

STATE OF NEW YORK

7188

2021-2022 Regular Sessions

IN SENATE

June 4, 2021

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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.

LBD11765-01-1

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

1 program or participants in the pilot
2 program, including but not limited to: the
3 number of income eligible children of
4 working parents with income greater than
5 200 percent but at or less than 275
6 percent of the federal poverty level, the
7 ages of the children served by the
8 program, the number of families served by
9 the program who are in receipt of family
10 assistance, the factors that parents
11 considered when searching for child care,
12 the factors that barred the families'
13 access to child care assistance prior to
14 their enrollment in the facilitated
15 enrollment program, the number of families
16 who receive a child care subsidy pursuant
17 to this program who choose to use such
18 subsidy for regulated child care, and the
19 number of families who receive a child
20 care subsidy pursuant to this program who
21 choose to use such subsidy to receive
22 child care services provided by a legally
23 exempt provider. Such report shall be
24 submitted by the program administrator, on
25 or before November 1, 2021, provided that
26 if such report is not received by November
27 30, 2021, reimbursement for administrative
28 costs shall be either reduced or withheld,
29 and failure of an administrator to submit
30 a timely report may jeopardize such admin-
31 istrator's program from receiving funding
32 in future years. The administrator for
33 this pilot program shall submit bimonthly
34 reports to the office of children and
35 family services, the local social services
36 district, the administration for chil-
37 dren's services, and the legislature. Each
38 bi-monthly report shall provide without
39 benefit of personal identifying informa-
40 tion, the pilot program's current enroll-
41 ment level, amount of the child's subsidy,
42 co-payment levels, and any other informa-
43 tion as needed or required by the office
44 of children and family services. Further,
45 the office of children and family services
46 shall provide technical assistance to the
47 pilot program to assist with program
48 administration and timely coordination of
49 the bi-monthly claiming process. Notwith-
50 standing any other provision of law, this
51 pilot program maintained herein may be
52 terminated if the administrator for such
53 program mismanages such program, by engag-
54 ing in actions including but not limited
55 to, improper use of funds, providing for
56 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 Notwithstanding any inconsistent provision
6 of law, the funds appropriated herein
7 shall be available for transfer to the
8 federal health and human services fund,
9 local assistance account, federal day care
10 account to operate and support enrollment
11 in the child care facilitated enrollment
12 pilot program which expand access to child
13 care subsidies for working families who
14 live or are employed in Erie County with
15 income up to 275 percent of the federal
16 poverty level as provided to the [~~Conser-~~
17 ~~tium for Worker Education~~] NYS AFL-CIO
18 Workforce Development Institute to admin-
19 ister and to implement a plan approved by
20 the office of children and family
21 services. The administrative cost, includ-
22 ing the cost of the development of the
23 evaluation of the pilot program shall not
24 exceed ten percent of the funds available
25 for the purpose. The remaining portion of
26 the funds shall be allocated to the office
27 of children and family services to the
28 local social services district where the
29 recipient families reside as determined by
30 the project administrator based on
31 projected need and cost of providing child
32 care subsidies payment to working families
33 enrolled through the pilot initiative,
34 provided however the local social services
35 district shall not reimburse subsidy
36 payment in excess of the amount the subsi-
37 dy funding appropriated herein can support
38 and the applicable local social services
39 district shall not be required to approve
40 or pay for subsidies not funded herein.
41 Child care subsidies paid on behalf of
42 eligible families shall be reimbursed at
43 the actual cost of care up to the applica-
44 ble market rate for the district in which
45 the child care is provided and in accord-
46 ance with the fee schedule of the local
47 social services district making the subsi-
48 dy payment. Up to ten percent of funds
49 available for this purpose shall be made
50 available to the [~~Consortium for Worker~~
51 ~~Education~~] NYS AFL-CIO Workforce Develop-
52 ment Institute, or other designated admin-
53 istrator, to administer and to implement a
54 plan approved by the office of children
55 and family services for this pilot
56 program. This administrator shall prepare

1 and submit to the office of children and
2 family services, the chairs of the senate
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18 ages of the children served by the
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20 the program who are in receipt of family
21 assistance, the factors that parents
22 considered when searching for child care,
23 the factors that barred the families'
24 access to child care assistance prior to
25 their enrollment in the facilitated
26 enrollment program, the number of families
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12 amount the subsidy funding appropriated
13 herein can support, and failing to submit
14 claims for reimbursement in a timely fash-
15 ion 500,000

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