



# City of New York

## OFFICE OF THE COMPTROLLER

Scott M. Stringer  
COMPTROLLER



## MANAGEMENT AUDIT

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Deputy Comptroller for Audit

Audit Report on the Brooklyn  
Kindergarten Society's Screening of  
Personnel through the Statewide  
Central Register of Child Abuse and  
Maltreatment

ME17-115A

**June 21, 2017**

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
SCOTT M. STRINGER

June 21, 2017

To the Residents of the City of New York:

My office has audited the Brooklyn Kindergarten Society's Brevoort Children's Center (BCC) located at 250 Ralph Avenue in Brooklyn to determine whether its personnel have been properly screened through the Statewide Central Register of Child Abuse and Maltreatment (SCR). We conduct audits such as this to determine whether City contractors are complying with relevant statutes and regulations.

This audit reviewed the SCR-clearance status of 19 individuals who were working as employees at BCC as of January 19, 2017, and found that for five employees, BCC had not obtained the most recently required SCR clearances on time; the clearances were late by periods that ranged from 20 days to over one year and three months. The audit also found that BCC had not obtained an SCR clearance for one employee even though the individual had been hired more than six months earlier.

Based on the audit findings, the audit made three recommendations to the Brooklyn Kindergarten Society, including that it ensure that all of its personnel receive the required initial SCR clearances before they start work and renewal SCR clearances within two years of their prior clearances.

The results of the audit have been discussed with Brooklyn Kindergarten Society officials, and their comments have been considered in preparing this report. Their written response is attached to this report.

If you have any questions concerning this report, please e-mail my Audit Bureau at [audit@comptroller.nyc.gov](mailto:audit@comptroller.nyc.gov).

Sincerely,

Scott M. Stringer

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# **THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER MANAGEMENT AUDIT**

## **Audit Report on the Brooklyn Kindergarten Society's Screening of Personnel through the Statewide Central Register of Child Abuse and Maltreatment**

**ME17-115A**

### **EXECUTIVE SUMMARY**

This audit determined whether personnel working at the Brooklyn Kindergarten Society's Brevoort Children's Center (BCC) located at 250 Ralph Avenue in Brooklyn have been properly screened through the Statewide Central Register of Child Abuse and Maltreatment (SCR). New York City Health Code §47.19 requires that all child care center employees and volunteers undergo an SCR clearance review prior to being hired and every two years thereafter.

Child care centers are essential for many working families. They contribute to the overall development of children by providing education, recreation, and a safe and structured environment for children while their parents work. The Brooklyn Kindergarten Society operates a child care center for children two to four years old at 250 Ralph Avenue in Brooklyn (and at four other locations) under a contract with the New York City (City) Administration for Children's Services (ACS).

### **Audit Findings and Conclusions**

We reviewed the SCR-clearance status of 19 individuals who were working as employees at BCC as of January 19, 2017, and found that for five employees, BCC had not obtained the most recently required SCR clearances on time; the clearances were late by periods that ranged from 20 days to over one year and three months. We also found that BCC had not obtained an SCR clearance for one employee as of the date of our visit, even though the individual had been hired more than six months prior to our visit.

### **Audit Recommendations**

To address these issues, the audit recommends, among other things, that the Brooklyn Kindergarten Society ensure that all of its personnel receive the required initial SCR clearances before they start work and renewal SCR clearances within two years of their prior clearances.

## Agency Response

In its written response, the Brooklyn Kindergarten Society agreed with the audit's three recommendations. The Brooklyn Kindergarten Society's response is included as an addendum to this report. One sentence of its response was redacted because it referred to the name of an employee and to the attachment of the employee's most recent SCR clearance letter, which, for confidentiality reasons, we are unable to attach to this report. We note the receipt of this clearance letter in the body of the report.

# AUDIT REPORT

## Background

ACS is responsible for protecting the safety and promoting the well-being of children and their families by investigating reports of child abuse and neglect, overseeing foster care services, and coordinating affordable child care services. Child care centers are essential for many working families. They contribute to the overall development of children by providing education, recreation, and a safe and structured environment for children while their parents work.

ACS coordinates affordable child care services for families who meet income-eligibility requirements through two principal methods: (1) issuing child care vouchers that families can use to obtain child care services from privately-run child care programs and eligible individuals; and (2) making available seats in *EarlyLearn NYC*, a program whereby ACS contracts with privately-operated child care centers and programs that enroll children for ACS-subsidized child care and early-education services. The Brooklyn Kindergarten Society's BCC operates an *EarlyLearn NYC* child care center for children two to four years old at 250 Ralph Avenue in Brooklyn under a contract with ACS.

