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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

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 4 of section 410-x of the social services law,
2 as added by section 52 of part B of chapter 436 of the laws of 1997, is
3 amended to read as follows:

4 4. (A) The amount to be paid or allowed for child care assistance
5 funded under the block grant shall be the actual cost of care but no
6 more than the applicable market-related payment rate established by the
7 department in regulations. The payment rates established by the depart-
8 ment shall be sufficient to ensure equal access for eligible children to
9 comparable child care assistance in the substate area that are provided
10 to children whose parents are not eligible to receive assistance under
11 any federal or state programs. Such payment rates shall take into
12 account the variations in the costs of providing child care in different
13 settings and to children of different age groups, and the additional
14 costs of providing child care for children with special needs.

15 (B) (1) FOR EACH GROUP FOR WHICH THE OFFICE OF CHILDREN AND FAMILY
16 SERVICES DETERMINES A SEPARATE PAYMENT RATE PURSUANT TO PARAGRAPH (A) OF
17 THIS SUBDIVISION, AND AT THE SAME FREQUENCY, SUCH OFFICE SHALL UTILIZE A
18 COST ESTIMATION MODEL TO DETERMINE THE ACTUAL COST PROVIDERS INCUR WHEN
19 PROVIDING CHILD CARE. THE COST ESTIMATION MODEL SHALL IDENTIFY AND TAKE
20 INTO ACCOUNT COST DRIVERS INCLUDING BUT NOT LIMITED TO EMPLOYEE SALARY
21 AND BENEFITS, ENROLLMENT LEVELS, FACILITY COSTS AND COMPLIANCE WITH
22 STATUTORY AND REGULATORY REQUIREMENTS. THE COST ESTIMATION MODEL SHALL
23 ALSO TAKE INTO ACCOUNT THE COST OF PROVIDING SERVICES AT EACH LEVEL OF
24 QUALITY AS DETERMINED BY A QUALITY RATING SYSTEM AND ANY QUALITY INDICA-
25 TORS UTILIZED BY THE STATE.

26 (2) IN DEVELOPING SUCH MODEL THE OFFICE OF CHILDREN AND FAMILY
27 SERVICES SHALL CONSULT WITH STAKEHOLDERS INCLUDING, BUT NOT LIMITED TO,
28 REPRESENTATIVES OF CHILD CARE RESOURCE AND REFERRAL AGENCIES, CHILD CARE

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

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1 PROVIDERS AND ANY STATE ADVISORY COUNCIL ESTABLISHED PURSUANT TO 42
2 U.S.C.S. S 9831 ET. SEQ., AS AMENDED. THE COST ESTIMATION MODEL SHALL BE
3 STATISTICALLY VALID, USING COMPLETE AND CURRENT DATA AND RIGOROUS
4 COLLECTION METHODS.

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

8 S 410-z. Reporting requirements. 1. Each social services district
9 shall collect and submit to the department, in such form and at such
10 times as specified by the department, such data and information regard-
11 ing child care assistance provided under the block grant as the depart-
12 ment may need to comply with federal reporting requirements.

13 2. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PREPARE AN ANNUAL
14 REPORT DETAILING THE ACTUAL COST PROVIDERS INCUR WHEN PROVIDING CHILD
15 CARE IN EACH SETTING, AS DETERMINED BY THE COST ESTIMATION MODEL ESTAB-
16 LISHED IN PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED
17 TEN-X OF THIS TITLE. THE REPORT SHALL DETAIL COST DATA FOR EACH
18 SETTING, AGE GROUP, CARE PROVIDED TO CHILDREN WITH SPECIAL NEEDS, AND
19 ANY OTHER GROUPING FOR WHICH A SEPARATE COST ESTIMATION IS CONDUCTED.
20 SUCH DATA SHALL INCLUDE:

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

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

24 (C) A COMPARISON OF THE COSTS OF CHILD CARE FOR EACH GROUPING TO THE
25 MARKET RATE DETERMINED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES
26 PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED
27 TEN-X OF THIS TITLE.

28 THE REPORT SHALL BE SUBMITTED TO THE GOVERNOR, THE SPEAKER OF THE
29 ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE BY JANUARY FIRST, TWO
30 THOUSAND EIGHTEEN AND JANUARY FIRST OF EACH YEAR THEREAFTER. THE OFFICE
31 OF CHILDREN AND FAMILY SERVICES SHALL POST THE INFORMATION CONTAINED IN
32 THE REPORT ON ITS WEBSITE.

33 S 3. This act shall take effect on the one hundred eightieth day after
34 it shall have become a law.