Documents show state officials had concerns about several situations at the center, including issues involving fire safety and staffing. The center's director, Louise Hamlett, declined repeated requests for an interview. In letters sent to the state she has defended the programs at the center, where she has worked since 1982. In fact, several of the letters she sent the state in response to its inquiries end with the phrase, "Yours for Quality Care." She used the same civility in declining the state's offers of help in terms of staff training.

In December, 1997, Aurora Farrington, a regional day-care manager for the state on Long Island, sent a memorandum to her staff noting that the Wyandanch Day Care Center was one of six centers on Long Island to be included in something called the 1998 Day Care Directors Management Project.

Under that project, operated by the New York State Child Care Coordinating Council, the center's staff would receive free training in the area of supervising children. Hamlett refused the offer.

"As a result of our continued diligence in training, the center is not experiencing any difficulties in the area of supervision," Hamlett wrote the council. "Accordingly, we respectfully decline your invitation. Hopefully, this will in turn create an opportunity for another center to participate in our stead." The state did nothing once Hamlett declined the training.

Some day-care advocates are pushing for tougher requirements that include competency testing, pre-application inspections and raising the minimum level of hours required for licensing.

The governor's proposal-which covered many of the same issues raised by Newsday during this series of stories-would double required training hours from 15 to 30. It also would end the practice of allowing day-care applicants to start caring for children before completing a training program. Many states already have standards covering these issues-and others that go even further.

But child-care providers and industry experts say the administration's proposal is a step in the right direction.

"I think 30 hours is excellent," said Gloria Wallick, executive director of the Child Care Council of Nassau. "It is an important step for the training and development of people who are qualified to work as providers in the development of children." Wallick, however, cautioned that the governor was not specific in who would pay for the additional training, and whether the new requirements would be implemented across the board for all providers, particularly group family child care. The law must be changed to formalize the training requirements for group family day-care providers, who care for 12 to 14 children in their homes with an assistant, she said.

Lydia Okrant, a project specialist with the Child Care Council of Suffolk, said there was "no magic number" in terms of how much training should be required, but that any additional requirements would only strengthen the system.

Still, Sennett cautioned that making day-care training standards too tough might actually hurt the public by driving some potential providers away from the field.

"I think there is some value to creating opportunities for all providers to come to this profession in different ways to be able to build on where they are, but not to presume that you need to have a degree in early childhood in order to be able to provide a good nurturing environment," Sennett said. "I think we have to be responsive to communities. Responsive to what families feel comfortable with, and it's a hard balance." Where to Find Answers, Help Here are some addresses and telephone numbers that might prove helpful if you have questions about day care or problems with a day-care facility.

To report violations or file complaints against a day-care provider: N.Y.S. Bureau of Early Childhood Services State Office Building 4th Floor, Room 4A12 250 Veterans Hwy., Hauppauge, N.Y. 11788 952-4900 For help in choosing a day- care provider: Child Care Council of Nassau 925 Hempstead Tpke.

Franklin Square, N.Y. 11010 358-9288 www.childcarenassau.org Child Care Council of Suffolk Calvert Avenue Commack, N.Y. 11725 462-0303 East End: 283-1838 www.childcaresuffolk.org

Curtis L. Taylor, KIDS AT RISK / How Day-Care Oversight Fails Our Children / Scant Training, With No tests / State's minimal rules are easy to circumvent. , Newsday, 12-13-1999, pp. A04.

Child-Care Policing Budgeted

By Liam Pleven, ALBANY BUREAU CHIEF

Albany-The budget proposal Gov. George Pataki will unveil later this month calls for spending $18.5 million and hiring 170 state employees in order to better police child-care providers, according to state officials.

Aides to Pataki said yesterday that the money will be spent on making sure all regulated child-care providers are fingerprinted and checked against the state's criminal database, as well as on hiring additional inspectors who will therefore be able to visit each provider once every two years, instead of every five.

