

The Road to and from Salary Parity in New York City: Nonprofits and Collective Bargaining in Early Childhood Education

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Executive Summary

This report examines the progress achieved with New York City's July 2019 commitment to early childhood education (ECE) starting pay salary parity that will raise pay for certified teachers in community-based organizations (CBOs) by 30-40 percent by October 1, 2021. The report chronicles developments on the "road to salary parity," and considers the challenges that lie ahead on the journey from this point to comprehensive parity, greater equity for ECE teachers coming up through the ranks, and greater accessibility to quality ECE for working families—this is the "road from salary parity."

The context for these salary parity gains include the transition of ECE contracts from the Administration for Children's Services (ACS) to the Department of Education (DOE), the sector-City interactions that shaped the next generation of ECE contracts, and the significant transition for the union representing over 7,000 ECE teaching and support staff, as AFSCME District Council 1707 was recently combined with AFSCME District Council 37.

Salary parity for CBO-based ECE teachers became a front-burner issue in the spring of 2014 when New York City began to implement full-day universal pre-kindergarten (UPK) in the early months of Mayor Bill de Blasio's administration. More than half of all children in UPK classrooms in early 2014 were in CBOs and that proportionate reliance would continue as full-day pre-kindergarten was extended to all four-year-olds over the next year-and-a-half. While there were fewer than 20,000 children in full-day Pre-K in the five boroughs at the beginning of 2014 (with another 26,000 in half-day programs), by September of 2015 there were more than 68,600 children enrolled in full-day classrooms.

When the UPK expansion began, starting pay for certified ECE public school teachers was \$9,000 higher for those with a bachelor's degree and \$12,000 higher for those with a master's degree compared to similar CBO teachers. These disparities grew considerably to \$15,000-\$17,000 by 2018 under a new United Federation of Teachers (UFT) contract. For experienced teachers, the disparities were much greater, since public school teachers receive additional pay based on years of service. The yawning pay gap created severe retention and recruitment problems for CBOs, as certified teachers left for better paying jobs, better benefits, fewer hours, and a shorter school year in public schools. Most CBO ECE teachers are women of color.

With the expansion of full-day UPK in 2014, the Campaign for Children, a broad coalition of 150 providers from across the city, organized alongside DC 1707 and the Day Care Council of New York (DCCNY) to build support for closing the ECE teacher pay gap. Extensive campaign mobilization together with an energized and transformed union, and with the eventual support of the mayor and the City Council, resulted in a critical budget agreement and success at the bargaining table in reaching an historic salary parity agreement. Nonprofits in the ECE sector had never before been so well-organized and the considerable political clout and bargaining acumen of DC 37 had not previously been focused on the ECE sector. In parallel to the salary parity campaign, a strongly united sector worked with the DOE to modify key terms of the new ECE requests for proposals (RFPs) and made substantial progress in getting the City to revamp the treatment of, and increase funding for, indirect costs in all human services contracts.

Extensive lobbying by the Campaign for Children, DC 1707, and the DCCNY built strong support among City Council members and succeeded in getting the Council to include a recommendation for significant funding for salary parity in its response to the mayor's budget. Coupled with the threat of an ECE teachers' strike, the Council's budget support helped lead the City to bring DC 1707's Local 205 (the union representing these ECE teachers) and the DCCNY to the table to discuss achieving starting pay parity.

The Local 205 contract announced on July 9, 2019 included raising starting salaries by \$17,400 to \$20,800 to reach starting pay salary parity with public school teachers by October 1, 2021—cumulative increases of 40-43 percent. Non-certified teachers and support staff would receive a \$1,800 ratification bonus and a 2.75 percent wage increase on October 1, 2021. (Under the contract that was extended by the new agreement, non-certified teachers had received an increase in July 2019, and all support staff would see a two percent increase on Sept. 30, 2020.) The new agreement also included significant reductions in health insurance co-pays and co-premiums.

At the July announcement and in various communications in the ensuing weeks, City officials touted the agreement as establishing a pattern for other parts of the ECE sector, including Head Start employees represented by Local 95 of DC 1707 and staff in non-unionized CBOs. The City also indicated that it would automatically provide funding commensurate with the higher payroll costs, including fringe benefits, for CBOs that unionized.

While much was achieved by the sector in 2019, three big challenges lie ahead: comprehensive salary parity; enhanced career ladder opportunities; and family child care investments.

Comprehensive salary parity: Further improvements need to be made to achieve comprehensive compensation parity that factors in, beyond starting pay levels, differences in the length of the work year, increases for other teachers, longevity pay, and differences in health insurance benefits, retirement coverage, and other fringe benefits.

Enhanced career ladder: The City should be investing more in the career advancement of non-certified teachers, many with bachelor's degrees who tend to be disproportionately women of color, as a way to actively develop from within a pipeline of lead teachers. The Early Childhood Career Ladder program is successfully aiding the career advancement of teachers of color—over 98 percent of those who have enrolled in ECCL courses since spring 2018 were Black, Latinx, Asian, or multiracial. There should be more focus on supporting uncertified and assistant teachers seeking to access additional education and certification, including through raising the intermediate pay steps between assistant teacher and certified teacher with a B.A. degree.

Family child care investments: The City and the State should increase investments in FCC, including in the compensation for providers. The 2019 salary parity commitment applied only to center-based ECE programs, not to home-based family child care (FCC) providers. FCC providers serve small groups of children whose families pay either privately or with City-funded vouchers, or who enroll through the City's contracted EarlyLearn system. As the City expands 3-K, it is looking to FCC to provide services in community school districts where elementary schools are overcrowded and child care center capacity is insufficient. This raises two concerns: one, whether, with less-qualified and

much lower-paid teachers serving children from low-income neighborhoods, this might result in a two-tiered 3-K system; and two, to the extent that licensed home providers serve more 3-year-olds, FCCs may decide to cut back on services for infants and toddlers, since such services entail greater staffing needs and are more costly.

Progress on the three ECE challenges will require both continued unity across the nonprofit sector, along with the greater political clout that could come from expanded unionization within the ECE sector. The main issues within the sector regarding unionization are not now primarily about salaries, but about management issues, job security, and health and retirement benefits. The DOE has advised CBOs that they would amend budgets in line with “any collective bargaining agreements to which they are already committed and which they may enter into in the future.” Previously, DC 37 did not have the jurisdictional latitude within the union movement to organize nonprofit and other private sector employees, but with the DC 1707-37 merger, it now has that authority, and it is expanding its organizing capacity.

Raising compensation and improving opportunities in the broader human services sector will continue to be on the agenda for many nonprofits. The City annually contracts out \$6.6 billion to human services nonprofits in a wide range of program areas. Approximately 110,000 workers are employed by nonprofits providing these services. Human services employment has grown nearly two-and-a-half times as fast as overall private job growth in New York City since 1990, yet the average annual wage of \$32,700 was second-lowest of all industries in 2018. Even with the funding increases the City has provided in recent years, inflation-adjusted average wages grew more slowly from 2013-18 in human services (8 percent) than in retail trade (10 percent) or restaurants (16 percent), two other low-wage industries affected by the rising minimum wage.

The City is spending more on human services, but much of that funding is going to boost the number of low-paying jobs rather than increasing wages to a decent level. Historically, unions have created pressure on employers to raise pay and improve the organization of work by upgrading skills and enhancing efficiency in the production of goods or the delivery of services.

The challenge facing the broader human services sector is different but not less compelling than in the ECE sector because pre-kindergarten has become universal and the pay disparity with public school teachers was so pronounced. City-funded human services typically support low-income households and people in need, those with special service needs, and specific vulnerable populations. The need for all those services is well-established. There is an argument for delivering high-quality services, for fairly compensating the nonprofit workers providing those services, for providing a pay ladder for them to advance upward, and for supports for their acquiring more education and skills. And as in the case of the ECE sector, the human service sector’s ability to make the case for better compensation and opportunities would be enhanced with a politically strong union ally able to effectively mobilize the workforce in communities throughout the city, and one with a track record for supporting their membership in attaining additional education and skills to advance within their respective fields.

Introduction and Background

This report takes stock of the progress achieved with New York City's July 2019 commitment to early childhood education (ECE) starting pay salary parity and discusses the broad challenges that lie ahead. The July District Council 1707-Local 205 agreement with the City raised pay for certified teachers in community-based organizations (CBOs) by \$17,400-\$20,800 in three steps to reach starting pay salary parity with public school teachers by October 1, 2021. Public school and CBO-based Universal Pre-Kindergarten (UPK) teachers are required to have the same State certification.

The Local 205 agreement covering 4,200 CBO-based early childhood educators and support staff in DOE-funded UPK classrooms and ACS-funded centers was announced on July 9, 2019 and DC 1707's Local 95 agreement covering 2,650 Head Start program staff was announced on October 3, 2019. While the salary increases were not as substantial under the Local 95 agreement (\$12,800-\$15,500), comparable salary levels will be reached in October 2021 under both agreements. The Local 205 agreement also provided an \$1,800 ratification bonus for unionized non-certified teachers and support staff and significantly reduced employee health insurance costs. A \$1,000 ratification bonus was included in the Local 95 contract.

Many of the issues discussed here are occurring in the context of the transition of City ECE contracts from the Administration for Children's Services (ACS) to the Department of Education (DOE), and as these contracts take shape in response to recent Birth-to-Five, Head Start/Early Head Start, and Family Child Care requests for proposals (RFPs). There has also been a significant transition for the union representing over 7,000 ECE teaching and support staff, as AFSCME District Council 1707 was recently combined with and is now under the jurisdiction of AFSCME District Council 37.

The substantial salary increases for certified teachers (roughly 40 percent under the Local 205 contract and nearly 30 percent under the Local 95 agreement) come in the wake of several years of stagnant or falling inflation-adjusted pay and some upward adjustments for teachers, directors, and support staff in the ECE sector since 2014.

This report chronicles developments in New York City in recent years on the "road to salary parity," and considers the challenges that lie ahead on the journey from this point to comprehensive parity, greater equity for ECE teachers coming up through the ranks, and greater accessibility to ECE for working families—this is the "road from salary parity."

The salary parity challenge facing CBOs and their teachers is best understood in the context of the broader underfunding for City-funded human service contracts. To an extent, this underfunding, particularly given the labor-intensive nature of human services delivery, began when the City of New York first started to rely heavily on CBOs for the delivery of human services in the 1960s. (The first City contracts with nonprofit childcare centers date to the late 1940s.) While relying on long-established settlement houses, religious-affiliated charitable institutions, and newer non-profits that grew out of community organizing efforts in low-income black and Latinx neighborhoods in the 1960s was practical and politically advantageous, the labor costs for wages and the fringe benefits associated with these contracts have been much lower than if these same services were delivered by municipal workers, who had been organized by AFSCME District Council 37 in the 1950s and 1960s.

Through the late 1990s, City-funded human services contracts were adjusted by the amount of wage increases in citywide municipal labor contracts. Wage levels for most occupational categories were generally lower in the CBO sector than for municipal employee titles (and health and retirement benefits considerably inferior), but wage levels periodically were adjusted in line with the municipal labor pattern bargaining settlements. This linkage to municipal labor contracts, however, began to weaken in Mayor Rudolph Giuliani's second term, and ended altogether during the 2008-09 Great Recession, under Mayor Michael Bloomberg. In addition, after 2006, the Bloomberg administration failed for several years to renew collective bargaining agreements with DC 1707, which represented teachers and support staff in City-funded child care centers. The Bloomberg administration's relations with municipal unions hardened significantly in 2009, when it stopped negotiating with the United Federation of Teachers, representing over 100,000 public school teachers and other school employees.

