

STATE OF NEW YORK

3245

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sens. BRISPORT, BAILEY, BROUK, CLEARE, COMRIE, COONEY, GOUNARDES, HINCHEY, HOYLMAN-SIGAL, JACKSON, KAVANAGH, KENNEDY, LIU, MYRIE, RAMOS, RIVERA, SALAZAR, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the social services law and the education law, in relation to the provision of universal child care; to amend chapter 493 of the laws of 2017 amending the social services law relating to establishing a child care availability taskforce to evaluate the need for and availability of child care throughout the state, in relation to the effectiveness thereof; to amend the state finance law, in relation to establishing certain funds to provide for the establishment and funding of universal child care; to repeal certain provisions of the social services law relating thereto; and making an appropriation therefor

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "universal child care act".
3 § 2. Legislative findings. The legislature hereby finds and declares
4 that New York State's child care sector is facing an economic crisis. In
5 2018, the legislature created a Child Care Availability Task Force. In
6 2021, that Task Force issued its final report, finding that the current
7 crisis "requires a dramatically different approach to child care: one
8 that recognizes that high-quality child care is a public good and that
9 provides the necessary public investment" to implement a system of high-
10 quality universal child care. This legislation will move New York
11 towards such a dramatically new system, where child care workers are
12 treated with dignity and compensated generously as the educators that
13 they are, where child care is free and available to all just like our
14 public education system is free and available for all, where burdensome

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

LBD05105-02-3

1 and ineffective means-testing requirements are ultimately eliminated,
2 where public investments are directed towards those most in need as we
3 build out our important child care infrastructure, where families have a
4 meaningful ability to select the modalities that work best for their
5 children, where child care providers are not forced to compete against
6 each other, where high-quality is ensured for all so that we do not have
7 a two-tiered child care system where the wealthy have high-quality care
8 and the working poor have substandard care, where both federal and state
9 funding is allocated generously, where the burden on localities is mini-
10 mized, and where our child care system is truly universal.

11 § 3. Section 390-k of the social services law, as added by chapter 493
12 of the laws of 2017, subdivisions 2 and 4 as amended by chapter 797 of
13 the laws of 2021 and subdivision 3 as amended by chapter 133 of the laws
14 of 2022, is amended to read as follows:

15 § 390-k. [~~Child~~] Universal care [~~availability~~] taskforce. 1. There
16 shall be established [~~within the office of children and family services~~]
17 a universal child care taskforce for the purpose of [~~evaluating the need~~
18 ~~for and availability of child care throughout the state~~] guiding New
19 York towards a system of free and universal child care.

20 2. The taskforce shall be chaired by a representative of the executive
21 chamber and the commissioners of the office of children and family
22 services [~~and~~], the department of labor and the department of education,
23 or their designees. Members of the taskforce shall serve without compen-
24 sation for three year terms, but may be reimbursed for actual costs
25 incurred for participation on such taskforce. Ensuring adequate
26 geographic, racial and ethnic representation, members of the taskforce
27 shall be appointed by the governor and comprised as follows:

28 (a) four individuals shall be appointed upon the recommendation of the
29 speaker of the assembly, at least one of whom shall be a parent who has
30 utilized subsidized child care and at least one of whom shall be a
31 parent who has utilized unsubsidized child care, from different regions
32 of the state;

33 (b) four individuals shall be appointed upon the recommendation of the
34 temporary president of the senate, at least one of whom shall be a
35 parent who has utilized subsidized child care and at least one of whom
36 shall be a parent who has utilized unsubsidized child care, from differ-
37 ent regions of the state;

38 (c) one individual shall be appointed upon the recommendation of the
39 minority leader of the assembly;

40 (d) one individual shall be appointed upon the recommendation of the
41 minority leader of the senate;

42 (e) two representatives of a child care resource and referral agency;

43 (f) a minimum of three and a maximum of four representatives of home-
44 based child care providers;

45 (g) a minimum of three and a maximum of four representatives of
46 center-based child care providers;

47 (h) two representatives from the [~~business~~] public education communi-
48 ty;

49 (i) two representatives from unions that represent child care provid-
50 ers; and

51 (j) at least one representative from each of the following entities:

52 (i) the office of temporary and disability assistance;

53 (ii) the council on children and families;

54 (iii) the department of taxation and finance;

55 (iv) a regional economic development council;

1 (v) the state university of New York or the city university of New
2 York;

3 (vi) the state education department;

4 (vii) the early childhood advisory council;

5 (viii) a social [~~service~~] services district or county government or an
6 entity that advocates on behalf of social services or county govern-
7 ments; [~~and~~]

8 (ix) a non-profit child care advocacy organization; and

9 (x) an academic research institution, with expertise regarding differ-
10 ent international child care systems.