The aides could not provide details on how many new inspectors would be assigned to Long Island and New York City under Pataki's proposal, saying the information will be available when the entire budget recommendation is released in coming days.

But the aides said the proposal would significantly increase the amount of money and the size of the state work force devoted to ensuring that child-care slots for which Pataki has set aside tens of millions in recent years are, as one put it recently, "safe, secure slots." The $18.5 million will come out of an $85-million increase in spending on child care that Pataki will also call for in his budget proposal.

The proposal would have to be approved by the state Legisature, which has shown an interest in changing the child-care system in recent years but has been unable to agree on how. Aides to both the Assembly's Democratic majority and the state Senate's Republican majority declined to comment on the proposal yesterday.

Whether the new money would be sufficient to cover the need for greater oversight that was identified in a Newsday series last month is uncertain, said one group that pushes for greater resources for childcare, in response to Pataki's plans. But Janet Walerstein of the Child Care Council of Suffolk County said, "It's a move in the right direction. They've been understaffed for years." "Whether it's enough, we'll have to see how it plays out," added Walerstein.

"But it's certainly an indication that he's hearing that the need is immense in regulating child care." The Newsday series found lax state oversight of providers, a situation that allowed children to be cared for in almost 200 homes statewide in which convicted criminals have also said they live. The series also found that a woman who was responsible for a fatal drunk-driving accident was approved by the state as a day-care provider.

Liam Pleven, Child-Care Policing Budgeted. , Newsday, 01-07-2000, pp. A05.

Child-Care Overhaul / Pataki aims to tighten rules governing providers in state

By Liam Pleven, ALBANY BUREAU CHIEF

Albany-Gov. George Pataki yesterday proposed running criminal background checks on child-care workers and spending at least $15 million to hire 100 additional day-care inspectors, initiatives aimed at repairing wide holes in the state's regulatory safety net identified in a Newsday series.

Pataki also called for shifting the state's emphasis away from helping day-care centers comply with state rules and toward punishing them if they don't. He recommended that the maximum penalty for violating state rules be doubled to $500 a day and that inspectors be given wider discretion in imposing those fines.

In addition, Pataki recommended making it more difficult for day-care providers to open in the first place, by requiring that workers be trained for twice as long and that some training occur before the opening. And crimes that currently do not disqualify someone from providing childcare, such as drunk driving, would be added to the prohibited list.

The proposals will be sent next year to the Legislature, according to Pataki aides, but the prospects for approval there are uncertain. Some of the measures are likely to be embraced by either the Republican-controlled State Senate or the Democrat-dominated State Assembly, but legislators have proposed aspects of Pataki's package in the past, unsuccessfully.

Pataki aides said the proposals had been under consideration for some time. But the package was unveiled yesterday as Newsday's series documented shortcomings that have drawn criticism for years from organizations that focus on child care.

"Clearly, the series put a bright spotlight on a very serious issue," said Michael McKeon, a Pataki spokesman. "There's a compelling case to be made that as we increase funding for day-care slots, that they be safe, secure slots." The Newsday series found that the state allows children to be cared for in almost 200 homes statewide where convicted criminals have said they live.

In one case, the series found that a woman responsible for a fatal drunk driving accident was approved as a day-care provider by the state.

Pataki's proposal would attempt to address such problems by requiring that all child-care workers and all residents of a home where childcare is to take place be fingerprinted and run against the state's criminal database. Right now, many other states require such background checks.

State regulators would also be allowed to forbid a broader range of people to work in childcare, including people convicted of any drug or DWI offense within the past five years and any crime against a child or involving sex, regardless when it occurred. The state would also gain more discretion to prohibit other offenders.

The Newsday series also found that the state does not aggressively enforce its rules, allowing providers with violations to continue to operate. In one instance, a home that a state fire inspector considered unsafe was licensed by the state just days after a warning was issued.

The Pataki proposal would attempt to solve those problems by giving the Office of Children and Family Services' more latitude in fining providers.

Right now, the state can fine people who provide day care out of their homes only if they are unregistered, but Pataki's proposal would allow fines to be imposed for each individual violation, as well as increasing the penalty.