As a consequence of these factors, the pay and benefits for CBO ECE teachers and staff stagnated beginning in 2006 through the end of the Bloomberg administration in 2013. Compensation also stagnated for all nonprofit human services workers employed under City contracts through this period. Overall funding levels, including for employee compensation, under City human services contracts that were renewed during this period deviated further from fully funding the actual costs of service delivery.

Funding for human services contracts suffered disproportionately during the post-recession era of budget austerity. From 2008 to 2013, City-funded expenditures for the five main City agencies delivering human services¹ and also the Health and Hospitals Corporation fell by eight percent in inflation-adjusted terms, while overall City-funded expenditures rose by three percent. This retrenchment in human services occurred despite increased recession-related hardships such as high and persistent unemployment, rising mortgage delinquencies, and growing Medicaid and food stamp rolls.²

Compounding the fiscal precariousness for ECE CBOs was the Bloomberg administration's decision to institute Early Learn, announced in 2011. While the overall thrust behind Early Learn was admirable in seeking to bolster the educational content and quality of ECE programming, the particular form of its introduction was very problematic for most CBOs, because it called for them to self-fund seven percent of their contracts, substituted enrollment rather than capacity as the basis of payment to CBOs, and shifted responsibility for employee health insurance, workers compensation, and unemployment insurance from the City to private providers. The transition resulted in many workers losing health insurance coverage, reduced capacity in some centers, contributed to the closure and replacement of many long-standing CBO centers with new providers, and formalized an approach under which the City explicitly under-funded public service delivery, forcing contractors to supplement City funding.³ Many City-supported centers closed, jeopardizing retirement benefits

1 The Administration for Children's Services, the Department for the Aging, Department of Social Services, Department of Homeless Services, Department for Youth and Community Development, and the Department of Health and Mental Hygiene.

2 James Parrott, "Beyond Balance: Forward-looking Budget Priorities for New York City," in John Mollenkopf, ed., *Toward a 21st Century City For All*, CUNY Urban Research Center, 2013.

3 New York City Independent Budget Office, *A System in Flux: New Programs, Administrative Changes Create Challenges for*

for thousands of workers due to the substantial pension withdrawal liability that resulted. While Bloomberg failed to renew DC 1707's contract, the union successfully organized to have the City Council restore funding for 60 centers and to have the State fund retention bonuses for teachers.

The ECE CBO workforce is composed mainly of females of color. A Columbia Teachers College UPK (Universal Pre-Kindergarten) report surveyed a sample of CBO UPK programs and found that 96 percent of teachers were female, 34 percent Black, 27 percent Latinx, and 16 percent Asian, mixed race, or other non-white. This 77 percent racial or ethnic minority share of the ECE workforce in CBOs is significantly greater than the 50 percent minority share among public school UPK teachers, although about one-third of the CBO lead teachers did not have state certification.⁴

The lack of salary parity and the chronic underfunding of City contracts has resulted in an ECE workforce that is severely underpaid, with inadequate health insurance and retirement benefits, and often with too-few opportunities for upward advancement. The result is that much of the CBO workforce is in as precarious an economic situation as the residents of the low-income communities they serve.⁵

Another important aspect of the background is that, from its earliest appearance in New York State in the late 1990s, UPK was anchored in the public school system that provides universal access to education for all children and was funded mainly through State and local taxes. Establishing universal access to pre-kindergarten resulted from years of advocacy promoting the educational, social, and economic benefits for all children, and for society at large.⁶ The State provided only limited UPK funding until 2014 when Mayor Bill de Blasio moved quickly upon taking office to advocate in Albany for greatly expanded UPK. Rebuffed in his attempt to initially fund the expansion through an income tax surcharge on millionaires, the mayor was able to secure \$300 million in State funding to help support the City's full-day UPK expansion.

Since public school teachers in New York State have long been unionized, school-based pre-kindergarten teachers were covered by teachers' contracts and paid the same as other public school teachers. From the start of the UPK expansion in New York City, the salary disparity between CBO-based pre-kindergarten and public school teachers was glaring and a source of contention. It was only a matter of time before salary parity was extended to the CBO sector.

New York City's Traditional Subsidized Child Care Programs, June 2017, pp. 2-4. The City later de-coupled the reimbursement system from enrollment, lessening the financial risk for providers. In the 2016 DC 1707 contract, discussed below, the City agreed to restore direct City funding for health insurance benefits for union members.

4 The Columbia report surveyed teachers in 22 public school UPK classrooms and 44 CBO classrooms. Jeanne L. Reid, Sharon Lynn Kagan, Samantha A. Melvin, Bridget F. Healy, and Jeanne Brooks-Gunn, *Building a Unified System for Universal Pre-K in New York City: The Implementation of Pre-K for All by Setting and Auspice*, National Center for Children and Families at Teachers College, Columbia University, August 1, 2018. This report was not publicly released until April 25, 2019. Appendix A, Table 15. The Columbia report echoed many of the key data points that ECE salary parity advocates had been highlighting since 2014.

5 Reid, et.al. *Building a Unified System for Universal Pre-K in New York City*, p. 20.

6 Center for Children's Initiatives and The Center for Educational Equity at Teachers College, Columbia University, *Establishing universal Access to Prekindergarten as a Constitutional Right*, Briefing Guide, December 2017.

1. Salary disparities come to the fore with the implementation of Universal Pre-Kindergarten (UPK)

Salary parity for ECE teachers became a front-burner issue as the City began to implement UPK in the early months of the de Blasio administration, in the spring of 2014. CBOs were indispensable to the de Blasio administration's pledge to rapidly implement universal pre-kindergarten due to the myriad challenges involved in opening hundreds of classrooms staffed with qualified teachers to serve all children. More than half of all children in UPK classrooms in early 2014 were in CBOs and that proportionate reliance would continue as full-day pre-kindergarten was extended to all four-year olds. UPK simply could not be implemented in a timely fashion by relying solely on the public school system. CBOs across the city were already operating many early childhood centers in low-income neighborhoods and followed a service model that included provision for family-oriented services and more flexible and longer hours essential for working families.⁷

At this time, large pay disparities between the starting pay salaries of public school and CBO certified teachers already existed. Starting pay for certified public school teachers was \$9,000 higher for those with a bachelor's degree and \$12,000 higher for those with a master's degree compared to similar CBO teachers. These disparities would grow considerably under the new United Federation of Teachers (UFT) contract reached at the end of April 2014. The salary disparities started at 25-30 percent and rose further by the start of the 2014-15 school year under the new UFT contract.

At the beginning of 2014, there were only 19,483 children in full-day Pre-K in the five boroughs, with another 26,364 in half-day programs, and 12,681 4-year-olds in ACS-contracted child care and Head Start programs. The UPK expansion involved extending half-day school-based programs into full-day programs, bringing the quality standards up to the same level across the board, and adding classrooms in both public school and CBO settings. By September of 2014, the City enrolled 53,120 children in full-day UPK classrooms and by September of 2015, enrollment reached 68,647.⁸

New York City established universal pre-kindergarten as an extension to all 4-year-olds of free full-day public education, saving thousands of parents roughly \$10,000 in fees previously paid for child care. When fully ramped up, CBOs provided 60 percent of all UPK seats.

The mayor's ability to claim some success for the rapid start-up of UPK for the 2014-15 school year was premised on the substantial capacity existing within the CBO sector. Yet salary disparities pushed those programs into chaos, creating a massive turnover problem for the CBOs, as many teachers left for better-paying positions in the public school system, which also offered superior health insurance and retirement benefits while requiring shorter work schedules. Many CBO

7 Reid, et.al. Building a Unified System for Universal Pre-K in New York City, p. 28.

8 The January 2014 figures are from "Ready to Launch: New York City's Implementation Plan for free, High-Quality, Full-Day Universal Pre-Kindergarten," Prepared by the New York City Office of the Mayor, Office of Management and Budget, Department of Education, and Administration for Children's Services (with recognition to the UPK Implementation Working Group), January 2014. The first and second year UPK enrollment numbers are from the *Mayor's Management Report*, September 2019, p. 208.

programs also had to grapple with losing children to the expansion of full-day pre-K in public schools and struggled to minimize disruptions to their ability to provide childcare services for children younger than age 4.

In response to this substantial CBO-public school teacher salary disparity, the City announced in April 2014 that it would raise pay for certified teachers in CBOs with a bachelor's degree to \$44,000 (from \$36,542) and raise pay for certified teachers with a master's degree to \$50,000 from \$39,350.⁹ Beginning with the 2014-15 school year, the City instituted "UPK Enhancement" funding to increase certified pre-K teacher salaries to these higher levels.¹⁰ CBOs were provided some flexibility in the use of the enhancement funding, and not all received extra funding.

However, under the new contract negotiated with the UFT, which came two weeks after the mid-April 2014 enhancement funding announcement, salaries for certified public school teachers with a bachelor's degree rose to \$48,445 (effective September 2014) and to \$54,458 for those with a master's degree. Subsequent annual increases under the new UFT contract boosted salaries further, to reach \$56,711 and \$63,751, respectively, by mid-June 2018.¹¹ Even with the enhancement funding, which not all CBO teachers benefitted from and which continued at the \$44,000 and \$50,000 levels through the 2018-19 school year, CBO certified teachers would fall further behind.

The 2014 UFT contract succeeded one that had expired in 2009 and was the first municipal labor contract negotiated since 2010.¹² When the Bloomberg administration left office at the end of 2013, nearly every municipal labor contract had expired. Following the UFT contract, AFSCME DC 37 reached a new contract covering 100,000 of its members in July 2014. It provided wage increases similar to the pattern set by the UFT contract— raises of 10.4 percent compounded over seven years.¹³

In response to continuing certified teacher retention and recruitment problems among CBO programs, the DOE began offering \$3,500 retention incentive payments for returning certified teachers, and \$2,500 new hire incentives for newly hired lead teachers in full-day pre-K programs. These incentives were in addition to the enhanced salary levels and were provided in school years beginning 2015-18.¹⁴

9 New York City Mayor's Office, "City Announces Steps to Help Community-Based Pre-K programs Attract and Retain High-Quality Educators," April 14, 2014. CBO salaries for 2014 are from the Local 205 contract existing at the time, salaries that had not changed since 2006.

10 New York City Administration for Children's Services, "Pre-Kindergarten: Frequently Asked Finance Questions for *EarlyLearn* NYC Contractors: UPK Enhancement," n.d.

11 United Federation of Teachers, "Salary Schedules for 2009-2018 Contract," June 2014.

12 The UFT contract gave the teachers the two 4 percent increases received by almost all municipal unions in the 2009-2011 collective bargaining round as well as setting the pattern for a new seven-year contract that provided relatively modest cumulative increases of 10-11 percent over seven years. However, under an unusual arrangement, the retroactive pay for UFT members that they would have received under the two 4 percent increases for the years 2009-2013, was scheduled to be paid in five installments between October 1, 2015 and October 1, 2020. See UFT, "Memorandum of Agreement, 2014 Contract, <https://www.uft.org/files/attachments/moa-contract-2014.pdf>

13 City of New York, Office of Labor Relations, "2010-2017 Memorandum of Agreement District Council 37 and the City of New York," July 1, 2014.