11 3. The taskforce shall:

12 (a) examine the negative impact of the COVID-19 pandemic on child care
13 in New York state, as well as the negative impacts presented by the
14 multiplicity of different agencies administering the child care system,
15 and the difficulties posed by means-testing requirements, work require-
16 ments, activities tests, and immigration status requirements;

17 (b) advise the state in developing an implementation framework leading
18 to a four-year phased-in rollout of universal child care [~~using existing~~
19 ~~state and federal resources~~], which is free at the point of service for
20 all families, which delivers high-quality child care to all New Yorkers,
21 and which offers salaries to educators comparable to those of public
22 school teachers;

23 (c) recommend [~~potential~~] solutions[~~, partnerships, or other ways~~] to
24 address chronic child care workforce issues, the availability of child
25 care for non-traditional work hours, and other concerns identified in
26 the course of the examination required by this subdivision;

27 (d) [~~assess the implementation of policies supported by~~] recommend
28 federal legislative changes necessary to access federally funded
29 programs [~~through various stimulus packages~~], as well as state funding
30 appropriations needed to completely eliminate means-testing require-
31 ments, work requirements, activities tests, and immigration status
32 requirements; [~~and~~]

33 (e) how best to phase in the establishment of a dedicated department
34 of early education, which shall possess the duties required to maintain
35 and administer the free and high-quality universal child care system
36 pursuant to the recommendations of the taskforce; and

37 [~~(e)~~] (f) anything else the taskforce deems necessary.

38 4. [~~(a)~~] The taskforce shall report [~~its interim findings and recom-~~
39 ~~mendations in accordance with subdivision three of this section to the~~
40 ~~governor, the speaker of the assembly and the temporary president of the~~
41 ~~senate no later than November first, two thousand twenty-two and its~~
42 ~~final findings and recommendations no later than December thirty-first,~~
43 ~~two thousand twenty-three.~~

44 (b) ~~The taskforce shall also report on the implementation of any~~
45 ~~recommendations that resulted from the initial report required to be~~
46 ~~produced by the task force pursuant to subdivision four of chapter four~~
47 ~~hundred ninety-three of the laws of two thousand seventeen. Such addi-~~
48 ~~tional report shall be provided annually, beginning July first two thou-~~
49 ~~sand twenty-two] a four-year plan for a phased roll-out of universal
50 child care in the state, and make annual recommendations, starting in
51 November first, two thousand twenty-three through November thirtieth,
52 two thousand twenty-four, for specific appropriations for budget allo-
53 cations that would allow for a truly free and universal child care
54 system, including, but not limited to: (a) wage increases for child care
55 workers that allow them to achieve pay parity with public school teach-
56 ers; (b) capital expenditures to allow for the expansion of child care~~

1 infrastructure into communities most in need; and (c) startup funds to
2 allow for the creation of new child care programs in child care deserts.
3 Such recommendations shall include recommendations to identify all
4 reasonable means of maximizing the allocation of federal funds, as well
5 as supplemental funding from the state that would allow for a truly free
6 and universal child care system. The taskforce report shall further make
7 recommendations for the integration of child care programs into existing
8 public programs, such as public schools, public universities, and public
9 housing, to deliver high-quality child care to all New Yorkers. Such
10 recommendations shall be based on what is needed to actually achieve a
11 high-quality universal child care system in the state, and what addi-
12 tional funding would be needed from the state to achieve that goal.
13 Each year, following the annual state budget, the taskforce shall also
14 provide a score card stating how close New York has come to achieving a
15 high-quality universal child care system, provided, however, that task
16 force members who are employees of the governor's office and the state
17 legislature shall recuse themselves from such rating process. The task-
18 force shall report its findings annually.

19 § 4. Subdivision 8 of section 390 of the social services law, as added
20 by chapter 750 of the laws of 1990, is amended to read as follows:

21 8. The [~~department~~] office of children and family services shall
22 establish and maintain a list of all current registered and licensed
23 child day care programs and a list of all programs whose license or
24 registration has been revoked, rejected, terminated, or suspended. [~~Such~~
25 ~~information shall be available to the public, pursuant to procedures~~
26 ~~developed by the department~~] The office of children and family services
27 shall work with service providers and child care resource and referral
28 agencies throughout the state to gather information to create and main-
29 tain a publicly-searchable, user-friendly, and language-accessible data-
30 base of available child care facilities on the office's website and on a
31 companion phone application. Such database shall be updated in real
32 time and shall provide and be searchable by the following information:

33 (a) the name and address of the facility;

34 (b) the capacity of the facility;

35 (c) whether the facility is fully enrolled or has current availabili-
36 ty, with the available capacity specified by age group;

37 (d) whether the facility has a waiting list for which a family can
38 apply;

39 (e) the age range allowable for the facility;

40 (f) the modality for the facility;

41 (g) the operating hours for the facility;

42 (h) the language or languages spoken at the facility; and

43 (i) whether the facility has been cited for any violations, with any
44 such violations separated into "dangerous" and "non-dangerous" catego-
45 ries, and prominent notices indicating whether any such violations have
46 been cured or addressed.

47 The office of children and family services shall provide information
48 on its website in English, French, Polish, and the ten most common non-
49 English languages spoken by individuals with limited English proficiency
50 in the state, based on United States census data.