Experts said that even if Pataki's proposals to stiffen fines are adopted, the real test will be how often those fines are imposed. No Long Island provider has ever been fined and only $3,200 in fines has been imposed this decade.

"Who's going to hold their feet to the fire?" said Gloria Wallick, executive director of the Child Care Council of Nassau, which helps train child-care workers.

Pataki aides said they expected a "significant increase" in the fines if the proposals are adopted. "This sends a pretty powerful message about where the governor wants the agency to go," McKeon said.

Most of what Pataki is proposing will either be included in legislation or as part of his budget proposal next month. Only one measure, which would forbid having more than one day-care operation at the same address, would be achieved through immediate state regulations.

And McKeon said that making the other proposals a reality will be a challenge.

"This is not going to be an easy lift. We fully expect to have some opposition," he said.

Experts who have long studied the flaws in the child- care system said that the commitment of lawmakers and the administration should be measured by what is achieved, not what is proposed.

"Is this really going to happen, and who is going to make sure?" asked Elie Ward, executive director of Statewide Youth Advocacy. " We have to move from proposal to implementation."

Liam Pleven, Child-Care Overhaul / Pataki aims to tighten rules governing providers in state., Newsday, 12-10-1999, pp. A06.

JANUARY EVENT RECOMMENDATIONS:

NOTE: Rollout strategy should be coordinated with both the Office of the Vice President and the Office of the First Lady.

- **Federal Firearms Enforcement Budget Initiatives and Gun Violence Reduction Strategy.** This initiative puts an unprecedented level of resources into firearms enforcement, and includes: 1) 500 new ATF agents and inspectors, to investigate more gun trafficking cases and to bring the successful Youth Crime Gun Interdiction Initiative to more cities, and to crack down on unscrupulous dealers, manufacturers and distributors; 2) a comprehensive crime gun tracing package; 4) 1,000 new gun prosecutors and additional funds to help cities create community gun prosecutors; 5) a major expansion of existing ballistics testing systems; 6) funding for better Brady background checks; and 7) a new national notification system tied to NICS that speeds certain Brady denials (felons and other restricted persons) to local authorities. We could also release our gun violence reduction strategy, developed in response to the President's directive earlier this year. The report will also lay the groundwork for current and new legislative/budget proposals: more resources at the state/federal level, stronger gun laws, industry accountability, prevention and local partnerships. *NOTE: **This is our highest priority event**, and must be done before the January 21st Gun Industry Annual Trade Show.*

- **Medicare Fraud**. This new $30 million initiative will create a team of over 100 anti-fraud analysts to be placed in the offices of Medicare contractors nationwide to ensure a swift and coordinated response to suspected instances of fraud. In addition, it will invest new funds to implement new, financial management computer systems to accurately track and identify claims payments and prevent Medicare claims processors and auditors from defrauding the program. This initiative was developed in response to a critical GAO report detailing a myriad of abuses and a range of fraudulent activity by Medicare contractors. Any announcement on this front should be coordinated with the early January release of an HHS-DOJ report detailing our current success in fighting fraud, waste and abuse in Medicare. (Ready for week of Jan. 17.)

- **Teacher Quality Initiatives.** The Teaching to High Standards block grant is a $1 billion initiative that includes: 1) a pay-for-performance and peer review program; 2) Transitions to Teaching Program to recruit and prepare retired military and mid-career professionals as teachers for high-need schools; 3) teacher recruitment proposal that would provide a down payment on the Vice President's 21st Century Teachers Corps (modeled after Teach for America), and an OMB initiative to recruit future teachers while they're still in high school; 4) a school leadership initiative to fund independent School Leadership Centers to recruit nontraditional candidates into principal and superintendent positions and to focus on effective management, school design, technology, and district governance; and 5) a continuation of the President's class size reduction initiative. *The President could announce this budget initiative at the Department of Education's Teacher Quality Summit, January*

9-10, which will include participation by university presidents, deans, professors, and teachers (approx. 800 participants).