14 City of New York, Department of Education, "Lead Teacher Incentive Program: Information for Pre-K for All Lead Programs and Teachers," 2016.2016.

DC 1707, however, did not have a new contract until September 2016, only after several other larger municipal unions reached new settlements with the City. While the new DC 1707 contract provided the first pay increases since 2006 for its members, and significant increases for certified teachers (from 11-17 percent), those increases fell far short of the enhancement funding levels announced by the City in April 2014. Under the new DC 1707 contract, those pay levels would be phased-in through 2020.¹⁵

Figures 1 and 2 show the starting pay salary levels at the beginning of each school year for certified teachers in public schools covered by the UFT contract and for their counterparts in ECE CBOs under the DC 1707-205 contracts. The figures also show the CBO salary levels that would exist under the UPK Enhanced Funding for CBO teachers in UPK programs—CBO teachers in other EarlyLearn settings would be compensated at DC 1707-205 contract levels.¹⁶

Figure 1: Starting pay levels for certified teachers with an M.A.
(under 2016 & 2019 DC 1707-205 contracts and 2014 & 2018 UFT contracts)



* Does not include \$3,500 retention incentive or \$2,500 recruitment incentive beginning school years 2015-2018.

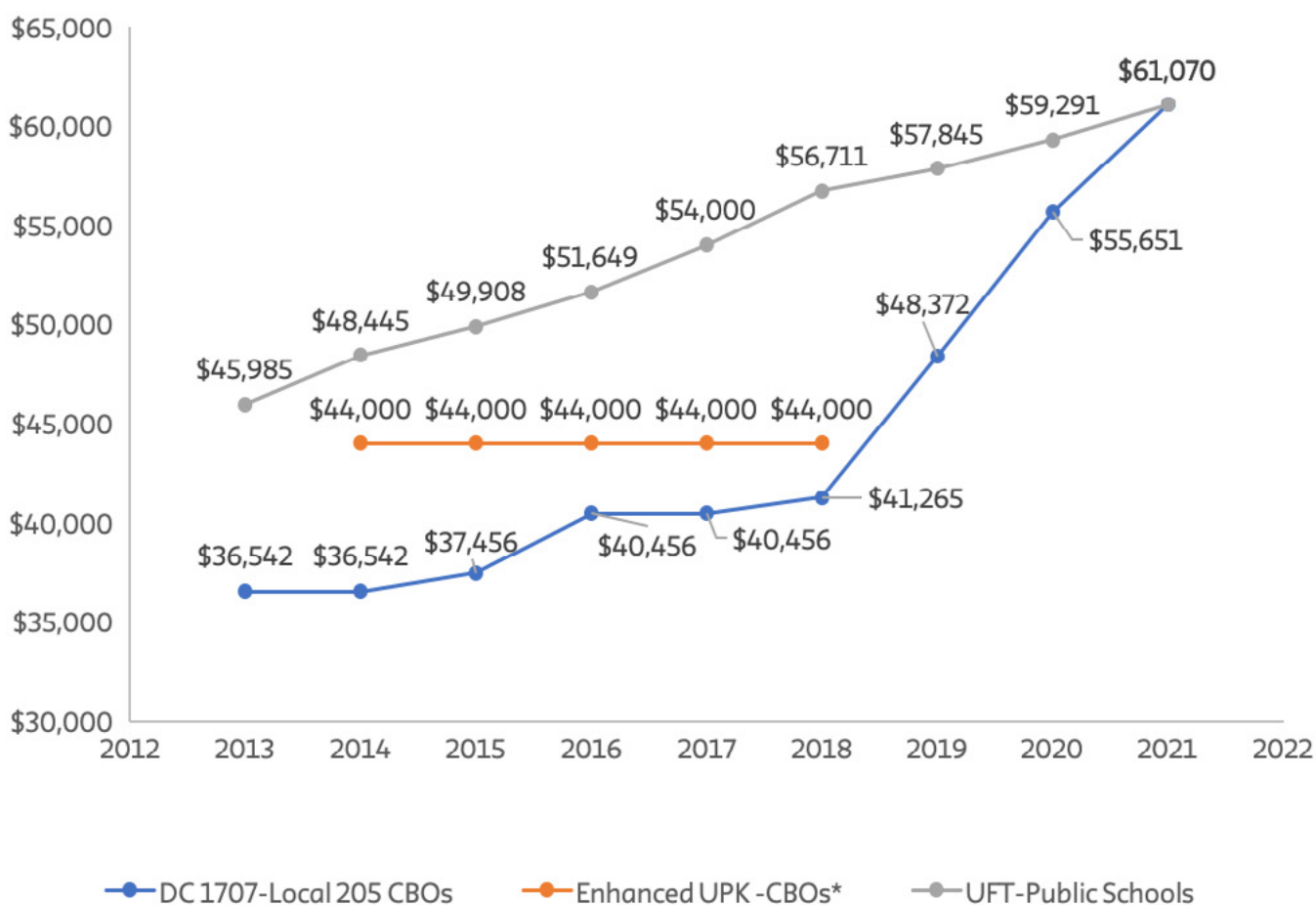
15 "Agreement between Local 205, Community and Social Agency Employees Union, District Council 1707, A.F.S.C.M.E., A.F.L.-C.I.O. and Day Care Council of New York, Inc." October 1, 2016- September 30, 2020; City of New York, Mayor's Press Release, "City Applauds Contract Agreement Between District Council 1707 and the Day Care Council of NY," September 28, 2016.

16 Figures 1 and 2 show salary levels as of October 1 for each school year. Local 205 increases effective December 31 of 2017 and 2018 are not included for the school years beginning the previous September.

Even with the first increase under the DC 1707 contract in 2016, by the start of the 2017-18 school year public school teacher salaries were still 32-33 percent higher than for CBO teachers according to the new DC 1707 scale, and 21-23 percent above the enhanced funding levels for CBOs.¹⁷ These disparities were headed higher for the next two years and would only decline slightly in 2020 under the union contract DC 37 negotiated in 2016.

Despite the “enhanced” CBO certified teacher salary levels and the retention and recruitment bonuses, CBOs experienced significant turnover and recruitment problems among lead teachers, problems that continue to persist. For example, in early 2016, the Day Care Council of New York (DCCNY) reported that half of its member agencies had lost certified teachers to the City Department of Education (DOE) in 2014 and 2015, with most agencies losing an average of two teachers. This resulted in 56 percent of agencies reporting vacancies for certified teachers.¹⁸

Figure 2: Starting pay levels for certified teachers with a B.A.
(under 2016 & 2019 DC 1707-205 contracts and 2014 & 2018 UFT contracts)



* Does not include \$3,500 retention incentive or \$2,500 recruitment incentive beginning school years 2015-18.

17 Appendix Figures A and B show the percent by which public school certified teacher salaries shown in Figures 1 and 2 exceeded those paid in CBOs under the DC 1707 contract.

18 Day Care Council of New York, Inc., *Failing Our Children, Certified Teachers Disappearing from CBO Child Care*, January 2016.

The Teachers College analysis of the implementation of the UPK initiative summarized the adversity created in the CBO sector from teachers leaving for the public school system,

Given these substantial [pay] differences, qualified teachers understandably seek school-based UPK jobs, and as NYCEEC teachers gain the qualification required by UPK, they pursue better paying jobs for fewer hours at public schools. As a result, some NYCEECs function as a de facto training ground for public schools. The consequent challenge of recruiting and retaining UPK teachers absorbs administrative capacity and financial resources at NYCEECs, as administrators are caught in an inefficient cycle of hiring and training new teachers.¹⁹ [The Teachers College report refers to CBO UPK classrooms as New York City Early Education Centers (NYCEECs).]

2. The 2019 salary parity campaign

In response to significant City budget pressures in 2011, and with organizational support from the Citizens' Committee for Children of New York, ECE leaders and advocates formed the Campaign for Children, a broad coalition that grew to 150 providers from across the city. With the expansion of full-day pre-kindergarten to all 4-year-olds in 2014, the Campaign for Children organized alongside DC 1707 and DCCNY for the City to move faster to close the ECE teacher pay gap. In late 2018 and during the 2019 budget season, several factors came together to produce a breakthrough agreement.

Innovative public policies—particularly those that are costly, involve a complicated context like that of ECE, and have multiple stakeholders—don't spring from the ground full-blown. They usually result from tenacious organizing, savvy media work, and extensive public education, and involve enlightened and ambitious public officials seeking to deliver for important constituencies. That is the case with the ECE salary parity campaign. It involved a mayor who had championed UPK and expanded investments in many human services areas and was sympathetic to the argument for salary parity. But it also required concerted advocacy and organizing. It probably didn't hurt that the successful 2019 campaign occurred at a time when the mayor was running for the Democratic presidential nomination and the speaker of the City Council was angling to position himself to run for higher office.

The Campaign for Children stepped up advocacy work with the City Council throughout the 2018 budget cycle. By November 1, 2018, the Campaign reached a new mark by securing the passage of a City Council resolution calling for the elimination of the pay disparity, which had grown to \$17,000 annually in starting pay for a certified teacher with a master's degree, rising to \$36,000 for certified master's degree teachers with 10 years of experience.

¹⁹ Reid, et.al. *Building a Unified System for Universal Pre-K in New York City*, p. 20.

In large part due to multiple rallies, which drew increased public attention to the growing staffing problems created by high turnover, as well as several meetings with Council members during the spring budget season, the Campaign and its allies succeeded in getting the Council to include a recommendation for \$89 million in funding for salary parity in the Council's response to the Mayor's FY 2020 Preliminary Budget. Most (\$83 million) of the Council's \$89 million figure was based on an estimate developed by the DCCNY; the Council also included in its recommendation \$6 million to provide modest increases for non-certified teachers and support staff at CBOs.²⁰

In its report, the DCCNY estimated that raising the pay of CBO certified teachers for all children ages 0-5 sufficiently to achieve starting pay salary parity with the current salaries for their public school counterparts (and raising the pay for all center directors to maintain a 22.8 percent pay differential with certified teachers) would cost \$83 million in the first year.²¹ Having a credible estimate of the cost of achieving salary parity helped marshal the support needed to elevate salary parity as a top City Council priority in the FY 2020 budget negotiations.

The City Council's recommendation helped turn the tide in favor of salary parity, coupled with the threat in late April of a strike by teachers represented by certain units within DC 1707. The City soon brought Local 205 and the DCCNY to the table to discuss re-opening a collective bargaining agreement that wasn't due to expire until 2020. Since the 1960s, collective bargaining between DC 1707's Local 205 and the DCCNY (as the bargaining representative for the employers at ECE centers unionized by Local 205) has been held under the aegis of the Mayor's Office of Labor Relations (OLR) even though Local 205 members are not direct City employees. OLR plays a role in the bargaining because the City is responsible for paying the cost of any settlement through funding levels in City service contracts with ECE providers.