51 § 5. Subdivision 1 of section 410 of the social services law, as added
52 by chapter 395 of the laws of 1965, is amended to read as follows:

53 1. A public welfare official of a county, city or town is [~~authorized~~]
54 obligated, provided funds have been made available therefor, to provide
55 day care at public expense for children residing in his or her territory
56 [~~who are eligible therefor pursuant to provisions of this title. Such~~

~~care may be provided only in cases where it is determined, under criteria established by the department, that there is a need therefor because of inability of the parents to provide care and supervision for a substantial part of the day and that such care is in the best interest of the child and parent. Where the family is able to pay part or all of the costs of such care, payment of such fees as may be reasonable in the light of such ability shall be required]~~ with the aim of providing free and universal child care for all families within such territory.

§ 6. Subdivision 2 of section 410-b of the social services law, as added by chapter 395 of the laws of 1965 and such section as renumbered by chapter 640 of the laws of 1971, is amended and a new subdivision 5 is added to read as follows:

2. The [~~department of social welfare~~] office of children and family services is hereby designated and empowered to act as the agent of the state in carrying out the provisions of any such federal law with respect to such day care facilities in this state. In exercising this duty as agent of the state, the office of children and family services shall seek to obtain any waivers or permissions from federal agencies necessary and proper to allow the state and its various subdivisions to implement a child care system that is universal and free at the point of service, notwithstanding that the state's child care system may be more expansive than what is being reimbursed with federal funds.

5. To the extent that federal funds are offered for child care and are contingent on matching funds from the state, the state shall make all reasonable efforts to maximize the allocation of federal funds by making sufficient state-level appropriations.

§ 7. Subdivisions 5, 6, 7 and 8 of section 410-x of the social services law are renumbered subdivisions 6, 7, 8 and 9 and a new subdivision 5 is added to read as follows:

5. (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 high-quality 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, labor leaders for any labor unions representing child care workers in the state, and any state advisory council established pursuant to 42 U.S.C.S. § 9831 et. seq., as amended. The cost estimation model shall be statistically valid, using complete and current data and rigorous collection methods. The cost estimation model shall further account for biases in reported data that tend to underestimate the cost of care, and shall make appropriate adjustments.

§ 8. 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

1 [~~department~~] office of children and family services, such data and
2 information regarding child care assistance provided under the block
3 grant as the [~~department~~] office of children and family services may
4 need to comply with federal reporting requirements.

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

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

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

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

19 The report shall be submitted to the governor, the speaker of the
20 assembly and the temporary president of the senate by June first, two
21 thousand twenty-five and June first of every other year thereafter. The
22 office of children and family services shall post the information
23 contained in the report on its website.

24 § 9. Subdivision 1 and paragraph (b) of subdivision 5 of section 410-c
25 of the social services law, subdivision 1 as added by chapter 1014 of
26 the laws of 1969, paragraph (a) of subdivision 1 as amended by chapter
27 110 of the laws of 1971, and paragraph (b) of subdivision 5 as amended
28 by chapter 277 of the laws of 1990, and such section as renumbered by
29 chapter 640 of the laws of 1971, are amended to read as follows:

30 1. (a) Expenditures made by counties, cities, and towns for day care
31 and its administration, and day care center projects, pursuant to the
32 provisions of this title, shall, if approved by the department, be
33 subject to reimbursement by the state, in accordance with the regu-
34 lations of the department, as follows: There shall be paid to each coun-
35 ty, city or town (1) the amount of federal funds, if any, properly
36 received or to be received on account of such expenditures; (2) [~~fifty~~]
37 ninety per centum of its expenditures for day care and its adminis-
38 tration and day care center projects, after first deducting therefrom
39 any federal funds received or to be received on account thereof, and any
40 expenditures defrayed by fees paid by parents or by other private
41 contributions.

42 (b) For the purpose of this title, expenditures for administration of
43 day care shall include expenditures for compensation of employees in
44 connection with the furnishing of day care, including but not limited to
45 costs incurred for pensions, federal old age and survivors insurance and
46 health insurance for such employees; training programs for personnel,
47 operation, maintenance and service costs; and such other expenditures
48 such as equipment costs, depreciation and charges and rental values as
49 may be approved by the department. It [~~shall not~~] may include expendi-
50 tures for capital costs in appropriate cases at the discretion of the
51 department, provided that capital costs are prioritized in areas that
52 are categorized as child care deserts. In the case of day care purchased
53 from a non-profit corporation constituting an eligible borrower pursuant
54 to title five-a of this article, expenditures shall include an allocable
55 proportion of all operating costs of such facility as may be approved by
56 the department including but not limited to the expenditures enumerated

1 in this paragraph [~~(b)~~] and expenditures for amortization, interest and
2 other financing costs of any mortgage loan made to such non-profit
3 corporation.

4 (b) The commissioner shall, within appropriations made available
5 therefor, select proposed school age child day care programs which shall
6 be eligible to receive an award [~~of no more than twenty-five thousand~~
7 ~~dollars~~] for start up or expansion costs, including planning, rental,
8 operational and equipment costs, or minor renovations identified as
9 being necessary in order for the program to comply with applicable state
10 or local building, fire safety or licensing standards, based on plans
11 submitted to him. The commissioner shall give preference to those areas
12 of the state which are significantly underserved by existing school age
13 child day care programs and to those programs which involve parents in
14 the development and implementation of programs. The commissioner shall
15 publicize this availability of funds to be used for purposes of this
16 subdivision in awarding grants. Plans may be submitted by private not-
17 for-profit corporations, organizations or governmental subdivisions.