- **Health Insurance Coverage.** This initiative to expand access to affordable health insurance to working Americans represents the most significant investment in health coverage in recent years. Its centerpiece is a proposal to give states financial incentives to cover uninsured parents of children eligible for Medicaid or the Children's Health Insurance Program (CHIP). The initiative could also help: (1) people without access to job-based insurance by offering a 15 percent tax credit towards individual health insurance; (2) people ages 55 to 65 buy into Medicare and offers them a new tax credit to make this option more affordable; (3) workers in small businesses by providing firms a 25 percent tax credit for small businesses that join purchasing coalitions; (4) workers between jobs by providing them and their former employers a tax credit towards COBRA coverage; and (5) legal immigrants by allowing states to cover them in Medicaid or CHIP at states' option. These policies to expand access to affordable insurance would be complemented by an investment of an additional $175 million in community-based efforts to strengthen the safety-net (e.g., community health centers, public hospitals). *This announcement could be timed to coincide with the January 13 release of a HIAA / Families USA / RWJ study on this issue.*

- **Preventing Medical Errors and Improving Health Care Quality.** This initiative will respond to the recent Institute of Medicine study and the President's request to develop new avenues for the prevention of medical errors. It will include new funding to increase medical errors prevention, patient safety research, information dissemination, and create a new Center for Patient Safety at HHS. It will also include new funds to strengthen FDA's post-market surveillance system for prescription drugs and its voluntary adverse event reporting system for health professionals and consumers, and to implement new requirements for the naming, labeling, and packaging of drugs designed to prevent medical errors. The FY 2001 budget will include steps to develop a consistent national architecture for health care information technology. This could be combined with patient safety regulatory actions at both the DVA and HCFA -- for instance, requiring hospitals participating in Medicare to implement error reduction programs. (Ready for week of January 17.)

- Tax Cut Radio Address (i.e., long-term care, faith-based) (DEFER TO NEC)

AVAILABLE FOR ADVANCES BEFORE STATE OF THE UNION:

NOTE: Rollout strategy should be coordinated with both the Office of the Vice President and the Office of the First Lady.

EDUCATION

- **SAT and ACT Test Preparation.** This program would support partnerships among high schools, proven providers of college test prep courses (such as Kaplan and Princeton Review), and community-based organizations to offer high-need students college test preparation and other services related to college admissions. *(Policy still in development.)*

- **AP Online.** This distance learning initiative aims to ensure that students in underserved areas get access to high-quality academic courses and ESL programs online. In order to ensure high-quality content, the proposal also calls for a partnership with leading course software developers like APEX, which would subsidize the cost of high quality Web-based course development in return for cut-rate prices for high poverty school districts.

- **Higher Education Initiatives** (DEFER TO NEC)

- **Special Education.**

HEALTH CARE

- **Children's Health Insurance Program Outreach Initiative.** This initiative promotes school-based CHIP and Medicaid enrollment by: (1) allowing school lunch application information to be shared with Medicaid and CHIP for outreach; (2) letting enrollment in the school lunch program serve as a proxy for Medicaid or CHIP eligibility while formal applications are being processed; and (3) allowing additional sites like child care referral centers and homeless programs to determine presumptive eligibility. The initiative would also simplify the enrollment process. Finally, it creates a $10 million competitive state grant program in Medicaid to coordinate programs and increase enrollment of homeless children and families in Medicaid, CHIP, and other social service programs. Its rollout could be combined with the release of a new report announcing that 2 million children have been enrolled in CHIP – a doubling in enrollment in the past year. This announcement could be timed to coincide with the January 4 release of a RWJ / Kaiser Family Foundation study on outreach and enrollment. Cost: TBD, about $1-1.5 billion/5 years. (If event, can be done first week in January, if have adequate lead time.)

- **Finishing The Job on Kennedy-Jeffords.** This proposal rounds out the Work Incentives

Improvement Act by removing the arbitrary limit on Medicare coverage imposed in the final compromise. The final legislation limits Medicare coverage for people returning to work, postponing rather than eliminating the disincentive to work.