In late April, an analysis of the implementation of the UPK program by a research team at Columbia University's Teachers College was released.²² The Teachers College analysis investigated the problems salary disparities and was based on surveys (supplemented by selected in-depth interviews) of administrators and teachers from 57 programs located in both public schools and CBOs in nine community districts across the city. Among the most prominent findings of the report was that "lower compensation at NYCEECs hinders recruitment and retention and fosters a flow of talent from NYCEECs to schools," and that the substantial disparities in pay (particularly when adjusted for the longer work year in CBO settings) and benefits left "many NYCEEC [lead] teachers struggling for financial security—and in some cases, struggling to make ends meet."²³

The Teachers College report also noted troubling aspects of the salary disparity considering the racial and ethnic makeup of both the children and teachers in CBO programs compared to public

20 New York City Council, *The New York City Council's Response to the Fiscal 2020 Preliminary Budget and Fiscal 2019 Preliminary Mayor's Management Report*, April 9, 2019.

21 Day Care Council of New York, Inc. *The Value of Early Childhood Educators: A Pathway Forward to Salary Parity for Community-based Organizations*, prepared by Mai Miksic, May 2019. The DCCNY also estimated a five-year cost of \$438 million that included 2.8 percent annual pay increases for certified teachers and directors.

22 Reid, et.al. *Building a Unified System for Universal Pre-K in New York City*. The Columbia report confirmed many of the recruitment and retention problems the CBO community, the DCCNY and DC 1707 had been highlighting for several years.

23 Reid, et.al. *Building a Unified System for Universal Pre-K in New York City*, p. 20.

schools. The report noted that NYCEECs serve a “higher-need population overall,” with 44 percent of children in NYCEEC programs being dual language learners compared to 24 percent in public school UPK, and that three-quarters of NYCEEC teachers are racial/ethnic minorities compared to only half of school teachers.²⁴ The report observed, “Although the pursuit of equity for children motivates UPK policy, current policy fails to model such equity among its adults.”²⁵

At the same time as the salary parity issue moved forward through the budget process, a parallel set of developments in the spring of 2019 revolved around the City Department of Education (DOE) RFPs for a new round of 0-5 and Head Start childcare service contracts. The DOE RFPs reflected the City’s decision to consolidate all 0-5 ECE programming under DOE, replacing the Early Learn program that had been administered by ACS. The RFPs were released in early March with responses initially due in early June for contracts to begin July 2020. (The due dates were twice extended, and in late September the start date was pushed back a year to July 2021.)

Helping to inform the funding discussion, the United Neighborhood Houses (UNH, the century-old umbrella group for 42 neighborhood settlement houses) partnered with SeaChange, a nonprofit merchant bank assisting nonprofit service providers, on a report to estimate the cost of fully funding the services called for in the 0-5 RFP. Drawing on cost data from a survey of 70 EarlyLearn center-based ECE programs with 108 classrooms serving 1,579 children, the report found that current funding for EarlyLearn contracts provided an average of \$17,623 per child while the true cost of providing that service totaled \$24,649. Thus, for the existing programs to be adequately funded to cover required costs and provide for necessary indirect costs, a 41 percent funding increase would be required. Figure 3 shows how this funding shortfall would rise under a starting pay salary parity scenario (no change to benefits and no additional compensation for years of experience), and if CBO teachers were compensated for working a longer year (12 months) than UPK teachers in public schools (10 months). UNH and SeaChange also modeled what it would cost to provide the services called for in the DOE RFP, including “robust family support” and for teachers and administrators to “have the knowledge and skills they need to provide quality instruction to children, and help programs continuously improve.” A fully funded program delivering the requirements articulated in the RFP would require 77 percent more funding than at present, and 89 percent more to provide starting pay salary parity for CBO teachers in a year-round program.

24 Reid, et.al. *Building a Unified System for Universal Pre-K in New York City*, p. 35. The percent of children with IEPs was twice as high in NYCEECs as in public school UPK classrooms (11 vs. 5 percent.)

25 Reid, et.al. *Building a Unified System for Universal Pre-K in New York City*, p. 21.

Figure 3: UNH-SeaChange Analysis of the Under-funding of NYC Early Childhood Education

(based on a survey of 7 Early Learn center-based childcare programs with 108 classrooms serving 1,579 children)

	% by which funding would need to be increased to fully fund
Current Early Learn Model	41%
Current model with DOE salary parity	58%
adjusted for 12 months vs DOE 10 months	66%
Implementing desired features under 0-5 RFP	77%
adjusted for 12 months vs DOE 10 months	89%

Source: United Neighborhood Houses-SeaChange, *Closing the Gap: A True Cost Analysis of Early Childhood Education in New York City*, March 2019, Tables 3-5.

Many conversations were held between providers and the DOE on perceived shortcomings in the RFPs. The concerns of the ECE sector were communicated in an April 25th letter to the mayor signed by 78 executive directors of nonprofits and ECE programs. The letter stated that, "most importantly, the administration must guarantee that contracts are funded at a level that not only supports salary parity with teachers, staff and directors in public schools, but fully covers the costs associated with running a high-quality early education program."²⁶ The letter was also critical of a failure of the RFPs to recognize the importance of family support services and extended day, holiday, and summer hours that are a feature of many CBO programs in low-income communities. Letters echoing the concerns raised by the Campaign for Children sign-on letter were also sent by the City Comptroller and the borough presidents.

Further, the April 25 letter called for the RFPs to provide for indirect costs (funding for program management and oversight, administrative operations, facilities, and organizational insurance coverage) essential to effective program delivery. Sector leaders, including the influential Human Services Council, had long pushed the City to more adequately fund indirect costs. (See the discussion below on the commitment made regarding indirect costs as part of the FY 2020 budget agreement.)

26 Letter to Mayor de Blasio from ECE leaders, April 25, 2019. The letter was coordinated by the leaders of the Campaign for Children. <http://www.campaignforchildrennyc.com/>

3. Local 205 agreement extending contract to September 30, 2022

With the stars beginning to align, the salary parity quest formally got underway when the City agreed to re-open the 2016-2020 labor contract. Extensive lobbying by the Campaign for Children, DC 1707 and the DCCNY built strong support among City Council members.²⁷

Not much happened in the first two or three bargaining sessions until June, when DC 1707 was absorbed by the much larger DC 37, one of the two largest municipal unions (along with the UFT) with 130,000 active members and 50,000 retirees.

DC 1707 had not been on a sound financial footing for several years and in the wake of the U.S. Supreme Court decision in the Janus case, the national AFSCME union had begun to urge its local affiliates to consolidate where possible. DC 1707's 20,000 members were entirely private sector, with most working for nonprofits providing public services under contract to the City. The union merger put DC 1707 under DC 37, led by Executive Director Henry Garrido. Under the merger, Kim Medina, the executive director of DC 1707, became director of DC 37's new nonprofit and private sector division.

Although the DC 1707 contract negotiated in 2016 still had two full years to go (expiring September 30, 2020), with the City's assent, the parties agreed to re-open the collective bargaining agreement. Negotiators were operating under the binding constraint that any changes had to be financed in a manner consistent with the broad outlines of the municipal labor pattern set with the DC 37 contract reached in June 2018 and followed by the UFT contract settled the following October.²⁸ The UFT contract included annual raises of 2.0, 2.5, and 3.0 percent.²⁹

The pace of negotiations picked up once Garrido became involved, prompting the City Council to feel that a contract settlement that achieved salary parity was close enough at hand that it finalized a FY 2020 budget agreement with the mayor in mid-June. Council Speaker Corey Johnson had made it clear that a salary parity deal was needed before the Council could finalize a budget agreement.

A contract settlement was announced at a City Hall press conference with the Mayor, Council Speaker Johnson, and union and sector leaders on July 9. The major components of the settlement included:

- Certified CBO teachers received increases of \$17,400-\$20,800 in three steps to reach starting pay salary parity with public school teachers by October 1, 2021;

²⁷ The DCCNY also sits on the CCC steering committee.

²⁸ City of New York, Office of the Mayor, "Mayor de Blasio and DC 37 Announce Tentative Contract Agreement, Providing a Fair Wage to 100,000 Employees," June 26, 2018; and "Mayor de Blasio and UFT Reach Preliminary Agreement on 43-month Contract Promoting Equity & Excellence for All Agenda," October 11, 2018.

²⁹ The City goes to great lengths to adhere to the established collective bargaining pattern in order to fend off calls by individual unions for raises or other contract changes that would further increase the City's costs. In recent years the PBA has repeatedly sought larger raises than possible under the citywide pattern.

- The cumulative increases for certified teachers with a bachelor's degree would be 40 percent and 43 percent for those with a master's degree;
- Non-certified teachers and support staff would receive a \$1,800 ratification bonus and a 2.75 percent wage increase on October 1, 2021 (under the contract that was extended by the new agreement, non-certified teachers had received an increase this July 1 and all support staff would see a 2 percent increase on 9/30/20); and
- The new agreement would provide many Local 205 members with significant reductions in health insurance co-pays and co-premiums.

The agreement was ratified by a large margin in a vote of Local 205 members on August 1. At the July announcement and in various communications in the ensuing weeks, City officials touted the agreement as establishing a pattern for other parts of the ECE sector. For example, in its Addendum #12 to the Birth-to-Five RFP, the DOE stated: "This ... agreement is a first step that will serve as the model for compensation for remaining certified early childhood education providers, including Head Start employees represented by Local 95 and non-unionized staff."

The practical impact of this statement is that certified teacher increases would apply in nonunion settings, and non-certified teachers and support staff would receive the annual wage increases but not the ratification bonus. The DOE was also indicating that it would automatically provide funding commensurate with the higher payroll costs for CBOs that unionized. On November 18, the Mayor and the Speaker formally announced the extension of the salary parity commitment to the "non-union providers in order to address issues of recruitment and retention."³⁰

On October 3, the Mayor and the Speaker announced a tentative agreement covering 2,650 Head Start teachers and staff working at over 200 centers who are members of Local 95 of DC 37/1707. The Local 95 contract was negotiated with the Head Start Sponsoring Board Council, the organization of employers for the federal Head Start contracts that flow through the City.³¹

The Head Start agreement—ratification was announced in early November—provided similar salary increases for certified teachers as the Local 205 contract but a ratification bonus of \$1,000 for non-certified teachers and support staff. The agreement also included a commitment to establish career ladder supports for assistant teachers to pursue additional education and certification. Local 205 had established a career ladder in conjunction with the DCCNY as part of their 2016 collective bargaining agreement.³²

30 "Mayor de Blasio and Speaker Johnson Announce City has Achieved a Pathway to Pay Parity for Early Childhood Education Providers," Mayor's Press Release, November 18, 2019. Non-certified teachers and support staff in non-union providers would receive the same two percent increase on September 30, 2020, and a 2.75 percent wage increase on September 30, 2021 as their union counter-parts, however, they did not receive any bonus and no enhancements to health insurance coverage as in the Local 205 and Local 95 agreements. See, also, NYC Department of Education, "Frequently Asked Questions (FAQs): Early Childhood Pay Parity," December 2019.

31 In recent years there has been an increase in the number of Head Start programs that operate under direct Federal grants. Discussions are under way regarding how the City might use its contracts for related services with these direct Head Start contractors to provide salary supplements for certified teachers.

32 The Early Childhood Education Career Ladder (ECCL) jointly operated by Local 205 and the Day Care Council of New York "seeks to strengthen the quality of care children receive by increasing the number of certified professionals in New York City's

Workers at a relatively small number of ECE centers are represented by Local 215 of DC 37-1707. At this writing (mid-December 2019), a settlement appears to be forthcoming in that contract, and reports are that it will follow the pattern set by the Local 205 contract. Directors at ECE centers where teachers and staff are represented by DC 1707 locals also have their own union—the Council of School Supervisors and Administrators (CSA). Directors, many of whom have worked at some point as certified teachers, traditionally are paid a premium above the highest certified teacher salary—in the last contract the premium was 23 percent. Negotiations for the CSA contract with the DCCNY are underway.

