

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

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.