In general, child care programs that operate in the City, including the child care centers under contract with ACS, are licensed by the City Department of Health and Mental Hygiene (DOHMH) and must comply with New York State (State) and City statutes and regulations that, among other things, require specific screening procedures for current and prospective personnel, both paid and unpaid.<sup>1</sup> Under New York City Administrative Code §21-119 and New York City Health Code §47.19, individuals who work or volunteer for entities that provide child care services must be fingerprinted and screened for criminal convictions and pending criminal actions. In accordance with an Intra-City Agreement signed by DOHMH, ACS and the City Department of Investigation (DOI), a child care center must send prospective personnel to DOI for such screening. The child care center is also required to determine whether prospective personnel have the training, education, and experience needed to work in particular titles at the center.

In addition, for all prospective personnel, including volunteers, whose duties may result in their having unsupervised contact with children, the child care centers must submit clearance requests to the SCR to determine whether any of them have been the subjects of indicated child abuse or maltreatment reports.<sup>2</sup> The clearance requests may be submitted by the center and answered to the center electronically through a web-based application or by mail. New York City Health Code §47.19 requires that all child care center employees and volunteers undergo an SCR clearance review prior to being hired and every two years thereafter.

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<sup>1</sup> Article 47 of the New York City Health Code applies to a "child care service," defined as "any program providing child care for five (5) or more hours per week, for more than 30 days in a 12-month period, to three (3) or more children under six (6) years of age." Title 24 of the Rules of the City of New York (RCNY), section 47.01(c)(1). Each such child care service requires a permit from DOHMH. 24 RCNY 47.03. The Office of the City Comptroller issued a report on October 26, 2016, noting that child care facilities located in "Tier II Family Shelters" have been allowed to operate without DOHMH permits based on a legal opinion that they are exempt because they provide care for children in the children's own residences (i.e., the shelters where the children reside). The City Comptroller's report recommended that those child care facilities in shelters be regulated by DOHMH, just as all other publicly accessible child care centers are in the City, noting, among other findings, that 82 percent of the child care workers in the shelters had not been screened for disqualifying criminal convictions and records of child abuse. See *An Investigation into the Provision of Child Care Services in New York City Homeless Shelters*, Office of New York City Comptroller Scott M. Stringer, October 26, 2016.

<sup>2</sup> A report is determined to be "indicated" if the investigation resulting from the report concludes that credible evidence of the alleged abuse or neglect exists.



While we were conducting an audit of ACS' monitoring of its contracted child care centers' screening of personnel, the State Office of Children and Family Services (OCFS), which is responsible for the operation of the SCR, determined that ACS is not one of the entities allowed by New York Social Services Law §422(4)(A) to receive or review SCR clearances for child care personnel, notwithstanding ACS' central role in contracting with the child care centers for the provision of services to thousands of children. Consequently, ACS can no longer effectively monitor its child care contractors' compliance with SCR clearance requirements.

We are continuing our audit of ACS' monitoring of its contracted child care centers' screening of personnel relating to non-SCR clearance requirements, including DOI-clearance and applicable training, education, and experience standards. In addition, given ACS' now-diminished role and inability to review SCR clearances of child care center personnel, we have chosen a randomly selected sample of child care centers—including BCC—to audit for their compliance with the SCR-clearance requirements.

The Brooklyn Kindergarten Society has been providing early childhood education since 1891. Its five early childhood learning centers are located in public housing in Bedford-Stuyvesant, Crown Heights, and Brownsville. BCC is located in Bedford-Stuyvesant. As of January 19, 2017, BCC had 19 employees and a total enrollment of 41 children in its three classrooms.<sup>3</sup>

## Objective

To determine whether personnel working at the Brooklyn Kindergarten Society's BCC location at 250 Ralph Avenue in Brooklyn have been properly screened through the SCR.

## Scope and Methodology Statement

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the City Charter.

The scope of this audit covered all of the personnel who were employed by or volunteering at BCC on January 19, 2017, the date of our unannounced visit to the center, and who had the potential of unsupervised contact with children at the center.

During our unannounced visit, we checked the identifications of all of the personnel we observed working at the child care center on that day. For those individuals, plus any employed by the center who were not working on the day of our visit, we reviewed their personnel files to determine whether they had received the necessary initial and renewal SCR clearances. This audit did not endeavor to determine the cause of any failure to properly screen personnel through the SCR.

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<sup>3</sup> The Brooklyn Kindergarten Society also operates four other child care centers under contract with ACS. This audit concerned only BCC, located at 250 Ralph Avenue in Bedford-Stuyvesant.