Substantial progress on human services contract funding in FY 2020 budget

Parallel to the 2019 organizing and advocacy campaign that secured the breakthrough salary parity agreement was advocacy that led to the creation of a new City policy regarding funding for indirect costs in all human services and ECE contracts. Indirect costs refer to administrative expenses or overhead costs for nonprofits for expenses including rent, utilities, insurance, and administrative salaries. Under-funding of indirect costs had been a long-standing nonprofit complaint. Jennifer Jones Austin, CEO and president of FPWA (previously known as the Federation of Protestant Welfare Agencies) led the advocacy effort on indirect costs with the Council and the administration, together with the other key leaders from the Campaign for Children acting in their capacities as overall sector leaders, Susan Stamler of United Neighborhood Houses (UNH), Louisa Chafee of UJA-Federation of New York (UJA), and Jennifer March of the Citizens' Committee for Children of New York (CCC).³³ This campaign secured a commitment from the City Council in its response to the mayor's preliminary budget to support significant changes in the treatment and funding of indirect costs.³⁴ The salary parity campaign's advocacy on indirect costs and cost escalators in the 0-5 RFPs helped set the stage for the broader sector's advocacy on indirect costs in all human services contracts.

The City formally announced the new indirect policy on November 18 and included \$54 million annually in the November budget modification for FY 2020 and the budget out-years to increase contract allowances for indirect. The new policy will allow providers to use an indirect rate greater than the de minimis 10 percent allowance provided it is verified by an independent certified public accountant or through an indirect cost rate agreement negotiated with the federal government. Approval for indirect cost rates will be made centrally by an implementation team comprised of the Office of Management and Budget and the Mayor's Office of Contract Services, rather than individual contracting agencies. The new procedures stemmed from concerns raised by the Nonprofit Resiliency Committee and were developed with input from a human services provider work group, and the group will provide ongoing advice. City contracts beginning on or after July 1, 2019 will be eligible for amendment to incorporate the new indirect rates.³⁵

Several observers have noted that the new indirect policy will go a long way toward having human services contracts better funded and will allow providers to keep up with rising costs for rent and other expenses. Still, it is critical that the City ensure that contracts and amendments are processed, and contract payments made on a timely basis.³⁶

early childhood education system." The ECCL provides financial support for eligible individuals who want to advance their careers professionally by continuing their education or obtaining certification. The initial \$2.5 million in funding for the ECCL was part of a \$5 million commitment included in the FY 2016 budget sought by human services sector leaders who had organized to raise the pay of workers employed under City human services contracts. The other \$2.5 million was set aside to establish a human services sector-wide career ladder program that is now managed by the Mayor's Office of Workforce Development—the launch of the Social Services Career Ladder has been repeatedly delayed by shifting responsibilities within City Hall.

33 Jones-Austin had been the co-chair of de Blasio's transition committee after his election in 2013 and had played a key behind the scenes role in many City policy decisions affecting the human services sector.

34 *The New York City Council's Response to the Fiscal 2020 Preliminary Budget and Fiscal 2019 Preliminary Mayor's Management Report*, April 9 2019, p. 2.

35 <https://www1.nyc.gov/site/nonprofits/funded-providers/indirect-implementation.page>

36 This discussion of indirect was greatly informed by conversation with Gail Nayowith, a former nonprofit executive who played a pivotal role in developing this major contracting reform.

4. Additional challenges in achieving comprehensive compensation parity and more robust career advancement opportunities

Starting pay salary parity is a significant achievement, but much remains to be done to make comprehensive compensation parity a reality. The July ECE salary parity agreement is historic not only locally but nationally in terms of a public commitment to greater investment in quality early childhood education and in achieving starting pay salary parity between teachers in CBOs and public schools. It does not appear that ECE CBO-public school parity across the entire 0-5 age spectrum has been achieved in any other major city in the country. According to a report from the National Institute for Early Education Research, five states—Alabama, Rhode Island, New Jersey, Oklahoma, and Hawaii—have policies requiring salary parity for all pre-K teachers regardless of setting, but pre-K teachers constitute only one-quarter of the CBO-based ECE workforce.³⁷ Nationally, five out of every six preschool teachers work in private settings, most for nonprofit CBOs, while only one in six is a public employee.³⁸

However substantial a step was taken by the July New York City salary parity agreement, there are further improvements that need to be made to achieve comprehensive compensation parity that factors in, beyond starting pay levels, differences in the length of the work year, increases for non-certified teachers, longevity pay, and differences in health insurance benefits, retirement coverage, and other fringe benefits.

The 2018 Teachers College report on UPK implementation noted that the sizable gap between public school and CBO annual pay “understates the disparity because NYCEEC teachers work longer hours and more months per year.” Public school teachers work seven hour days for 37 weeks a year for a total of 1,295 hours, while CBO teachers log nine hour days year-round for a yearly total of 2,106 hours after factoring in paid vacation and holidays.³⁹ Thus, even in 2021 when certified teachers in both settings will have the same annual salaries, the public school teacher will still be making 60 percent more on an hourly basis than the CBO teacher ($2,106/1,295 = 1.626$).

The Teachers College survey also found that certified CBO teachers were less likely to have employer or union health insurance than their public school counterparts. While all public school teachers have employer-provided health insurance and pension, only 48 percent of CBO lead teachers have employer- or union-provided health insurance and only 61 percent have an employer- or union-provided retirement plan.⁴⁰ Two prominent national authorities on early childhood education urge the use of a broader “compensation parity” concept rather than just “salary parity,” and offer this definition:

37 W. Steven Barnett and Richard Kasmin, “Teacher Compensation Parity Policies and State-Funded Pre-K Programs,” *National Institute for Early Education Research*, 2017; Caitlyn McLean, Harriet Dichter, and Marcy Whitebook, “Strategies in Pursuit of Pre-K Teacher Compensation Parity,” *Center for the Study of Child Care Employment*, 2017.

38 The five out of every six ratio is based on analysis of BLS Occupational Employment Statistics for preschool teachers in nonprofits and public schools.

39 Local 205 members receive 15 paid vacation days during their first five years of employment and have 11 paid holidays. Local 205 collective bargaining agreement.

40 Reid, et.al. *Building a Unified System for Universal Pre-K in New York City*, p. 63.

Compensation parity is defined as parity with K-3 teachers for salary and benefits for equivalent levels of education and experience, prorated to reflect differences in hours of work in private settings where applicable, and including payment for non-child contact hours (such as paid time for planning).⁴¹

The Teachers College report recommended more intensive professional development support for teachers and administrators and an increased emphasis on a career ladder for non-certified and assistant teachers. The report noted the importance of using the wage ladder in the DC 1707 contract to reward teachers who seek additional education and credentials.⁴² To implement this across the board in the ECE sector, organizations need to establish citywide job titles such as assistant teacher, lead teacher, senior/mentor teacher, and education/program director.⁴³

Given the higher salaries agreed to under the July salary parity contract, the salary rungs on the ladder from assistant teacher to lead teacher need to be re-established. There were no adjustments made in the base pay for assistant teachers in the extended contract except for a 2.75 percent increase in 2021. (Under the previously existing contract, uncertified teachers with a bachelor's degree received a 3.7 percent increase in July 2019 and will see a small increase in September 2020.) By the end of the new contract in 2022, the pay gap between an uncertified teacher with a bachelor's degree and a certified teacher with a bachelor's will be over \$24,000 (\$61,000 vs. \$36,600), about three times the differential that existed prior to 2014. Half of the teachers in CBO pre-K programs are not certified.

This is a professional development and compensation issue with clear implications for both staffing and racial equity. Rather than look primarily to new college graduates to meet certified teacher needs, CBOs (and the City) should be investing in the career advancement of non-certified teachers, many with bachelor's degrees and on study plans, who tend to be disproportionately women of color, as a way to actively develop from within a pipeline of lead teachers. The Early Childhood Career Ladder program is successfully functioning to aid the career advancement of teachers of color—over 98 percent of those who have enrolled in ECCL courses since spring 2018 were Black, Latinx, Asian, or multiracial.⁴⁴ This will require focusing more on supporting uncertified and assistant teachers seeking to access additional education and certification, including through raising the intermediate pay steps between assistant teacher and certified teacher with a bachelor's degree. Adjusting the intermediate pay steps leading up to certified teacher will help groom more women of color from low-income backgrounds for lead teacher and, ultimately, administrator positions within the ECE sector.⁴⁵

41 Marcy Whitebook and Caitlin McLean, *In Pursuit of Pre-K Parity: A Proposed Framework for Understanding and Advancing Policy and Practice*, Center for the Study of Child Care Employment, Institute for Research on Labor and Employment, University of California, Berkeley, and National Institute for Early Education Research, Rutgers, April 2017.

42 For example, an Uncertified Teacher with 60 credits would see a \$1,100 annual increase for achieving 30 additional college credits, and a \$1,200 increase in going from 60 college credits to a bachelor's degree. "Agreement between Local 205, Community and Social Agency Employees Union, District Council 1707, A.F.S.C.M.E., A.F.L.-C.I.O. and Day Care Council of New York, Inc." October 1, 2016- September 30, 2020, p. 23.

43 Reid, et.al. *Building a Unified System for Universal Pre-K in New York City*, pp. 110-114.

44 "Early Childhood Career Ladder—Updated Demographics," Prepared by Mai Miksic, Senior Research Analyst, Day Care Council of New York, November 2019. See also, <https://www.dccnyinc.org/members/early-childhood-career-ladder/>

45 For a discussion of specific steps needed to assist "study plan" (i.e., uncertified teachers) in attaining additional education

5. Family child care 3-K-for-All and ECE for children under 3

The starting pay salary parity commitment formalized through the new DC 1707/37 contracts and the November 18, 2019 press release extending most terms to all 0-5 CBOs affects all City-funded center-based ECE programs. While this was a huge achievement for these center-based programs, City-funded family child care programs (FCC), which provide the bulk of subsidized infant and toddler, were not affected.

Home-based FCC providers are small businesses serving small groups of children whose families pay either privately, with City-funded vouchers, or who enroll through the City's contracted EarlyLearn system. FCC providers are licensed by the State Office of Children and Family Services and the City's Health Department.⁴⁶ These home-based independent contractor child care providers have some of the lowest earnings of any worker in the city economy. Median annual earnings for self-employed child care providers was only \$12,390 on average for 2015-17. In fact, their earnings are so low that half of all self-employed family child care providers rely on Medicaid and another 18 percent have no health insurance coverage at all.⁴⁷ While family child care providers are not covered by the minimum wage, if they employ an assistant, the assistant is covered. The minimum wage these small employers are required to pay will have risen from \$7.25 in 2013 to \$15.00 at the beginning of 2020.

Two FCC-related issues are particularly germane to this report: the launch and expansion of Pre-kindergarten for 3-year-olds (3-K for All), and the impact of 3-K for All on FCC capacity for infants and toddlers (children younger than three years of age).⁴⁸

Mayor de Blasio announced free 3-K for All in 2017, with an increase in the number of 3-K classroom seats being phased in through the 2021-2022 school year and the City providing the bulk of the funding for the expansion through tax levy dollars. Pre-K for 4-year-olds is primarily State-funded. In the early stages, 3-K has been focused on high-poverty neighborhoods. As of fall 2019, 3-K has been rolled out in 12 of the city's 32 community school districts, serving 20,000 children in schools and CBOs.⁴⁹ Capacity will continue to expand for the 2020-2021 school year.⁵⁰

and certification, see Mai Miksic, "Leave No Teacher Behind: How to Support Study Plan Teachers in Community-based Early Childhood Programs, Day Care Council of New York, November 2019.