- **Announcing A Major Increase In The War On Emerging Infectious Diseases.** This $20 million initiative will dedicate new funds to further the development of a national electronic disease surveillance network to track newly emerging infectious diseases, such as West Nile-like encephalitis, new strains of influenza, and new hospital acquired infections, and provide essential information to public health clinics, hospitals, and health care providers. Funds will also be used to enhance local investigations, education, and focused disease monitoring nationwide, and promote the dissemination of new software for outbreak detection.

- **Determining The Environmental Causes Of Diseases, Including Breast And Prostate Cancer.** This initiative will invest $7.5 million to: evaluate the exposure of men, women, and children to toxic substances that cause cancer; assist state and local public health officials to ensure the thorough investigation of cancer clusters; and support local efforts to rapidly evaluate the impact of public health disasters, such as chemical spills and groundwater contamination, on local residents. It will also provide an additional $5 million for breast cancer screening programs at CDC.

- **Unveiling Major New Investment To Combat HIV And AIDS.** This initiative would invest an additional $50 million in domestic community based interventions to: help 150,000 individuals who are not aware of their infection learn their status and access prevention counseling and treatment services; expand community prevention planning, with a special emphasis on racial and ethnic minorities, women, injection drug users and their partners, and young gay men; and building a data infrastructure to assist local public health officials in targeting their prevention efforts. It will also invest an additional $40 million in efforts in activities to prevent AIDS worldwide, including: providing care for children who have been orphaned by AIDS; implementing workplace prevention programs through international labor unions; and providing treatment for the opportunistic infections associated with the disease. Finally, the new investment in Ryan White and ADAP would shorten the waiting time to access the comprehensive range of drugs needed to effectively treat this disease. Total investment $225 million. (Note: Ryan White is up for reauthorization this year.) (If use for event, ready for first week in January.)

- **Increasing Prevention And Treatment Services For Mental Illness And Substance Abuse.** This $170 million proposal would invest new funds in treatment for the severely mentally ill and establish a new local mental health enhancement program that would provide new prevention, early intervention, and treatment services for Americans with less severe mental illnesses. It would also provide new funds for substance abuse treatment services nationwide, with an emphasis on ethnic and racial minorities. (POTENTIAL MEG EVENT.)

- **Eradicating Polio Worldwide.** Medical and scientific experts estimate that we will be able to eradicate polio worldwide by the end of the year 2000. HHS believes that a

$15 million increase will intensify current efforts to eradicate this disease, including: providing estimate 187 million doses of polio vaccine for use during worldwide National Immunization Days. In addition, funds will be used to develop permanent systems of disease surveillance, especially important for polio, where only one in 200 cases causes weakness or paralysis, thus allowing most polio infections to go undetected.

- **Improving Nursing Home Quality.** This $16.8 million initiative provides new funds to help states strengthen nursing home enforcement tools and increase Federal oversight of nursing home quality and safety standards. Funding will be provided for new enforcement provisions and increased surveys of repeat offenders and improve surveyor training, to address the backlog of nursing home appeals, and handle increased legal advice, litigation support, and hearings on nursing home enforcement cases. This initiative could be combined with new regulatory actions by HCFA to improve its survey and certification efforts.

- **Increasing Family Planning Efforts Nationwide.** These grants fund family planning clinics providing reproductive health services and clinical care to over 5 million low income women. These new funds ($35 million) will be used to prevent over a million unintended pregnancies year by improving the delivery of comprehensive reproductive health services, including STD and cancer screening and prevention, and HIV prevention, education and counseling; providing educational programs that encourage adolescents to postpone of sexual activity; increase the accessibility of contraceptive counseling and services; increasing efforts to provide effective contraceptives to those in need; and developing partnerships with other community based providers to conduct outreach to adolescents at risk.