## **Discussion of Audit Results with the Brooklyn Kindergarten Society**

The matters covered in this report were discussed with Brooklyn Kindergarten Society officials during and at the conclusion of this audit. A preliminary draft report was sent to the Brooklyn Kindergarten Society on May 17, 2017, and was discussed at an exit conference held on May 25, 2017. On June 5, 2017, we submitted a draft report to the Brooklyn Kindergarten Society with a request for comments. We received a written response from the Brooklyn Kindergarten Society on June 20, 2017.

In its response, the Brooklyn Kindergarten Society agreed with the audit's three recommendations.

The Brooklyn Kindergarten Society's response is included as an addendum to this report. One sentence of its response was redacted because it referred to the name of an employee and to the attachment of the employee's most recent SCR clearance letter, which, for confidentiality reasons, we are unable to attach to this report. We note the receipt of this clearance letter in the body of the report.



## FINDINGS

We reviewed the SCR-clearance status of 19 individuals who were working as employees at BCC as of January 19, 2017, and found the following:

- BCC obtained the most recently required SCR clearance on time for 13 employees;
- For five employees, BCC did not obtain the most recently required SCR clearances on time; the clearances were late by periods that ranged from 20 days to over one year and three months; and
- BCC had not obtained an SCR clearance for one employee as of the date of our visit.

The breakdown is shown in Table I below.

**Table I**

Timeliness of Most Recently Required SCR Clearances at BCC

Category	Number of Employees	Initial or Renewal SCR Clearance Obtained Timely	Initial or Renewal SCR Clearance Obtained Late	No SCR Clearance
Employees recently hired (within previous two years)	9	7	1	1
Employees who worked at center two or more years	10	6	4	---
<b>Totals</b>	<b>19</b>	<b>13</b>	<b>5</b>	<b>1</b>

*Two of Nine Recent Hires at BCC Appointed before SCR Clearance*

Of the nine employees hired within the two years prior to our January 19, 2017 visit to the center, two of those employees had been hired before having been cleared by the SCR; one was cleared by the SCR 20 days after the hiring date, and one had not been cleared at all even though the individual had been hired more than six months prior to our visit.

*Four of 10 Clearance Renewals Received Late*

Of the 10 employees who had worked two or more years at this location as of our January 19, 2017 visit, four employees' renewal clearances were received late—two by 25 days, one by 67 days, and one by over one year and three months.

To protect the safety of the children receiving services at BCC, it is essential that all individuals who work there be properly screened through the SCR, both prior to hiring and periodically (every two years) thereafter.

### *Related Matter*

On a related matter, the child care center address on the most recent SCR clearance letter for one of the 19 BCC employees was for the Brooklyn Kindergarten Society's child care center at 1185 Park Place in Brooklyn, not for BCC at 250 Ralph Avenue in Brooklyn. To ensure that any allegation that is received by the SCR is forwarded to the correct location, BCC should ensure that it has provided the correct work address information to the SCR for all of its personnel.

On May 2, 2017, we sent an email to BCC in which we provided an opportunity for the center to address these findings. On May 12, 2017, BCC responded to our email. BCC provided documentation that shows that the employee for whom they had no SCR clearance as of January 19, 2017, was cleared on April 12, 2017. BCC also provided documentation showing that on May 12, 2017, it had submitted a request to the SCR to correct the work address for the one employee for whom the SCR had the incorrect address, which had occurred because the SCR had not been updated after this employee transferred to the 250 Ralph Avenue location. On June 20, 2017, the Brooklyn Kindergarten Society provided us with a copy of a May 17, 2017 SCR clearance letter for this employee that refers to the correct work address.

## **RECOMMENDATIONS**

1. The Brooklyn Kindergarten Society should ensure that all of its personnel have received the required SCR clearance before they start work.

**Brooklyn Kindergarten Response:** "Brooklyn Kindergarten Society will ensure that all of its personnel have received the required SCR clearance before they start work."

2. The Brooklyn Kindergarten Society should ensure that all of its personnel receive SCR renewal clearances within two years of their prior clearances.

**Brooklyn Kindergarten Response:** "Brooklyn Kindergarten Society will ensure that all of its personnel receive SCR renewal clearances at least one month prior to their two year due date."

3. The Brooklyn Kindergarten Society should ensure that it provides the correct work address information to the SCR for all of its personnel.

**Brooklyn Kindergarten Response:** "Brooklyn Kindergarten Society will ensure that it provides the correct work address information to the SCR for all of its personnel."



Brooklyn Kindergarten Society- Response in regards to SCR audit recommendations June, 2017

1. Brooklyn Kindergarten Society will ensure that all of its personnel have received the required SCR clearance before they start work.
2. Brooklyn Kindergarten Society will ensure that all of its personnel receive SCR renewal clearances at least one month prior to their two year due date.
3. Brooklyn Kindergarten Society will ensure that it provides the correct work address information to the SCR for all of its personnel.