46 Home-based informal child care providers, also called family, friend and neighbor providers, can be paid through City-issued vouchers but are not licensed.

47 Analysis of American Community Survey microdata for self-employed unincorporated workers in the child day care services industry. Earnings data was pooled over the three years (2015-17) on a constant dollar basis. Self-employed unincorporated workers in the child care occupation had median annual earnings of \$12,249.

48 This section draws heavily from several reports written (solely or jointly with others) by Kendra Hurley, for New York City Affairs former Senior Editor and current freelance researcher and writer, including: *Data Brief: As Public Preschool for 3- and 4-Year-Olds Grows in NYC, What's Happening to the Babies?* December 2019; "Great Expectation—But Will Funding Match a More Ambitious Vision of Family Child Care," *Urban Matters* (CNYCA blog), July 10, 2019; *Free Preschool, Coming to an Apartment Near You, What Family Child Care Could Mean for 3K*, with Angela Butel, December 2018; *Small Children, Big Opportunities: Strengthening Subsidized Child Care for New York City's Babies and Toddlers*, with Angela Butel, March 2018; *Bringing It All Home, Problems and Possibilities Facing New York City's Family Child Care*, with Janie Ziyi Shen, May 2016; and *Big Dreams for New York City's Youngest Children, The Future of Early Care and Education*, with Abigail Kramer, Summer 2014.

49 Jacqueline Neber, "3-K for All Preschool Program Now Available in All 5 Boroughs," *Metro Parents*, September 9, 2019. <https://www.nymetroparents.com/article/3-k-for-all-now-available-in-all-five-boroughs>.

50 Hurley and Butel, *Free Preschool, Coming to an Apartment Near You*, p. 1.

Toward the end of 2018, the City's DOE announced that it would permit FCC providers to offer 3-K, helping the City provide services in districts where elementary schools are overcrowded and capacity in child care centers is insufficient. Some parents prefer small, home-based settings for very young children and these providers are often able to offer more flexible, extended-day care.

The DOE will allow providers to serve 3-year-olds in mixed-age settings, alongside infants and toddlers, but require a minimum of a Child Development Associate (CDA) credential for home-based 3-K providers. While this is a step up from FCC requirements that focus mainly on health and safety standards, a CDA represents a lot less training than for 3-K teachers in schools or centers. The DOE recognizes the need to provide additional professional development assistance. Through EarlyLearn, the City already funds several CBOs to provide support services to networks of family child care providers and will continue to work with network organizations to recruit, train, and monitor participating family child care programs.

There is a real question whether, with less-qualified and lower-paid teachers in FCCs serving children from low-income neighborhoods, this might result in a two-tiered 3-K system. The DOE family child care RFP did not indicate whether funding would be increased in light of the rising State minimum wage or to compensate providers for acquiring a CDA.⁵¹

Including FCCs as 3-K providers will allow these programs to hold onto 3-year-olds, which could be key to their staying in business. This is important because FCCs are the backbone of the City's capacity to serve infants and toddlers from low-income working families. FCC providers care for 59 percent of all infants and toddlers in the City-subsidized system, up from 45 percent in 2012. Meanwhile, the share of children under age 3 cared for by informal home-based providers has dropped from 24 percent in 2012 to 8 percent in January 2019, and the share served by CBO centers was little changed in recent years, remaining at about one-third.⁵²

To the extent that licensed home providers serve more 3-year-olds, FCCs may decide to cut back on services geared to infants and toddlers, since such services entail greater staffing needs and are more costly to provide. As child care policy expert Kendra Hurley notes, "the City must keep careful watch on the larger system of child care that working New Yorkers depend on, and especially infant care, which is already a limited, precious resource in New York City, and highly vulnerable."⁵³ Hurley's co-author Angela Butel points out that Los Angeles's reliance on FCC providers for Pre-K resulted in reduced infant and toddler capacity as providers found it more cost-effective to focus on Pre-K.⁵⁴

While the City has committed to fund the expansion of 3-K, the State typically funds subsidies for family child care through allocations from the Federal and State Child Care Development block grants. Payments to FCC providers typically are largely determined by child care "market rates" set by the State on the basis of a survey of FCC providers.⁵⁵ The UFT represents FCC providers in

51 Hurley, "Great Expectation—But Will Funding Match a More Ambitious Vision of Family Child Care." July 10, 2019.

52 Hurley, *Data Brief: As Public Preschool for 3- and 4-Year-Olds Grows in NYC, What's Happening to the Babies?* and *Big Dreams for New York City's Youngest Children, The Future of Early Care and Education*, p. 13.

53 Hurley and Butel, *Free Preschool, Coming to an Apartment Near You*, p. 3.

54 Angela Butel, "Lessons from L.A.," in Hurley and Butel, *Free Preschool, Coming to an Apartment Near You*.

55 While the concept of "market rate" surveys is based in the federal Child Care and Development Block Grant, the surveys represent rates that low-income families can afford and do not reflect the actual cost of providing quality child care services or fairly

New York City who are classified as independent contractors rather than employees. State budget funds enable the UFT to support professional development and provide non-Medicaid-eligible FCC providers with dental and vision benefits.

In a recent report underscoring the importance of accessible, affordable, and quality child care for working families with children under three, City Comptroller Scott Stringer proposed an ambitious plan to fully or partially subsidize child care for many more families. Currently, only about one in seven infants and toddlers in families that are income-eligible for child care assistance receives a subsidy, and the current cutoff leaves out many moderate-income families. Stringer's plan also would commit \$500 million over five years to construct and renovate child care facilities, and would increase compensation for child care providers and invest in their professional development to improve quality.⁵⁶ While Stringer's proposal would require the investment of substantially greater government funding, it outlines a comprehensive approach to providing quality care to infants and toddlers and would make significant strides in making child care more affordable for most working parents; it essentially makes the case for a universal right to quality child care for infants and toddlers.

Considerable advocacy at both the State and City levels would be needed to advance such an approach and to further broaden the universal right to education. The State-determined market rates would need to be changed, and that would entail additional State funding. The City also would have to provide more and deeper subsidies.

6. Prospects for addressing the challenges that lie ahead

Much was achieved by the ECE sector in New York City in 2019. The City and the sector have made considerable progress in integrating several of the previously discrete segments of the early childhood education world and establishing higher standards and improved compensation for educators and their staffs. The two previous sections have described the challenges that lie ahead for the ECE sector: comprehensive salary parity; enhanced career ladder and advancement opportunities; and higher quality programs for children under 3 along with better compensation in family child care settings.

How is the NYC ECE sector poised to address these three challenges? A lot depends on the organizational unity and political clout of the sector, the lessons that can be learned from the 2019 salary parity campaign, and the extent to which DC 37 extends its influence in the ECE and broader City-funded human services sector.

compensating providers. Moreover, the State currently provides payments at the 69th percentile of the survey results, having reduced that from the maximum 75th percentile allowable for federal reimbursement three years ago. https://ocfs.ny.gov/main/policies/external/ocfs_2019/INF/19-OCFS-INF-03.pdf

56 New York City Comptroller Scott M. Stringer, *NYC Under 3: A Plan to Make Child Care Affordable for New York City Families*, May 2019.

The significant progress toward starting pay salary parity made in 2019 resulted from a confluence of factors discussed in Section III. The increased campaign mobilization together with an energized and transformed union, and with the eventual support of the mayor and the City Council, resulted in a historic budget agreement and success at the bargaining table. Nonprofits in the ECE sector had never before been so well-organized and the considerable political clout and bargaining acumen of DC 37 had not previously been focused on the ECE sector. The combination produced an historic salary parity deal embraced by the mayor. A strongly united sector worked with the DOE to modify some of the terms of the new 0-5 RFP and made substantial progress in getting the City to revamp the treatment of, and increase funding for, indirect costs in all human services contracts.

Progress on the three continuing ECE challenges will require both continued unity across the nonprofit sector, along with the greater political clout that could come from expanded unionization within the ECE sector. Since at least spring 2019, with discussions on the RFPs, salary parity and broader funding for human services contracts, a promising leadership configuration has emerged—FPWA's Jennifer Jones Austin, UNH's Susan Stamler, UJA's Louisa Chafee, and CCC's Jennifer March. Following the July salary parity agreement, this group continued to meet with City officials to address sector-wide implementation of starting pay salary parity, extending existing 0-5 contracts for two years (implementation of the new 0-5 and Head Start contracts was pushed out a year to begin July 2021), and working out the details and funding for the new 0-5 contracts.⁵⁷

The City had been aware since the early days of UPK that the salary pay gap for certified teachers was problematic because it caused significant retention and recruitment issues and CBOs couldn't operate UPK or other ECE classrooms without certified teachers as required by State law and local health department regulation. The City took tentative steps toward parity but considerable organizing by all sector stakeholders was needed to get to starting pay parity. The Mayor had previously taken various actions to raise the minimum wage from the \$7.25 an hour level that held in 2013. Among these, pay for the lowest-paid workers under City contracts was raised beginning in 2015. Within the ECE sector, the rising minimum wage floor affected teacher aides, assistant teachers with only a high school diploma, some group leaders and bookkeepers, cooks, and maintenance workers. Unlike the State, the City was proactive in adjusting funding in contracts to enable CBOs to pay workers affected by the rising pay floor. In the City budgets since 2015, the City has added several tens of million dollars annually to human service and ECE contracts in light of the rising statutory minimum wage.

The main issues within the ECE sector regarding unionization are not now primarily about salaries, but about management issues, job security, and health and retirement benefits. It has been City policy to fund the pay and benefits under a recognized union contract for any CBO service provider. This extends to the fringe benefits spelled out in the union agreements negotiated under the auspices of the City's Office of Labor Relations, as the DC 1707 Local 205 and 95 contracts were. Since many certified teachers and administrators at CBOs do not have good health insurance or retirement benefits, it is likely that other employees at those organizations are in a similar position.

57 See, e.g., the concerns raised by ECE leaders in an October 17, 2019 letter to Mayor de Blasio.

Generally, these CBO employers could provide better fringe benefits to their workers, funded by the City, were they to become unionized.

As noted earlier, in an addendum (#12) to the Birth-to-Five Services RFP issued two weeks following the July salary parity agreement, the DOE advised CBOs that they would be able to amend their budgets in line with “any collective bargaining agreements to which they are already committed and which they may enter into in the future.”⁵⁸

Several CBOs have agreed to unionize in the wake of the July agreement, and many others are actively exploring unionization. It is understandable that organizations are proceeding cautiously. The union experience within the ECE sector has been almost entirely with DC 1707, and those relationships often go back a few decades. With about 20,000 members and limited resources, DC 1707 was on the defensive throughout Mayor Bloomberg’s 12 years in office. During that time, the union secured considerable funding from the City Council to keep dozens of union child care centers open and won retention bonuses from the State legislature, but it was not able to wrest a new collective bargaining contract from the Bloomberg administration. Now that DCs 1707 and 37 have merged, the combined strength of the merged union numbers over 200,000 counting retired members and is a political force both within the municipal labor sphere and in the broader New York City and State labor movements.