18 § 10. Subdivision 8 of section 410-w of the social services law, as
19 amended by section 1 of part Z of chapter 56 of the laws of 2021, is
20 amended to read as follows:

21 8. Notwithstanding any other provision of law, rule or regulations to
22 the contrary, a social services district that implements a plan amend-
23 ment to the child care portion of its child and family services plan,
24 either as part of an annual plan update, or through a separate plan
25 amendment process, where such amendment reduces eligibility for, or
26 increases the family share percentage of, families receiving child care
27 services, or that implements the process for closing child care cases as
28 set forth in the district's approved child and family services plan, due
29 to the district determining that it cannot maintain its current caseload
30 because all of the available funds are projected to be needed for open
31 cases, shall provide all families whose eligibility for child care
32 assistance or family share percentage will be impacted by such action
33 with at least thirty days prior written notice of the action. Provided,
34 however, that a family receiving assistance pursuant to this title shall
35 not be required to contribute more than what is required by federal law
36 or ten percent of their income exceeding the federal poverty level,
37 whichever is lower, and that such cost shall be covered entirely by the
38 state.

39 § 11. Subdivision 6 of section 410-x of the social services law, as
40 amended by section 2 of part Z of chapter 56 of the laws of 2021, is
41 amended to read as follows:

42 6. Pursuant to department regulations, child care assistance shall be
43 provided on a sliding fee basis based upon the family's ability to pay;
44 provided, however, that a family receiving assistance pursuant to this
45 title shall not be required to contribute more than what is required by
46 federal law or ten percent of their income exceeding the federal poverty
47 level, whichever is lower, and that such cost shall be covered entirely
48 by the state.

49 § 12. Section 410-x of the social services law is amended by adding a
50 new subdivision 9 to read as follows:

51 9. A social services district shall establish differential payment
52 rates for child care services provided by licensed, registered or
53 enrolled child care providers as required by this subdivision.

54 (a) Local social services districts shall establish a differential
55 payment rate for child care services provided by licensed or registered
56 child care providers who provide care to a child or children experienc-

1 ing homelessness. Such differential payment rate shall be twenty percent
2 higher than the actual cost of care or the applicable market-related
3 payment rate established by the office of children and family services
4 in regulations, whichever is less.

5 (b) Local social services districts shall establish a differential
6 payment rate for child care services provided by licensed, registered,
7 or enrolled child care providers who provide care to a child during
8 nontraditional hours. "Nontraditional hours" shall mean care provided in
9 the evening, night, or on the weekend. Such differential payment rate
10 shall be twenty percent higher than the actual cost of care or the
11 applicable market-related payment rate established by the office of
12 children and family services in regulations, whichever is less.

13 (c) The cost of the differential payment rates established under this
14 subdivision shall be covered by the state.

15 § 13. Subdivision 1 of section 410 of the social services law, as
16 amended by chapter 694 of the laws of 2022, is amended to read as
17 follows:

18 1. A public welfare official of a county, city or town [~~is authorized~~]
19 shall, provided funds have been made available therefor, [~~to~~] and with
20 the state making all reasonable efforts to obtain federal funding and
21 supplementing those amounts with additional state funding, provide day
22 care at public expense for children residing in his or her territory who
23 are eligible therefor pursuant to provisions of this title. Such care
24 [~~may~~] shall be provided [~~only in cases where it is determined,~~] under
25 criteria established by the office of children and family services, that
26 there is a need and that such care is in the best interest of the child
27 and parent; provided however that the public welfare official shall not
28 [~~be required to~~] limit authorized child care services strictly based on
29 the work, training, or educational schedule of the parents or the number
30 of hours the parents spend in work, training, or educational activities,
31 nor shall the public welfare official limit authorized child care
32 services based on proof of immigration status. Where the family [~~is able~~
33 ~~to pay part or all of the costs of such care~~] income is more than one
34 thousand percent of the poverty line, payment of such fees as may be
35 reasonable in the light of such ability [~~shall~~] may be required to the
36 extent necessary as the state transitions to a system that is free and
37 universal. To the extent there are insufficient funds to immediately
38 serve all families, the state shall make all reasonable efforts to
39 incrementally expand to universal access over a period of four years,
40 pursuant to the phase-in priorities and principles recommended by the
41 taskforce under section three hundred ninety-k of this article.

42 § 14. Paragraph (b) of subdivision 3 of section 410 of the social
43 services law is REPEALED and paragraphs (c) and (d) are relettered para-
44 graphs (b) and (c).

