



**FOR IMMEDIATE RELEASE:**  
June 2, 2021

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**UNION SETTLEMENT SUES NYC DEPARTMENT OF EDUCATION  
FOR CONTRACTING PROCESS VIOLATIONS THAT WILL  
HARM EAST HARLEM CHILDREN, PARENTS AND SMALL BUSINESSES**

[Union Settlement \(www.unionsettlement.org\)](http://www.unionsettlement.org), one of the largest nonprofit early childhood education providers in New York City, announced today that it is suing the New York City Department of Education (DOE) to reverse a flawed contract award process that is having a severe adverse impact on young children in East Harlem, as well as their parents and the small businesses that provide early childhood services.

In 2019, DOE issued a Request for Proposals (RFP) to identify organizations to provide early childhood education services throughout New York City. This included proposals for organizations to operate Family Child Care Networks (FCCNs), which are networks of individuals and small businesses providing child care services in their homes. Union Settlement has overseen an FCCN for decades, and offered to continue operating that program, overseeing a network of providers serving children ages six weeks old to four years old, from 8 a.m. to 6 p.m. every weekday, 12 months per year (referred to as “extended day/year” services).

Contrary to the terms of the RFP, DOE instead awarded Union Settlement a contract to serve only 3-year-olds, only until 2:30 p.m. each day, and only during the school year (referred to as “school day/year” services). This violation of the RFP process harms children, families and providers in six different ways:

1. Children make deep connections with caregivers, and are harmed by continuing changes in caregivers. Allowing FCCN providers to serve children ages from 6 weeks old to 4 years old creates a multi-year period for the child to be with the same early childhood educator, rather than having one individual up to age 3, another at age 3, and another at age 4.
2. Working parents – particularly single parents – need full-day care for their children and need care 12 months per year. The “school day/year” model does not work for these parents because they have to make alternative arrangements for their children in the afterschool hours, as well as in July, August and during school holidays.
3. School day/year services are also harmful to children, who as noted above benefit greatly by making strong connections with their caregivers, rather than having to transition to someone new every afternoon and during the summer months.
4. The FCCN providers are small businesses offering early childhood education services in their homes. To be financially viable, those small businesses need to

take care of children for the entire day, and they cannot afford to shut down their businesses for two months in the summer, and during the many school holidays.

5. Allowing FCCN providers to care for children from 6 weeks to four years old creates a continuum of care not just for the children, but for the providers as well. Limiting care to just 3-year-olds forces FCCN providers to recruit an entirely new set of children every year, which again undercuts the financial viability of their businesses.
6. Finally, while providers in wealthier neighborhoods can keep their businesses open by bringing in “private pay” children from wealthier families, this is not an option for FCCN providers in low-income communities of color like East Harlem, where most families do not have the financial means to do so.

The process that DOE used to make the FCCN awards violated the clear language of the rules set forth in the RFP, and Union Settlement has made multiple efforts over the past year to resolve this matter, including proposing resolutions that would eliminate all of the harms noted above, without imposing any additional costs on DOE. Those efforts were unsuccessful, and Union Settlement has now been forced to sue DOE to prevent these harms from occurring.

“I simply do not understand why DOE wants to force litigation in this matter, where the flaws in the decision-making process are so clear, and there is an easy resolution that benefits the children, families, and caregivers, and that costs DOE nothing,” said **David Nocenti, Executive Director of Union Settlement**. “I hope that Chancellor Meisha Porter, who was not involved in the original decisions, will take a hard look at this and decide to take action to benefit the children, families and small businesses here in East Harlem.”

“Our goal is to prepare community members to establish and run their own home-based child care businesses which provide a safe and caring learning environment for children,” said **Denise Ramos, Union Settlement’s Interim Director of Early Childhood Education**. “My heart goes out to the providers, parents, and children who are caught in the middle of this unfair situation that can be easily remedied without cost to DOE.”

“I only have one child enrolled in my program and I usually have six to seven kids. I am struggling to pay my monthly rent of \$3,800, and I was recently served a court order due to my inability to pay because my income is reduced,” said **Maria Martinez, a Family Child Care Network provider**. “I have successfully operated my child care business for 16 years which allowed me to provide for myself and my sons. If the DOE does not change the award so I’m able to enroll more children, I will be forced close my child care business.”

“I am worried about losing my job in retail because I am only able to work limited hours because I don’t have anyone to care for my son after 2:30pm,” said **Wendy Diaz, an East Harlem parent**. “As a single mom, I can’t afford to pay the provider out-of-pocket and don’t have anyone else to take care of my son in the afternoons or during the summer when no care is available.”

“DOE’s failure to amend the award is adversely impacting East Harlem, one of the poorest neighborhoods in New York, as it tries to overcome the longstanding health and economic disparities it has always faced, and that have been exacerbated by the COVID-19 pandemic,” said **Mr. Nocenti**. “Amending the award will benefit East Harlem children and parents, because this community needs

extended-day, extended-year care for children of all ages, and also will benefit the FCCN providers, who need to stay solvent and feed their own families.”

### ***About Union Settlement***

*Union Settlement is an on-the-ground resource for East Harlem residents of all ages, and a passionate advocate for the needs of underserved communities. Established in 1895, Union Settlement provides a broad array of education, wellness and community-building programs to over 10,000 East Harlem residents each year, including early childhood education, afterschool and summer youth programs, college preparation, job readiness, English language classes, behavioral health counseling, small business assistance, senior centers, Meals on Wheels and more. For more information about Union Settlement, visit [www.unionsettlement.org](http://www.unionsettlement.org).*

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