

# Suffolk County Legislature

**Richard Koubek, Ph.D., Chair**  
**Kathy Liguori, Vice Chair**

**MARJORIE ACEVEDO**  
For Presiding Officer DuWayne Gregory

**JAMES ANDREWS**  
Suffolk County Department of Labor  
Suffolk Works Employment Program

**AYESHE ALLEYNE**  
Wyandanch Homes and Property  
Development Corporation

**SR. LISA BERGERON**  
Catholic Charities

**PEGGY BOYD**  
Family Service League

**STEVEN CHASSMAN**  
LI Council on Alcoholism and Drug  
Dependence

**BARBARA EGLOFF**  
Eastern Suffolk BOCES

**CHARLES FOX**  
EOC - Suffolk, Inc.

**DON FRIEDMAN**  
Empire Justice Center

**KIMBERLY GIERASCH**  
Suffolk County Department of Health

**ROBERT GREENBERGER**  
FECS, Health and  
Human Services

**MICHAEL HAYNES**  
Long Island Cares, Inc.  
Harry Chapin Food Bank

**RICHARD KOUBEK, PhD**  
Gerald Ryan Outreach Center

**ELLEN KRAKOW**  
Nassau/Suffolk Law Services Committee,  
Inc.

**NINA LEONHARDT**  
Suffolk County Community College

**KATHY LIGUORI**  
HabiTots Child Care Center

**LEGISLATOR MONICA MARTINEZ**

**JOHN NIEVES**  
Suffolk County Department of Social  
Services

**RAY O'ROURKE**  
Suffolk County Workforce  
Investment Board

**GWEN O'SHEA**  
Health and Welfare Council of  
Long Island

**MICHAEL STOLTZ**  
Clubhouse of Suffolk

**JOAN TRAVAN**  
Suffolk County Association of  
Municipal Employees

**LUIS VALENZUELA, PhD**  
LI Council of Churches



**To:** Hon. Members of the Human Services Committee, Presiding Officer DuWayne Gregory and Deputy Presiding Officer Jay Schneiderman

**From:** Richard Koubek, PhD, Chair, Kathy Liguori, Vice Chair, for the Welfare to Work Commission of the Suffolk County Legislature

**Date:** October 3, 2014

**RE:** Welfare to Work Commission response to the DSS Comments Report on the Commission's child-care report

On September 30<sup>th</sup>, 2014, the Welfare to Work (WtW) Commission received a nine page document, referred to herein as the "DSS Comments Report," prepared by the Suffolk County Department of Social Services (DSS) as a response to the Commission's June, 2014 child-care report, "Who's Minding the Kids: Meeting Challenges and Creating Opportunities for Quality Child Care and Early Learning in Suffolk County." The DSS Comments Report was presented to the Human Services Committee on September 30<sup>th</sup>. What follows is a Welfare to Work Commission response to the DSS Comments Report adopted at the Commission's October 3<sup>rd</sup>, 2014 meeting.

While there are several areas of agreement between DSS and the Commission, there are also numerous overall concerns and specific disagreements that the Commission has with the DSS Comments Report.

To begin, the generally negative tone of the DSS Comments Report is quite disappointing and it actually disputes the core conclusion of the WtW report which is that the availability and quality of child care in Suffolk County is marred by a "troubled network of policies" and "barriers to policies." The WtW report was created by a committee that contained some of Long Island's outstanding leaders in the child-care/early-learning fields and was drawn from eight hours of public-hearing testimony, mostly from academic and industry

experts. One of these experts was Jennifer Marino Rojas of the prestigious Rauch Foundation that has researched child care on Long Island. Ms. Rojas reflected the opinions of many of the child-care/early-learning specialists who shaped this report when she said in her December 18<sup>th</sup>, 2013 testimony, “On Long Island, one of the biggest obstacles to making systemic change ... to the child-care system is the total lack of a system.” As demonstrated below, the WtW report documents repeated examples of multiple funding streams, regulations and programs that cause the very “troubled network” DSS claims the report does not substantiate.