45 § 15. Subdivisions 1 and 2 of section 410-bb of the social services
46 law, subdivision 1 as added by chapter 503 of the laws of 1988, subdivi-
47 sion 2 as amended by chapter 659 of the laws of 1988, are amended to
48 read as follows:

49 1. The legislature finds and declares that a crisis exists in the
50 availability and quality of child day care in New York state and that
51 this crisis poses a danger both to the welfare and safety of the chil-
52 dren and to the productivity of this state's workforce; that inadequate
53 salaries and in many cases nonexistent benefit packages have substan-
54 tially contributed to the existing crisis by precluding day care centers
55 from recruiting and retaining necessary teaching and supervisory staff;
56 that an extremely high turnover rate has interfered in many instances

1 with the ability of day care centers to comply with regulatory require-
2 ments and to properly serve the children in their care; and that because
3 of these extraordinary circumstances New York state must intervene and
4 provide assistance for recruitment and retention of child care workers,
5 with the goal of creating a free and universal child care system that is
6 available to all, in the same manner as the public school system, with-
7 out the burdens of means-testing. The legislature recognizes that a
8 long-term solution to this crisis will require cooperative efforts among
9 [~~the business community, local and state governments and families~~] all
10 New Yorkers.

11 2. Within amounts appropriated specifically therefor, and after
12 deducting funds as specified in subdivision three of this section, the
13 commissioner shall allocate funds to local social services districts for
14 grants to [~~eligible not-for-profit day care centers~~] child care provid-
15 ers for retention and recruitment of teaching and supervisory staff, [~~as~~
16 ~~follows:~~

17 ~~(a) a city social services district with a population in excess of one~~
18 ~~million shall be allocated a portion of such funds based on an equal~~
19 ~~weighting of:~~

20 ~~(i) its proportion of the state population of children aged five and~~
21 ~~under, and~~

22 ~~(ii) its proportion of total claims for reimbursement received by the~~
23 ~~department by May thirty first, nineteen hundred eighty eight for the~~
24 ~~low income, transitional and teen parent day care programs authorized by~~
25 ~~chapter fifty three of the laws of nineteen hundred eighty seven.~~

26 ~~(b) all other eligible local social services districts shall be allo-~~
27 ~~cated the remaining portion of funds based on each district's propor-~~
28 ~~tionate share of licensed not for profit day care capacity relative to~~
29 ~~the total capacity of all such other eligible districts] with the aim of
30 providing staff with salary and benefits that is at parity with that of
31 local public school teachers in the relevant area.~~

32 § 16. Subdivisions 1 and 2 of section 410-v of the social services
33 law, subdivision 1 as added by section 52 of part B of chapter 436 of
34 the laws of 1997, subdivision 2 as amended by chapter 214 of the laws of
35 1998, are amended to read as follows:

36 1. The part of the block grant that is determined to be available to
37 social services districts for child care assistance shall be apportioned
38 among the social services districts by the department according to an
39 allocation plan developed by the department and approved by the director
40 of the budget. The allocation plan shall [~~be based, at least in part, on~~
41 ~~historical costs and on the availability and cost of, and the need for,~~
42 ~~child care assistance in each social services district] aim to provide
43 universal and free child care on a statewide basis. Annual allocations
44 shall be made on a federal fiscal year basis and shall incorporate the
45 annual recommendations of the child care taskforce established under
46 section three hundred ninety-k of this article.~~

47 2. Reimbursement under the block grant to a social services district
48 for its expenditures for child care assistance shall be available for
49 [~~seventy-five~~] ninety percent of the district's expenditures for child
50 care assistance provided to those families in receipt of public assist-
51 ance which are eligible for child care assistance under this title and
52 for one hundred percent of the social services district's expenditures
53 for other eligible families[~~, provided, however, that such reimbursement~~
54 ~~shall be limited to the social services district's annual state block~~
55 ~~grant allocation]. To the extent that families are not eligible for
56 funding pursuant to this provision, the state shall make all reasonable~~

1 efforts to ensure that families not eligible for federally-funded child
2 care have access, phased-in over a period of four years, pursuant to the
3 phase-in priorities and principles recommended by the taskforce under
4 section three hundred ninety-k of this article.

5 § 17. Subdivisions 1 and 2 of section 410-w of the social services
6 law, subdivision 1 as amended by section 2 of part L of chapter 56 of
7 the laws of 2022 and subdivision 2 as amended by chapter 569 of the laws
8 of 2001, are amended to read as follows:

9 1. A social services district may use the funds allocated to it from
10 the block grant to provide child care assistance to[+

11 ~~(a) families receiving public assistance when such child care assist-~~
12 ~~ance is necessary; to enable a parent or caretaker relative to engage in~~
13 ~~work, participate in work activities or perform a community service~~
14 ~~pursuant to title nine-B of article five of this chapter; to enable a~~
15 ~~teenage parent to attend high school or other equivalent training~~
16 ~~program; because the parent or caretaker relative is physically or~~
17 ~~mentally incapacitated; or because family duties away from home necessi-~~
18 ~~tate the parent or caretaker relative's absence; child day care shall be~~
19 ~~provided during breaks in activities, for a period of up to two weeks.~~
20 ~~Such child day care may be authorized for a period of up to one month if~~
21 ~~child care arrangements shall be lost if not continued, and the program~~
22 ~~or employment is scheduled to begin within such period;~~