Some organizations are rightly concerned about dealing with the union over personnel issues, discipline matters, and grievance-handling. CBO executive directors are reluctant to share authority over such issues. The approach to grievance handling likely will change under DC 37. It has a sizable professional staff to serve members, and a strong leader who listens to employers, is intent on concentrating resources on the big fights, and has a history of working with management to resolve problems. Under Henry Garrido’s leadership, for example, DC 37 has made substantial progress in recent years in getting the City to reduce its use of provisional employees, to seek considerable health insurance savings, and to bring work back into City agencies that had been contracted out under previous administrations.

There is also justifiable concern on the part of many CBOs about having part of their workforce unionized, but other parts that remain non-union. Many CBOs that belong to the DCCNY have been experiencing these complications for many years—their ECE programs have been covered by the DC 1707 contract but workers in other City-funded programs are either not unionized or they are represented by a different union. In the wake of the merger with 1707, DC 37 has established a private sector division and has embarked on a campaign to organize other human services contractors beyond just the ECE area. Previously, DC 37 did not have the jurisdictional latitude within the union movement to organize nonprofit and other private sector employees, but it now has that authority, and it is expanding its organizing capacity accordingly. Partial or mixed worker representation is a problem, but it is far from a unique or new situation and strong unions typically find ways to resolve those problems in order to focus on the important issues.

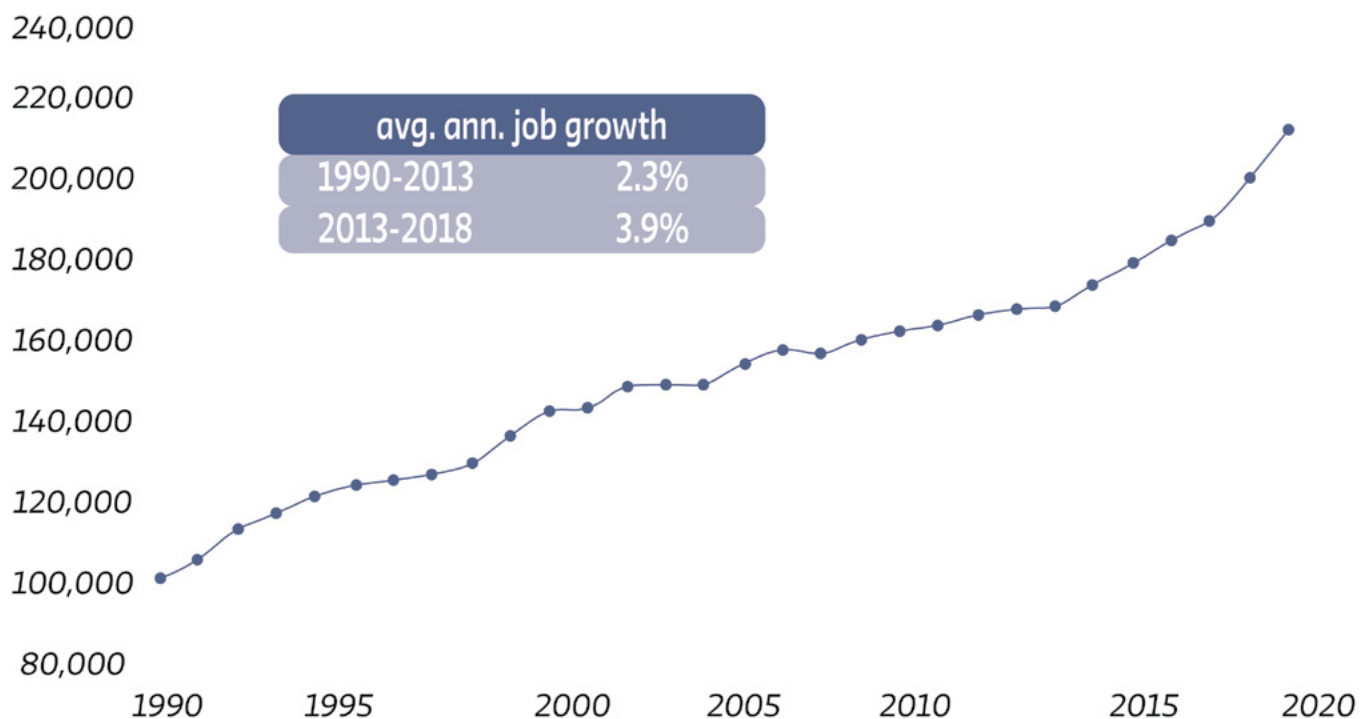
58 City of New York, Department of Education, “Addendum #12, Re: Birth-to-Five Services Request for Proposals (RFP), EPIN: R126710040,” July 23, 2019, p. 1.

7. The broader problem of low wages in the human services sector dominated by nonprofits providing services under City contracts

This report has focused on compensation for workers in organizations, mainly nonprofits, providing ECE services to the City of New York. For FY 2020, there were 1,971 City contracts in the ECE and UPK areas with a total value of \$1.4 billion. This amount is a little over 21 percent of the \$6.6 billion total volume of City contracts to human services nonprofits in a wide range of program areas including services for the homeless, children in foster care, mental health services, youth programs, services for seniors, AIDS-related services, employment services, and others. Approximately 110,000 workers are employed by the nonprofits providing these services.⁵⁹

Employment in the human services sector (labeled “social assistance” in government employment data shown in Figure 4) has grown nearly two-and-a-half times as fast as overall private sector job growth in New York City since 1990. This reflects the importance of providing expanded human services across a range of program areas to the city’s population. Reflecting commitments like higher City spending for CBO-based UPK and homeless services, social assistance employment has grown faster over the past five years (3.9 percent job growth annually) than over the 1990-2013 period (2.3 percent average growth).

Figure 4: Social Assistance employment in New York City has more than doubled since 1990 and the pace of job growth has accelerated since 2013

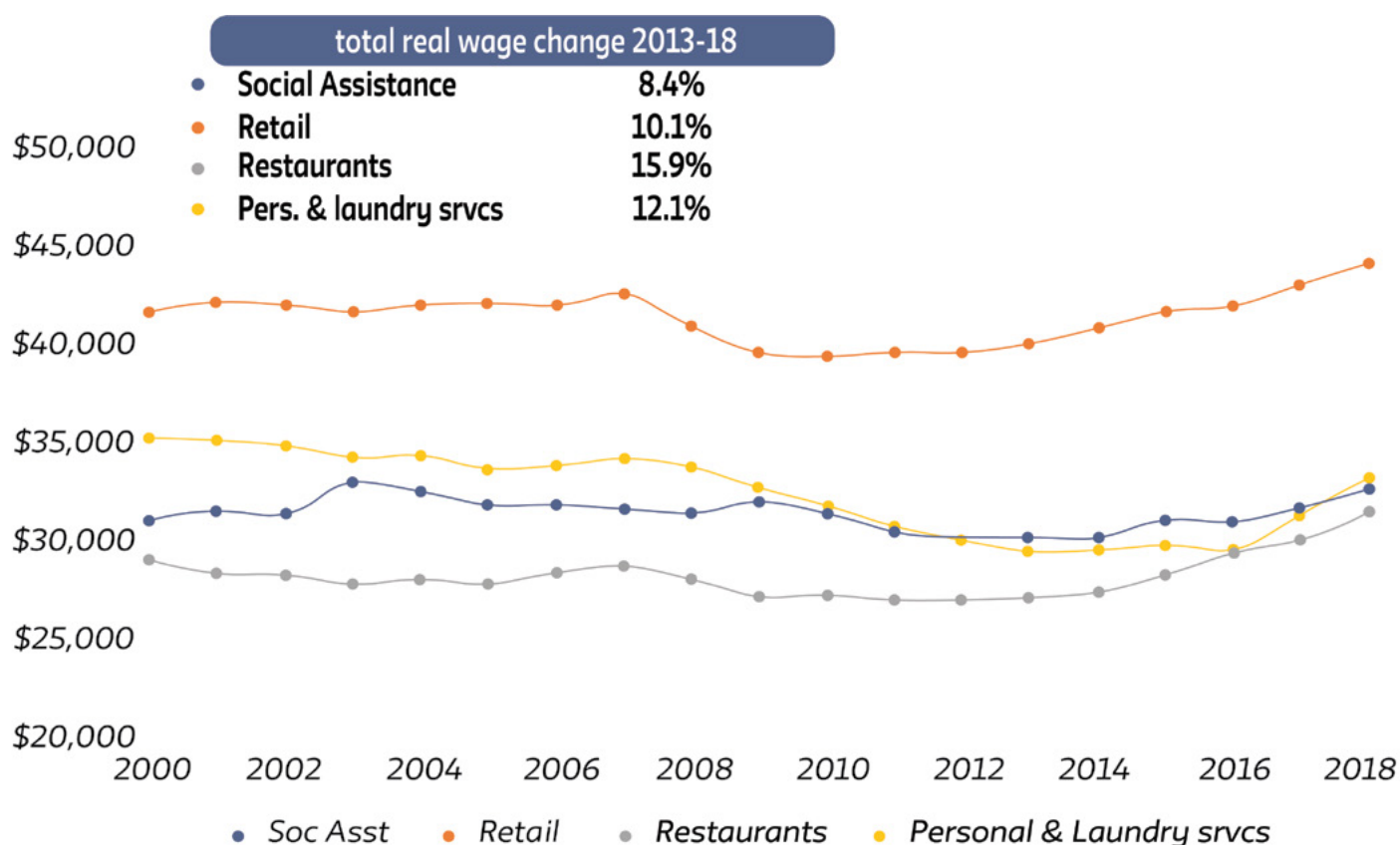


⁵⁹ Estimate by the author based on FY 2020 City contract data, BLS employment and wage data for New York City and utilizing reasonable estimates for the personal services component of human services contracts.

The chronic under-funding of City ECE contracts noted in this report applies broadly to the universe of City human services contracts. While funding has improved in recent years—part of the 45 percent increase in the dollar volume of human services contracts from FY 2015 to FY 2020 represents an increase in wage levels in keeping with the rising State minimum wage—wages are still quite low across the entire social assistance sector.

Average annual wages in the New York City social assistance sector were \$32,733 in 2018, making the sector the second-lowest-paid of all industries in the city after restaurants (\$31, 527).⁶⁰ Moreover, even with the funding increases provided through the City budget in recent years, inflation-adjusted average wages grew more slowly from 2013-18 in social assistance (8.4 percent) than in retail trade (10.1 percent) or restaurants (15.9 percent), two other low-wage industries heavily affected by the rising State minimum wage. See Figure 5.

Figure 5: Real annual wages in 2018 dollars for Social Assistance and three other low-wage New York City industries, 2000-2018



Providing human services is labor intensive. Taken together, these data show that the City is spending a lot more on human services, but much of that funding is going to boost the number of low-paying jobs in the city's second-lowest paid sector rather than increasing wages to a decent level. There should be a better way. Historically, unions have created pressure on employers to raise pay and improve the organization of work in a way that upgrades skills and enhances efficiency

⁶⁰ Average wage data from the NYS Department of Labor (Quarterly Census of Employment and Wages.) The great majority of workers are full-time so the low average wage is not because of part-timers bringing the average down.

in the production of goods or the delivery of services. This could result in better pay and benefits for nonprofit social assistance workers, and possibly could mean slightly fewer of them. In a city economy with historically low unemployment, given the sector's status as the second lowest-paying industry, that sounds like a positive outcome.

