

STATE OF NEW YORK

8031

2021-2022 Regular Sessions

IN ASSEMBLY

June 7, 2021

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Ways and Means

AN ACT to amend chapter 53 of the laws of 2021, enacting the aid to localities budget, in relation to funding for the child care facilitated enrollment program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1 of chapter 53 of the laws of 2021, enacting the
2 aid to localities budget, is amended by repealing the items herein below
3 set forth in brackets and by adding to such section the other items
4 underscored in this section:

5 DEPARTMENT OF FAMILY ASSISTANCE
6 OFFICE OF CHILDREN AND FAMILY SERVICES

7 AID TO LOCALITIES 2021-22

8 CHILD CARE PROGRAM 3,289,971,200
9 -----

10 General Fund
11 Local Assistance Account - 10000

12 Notwithstanding any inconsistent provision
13 of law, the funds appropriated herein
14 shall be available for transfer to the
15 federal health and human services fund,
16 local assistance account, federal day care
17 account to operate and support enrollment
18 in the child care facilitated enrollment
19 pilot program which expand access to child

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD11765-04-1

1 care subsidies for working families who
2 live or are employed in Erie County with
3 income up to 275 percent of the federal
4 poverty level as provided to the [~~Consortium for Worker Education~~] NYS AFL-CIO
5 Workforce Development Institute to admin-
6 ister and to implement a plan approved by
7 the office of children and family
8 services. The administrative cost, includ-
9 ing the cost of the development of the
10 evaluation of the pilot program shall not
11 exceed ten percent of the funds available
12 for the purpose. The remaining portion of
13 the funds shall be allocated to the office
14 of children and family services to the
15 local social services district where the
16 recipient families reside as determined by
17 the project administrator based on
18 projected need and cost of providing child
19 care subsidies payment to working families
20 enrolled through the pilot initiative,
21 provided however the local social services
22 district shall not reimburse subsidy
23 payment in excess of the amount the subsi-
24 dy funding appropriated herein can support
25 and the applicable local social services
26 district shall not be required to approve
27 or pay for subsidies not funded herein.
28 Child care subsidies paid on behalf of
29 eligible families shall be reimbursed at
30 the actual cost of care up to the applica-
31 ble market rate for the district in which
32 the child care is provided and in accord-
33 ance with the fee schedule of the local
34 social services district making the subsi-
35 dy payment. Up to ten percent of funds
36 available for this purpose shall be made
37 available to the [~~Consortium for Worker~~
38 ~~Education~~] NYS AFL-CIO Workforce Develop-
39 ment Institute, or other designated admin-
40 istrator, to administer and to implement a
41 plan approved by the office of children
42 and family services for this pilot
43 program. This administrator shall prepare
44 and submit to the office of children and
45 family services, the chairs of the senate
46 committee on social services, the senate
47 committee on children and families, the
48 senate committee on labor, the chairs of
49 the assembly committee on children and
50 families, the assembly committee on social
51 services, and the assembly committee on
52 labor a report on the pilot program with
53 recommendations. Such report shall include
54 available information regarding the pilot
55 program or participants in the pilot
56

1 program, including but not limited to: the
2 number of income eligible children of
3 working parents with income greater than
4 200 percent but at or less than 275
5 percent of the federal poverty level, the
6 ages of the children served by the
7 program, the number of families served by
8 the program who are in receipt of family
9 assistance, the factors that parents
10 considered when searching for child care,
11 the factors that barred the families'
12 access to child care assistance prior to
13 their enrollment in the facilitated
14 enrollment program, the number of families
15 who receive a child care subsidy pursuant
16 to this program who choose to use such
17 subsidy for regulated child care, and the
18 number of families who receive a child
19 care subsidy pursuant to this program who
20 choose to use such subsidy to receive
21 child care services provided by a legally
22 exempt provider. Such report shall be
23 submitted by the program administrator, on
24 or before November 1, 2021, provided that
25 if such report is not received by November
26 30, 2021, reimbursement for administrative
27 costs shall be either reduced or withheld,
28 and failure of an administrator to submit
29 a timely report may jeopardize such admin-
30 istrator's program from receiving funding
31 in future years. The administrator for
32 this pilot program shall submit bimonthly
33 reports to the office of children and
34 family services, the local social services
35 district, the administration for chil-
36 dren's services, and the legislature. Each
37 bi-monthly report shall provide without
38 benefit of personal identifying informa-
39 tion, the pilot program's current enroll-
40 ment level, amount of the child's subsidy,
41 co-payment levels, and any other informa-
42 tion as needed or required by the office
43 of children and family services. Further,
44 the office of children and family services
45 shall provide technical assistance to the
46 pilot program to assist with program
47 administration and timely coordination of
48 the bi-monthly claiming process. Notwith-
49 standing any other provision of law, this
50 pilot program maintained herein may be
51 terminated if the administrator for such
52 program mismanages such program, by engag-
53 ing in actions including but not limited
54 to, improper use of funds, providing for
55 child care subsidies in excess of the

1 amount the subsidy funding appropriated
2 herein can support, and failing to submit
3 claims for reimbursement in a timely fash-
4 ion 500,000

5 § 2. This act shall take effect immediately and shall be deemed to
6 have been in full force and effect on and after April 1, 2021.