23 ~~(b) families with incomes up to two hundred percent of the state~~
24 ~~income standard, or three hundred percent of the state income standard~~
25 ~~effective August first, two thousand twenty-two who are attempting~~
26 ~~through work activities to transition off of public assistance when such~~
27 ~~child care is necessary in order to enable a parent or caretaker rela-~~
28 ~~tive to engage in work provided such families' public assistance has~~
29 ~~been terminated as a result of increased hours of or income from employ-~~
30 ~~ment or increased income from child support payments or the family~~
31 ~~voluntarily ended assistance; provided that the family received public~~
32 ~~assistance at least three of the six months preceding the month in which~~
33 ~~eligibility for such assistance terminated or ended or provided that~~
34 ~~such family has received child care assistance under subdivision four of~~
35 ~~this section; and provided, the family income does not exceed eighty-~~
36 ~~five percent of the state median income;~~

37 ~~(c) families with incomes up to two hundred percent of the state~~
38 ~~income standard, or three hundred percent of the state income standard~~
39 ~~effective August first, two thousand twenty-two, which are determined in~~
40 ~~accordance with the regulations of the department to be at risk of~~
41 ~~becoming dependent on family assistance; provided, the family income~~
42 ~~does not exceed eighty five percent of the state median income;~~

43 ~~(d) families with incomes up to two hundred percent of the state~~
44 ~~income standard, or three hundred percent of the state income standard~~
45 ~~effective August first, two thousand twenty-two, who are attending a~~
46 ~~post secondary educational program; provided, the family income does not~~
47 ~~exceed eighty five percent of the state median income; and~~

48 ~~(e) other families with incomes up to two hundred percent of the state~~
49 ~~income standard, or three hundred percent of the state income standard~~
50 ~~effective August first, two thousand twenty-two, which the social~~
51 ~~services district designates in its consolidated services plan as eligi-~~
52 ~~ble for child care assistance in accordance with criteria established by~~
53 ~~the department; provided, the family income does not exceed eighty five~~
54 ~~percent of the state median income] families who need child care or who
55 are having trouble affording child care, to the maximum extent permissi-
56 ble under federal laws and regulations. To the extent that families are~~

1 not eligible for funding pursuant to this provision, the state shall
 2 make all reasonable efforts to ensure that families not eligible for
 3 federally-funded child care have access, phased-in over a period of four
 4 years, pursuant to the phase-in priorities and principles recommended by
 5 the taskforce under section three hundred ninety-k of this article.

6 2. [~~For the purposes of this title, the term "state income standard"~~
 7 ~~means the most recent federal income official poverty line (as defined~~
 8 ~~and annually revised by the federal office of management and budget)~~
 9 ~~updated by the department for a family size of four and adjusted by the~~
 10 ~~department for family size] Each social services district shall conduct
 11 extensive and language-accessible outreach to families who need child
 12 care or who are having trouble affording child care. To the extent that
 13 social services districts or the office of children and family services
 14 are required to examine families' incomes pursuant to federal laws or
 15 regulations, they shall use the least restrictive and most efficient
 16 means available to avoid placing undue burdens on families applying for
 17 assistance. To the extent that families applying for assistance are
 18 required to provide proof of eligibility, each local social services
 19 district and the office of children and family services shall make all
 20 reasonable efforts to provide assistance in completing all necessary
 21 documents expeditiously.~~

22 § 18. Subdivision 2 of section 410-u of the social services law, as
 23 added by section 1 of part L of chapter 56 of the laws of 2022, is
 24 amended to read as follows:

25 2. The state block grant for child care shall be divided into two
 26 parts pursuant to a plan developed by the department and approved by the
 27 director of the budget. One part shall be retained by the state to
 28 provide child care on a statewide basis to special groups and for activ-
 29 ities to increase the availability and/or quality of child care
 30 programs, including, but not limited to, the start-up of child care
 31 programs, the increase of child care worker salaries, the operation of
 32 child care resource and referral programs, training activities, the
 33 regulation and monitoring of child care programs, the development of
 34 computerized data systems, and consumer education, provided however,
 35 that child care resource and referral programs funded under title five-B
 36 of article six of this chapter shall meet additional performance stand-
 37 ards developed by the department of social services including but not
 38 limited to: increasing the number of child care placements for all
 39 persons, with priority given to persons who are at or below [~~two hundred~~
 40 ~~percent of the state income standard, or three hundred percent of the~~
 41 ~~state income standard effective August first, two thousand twenty-two,~~
 42 ~~provided such persons are at or below eighty five percent of the state~~
 43 ~~median income,~~] one thousand percent of the federal poverty line; with
 44 emphasis on placements supporting local efforts in meeting federal and
 45 state work participation requirements, increasing technical assistance
 46 to all modalities of legal child care to persons, with a priority given
 47 to persons who are at or below [~~two hundred percent of the state income~~
 48 ~~standard, or three hundred percent of the state income standard effec-~~
 49 ~~tive August first, two thousand twenty-two, provided such persons are at~~
 50 ~~or below eighty five percent of the state median income,~~] one thousand
 51 percent of the federal poverty line; including the provision of training
 52 to assist providers in meeting child care standards or regulatory
 53 requirements[7]; and creating new child care opportunities, and assist-
 54 ing social services districts in assessing and responding to child care
 55 needs for all persons, with priority given to persons at or below [~~two~~
 56 ~~hundred percent of the state income standard, or three hundred percent~~

1 ~~of the state income standard effective August first, two thousand twenty-two, provided such persons are at or below eighty five percent of the~~
2 ~~state median income]~~ one thousand percent of the federal poverty line.