Conclusion

The ECE sector and the broader human services sector have both made progress in recent years in successfully securing contracting reforms and better compensation. Together with an engaged and powerful union partner, the nonprofit contracting sector could be poised to make historic progress on the three major challenges identified in this report— comprehensive salary parity, enhanced career ladder and advancement opportunities, and greater 0-3 quality and compensation in family child care settings. These are three key components to high-quality ECE services and to advancing equity and opportunity for all children and for educators.

The next three years will be pivotal for the ECE sector. New 0-5 and family child care service contracts will be negotiated. 2021 will be a watershed City election year, with new leaders in the top two citywide offices as well as more than two-thirds of Council seats turning over. (A new Council Speaker also will be chosen.) And with both the UFT and DC 1707 Local 205 collective bargaining contracts expiring in September 2022, there will be an opportunity to continue to “level up” the ECE contract to that of the public school system.

In the meantime, DC 37-1707 will need to continue to be attentive to the needs of the ECE sector and work closely with sector leadership to resolve problems and make the case for further improvements and investments. The union will also need to organize and mobilize the workforce, both to better advance the perceived needs of the rank-and-file workers and to effectively communicate those needs to elected officials.

Blue ribbon local and national leadership task forces on ECE challenges are in sync on the paramount importance of better compensation and professional development for ECE educators as a prerequisite for high quality programs.

The New York City Early Care & Education Task Force under former Deputy Mayor Lilliam Barrios-Paoli recommended that the City “address compensation, including benefits, in all settings receiving public funds within a reasonable timeframe” and “align professional development resources” to “cultivate a high-quality ECE workforce in all settings.”⁶¹

Under the auspices of the Institute of Medicine and the National Research Council, the national Committee on the Science of Children Birth to Age 8 concluded its extensive research summary with these words:

61 City of New York, New York City Early Care & Education Task Force Recommendations, June 2015.

“Science has converged on the importance of early childhood, but that understanding is not yet reflected in recognition of the critical role of the professionals who work with young children from infancy through the early elementary years. ... Changes within and across multiple systems are needed to strengthen the early care and education workforce through supports that include informed leadership; access to high-quality degree-granting programs; ongoing professional learning opportunities; practice environments that enable and reinforce the quality of their work; and attention to their working conditions, well-being, compensation, and perceived status or prestige.”⁶²

The mayor, the City Council, and nonprofit leaders have achieved remarkable progress in this area since 2014, placing the city in a well-deserved national leadership position in the early education and care world. As the City embarks on new approaches for the 0-5 years and in expanding 3-K, is the CBO sector poised to exert the unified leadership needed to meet the compensation parity, career advancement, and 0-3 quality and compensation challenges? That is the question CBO leaders need to address.

Making pre-K universal for 3- and 4-year olds was paramount in broadening access and affordability for working families and it set the stage for teacher salary parity within public schools and between public schools and CBO settings. The focus is now on compensation parity and career advancement as the lynchpins for greater racial equity for children and teachers. For infants and toddlers, there is an emerging focus nationally and in New York on the need for greater public investments, including in family child care settings. The subsidized family child care sector currently serves primarily the children of public assistance recipients and low-income working families lucky enough to receive subsidies. The discussion needs to move further in the direction of establishing a universal right to quality child care for infants and toddlers. Comptroller Stringer’s report on 0-3 advances proposals that lay a foundation for universal access and quality improvements.

Raising compensation and improving opportunities in the broader human services sector will continue to be on the agenda for many nonprofits. The challenge is different than in the ECE sector because pre-kindergarten has become universal and the pay disparity with public school teachers was so pronounced. City-funded human services typically support low-income households and people in need, those with special service needs, and specific vulnerable populations. The need for all those services is well-established. There is an argument for delivering high-quality services, for fairly compensating the nonprofit workers providing those services, for providing a pay ladder for them to advance upward, and for supports for acquiring more education and skills. And as in the case of the ECE sector, the human service sector’s ability to make the case for better compensation and opportunities would be enhanced with a politically strong union ally able to effectively mobilize the workforce in communities throughout the city, and one with a track record for supporting their membership in attaining additional education and skills to advance within their respective fields. •

62 Committee on the Science of Children Birth to Age 8: Deepening and Broadening the Foundation for Success, Institute of Medicine and National Research Council, *Transforming the Workforce for Children Birth Through Age 8: A Unifying Foundation*, Washington, D.C.: The National Academies Press, 2015, pp. 483-484.

Appendix

Figure A: Percent by Which Public School B.A. Certified Teachers' Starting Pay Greater than for CBO Teachers

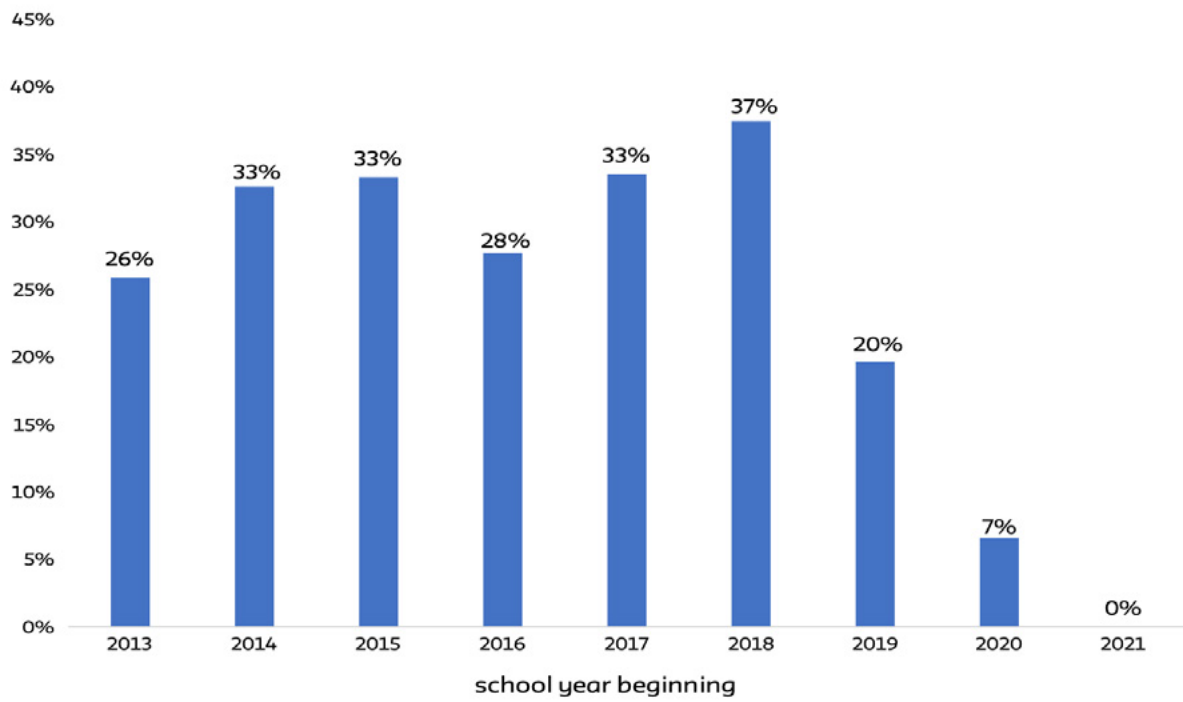
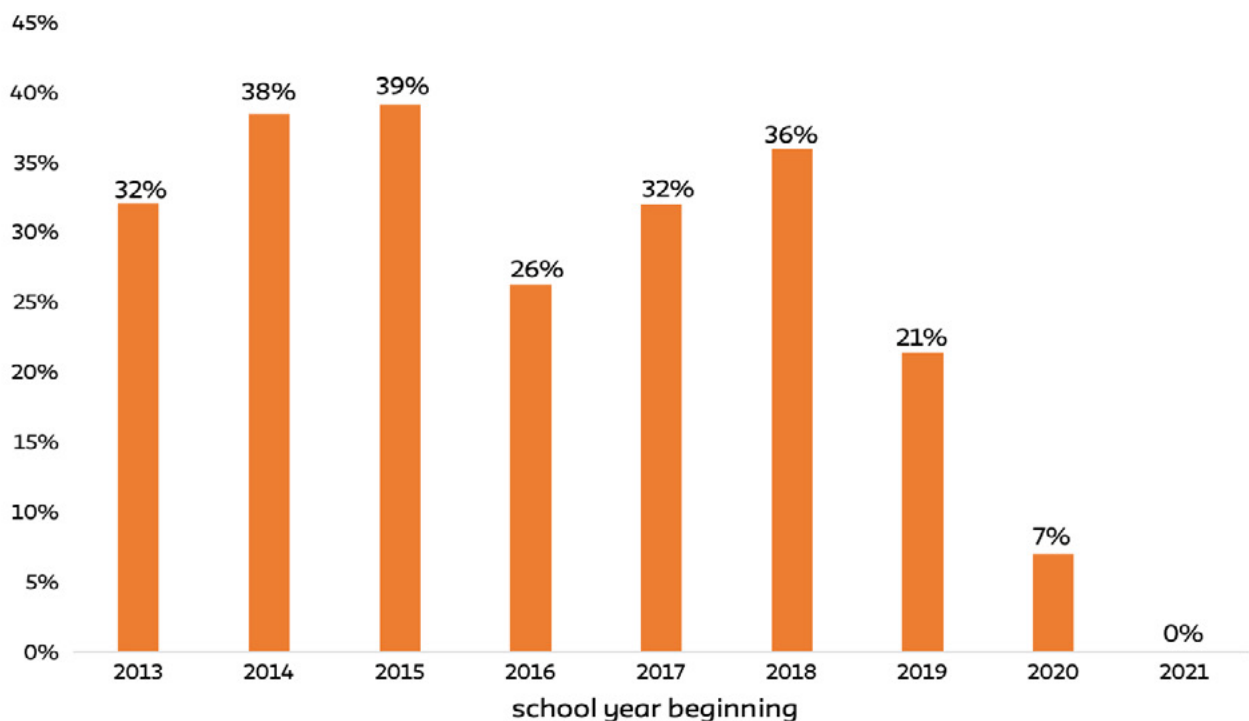


Figure B: Percent by Which Public School M.A. Certified Teachers' Starting Pay Greater than for CBO Teachers



Glossary

3-K	pre-kindergarten for 3-year-olds
ACS	NYC Administration for Children's Services
AFSCME	American Federation of State County and Municipal Employees (public sector union)
CBO	community-based organization
CCC	Citizens' Committee for Children
CDA	Child Development Associate (credential)
DCCNY	Day Care Council of New York
DC 1707	District Council 1707, AFSCME
DC 37	District Council 37, AFSCME
DOE	NYC Department of Education
ECCL	Early Childhood Career Ladder
ECE	Early Childhood Education
FCC	family child care
FPWA	(formerly) Federation of Protestant Welfare Agencies
NYCEECE	New York City Early Education Center
RFP	Request for Proposals
UFT	United Federation of Teachers
UNH	United Neighborhood Houses
UJA	United Jewish Appeal (now UJA-Federation of Jewish Philanthropies of New York)
UPK	universal pre-kindergarten (4-year-olds unless 3-K)



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