

STATE OF NEW YORK

9464

IN SENATE

May 30, 2022

Introduced by Sen. KRUEGER -- (at request of the Governor) -- 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 2022, enacting the aid to
localities budget, in relation to an increase in the federal poverty
level for purposes of the child care program

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Section 1 of chapter 53 of the laws of 2022, enacting the
2 aid to localities budget, is amended by repealing the items hereinbelow
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 2022-23

8 CHILD CARE PROGRAM 965,025,200
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
20 care subsidies for working families who
21 live or are employed in Manhattan, the

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

LBD15985-01-2

1 Bronx, Brooklyn, Staten Island and Queens
2 with income up to [~~275~~] 300 percent of the
3 federal poverty level as provided to the
4 Consortium for Worker Education to admin-
5 ister and to implement a plan approved by
6 the office of children and family
7 services. The administrative cost, includ-
8 ing the cost of the development of the
9 evaluation of the pilot program shall not
10 exceed ten percent of the funds available
11 for the purpose. The remaining portion of
12 the funds shall be allocated to the office
13 of children and family services to the
14 local social services district where the
15 recipient families reside as determined by
16 the project administrator based on
17 projected need and cost of providing child
18 care subsidies payment to working families
19 enrolled through the pilot initiative,
20 provided however the local social services
21 district shall not reimburse subsidy
22 payment in excess of the amount the subsi-
23 dy funding appropriated herein can support
24 and the applicable local social services
25 district shall not be required to approve
26 or pay for subsidies not funded herein.
27 Child care subsidies paid on behalf of
28 eligible families shall be reimbursed at
29 the actual cost of care up to the applica-
30 ble market rate for the district in which
31 the child care is provided and in accord-
32 ance with the fee schedule of the local
33 social services district making the subsi-
34 dy payment. Up to ten percent of funds
35 available for this purpose shall be made
36 available to the Consortium for Worker
37 Education, or other designated administra-
38 tor, to administer and to implement a plan
39 approved by the office of children and
40 family services for this pilot program.
41 This administrator shall prepare and
42 submit to the office of children and fami-
43 ly services, the chairs of the senate
44 committee on social services, the senate
45 committee on children and families, the
46 senate committee on labor, the chairs of
47 the assembly committee on children and
48 families, the assembly committee on social
49 services, and the assembly committee on
50 labor a report on the pilot program with
51 recommendations. Such report shall include
52 available information regarding the pilot
53 program or participants in the pilot
54 program, including but not limited to: the
55 number of income eligible children of
56 working parents with income greater than

200 percent but at or less than [~~275~~] ~~300~~
percent of the federal poverty level, the
ages of the children served by the
program, the number of families served by
the program who are in receipt of family
assistance, the factors that parents
considered when searching for child care,
the factors that barred the families'
access to child care assistance prior to
their enrollment in the facilitated
enrollment program, the number of families
who receive a child care subsidy pursuant
to this program who choose to use such
subsidy for regulated child care, and the
number of families who receive a child
care subsidy pursuant to this program who
choose to use such subsidy to receive
child care services provided by a legally
exempt provider. Such report shall be
submitted by the program administrator, on
or before November 1, 2022, provided that
if such report is not received by November
30, 2022, reimbursement for administrative
costs shall be either reduced or withheld,
and failure of an administrator to submit
a timely report may jeopardize such admin-
istrator's program from receiving funding
in future years. The administrator for
this pilot program shall submit bimonthly
reports to the office of children and
family services, the local social services
district, the administration for chil-
dren's services, and the legislature. Each
bi-monthly report shall provide without
benefit of personal identifying informa-
tion, the pilot program's current enroll-
ment level, amount of the child's subsidy,
co-payment levels, and any other informa-
tion as needed or required by the office
of children and family services. Further,
the office of children and family services
shall provide technical assistance to the
pilot program to assist with program
administration and timely coordination of
the bi-monthly claiming process. Notwith-
standing any other provision of law, this
pilot program maintained herein may be
terminated if the administrator for such
program mismanages such program, by engag-
ing in actions including but not limited
to, improper use of funds, providing for
child care subsidies in excess of the
amount the subsidy funding appropriated
herein can support, and failing to submit
claims for reimbursement in a timely fash-
ion 500,000

