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I N A S S E M B L Y

April 26, 2016

Introduced by M. of A. JAFFEE, LUPARDO -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to implementing a cost estimation model for child care

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 5, 6, 7 and 8 of section 410-x of the social  
2 services law are renumbered subdivision 6, 7, 8 and 9 and a new subdivi-  
3 sion 5 is added to read as follows:

4 5. (A) FOR EACH GROUP FOR WHICH THE OFFICE OF CHILDREN AND FAMILY  
5 SERVICES DETERMINES A SEPARATE PAYMENT RATE PURSUANT TO SUBDIVISION FOUR  
6 OF THIS SECTION, AND AT THE SAME FREQUENCY, SUCH OFFICE SHALL UTILIZE A  
7 COST ESTIMATION MODEL TO DETERMINE THE ACTUAL COST PROVIDERS INCUR WHEN  
8 PROVIDING CHILD CARE. THE COST ESTIMATION MODEL SHALL IDENTIFY AND TAKE  
9 INTO ACCOUNT COST DRIVERS INCLUDING BUT NOT LIMITED TO EMPLOYEE SALARY  
10 AND BENEFITS, ENROLLMENT LEVELS, FACILITY COSTS AND COMPLIANCE WITH  
11 STATUTORY AND REGULATORY REQUIREMENTS. WHERE A QUALITY RATING SYSTEM OR  
12 ANY QUALITY INDICATORS ARE BEING UTILIZED, THE COST ESTIMATION MODEL  
13 SHALL ALSO TAKE INTO ACCOUNT THE COST OF PROVIDING SERVICES AT EACH  
14 LEVEL OF QUALITY.

15 (B) IN DEVELOPING SUCH MODEL THE OFFICE OF CHILDREN AND FAMILY  
16 SERVICES SHALL CONSULT WITH STAKEHOLDERS INCLUDING, BUT NOT LIMITED TO,  
17 REPRESENTATIVES OF CHILD CARE RESOURCE AND REFERRAL AGENCIES, CHILD CARE  
18 PROVIDERS AND ANY STATE ADVISORY COUNCIL ESTABLISHED PURSUANT TO 42  
19 U.S.C.S. S 9831 ET. SEQ., AS AMENDED. THE COST ESTIMATION MODEL SHALL BE  
20 STATISTICALLY VALID, USING COMPLETE AND CURRENT DATA AND RIGOROUS  
21 COLLECTION METHODS.

22 S 2. Section 410-z of the social services law, as added by section 52  
23 of part B of chapter 436 of the laws of 1997, is amended to read as  
24 follows:

25 S 410-z. Reporting requirements. 1. Each social services district  
26 shall collect and submit to the [department] OFFICE OF CHILDREN AND

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

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1 FAMILY SERVICES, in such form and at such times as specified by the  
2 [department] OFFICE OF CHILDREN AND FAMILY SERVICES, such data and  
3 information regarding child care assistance provided under the block  
4 grant as the [department] OFFICE OF CHILDREN AND FAMILY SERVICES may  
5 need to comply with federal reporting requirements.

6 2. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PREPARE A REPORT  
7 DETAILING THE ACTUAL COST PROVIDERS INCUR WHEN PROVIDING CHILD CARE IN  
8 EACH SETTING, AS DETERMINED BY THE COST ESTIMATION MODEL ESTABLISHED IN  
9 PARAGRAPH (A) OF SUBDIVISION FIVE OF SECTION FOUR HUNDRED TEN-X OF THIS  
10 TITLE. THE REPORT SHALL DETAIL COST DATA FOR EACH SETTING, AGE GROUP,  
11 CARE PROVIDED TO CHILDREN WITH SPECIAL NEEDS, AND ANY OTHER GROUPING FOR  
12 WHICH A SEPARATE COST ESTIMATION IS CONDUCTED. SUCH DATA SHALL INCLUDE:

13 (A) THE LEVEL OF QUALITY CARE AS DETERMINED BY A QUALITY RATING SYSTEM  
14 OR ANY QUALITY INDICATORS UTILIZED BY THE STATE;

15 (B) A DESCRIPTION OF THE MAJOR COST DRIVERS FOR PROVIDING CARE; AND

16 (C) A COMPARISON OF THE COSTS OF CHILD CARE FOR EACH GROUPING TO THE  
17 MARKET RATE DETERMINED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES  
18 PURSUANT TO SUBDIVISION FOUR OF SECTION FOUR HUNDRED TEN-X OF THIS  
19 TITLE.

20 THE REPORT SHALL BE SUBMITTED TO THE GOVERNOR, THE SPEAKER OF THE  
21 ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE BY JUNE FIRST, TWO  
22 THOUSAND EIGHTEEN AND JUNE FIRST OF EVERY OTHER YEAR THEREAFTER. THE  
23 OFFICE OF CHILDREN AND FAMILY SERVICES SHALL POST THE INFORMATION  
24 CONTAINED IN THE REPORT ON ITS WEBSITE.

25 S 3. This act shall take effect immediately.