- **Providing Education Funds To Children's Hospitals.** This initiative doubles to $80 million our funding level to provide freestanding children's hospitals with Federal financing for the cost of providing direct graduate medical education (GME) associated with the provision of care to Medicaid patients. While some states have funded GME through Medicaid, most programs are ending as more states move to Medicaid managed care.

NON-BUDGET EVENTS:

- **Releasing Prescription Drug Cost Report.** In October, the President directed the Secretary Donna Shalala to produce the first-ever Health and Human Services (HHS) study of prescription drug costs and trends for Medicare beneficiaries with and without coverage. The study will investigate: price differences for the most commonly used drugs between people with and without coverage; drug spending by people of different ages, as a percentage of income and as a percentage of total health spending; and trends in drug expenditures by people of different ages, as a percentage of income and total health spending. (Ready for week of January 17.)

<u>CHILDREN AND FAMILIES</u>

- **Create a New Paid Leave Demonstration Program.** This is a new $18.5 million competitive grant fund to support innovative state efforts to provide partial wage replacement to workers on some form of family leave. States could use the Unemployment Insurance system (subject to final DOL rule-making), Temporary Disability Insurance programs, or some other vehicle.

CRIME

- **Smart Gun Technology**. (Anytime in January). We could highlight the $10 million that will be provided in the budget to fund smart gun and other personalized gun technology development at DOJ/National Institute for Justice.

- **Ex-Offenders Initiative**. We could highlight a new Justice-Labor initiative that funds a range of programs to prisoners after their release make the transition to work and community life -- and also creates police-social service partnerships to provide effective supervision of these ex-offenders. The budget will contain $60 million for a DoJ initiative to establish reentry partnerships and reentry courts, and $75 million for a complementary DoL initiative to connect ex-offenders to jobs skills training.

- **HUD Gun Initiative.** We could announce a new $30 million HUD gun violence reduction initiative to promote public education on gun safety, implement local gun violence reduction programs, and fund technology such as computer crime mapping to target gun crimes.

IMMIGRATION AND CIVIL RIGHTS

- **ESL/Civics Initiative.** This proposal funds English as a Second Language Programs that are linked to civics and lifeskills instruction. In FY2000, the President requested $70 million and received $25.5 million. In FY2001 budget request is $75 million.

- **Naturalization Testing Process Streamlining.** This proposal would streamline and improve the current naturalization citizenship test process.

NATIVE AMERICANS INITIATIVE

- **Native American Initiative.** We could announce our over $1 billion Native American FY2001 budget initiative, which brings together all agencies to address the needs of Native American communities. Highlights include: increased funding for BIA school construction; initiatives to address the "digital divide" such as encouraging Native Americans to enter information technology fields; funding 500 new Native American school administrators; an over $200 million increase for the Indian Health Service, and over $100 million for new roads in Indian

Country.

HOMELESSNESS

- **HUD Budget and Mainstream Homeless Initiative.** We could announce our FY2001 homelessness budget, which is over $1 billion in HUD funding and includes continuum of care and emergency shelter grants. We could also highlight a new initiative that would create, for the first time, a mechanism by which states are provided assistance in order to ensure that so-called "mainstream" programs – Medicaid, CHIP, TANF, Food Stamps, and the Mental Health and Substance Abuse Block Grant -- are accountable to the homeless.

ENVIRONMENT

- **Lands Legacy Initiative.** The POTUS would announce a major increase in funding to protect sensitive lands at all levels of government and would once again call for creation of a permanent trust to provide dedicated funding for this purpose in the future. The announcement could also be combined with a POTUS status on the possible creation of new national monuments.

- **Climate Change Initiative.** The POTUS would announce a major increase in support for climate activities. The announcement would have four major parts: (1) the next installment in the multi-year Climate Change Technology Initiative, including tax proposals; (2) a renewed call for the EPA's innovative Clean Air Partnership Fund; (3) vigorous implementation of the President's executive order on biofuels to promote renewable energy sources; (4) increased funding for the Global Environment Facility, the lead U.S. entity for promoting positive international action on climate change; and (5) a new international effort to promote clean U.S. technologies abroad.