1 Notwithstanding any inconsistent provision
2 of law, the funds appropriated herein
3 shall be available for transfer to the
4 federal health and human services fund,
5 local assistance account, federal day care
6 account to operate and support enrollment
7 in the child care facilitated enrollment
8 pilot program which expand access to child
9 care subsidies for working families who
10 live or are employed in Onondaga County
11 with income up to [~~275~~] 300 percent of the
12 federal poverty level as provided to the
13 AFL-CIO Workforce Development Institute to
14 administer and to implement a plan
15 approved by the office of children and
16 family services. The administrative cost,
17 including the cost of the development of
18 the evaluation of the pilot program shall
19 not exceed ten percent of the funds avail-
20 able for the purpose. The remaining
21 portion of the funds shall be allocated to
22 the office of children and family services
23 to the local social services district
24 where the recipient families reside as
25 determined by the project administrator
26 based on projected need and cost of
27 providing child care subsidies payment to
28 working families enrolled through the
29 pilot initiative, provided however the
30 local social service district shall not
31 reimburse subsidy payment in excess of the
32 amount the subsidy funding appropriated
33 herein can support and the applicable
34 local social services district shall not
35 be required to approve or pay for subsi-
36 dies not funded herein. Child care subsi-
37 dies paid on behalf of eligible families
38 shall be reimbursed at the actual cost of
39 care up to the applicable market rate for
40 the district in which the child care is
41 provided and in accordance with the fee
42 schedule of the local social services
43 district making the subsidy payment. Up to
44 ten percent of funds available for this
45 purpose shall be made available to the
46 AFL-CIO Workforce Development Institute,
47 or other designated administrator, to
48 administer and to implement a plan
49 approved by the office of children and
50 family services for this pilot program.
51 This administrator shall prepare and
52 submit to the office of children and fami-
53 ly services, the chairs of the senate
54 committee on social services, the senate
55 committee on children and families, the
56 senate committee on labor, the chairs of

1 the assembly committee on children and
2 families, the assembly committee on social
3 services, and the assembly committee on
4 labor a report on the pilot program with
5 recommendations. Such report shall include
6 available information regarding the pilot
7 program or participants in the pilot
8 program, including but not limited to: the
9 number of income eligible children of
10 working parents with income greater than
11 200 percent but at or less than ~~275~~ 300
12 percent of the federal poverty level, the
13 ages of the children served by the
14 program, the number of families served by
15 the program who are in receipt of family
16 assistance, the factors that parents
17 considered when searching for child care,
18 the factors that barred the families'
19 access to child care assistance prior to
20 their enrollment in the facilitated
21 enrollment program, the number of families
22 who receive a child care subsidy pursuant
23 to this program who choose to use such
24 subsidy for regulated child care, and the
25 number of families who receive a child
26 care subsidy pursuant to this program who
27 choose to use such subsidy to receive
28 child care services provided by a legally
29 exempt provider. Such report shall be
30 submitted by the program administrator, on
31 or before November 1, 2022, provided that
32 if such report is not received by November
33 30, 2022, reimbursement for administrative
34 costs shall be either reduced or withheld,
35 and failure of an administrator to submit
36 a timely report may jeopardize such admin-
37 istrator's program from receiving funding
38 in future years. The administrator for
39 this pilot program shall submit bimonthly
40 reports to the office of children and
41 family services, the local social services
42 district, the administration for chil-
43 dren's services, and the legislature.
44 Each bi-monthly report shall provide with-
45 out benefit of personal identifying infor-
46 mation, the pilot program's current
47 enrollment level, amount of the child's
48 subsidy, co-payment levels, and any other
49 information as needed or required by the
50 office of children and family services.
51 Further, the office of children and family
52 services shall provide technical assist-
53 ance to the pilot program to assist with
54 program administration and timely coordi-
55 nation of the bi-monthly claiming process.
56 Notwithstanding any other provision of

1 law, this pilot program maintained herein
2 may be terminated if the administrator for
3 such program mismanages such program, by
4 engaging in actions including but not
5 limited to, improper use of funds, provid-
6 ing for child care subsidies in excess of
7 the amount the subsidy funding appropri-
8 ated herein can support, and failing to
9 submit claims for reimbursement in a time-
10 ly fashion 500,000