3
4 The department shall have the authority to withhold funds from those
5 agencies which do not meet performance standards. Agencies whose funds
6 are withheld may have funds restored upon achieving performance stand-
7 ards. The other part shall be allocated to social services districts to
8 provide child care assistance to families receiving family assistance
9 and to other low income families. To the extent that families are not
10 eligible for funding pursuant to this subdivision, the state shall make
11 all reasonable efforts to ensure that families not eligible for federal-
12 ly-funded child care have access, phased-in over a period of four years,
13 pursuant to the phase-in priorities and principles recommended by the
14 taskforce under section three hundred ninety-k of this article.

15 § 19. Section 410-cc of the social services law, as amended by chapter
16 882 of the laws of 1990, is amended to read as follows:

17 § 410-cc. Start up grants for child day care. The commissioner shall
18 provide funds to start up grants to not-for-profit organizations or
19 corporations for the development of new or expanded all day child day
20 care programs including costs related to planning, renting, renovating,
21 operating, and purchasing equipment. The commissioner shall establish
22 guidelines including, but not limited to, allowable costs, and criteria
23 for eligibility for grants giving preference to those child day care
24 providers who [~~will, to the maximum extent feasible, target services to~~
25 ~~households having incomes up to two hundred percent of the federal~~
26 ~~poverty standard]~~ serve areas that currently constitute child care
27 deserts, and with the aim of developing New York's statewide universal
28 child care infrastructure. The commissioner shall widely publicize the
29 availability of funds and conduct extensive outreach in a language-ac-
30 cessible manner to develop the state's universal child care infrastruc-
31 ture. [~~No awards shall be granted which exceed twenty five hundred~~
32 ~~dollars for a new family day care provider or new group family day care~~
33 ~~provider, and one hundred thousand dollars for a new child day care~~
34 ~~center.] Child care resource and referral agencies [~~may~~] shall receive
35 family day care start up grants [~~not to exceed two thousand five hundred~~
36 ~~dollars per new provider~~] if the agency trains such new family provider
37 and thereby expands the supply of family day care programs in the commu-
38 nity. The commissioner shall give preference to those communities which
39 are significantly underserved by existing programs and to those programs
40 which and those providers who will serve infants under two years of age.~~

41 § 20. Section 101 of the education law is amended to read as follows:

42 § 101. Education department; regents of the university. There shall
43 continue to be in the state government an education department. The
44 department is charged with the general management and supervision of all
45 public schools and all of the educational work of the state, including
46 the operations of The University of the State of New York and the exer-
47 cise of all the functions of the education department, of The University
48 of the State of New York, of the regents of the university and of the
49 commissioner of education and the performance of all their powers and
50 duties, which were transferred to the education department [~~by section~~
51 ~~three hundred twelve of the state departments law~~] or shall have been
52 prescribed by law before March sixteenth, nineteen hundred twenty-seven,
53 whether in terms vested in such department or university or in any sub-
54 department, division or bureau thereof or in such commissioner, board or
55 officer, and such functions, powers and duties shall continue to be
56 vested in the education department continued by this chapter and shall

1 continue to be exercised and performed therein by or through the appro-
2 priate officer, sub-department, division or bureau thereof, together
3 with such functions, powers and duties as hereafter may be conferred or
4 imposed upon such department by law. The education department shall also
5 establish an office of early education, which shall be tasked with coor-
6 minating with the office of children and family services to ensure that
7 the implementation of funding for universal pre-K and 3-K for all
8 programs are phased in in a manner that complements and supports child
9 care providers within the state and provides equitable wages, benefits,
10 and working conditions for child care workers, pursuant to the guidance
11 established by the taskforce under section three hundred ninety-k of the
12 social services law. All the provisions of this chapter, in so far as
13 they are not inconsistent with the provisions of this chapter as hereby
14 amended or may be made applicable, shall apply to the education depart-
15 ment continued by this chapter as hereby amended and to The University
16 of the State of New York, the board of regents of the university, the
17 commissioner [~~of education~~] and to the divisions, bureaus and officers
18 in such department. The head of the department shall continue to be the
19 regents of The University of the State of New York, who shall appoint,
20 and at pleasure may remove, the commissioner [~~of education~~]. The
21 commissioner shall continue to be the chief administrative officer of
22 the department. The regents also may appoint and, at pleasure, remove a
23 deputy commissioner [~~of education~~], who shall perform such duties as the
24 regents may assign to him by rule and who, in the absence or disability
25 of the commissioner or when a vacancy exists in the office of commis-
26 sioner, shall exercise and perform the functions, powers and duties
27 conferred or imposed on the commissioner by this chapter. The regents
28 of The University of the State of New York shall continue to constitute
29 a board and The University of the State of New York, which was continued
30 under such name by section two of article eleven of the constitution,
31 shall continue to be governed and all its corporate powers to be exer-
32 cised by such board.

33 § 21. Section 2 of chapter 493 of the laws of 2017 amending the social
34 services law relating to establishing a child care availability task-
35 force to evaluate the need for and availability of child care throughout
36 the state, as amended by chapter 797 of the laws of 2021, is amended to
37 read as follows:

38 § 2. This act shall take effect immediately and shall expire December
39 31, [~~2024~~] 2027 when upon such date the provisions of this act shall be
40 deemed repealed.

