



**OFFICE OF INSPECTOR GENERAL**  
*City of Albuquerque*



**INVESTIGATION**  
***FAMILY AND COMMUNITY SERVICES DEPARTMENT***

**INVESTIGATION REPORT  
DEPARTMENT OF FAMILY AND COMMUNITY SERVICES**

**CASE NO. 16-202**

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# OFFICE OF INSPECTOR GENERAL

*City of Albuquerque*

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## EXECUTIVE SUMMARY

The Office of Inspector General (OIG) received an anonymous complaint against the Department of Family and Community Services (DFCS) and several employees. The complainant stated concerns of “misuse of position and authority; the abuse of authority; personal gain; and using federal grant dollars other than what their intended use is for.” The complainant alleges that the DFCS employee was moved to the top of a waiting list for the Childcare PreK program at a childcare center that is at an Albuquerque elementary school. The complainant also states that the requirements of the federal grant are that an individual meets the income guidelines in order to participate in this type of program, and that the DFCS employee earns too much money to qualify for this program. The complainant alleges that DFCS management was aware of this situation.

### **Investigative Facts**

1. The DFCS employee has a child that is currently enrolled in the Childcare PreK program at an Albuquerque elementary school.
2. There are no income guidelines in order to be eligible to participate in the Childcare PreK program.
3. A child must be age eligible to participate in the Childcare PreK program. They must reach the age of four (4) by 12:01 am on September 1<sup>st</sup> of the year in which they wish to enroll.
4. The DFCS employee must pay the maximum fee for the extended childcare hours.
5. The DFCS employee has met all requirements for having the child participate in the PreK program.

### **Conclusion**

The OIG investigated the complaints brought forward by the anonymous tipster. The conclusion of our investigation is that no evidence was found regarding any wrongdoing committed by the DFCS employee or DFCS staff. The only requirement to participate in the PreK program is age, which the DFCS employee’s child met. The DFCS employee is also paying the highest amount for the child’s extended care. The OIG was unable to find any evidence of a wait list or of the DFCS employee’s child being moved to the top of the list.

The DFCS employee has every right to have the child participate in the PreK program. There is nothing in the code of ethics stating that City employees are prohibited from participating in programs such as the PreK program.

The OIG takes all allegations seriously and performs an independent review to prove or disprove an allegation. We would like to thank the DFCS for their cooperation in this matter.



**CITY OF ALBUQUERQUE**  
*Office of Inspector General*  
P.O. BOX 1293, ALBUQUERQUE, NM 87103

April 27, 2016

Accountability in Government Oversight Committee  
City of Albuquerque  
Albuquerque, New Mexico

Investigation: Department of Family and Community Services  
16-202

**Final**

## **INVESTIGATIVE REPORT**

### **INTRODUCTION**

The Office of Inspector General (OIG) received an anonymous complaint against the Department of Family and Community Services (DFCS) and several employees. The complainant stated concerns of “misuse of position and authority; the abuse of authority; personal gain; and using federal grant dollars other than what their intended use is for.” The complainant alleges that the DFCS employee was moved to the top of a waiting list for the Childcare Pre-Kindergarten (PreK) program at a childcare center that is at an Albuquerque elementary school. The complainant also states that the requirements of the federal grant are that an individual meets the income guidelines in order to participate in this type of program, and that the DFCS employee earns too much money to qualify for this program. The complainant alleges that DFCS management was aware of this situation.

### **BACKGROUND**

The City of Albuquerque receives federal grant money for head start programs. The grantor agency is the U.S. Department of Health and Human Services, and the grant money is awarded to the City through The Children, Youth and Families Department (CYFD). New Mexico PreK was initiated in 2005 with a purpose of preparing four-year-old children throughout the State for success in school. The goal of the PreK program is to ensure that every child in New Mexico has the opportunity to attend a high quality early childhood education program before going to

kindergarten. Funding is from two agencies: CYFD and the State Public Education Department (PED).