11 Notwithstanding any inconsistent provision
12 of law, the funds appropriated herein
13 shall be available for transfer to the
14 federal health and human services fund,
15 local assistance account, federal day care
16 account to operate and support enrollment
17 in the child care facilitated enrollment
18 pilot program which expand access to child
19 care subsidies for working families who
20 live or are employed in Erie County with
21 income up to [~~275~~] 300 percent of the
22 federal poverty level as provided to the
23 AFL-CIO Workforce Development Institute to
24 administer and to implement a plan
25 approved by the office of children and
26 family services. The administrative cost,
27 including the cost of the development of
28 the evaluation of the pilot program shall
29 not exceed ten percent of the funds avail-
30 able for the purpose. The remaining
31 portion of the funds shall be allocated to
32 the office of children and family services
33 to the local social services district
34 where the recipient families reside as
35 determined by the project administrator
36 based on projected need and cost of
37 providing child care subsidies payment to
38 working families enrolled through the
39 pilot initiative, provided however the
40 local social services district shall not
41 reimburse subsidy payment in excess of the
42 amount the subsidy funding appropriated
43 herein can support and the applicable
44 local social services district shall not
45 be required to approve or pay for subsi-
46 dies not funded herein. Child care subsi-
47 dies paid on behalf of eligible families
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49 care up to the applicable market rate for
50 the district in which the child care is
51 provided and in accordance with the fee
52 schedule of the local social services
53 district making the subsidy payment. Up to
54 ten percent of funds available for this
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8 committee on social services, the senate
9 committee on children and families, the
10 senate committee on labor, the chairs of
11 the assembly committee on children and
12 families, the assembly committee on social
13 services, and the assembly committee on
14 labor a report on the pilot program with
15 recommendations. Such report shall include
16 available information regarding the pilot
17 program or participants in the pilot
18 program, including but not limited to: the
19 number of income eligible children of
20 working parents with income greater than
21 200 percent but at or less than ~~275~~ 300
22 percent of the federal poverty level, the
23 ages of the children served by the
24 program, the number of families served by
25 the program who are in receipt of family
26 assistance, the factors that parents
27 considered when searching for child care,
28 the factors that barred the families'
29 access to child care assistance prior to
30 their enrollment in the facilitated
31 enrollment program, the number of families
32 who receive a child care subsidy pursuant
33 to this program who choose to use such
34 subsidy for regulated child care, and the
35 number of families who receive a child
36 care subsidy pursuant to this program who
37 choose to use such subsidy to receive
38 child care services provided by a legally
39 exempt provider. Such report shall be
40 submitted by the program administrator, on
41 or before November 1, 2022, provided that
42 if such report is not received by November
43 30, 2022, reimbursement for administrative
44 costs shall be either reduced or withheld,
45 and failure of an administrator to submit
46 a timely report may jeopardize such admin-
47 istrator's program from receiving funding
48 in future years. The administrator for
49 this pilot program shall submit bimonthly
50 reports to the office of children and
51 family services, the local social services
52 district, the administration for chil-
53 dren's services, and the legislature. Each
54 bi-monthly report shall provide without
55 benefit of personal identifying informa-
56 tion, the pilot program's current enroll-

ment level, amount of the child's subsidy, co-payment levels, and any other information as needed or required by the office of children and family services. Further, the office of children and family services shall provide technical assistance to the pilot program to assist with program administration and timely coordination of the bi-monthly claiming process. Notwithstanding any other provision of law, this pilot program maintained herein may be terminated if the administrator for such program mismanages such program, by engaging in actions including but not limited to, improper use of funds, providing for child care subsidies in excess of the amount the subsidy funding appropriated herein can support, and failing to submit claims for reimbursement in a timely fashion 500,000