- **Tropical Forest Conservation.** The proposal would expand AID's work on tropical forest, implement the Congressionally authorized Tropical Forest Conservation Act at Treasury, and provide technical assistance to struggling developing countries through USDA. The initiative would be designed in part to help the U.S. to respond to criticisms heard during the WTO process about the impacts of international trade on forests.

- **Salmon Recovery.** This proposal consists of a Salmon Recovery Fund, which funds state efforts in the Pacific NW and the implementation of the treaty with Canada, and Endangered Species Act money for NOAA. The FY 2001 proposal maintains FY 2000 proposed level of $160 million for the Fund.

SCIENCE & TECHNOLOGY

- **Research and Development Initiative** ($1.5 billion)
  -including restoration of balance between biomedical and other scientific research

-clean energy

AGRICULTURE (DEFER TO NEC)

-Farm Safety Net
-AgNet Registry for Farmworkers

OTHER

- **Equal Pay Initiative.** We could rollout our joint Department of Labor and Equal Employment Opportunity Commission equal pay initiative. This rollout would include announcement of a new $10 million initiative (paid for by the fees from H1B visas) in order to provide training to women in nontraditional jobs in the high tech industry.

- **Supporting Youth-Driven Solutions to Community Problems through National Service** Three new initiatives to support the President's continuing commitment to community service and to respond to the growing need to empower youth in developing their own solutions to community problems. The budget for the Corporation for National Service includes: a $5 million Community Coaches initiative: $3 million for Youth Empowerment Fellowships; and $5 million to begin an AmeriCorps Reserves. mwl

- **Philanthropy/Faith-Based Initiatives.** Among the possible announcements we can make are 1) steps to increase involvement of community- and faith-based groups in after-school and other important programs; and 2) new tax incentives to promote increased charitable giving by all taxpayers.

- **Hispanic Agenda Budget Items.**
  -Education Package
  -Welfare
  -Food Stamps
  -Immigration

- **Tobacco - Raising the Price of Cigarettes so Fewer Young People will Smoke.** Public health experts agree that the single most effective way to cut youth smoking is to raise the price of cigarettes. To reduce youth smoking, the budget will include a combination of excise taxes and assessments on the industry if companies fail to meet youth smoking reduction targets.

TO BE HELD FOR STATE OF THE UNION:

NOTE: Rollout strategy should be coordinated with both the Office of the Vice President and the Office of the First Lady.

- **Universal After-School to Lift Standards in Failing Schools.** This package includes the following initiatives: 1) Universal After-School: by more than doubling after-school funding in the FY 2001 budget (from $453 million in FY 2000 to $1 billion in FY 2001), we can meet an urgent goal, which is to provide after-school and summer school to every student in a failing school; 2) Reward High Performance: from FY 2001-2003, states would receive awards for adopting statewide accountability systems -- including high school exit exams, teacher quality requirements, and school report cards -- ahead of the timetable called for in the President's ESEA proposal. After 2003, the Reward Fund would incorporate student performance measures as well; 3) Title I Accountability Fund: This year the President's budget will increase the set-aside for Title I accountability from $134 million to $250 million. This funding helps states and localities fix failing schools or shut them down.

- **School Construction: A New Initiative to Repair Existing Schools.** In addition to our existing plan which would leverage $20 billion in school construction over 5 years, this year we are proposing a discretionary initiative for FY2001 that would provide funds for immediate repairs. As part of the discretionary budget, this plan will make it more difficult for Congress to ignore school construction in the budget debate next fall.

- **A Small Schools Initiative to Reform the American High School.** This initiative would offer competitive grants to school districts for opening smaller schools (including charter schools), or for breaking up larger schools and using strategies such as schools-within-schools, career academies, or restructured school days.