Per the New Mexico PreK grant agreement, a child must have reached his fourth (4<sup>th</sup>) birthday on or before 12:01 am, September 1 of the current year. The complainant indicated that the timeframe in question is from July 2015 to the present. The OIG was able to determine that the DFCS employee does have a child who meets the criteria of having reached his fourth (4<sup>th</sup>) birthday on or before 12:01 am, September 1, 2015. The OIG did receive confirmation that this same child is currently enrolled in the PreK program at the elementary school mentioned in the complaint.

### **Concern One**

The complainant stated that one of the requirements of the federal grant is that an individual meets the income guidelines to be part of the PreK program. The complainant indicated that per information found on the City of Albuquerque's transparency website, the DFCS employee earns too much money to qualify for this program. The concern further being that the DFCS employee's child could possibly be taking a spot from someone who truly qualifies for the program.

The OIG contacted CYFD and spoke with a NM PreK Program Specialist (Program Specialist) to determine if there were any income guidelines to participate in the PreK program. The Program Specialist indicated that there are no income guidelines for the PreK program; there is no cap on income for eligibility. The Program Specialist explained that for the classes which are funded by the PreK grant, the only requirement is that a child must be age eligible. Meaning that a child must have reached the age of four (4) by September 1<sup>st</sup> of the current year.

The Program Specialist explained that the PreK program is free from 9:00 am to 12:00 noon. However, should a child need extended care beyond those hours, then there is a fee based on a sliding scale, which ranges from \$25 to \$105 per week.

The OIG met with the Child and Family Development Division Manager (Division Manager) to inquire about the PreK program. The Division Manager provided the same information as the Program Specialist in that there is no income requirement, only an age requirement. The OIG was provided a copy of a rate chart for PreK extended stay. The payment amounts are based on household size and income. Based on the DFCS employee's household size and annual household income, the DFCS employee is required to pay the maximum rate of \$105 per week for PreK extended care. The back of the rate chart also stated that as proof of eligibility, check/pay stubs must be provided (2 if paid bi-weekly; 4 if paid weekly).

### **Concern Two**

According to the complaint, there are wait lists for these types of programs. The complainant alleges that the DFCS employee was moved to the top of the PreK wait list. In researching the City's website for DFCS's Childcare and Development Programs, under the Pre-Kindergarten link it does state to *"Please contact the Administrative Office for more information and to place your child on the PreK Wait List."*

When the OIG spoke with CYFD's Program Specialist, she indicated that the programs are on a first come, first serve basis, but that it would be best for the OIG to speak with DFCS's Division Manager to find out whether there is indeed a wait list or not.

The Division Manager did not indicate whether there was a wait list for the PreK program at the time the DFCS employee applied for the program. She stated that there does need to be a certain ratio of teachers to children, and that perhaps some locations may have openings while others may be full.

The OIG also provided a questionnaire to the Director and Deputy Director for DFCS, with one of the questions being:

*At the time that [the DFCS employee] applied for the program, was there a waiting list to be accepted into the PreK program? If so, did [the DFCS employee] get moved to the top of the list?*

The Deputy Director answered the questionnaire and stated "No" to there being a wait list, and the DFCS employee being moved to the top of that wait list. The Deputy Director further explained that it was the DFCS employee's spouse who initially called to inquire about the Child Development Programs.

In reviewing the New Mexico PreK grant agreement, it states that the "PreK Provider" (which in this case is the City of Albuquerque) should provide services to 272 children at various locations in Albuquerque, New Mexico. The Program Specialist informed the OIG that the numbers currently show 230 children enrolled in the PreK program.