Notwithstanding any inconsistent provision of law, the funds appropriated herein shall be available for transfer to the federal health and human services fund, local assistance account, federal day care account to operate and support enrollment in the child care facilitated enrollment pilot program which expand access to child care subsidies for working families who live or are employed in Nassau County with income up to ~~[275]~~ 300 percent of the federal poverty level as provided to the AFL-CIO Workforce Development Institute to administer and to implement a plan approved by the office of children and family services. The administrative cost, including the cost of the development of the evaluation of the pilot program shall not exceed ten percent of the funds available for the purpose. The remaining portion of the funds shall be allocated to the office of children and family services to the local social services district where the recipient families reside as determined by the project administrator based on projected need and cost of providing child care subsidies payment to working families enrolled through the pilot initiative, provided however the local social services district shall not reimburse subsidy payment in excess of the amount the subsidy funding appropriated herein can support and the applicable local social services district shall not be required to approve or pay for subsidies not funded herein. Child care subsi-

1 dies paid on behalf of eligible families
2 shall be reimbursed at the actual cost of
3 care up to the applicable market rate for
4 the district in which the child care is
5 provided and in accordance with the fee
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8 ten percent of funds available for this
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27 program or participants in the pilot
28 program, including but not limited to: the
29 number of income eligible children of
30 working parents with income greater than
31 200 percent but at or less than ~~[275]~~ 300
32 percent of the federal poverty level, the
33 ages of the children served by the
34 program, the number of families served by
35 the program who are in receipt of family
36 assistance, the factors that parents
37 considered when searching for child care,
38 the factors that barred the families'
39 access to child care assistance prior to
40 their enrollment in the facilitated
41 enrollment program, the number of families
42 who receive a child care subsidy pursuant
43 to this program who choose to use such
44 subsidy for regulated child care, and the
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46 care subsidy pursuant to this program who
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49 exempt provider. Such report shall be
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19 the bi-monthly claiming process. Notwith-
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24 ing in actions including but not limited
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27 amount the subsidy funding appropriated
28 herein can support, and failing to submit
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30 ion 1,500,000

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33 shall be available for transfer to the
34 federal health and human services fund,
35 local assistance account, federal day care
36 account to operate and support enrollment
37 in the child care facilitated enrollment
38 pilot program which expand access to child
39 care subsidies for working families who
40 live or are employed in Suffolk County
41 with income up to [~~275~~] 300 percent of the
42 federal poverty level as provided to the
43 AFL-CIO Workforce Development Institute to
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48 the evaluation of the pilot program shall
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2 working families enrolled through the
3 pilot initiative, provided however the
4 local social services district shall not
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8 local social services district shall not
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29 committee on children and families, the
30 senate committee on labor, the chairs of
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35 recommendations. Such report shall include
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37 program or participants in the pilot
38 program, including but not limited to: the
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41 200 percent but at or less than ~~275~~ 300
42 percent of the federal poverty level, the
43 ages of the children served by the
44 program, the number of families served by
45 the program who are in receipt of family
46 assistance, the factors that parents
47 considered when searching for child care,
48 the factors that barred the families'
49 access to child care assistance prior to
50 their enrollment in the facilitated
51 enrollment program, the number of families
52 who receive a child care subsidy pursuant
53 to this program who choose to use such
54 subsidy for regulated child care, and the
55 number of families who receive a child
56 care subsidy pursuant to this program who

choose to use such subsidy to receive child care services provided by a legally exempt provider. Such report shall be submitted by the program administrator, on or before November 1, 2022, provided that if such report is not received by November 30, 2022, reimbursement for administrative costs shall be either reduced or withheld, and failure of an administrator to submit a timely report may jeopardize such administrator's program from receiving funding in future years. The administrator for this pilot program shall submit bimonthly reports to the office of children and family services, the local social services district, the administration for children's services, and the legislature. Each bi-monthly report shall provide without benefit of personal identifying information, the pilot program's current enrollment level, amount of the child's subsidy, co-payment levels, and any other information as needed or required by the office of children and family services. Further, the office of children and family services shall provide technical assistance to the pilot program to assist with program administration and timely coordination of the bi-monthly claiming process. Notwithstanding any other provision of law, this pilot program maintained herein may be terminated if the administrator for such program mismanages such program, by engaging in actions including but not limited to, improper use of funds, providing for child care subsidies in excess of the amount the subsidy funding appropriated herein can support, and failing to submit claims for reimbursement in a timely fashion 1,500,000

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022.