A second large concern is the tone, throughout the DSS Comments Report, suggesting that the WtW report’s criticism of the child-care industry’s “troubled network” equates to a criticism of what the Comments Report refers to on page 1 as DSS “administration of child care related programs,” which in fact the WtW report does not do. The WtW report makes clear that DSS serves only 10 to 15 percent of child-care recipients on Long Island. The WtW report deals with the entire industry, not just DSS. In fact, there is only one explicit criticism in the WtW report directed at how DSS administers child-care services to Temporary Assistance for Needy Families (TANF) and Non-TANF (working-poor) families. This criticism, which appears on page 28 of the WtW report, relates to how DSS administered the child-care subsidy to working-poor families with children who have special needs. Oddly, this one explicit criticism of DSS is not addressed in the Comments Report. Most of the WtW report’s criticisms are directed at federal and state policies and regulations that encourage what the report calls “program silos.”

A third major concern is procedural. The DSS document criticizes or challenges certain of the WtW report’s recommendations. Not mentioned in the DSS Comments Report, however, is the fact that two administrators from the DSS Child Care Division, Dennis Nowak and Robin Barnett, as well as John Nieves of the Commissioner’s Office, spent hours with the WtW Child Care Committee helping to draft these recommendations. They provided specific critiques of the draft recommendations, helped to frame the language for the recommendations, deleted some recommendations from the draft and added others, and ultimately, were provided opportunities to further comment on the recommendations prior to the Commission adopting the report on June 6<sup>th</sup>, 2014. At that Commission meeting, John Nieves, representing DSS, joined the unanimous vote to adopt the report with its recommendations. Thus, the DSS criticisms of the WtW report’s recommendations have taken Commission members by surprise since only a few of these concerns were raised by DSS staff during the report’s drafting and adoption process.

The DSS Comments Report and the WtW child-care report do agree on these issues:

1. The state’s Child Care Block Grant (CCBG) formula does not meet the actual needs for child care subsidies in Suffolk County and should be changed, as recommended by Commissioner O’Neill.
2. The eligibility for the CCBG formula for Non TANF working-poor families should be 200 percent of the Federal Poverty Level.
3. The state needs to provide additional funding to cover the costs of staff development called for in the WtW report.
4. The statistics on child care and early learning called for in the WtW report would be useful.

5. Footnote 158 in the WtW report (page 75) that appears to credit Dennis Nowak with describing the TANF and working-poor families as “particularly fragile” was misplaced. It should have appeared at the end of the previous sentence in which Mr. Nowak enumerates the number of children served with child care by DSS.

The DSS Comments Report does contain a number of inaccuracies or misperceptions, among which are the following:

1. The core of the DSS Comments Report, as noted above, is that the body of the WtW child-care report does not support the conclusion that child care is marred by a troubled network of policies and barriers to policies. The Comments Report also questions the report’s recommendation for a county-wide coordinating agency as adding another administrative level of government.
  - **Response:** *However, in his testimony at the December 2<sup>nd</sup> hearing, DSS Commissioner John O’Neill, responding to Commission Vice Chair Kathy Liguori’s question about his vision for consolidating child-care services, stated that several state funding streams and different budget cycles have caused “too many different funds, too many programs.” Commissioner O’Neill went on to call for a consolidation of funding into one agency, although he also warned against that agency becoming too big. (Note: his remarks were not cited in the WtW report.)*
  - **Response:** *And, throughout the WtW report, evidence is provided to document the troubled network of policies and barriers to policies including: lack of transportation (pages 20- 21); availability of-child care slots vs. demand (pages 16-18); the lack of adequate quality controls and the existence of an underground and illegal child-care network (page 34, 39-47); competing and disconnected programs such as home care, child-care centers, special-needs programs, Head Start, and others (pages 30-35); to cite but a few examples. Again, these are industry-wide concerns, not uniquely related to how DSS provides child care to TANF and Non-TANF families.*
2. The WtW child-care report repeatedly uses a broad reference to "administrative barriers" which was meant to designate multiple categories of program funding and management (federal, state and county as well as public and private program operations.)
  - **Response:** *However, the DSS Comments Report defensively implies that the WtW report charges DSS with creating some of these barriers. Thus, on page 1, the DSS Comments Report criticizes the WtW report for including eligibility for subsidized CCBG child care and the CCBG parent co-pays which DSS claims are “unrelated to any administrative barriers” because they are linked to the CCBG funding and therefore, are not “administrative barriers” that impede access to child care. However, in the broad definition of “administrative barriers” used throughout the WtW report, these eligibility requirements which are set by the federal and state governments*