### **Concern Three**

During the course of the investigation, the OIG noticed that the DFCS employee listed their address as being outside Albuquerque City limits. This was not a concern brought up by the complainant. However, in reviewing the New Mexico PreK grant agreement, it states:

*Sixty-six per cent (66%) of the children served must live in the attendance zone of a Title I school.*

In the questionnaire provided to the Director and Deputy Director, when asked if the applicant must live within City limits, or any other boundaries, in order for their child to participate in the PreK program, the response was "No" and "families that apply for the services either live, work or go to school in the Albuquerque vicinity." The Deputy Director also provided documentation from New Mexico Administrative Code that addresses the PreK program. Both NMAC 6.30.9.10 and NMAC 8.18.2.10 PRE-KINDERGARTEN ELIGIBILITY state:

*Children who turn four years old before September 1 and are not age eligible for kindergarten are eligible to participate in pre-k programs.*

However, there is nothing that states that a child must live within the same school district, within city limits, or within county limits.

The OIG requested further clarification from the Division Manager. She stated that the PreK program is statewide and there is no stipulation of what county applicants must reside.

The OIG also spoke with the Program Specialist, who stated that the greatest concern is making sure the children are served. There is an age requirement for the PreK program, but if at least 66% are children living within the area, then if there are remaining children from outlying areas who wish to participate in the PreK program, that is perfectly acceptable. The Program Specialist also confirmed that a school cannot exceed twenty (20) kids, but believes that if a child can be placed at another school that may have slots available, then why keep that child on a wait list?

## **RECOMMENDATIONS**

1. Due to the PreK program not being at full capacity, DFCS should consider better advertising for the program to make the citizens of Albuquerque aware that such an excellent program is available to them. Especially for those with lower incomes and the need for assistance.
2. DFCS should consider updating the information for the Childcare and Development Programs on the City's website so that it more clearly states what the requirements are for each program.

## **CONCLUSION**

The OIG investigated the complaints brought forward by the anonymous tipster. The conclusion of our investigation is that no evidence was found regarding any wrongdoing committed by the DFCS employee or DFCS staff. The only requirement to participate in the PreK program is age, which the DFCS employee's child met. The DFCS employee is also paying the highest amount for the child's extended care. The OIG was unable to find any evidence of a wait list or of the DFCS employee's child being moved to the top of the list.

The DFCS employee has every right to have the child participate in the PreK program. There is nothing in the code of ethics stating that City employees are prohibited from participating in programs such as the PreK program.

The OIG takes all allegations seriously and performs an independent review to prove or disprove an allegation. We would like to thank the DFCS for their cooperation in this matter.



REVIEWED BY:

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Acting IG

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IG Investigator

APPROVED:

APPROVED FOR PUBLICATION:

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Peter J. Pacheco, CFE, CIGI  
Acting IG, Office of Inspector General

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Chairperson, Accountability in Government  
Government Oversight



City of Albuquerque  
Department of Family and Community Services  
Douglas H. Chaplin, Director

Richard J. Berry, Mayor

**Interoffice Memorandum**

April 14, 2016

**TO: Peter Pacheco, Acting Inspector General**

**FROM: Danny K. Placencio, Deputy Director** *DKP*

**SUBJECT: Investigation: Department of Family and Community Services 16-202**

Here are the Department of Family and Community Services Responses to the recommendations put forth by the OIG:

**RECOMMENDATIONS**

1. Due to the PreK program not being at full capacity, DFCS should consider better advertising for the program to make the citizens of Albuquerque aware that such an excellent program is available to them. Especially for those with lower incomes and the need for assistance.

The Department of Family and Community Services concurs and has implemented a new marketing strategy to help inform and increase the number of participants in its Child Development programs. At the time of this response the DFCS has placed a full page ad/article in the Alibi, has utilized both Facebook and Twitter (with a weekly reach of 9,000), and purchased radio advertising through iHeart Media.

2. DFCS should consider updating the information for the Childcare and Development Programs on the City's website so that it more clearly states what the requirements are for each program.

The Department of Family and Community Services concurs and will update its webpage to reflect all requirements for each of its Child Development programs.

Thank you