41 § 22. The state finance law is amended by adding three new sections
42 99-qq, 99-rr, and 99-ss to read as follows:

43 § 99-qq. Child care workforce stabilization fund. 1. There is hereby
44 established in the custody of the state comptroller and the commissioner
45 of taxation and finance a fund to be known as the child care workforce
46 stabilization fund.

47 2. Such fund shall consist of all moneys collected therefor or credit-
48 ed or transferred thereto from any other fund, account or source. Any
49 interest received by the comptroller on moneys on deposit in the child
50 care workforce stabilization fund shall be retained in and become a part
51 of such fund.

52 3. Moneys in the child care workforce stabilization fund, following
53 appropriation by the legislature, shall be utilized to directly raise
54 wages among participating programs as New York adjusts its reimbursement
55 rates to cover the true cost of child care, and to allow child care
56 providers to pay staff adequate wages and benefits at parity with public

1 school teachers as New York state restructures its economy to reflect
2 the true value of this important work. Such moneys shall be allocated
3 through agencies including, but not limited to, the office of children
4 and family services.

5 § 99-rr. Child care transitional reimbursement rate fund. 1. There
6 is hereby established in the custody of the state comptroller and the
7 commissioner of taxation and finance a fund to be known as the child
8 care transitional reimbursement rate fund.

9 2. Such fund shall consist of all moneys collected therefor or credit-
10 ed or transferred thereto from any other fund, account or source. Any
11 interest received by the comptroller on moneys on deposit in the child
12 care transitional reimbursement rate fund shall be retained in and
13 become a part of such fund.

14 3. Moneys in the child care transitional reimbursement rate fund,
15 following appropriation by the legislature, shall be utilized in a
16 manner that reflects a transitional reimbursement rate structure based
17 on the results of the forthcoming child care market rate survey or the
18 existing survey, whichever results in higher rates. Reimbursement rates
19 shall be set at the ninetieth percentile of market rates in each region
20 to ensure that per child amounts are sufficient to not disrupt the child
21 care sector during this transition from a market rate-based model to a
22 model based on the true cost of quality care. During the phase-in peri-
23 od, entry level staff shall be paid at least a living wage, with more
24 experienced staff compensated at a proportionately higher rate and with
25 compensation progressively increasing over the course of the transition
26 period. Such moneys shall be allocated through agencies including, but
27 not limited to, the office of children and family services.

28 § 99-ss. Child care infrastructure development fund. 1. There is
29 hereby established in the custody of the state comptroller and the
30 commissioner of taxation and finance a fund to be known as the child
31 care infrastructure development fund.

32 2. Such fund shall consist of all moneys collected therefor or credit-
33 ed or transferred thereto from any other fund, account or source. Any
34 interest received by the comptroller on moneys on deposit in the child
35 care infrastructure development fund shall be retained in and become a
36 part of such fund.

37 3. Moneys in the child care infrastructure development fund, following
38 appropriation by the legislature, shall be used to build and develop
39 child care infrastructure in connection with existing public insti-
40 tutions such as public universities, public schools, and public housing.

41 § 23. The sum of five billion dollars (\$5,000,000,000) is hereby
42 appropriated out of any moneys in the state treasury in the general fund
43 to the credit of the state purposes account, not otherwise appropriated,
44 and made immediately available as set forth herein. Such funds shall be
45 allocated as follows:

46 (a) Three billion dollars (\$3,000,000,000) shall be allocated to guar-
47 antee access to child care subsidies to high-quality and culturally
48 responsive child care that meets the needs of all children, including
49 children with disabilities, those experiencing trauma, multilingual
50 learners, families who work non-traditional hours, and families experi-
51 encing homelessness or in transitional housing. Such moneys shall be
52 allocated through agencies including, but not limited to, the office of
53 children and family services.

54 (b) One billion dollars (\$1,000,000,000) shall be allocated to the
55 child care workforce stabilization fund established pursuant to section
56 99-qq of the state finance law.

1 (c) Six hundred million dollars (\$600,000,000) shall be allocated to
2 the child care transitional reimbursement rate fund pursuant to section
3 99-rr of the state finance law.

4 (d) Four hundred million dollars (\$400,000,000) shall be allocated to
5 the child care infrastructure development fund pursuant to section 99-ss
6 of the state finance law.

7 § 24. This act shall take effect immediately; provided, however, that
8 the amendments to section 390-k of the social services law made by
9 section three of this act shall not affect the repeal of such section
10 and shall be deemed repealed therewith; provided, however, that the
11 amendments to subdivision 8 of section 410-w of the social services law
12 made by section ten of this act and the amendments to subdivision 6 of
13 section 410-x of the social services law made by section eleven of this
14 act shall not affect the expiration of such subdivisions and shall be
15 deemed to expire therewith; and provided, further, that the amendments
16 made to subdivision 1 of section 410 of the social services law made by
17 section thirteen of this act shall take effect on the same date and in
18 the same manner as chapter 694 of the laws of 2022, takes effect.