- **Child Care Initiative.** (1) $818 million increase in the Child Care and Development Block Grant (discretionary) to serve 275,000 additional low-income children with child care subsidies; (2) Early Learning Fund (funding TBD) to help local communities promote early learning and improve child care quality, through a variety of allowable activities including licensing, accreditation, parent education, etc.; (3) Expansion of the Child and Dependent Care Tax Credit to provide low and moderate income families with greater tax relief for child care costs (cost/refundability TBD); (4) new tax credit for businesses that offer child care services to their workers; (5) increase in campus-based child care ($ TBD); and (6) new Early Childhood Professional Development Grants to provide grants to partnerships between universities, child care providers, and school districts to offer training and professional development to child care providers around language and literacy ($ TBD).

- **Dramatic increase in Head Start funding.** Announce $1 billion increase in Head Start funding for FY 01, the largest increase in the program's history. The $1 billion could provide resources to reach nearly 1 million children with Head Start services (roughly 950,000).

- **Responsible Fatherhood Initiative:** Promoting responsible fatherhood is the critical next stage of welfare reform and one of the most important things we can do to reduce child poverty. We could a) announce new data showing the dramatic increases in child support collections made by this Administration and at the same time put forward a package of proposals to b) ensure every unemployed parent who owes child support goes to work and supports his children; c) collect more child support from parents who can afford to pay; d) revise outdated rules to ensure mothers and children receive more of the support the father pays; and e) promote efforts to ensure fathers returning from prison become responsible fathers and responsible members of society.

- **Digital Divide.** New initiatives: subsidized home Internet access for low-income families, and major boost for community technology centers. (NEC has more information).

- **Gun Initiatives.**

- **Universal Banking.** (NEC)

- **One of Several Possible Tax Cuts** (i.e., DCTC, faith-based, EITC) (NEC)

Schedule Proposal — Date: January 3, 2000

__________ACCEPT __________REGRET __________PENDING

TO: Stephanie Streett
Assistant to the President and Director of Scheduling
Patti Solis Doyle
Deputy Assistant to the President and Director of Scheduling and Advance for the First Lady

FROM: Maria Echaveste
Assistant to the President and Deputy Chief of Staff
Bruce Reed
Assistant to the President and
Director, Domestic Policy Council

REQUEST: For the President to meet with national leaders regarding narrowing the educational achievement gap for Hispanic Americans.

PURPOSE: The overall goal of this national meeting is to promote excellence in education for Hispanic Americans by focusing attention and resources of the public and private sector and varying stakeholders to ensure educational equity for Hispanic Americans.

BACKGROUND: Hispanic students are the fastest growing cohort of American students, yet are also less likely to have effective preschool experiences, successful K-12 experiences, and graduate from college than non-Hispanic white students.

At the close of the First Lady's White House Convening on Hispanic Children and Youth on August 2, 1999, the First Lady expressed her hope that the Convening would serve as a catalyst for more significant focus on and treatment of the issue of educational achievement for Hispanics. Specifically, the First Lady called for a national meeting regarding this issue to take place in the Spring of 2000. Subsequent to the convening a small group of foundation and private sector representatives began to meet and work toward this end. This group was joined by members of the President's Advisory Commission on Educational Excellence for Hispanic Americans as well as representatives from the National Hispanic Leadership Agenda. These efforts were ultimately combined with those from within the White House.

A number of foundation and business leaders have expressed a willingness to support this event. Moreover, this event would be in keeping with the spirit of Executive Order 12900 regarding Educational Excellence for Hispanic Americans.

DATE AND TIME: First or second week in April of 2000

DURATION: 60 minutes

LOCATION: East Room

PARTICIPANTS: 250-300 representatives of business, education and community organizations interested in and dedicated to narrowing the Hispanic educational achievement gap

OUTLINE OF EVENT:
PRESS/MEDIA: Open

VICE PRESIDENT'S ATTENDANCE: Not required.

FIRST LADY'S ATTENDANCE: Desired.

RECOMMENDED BY: Maria Echaveste
Bruce Reed

CONTACT: Marjorie Tarmey X66456
Reynaldo Anaya Valencia X65506