*are indeed “administrative barriers” to accessing child care, precisely because they are linked to CCBG funding, as well as for other reasons related to the complex regulations that govern these programs.*

- **Response:** *Similarly, The DSS Comments Report on page 2 questions the WtW report’s call for coordination of multiple child-care programs in different funding streams, such as the Early Intervention Program (EIP) for special-needs children and child care funded by the CCBG, and states that these programs are “mutually exclusive” and therefore “should remain separate,” again, even though Commissioner O’Neill’s testimony recognized the need for coordination of the multiple funding streams and programs. Aside from Commissioner O’Neill, numerous child-care experts who testified also called for coordination of services (transportation, UPK, quality assurance, special needs programs/evaluations, etc.), which include many programs and services outside of purview of DSS.*
3. The DSS Comments Report charges the WtW report with not documenting "bureaucratic frustrations" parents experience accessing child care.
    - **Response:** *However throughout the body of the WtW report, there are numerous illustrations of such bureaucratic frustrations, including: Non TANF working-poor families falling off CCBG eligibility cliff (pages 61-64); special-needs children not receiving services (pages 27-28); families not being able to secure buses to providers (page 21); immigrant children being denied services (pages 24, 64); to mention just a few.*
  4. The DSS Comments Report spends a great deal of effort on the WtW report’s recommendation that “DSS should explore with the NYS Office of Children and Family Services (OCFS) a tiered CCBG eligibility standard for subsidized, Non TANF working poor families.”
    - **Response:** *However the report only calls for DSS to “explore” this issue with OCFS. The 2014 July and September meetings of the WtW Commission, following release of the WtW report, in fact did further explore a tiered eligibility standard and, as the meeting minutes reflect, some members of the Commission are now questioning this recommendation for the reasons outlined in the DSS Comments Report. Dennis Nowak participated in both these Commission meetings and provided valuable information, which is included in the DSS Comments Report.*
  5. The DSS Comments Report on page 5 rejects the WtW report’s recommendation (page 75) for procedures to facilitate and expedite direct communication between child-care providers and DSS child-care eligibility workers, arguing that similar procedures were adopted in 2012.

- **Response:** *However the DSS Comments Report confuses procedures to expedite communication between child-care providers and CPS case workers adopted in 2012 with procedures for improved communication between nonprofit agency case managers and DSS case workers that the Commission and DSS also agreed to in 2012 and which are unrelated to child care. The latter procedures were offered in the report as a model for improving DSS-provider communication on child-care services unrelated to CPS.*
6. The DSS Comments Report spends a good deal of time on the case of Keisha Bailey who lost her CCBG eligibility when her income exceeded the CCBG cap and she had to repay DSS \$17,000 after she lost her fair hearing, suggesting that the WtW report somehow criticizes DSS for this decision.
- **Response:** *However, the WtW report makes clear that the cause of Ms. Bailey's \$17,000 repayment was not DSS but the OCFS/federal regulations that created the CCBG benefits cliff.*

**Conclusion:** The WtW child-care report is directed at the goal of helping Suffolk County meet the challenges and create opportunities for quality child care and early learning. Achieving this goal will require the cooperation and collaboration of numerous agencies and organizations – including WtW and DSS. While the DSS Comments Report does not identify opportunities for WtW and DSS to work together to improve the quality of and access to child care and early learning, it is the sincere hope of the Commission that, going forward, the Department and Commission can partner for this purpose.