STATE OF NEW YORK

7468--A

2021-2022 Regular Sessions

IN ASSEMBLY

May 10, 2021

Introduced by M. of A. CLARK, HEVESI, SEAWRIGHT, GONZALEZ-ROJAS, THIELE, JACKSON, SIMON, DAVILA, ZINERMAN, LUPARDO, KELLES, GALLAGHER, STIRPE, McMAHON, MAGNARELLI, BRONSON, WALLACE -- read once and referred to the Committee on Children and Families -- reported and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- 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:

Section 1. Section 410-x of the social services law is amended by adding a new subdivision 5-a to read as follows:

5-a. (a) For each group for which the office of children and family services determines a separate payment rate pursuant to subdivision four of this section, and at the same frequency, such office shall utilize a cost estimation model to determine the actual cost providers incur when providing child care. The cost estimation model shall identify and take into account cost drivers including but not limited to employee salary and benefits, enrollment levels, facility costs and compliance with statutory and regulatory requirements. Where a quality rating system or any quality indicators are being utilized, the cost estimation model shall also take into account the cost of providing services at each level of quality.

(b) In developing such model the office of children and family services shall consult with stakeholders including, but not limited to, representatives of child care resource and referral agencies, child care providers and any state advisory council established pursuant to 42 U.S.C.S. § 9831 et. seq., as amended. The cost estimation model shall be

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

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statistically valid, using complete and current data and rigorous collection methods.

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

§ 410-z. Reporting requirements. **1.** Each social services district shall collect and submit to the [~~department~~] **office of children and family services**, in such form and at such times as specified by the [~~department~~] **office of children and family services**, such data and information regarding child care assistance provided under the block grant as the [~~department~~] **office of children and family services** may need to comply with federal reporting requirements.

2. The office of children and family services shall prepare a report detailing the actual cost providers incur when providing child care in each setting, as determined by the cost estimation model established in paragraph (a) of subdivision five of section four hundred ten-x of this title. The report shall detail cost data for each setting, age group, care provided to children with special needs, and any other grouping for which a separate cost estimation is conducted. Such data shall include:

(a) the level of quality care as determined by a quality rating system or any quality indicators utilized by the state;

(b) a description of the major cost drivers for providing care; and

(c) a comparison of the costs of child care for each grouping to the market rate determined by the office of children and family services pursuant to subdivision four of section four hundred ten-x of this title.

The report shall be submitted to the governor, the speaker of the assembly and the temporary president of the senate by June first, two thousand twenty-three. The office of children and family services shall post the information contained in the report on its website.

§ 3. This act shall take effect immediately.