

# STATE OF NEW YORK

3355

2023-2024 Regular Sessions

## IN SENATE

January 31, 2023

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law, in relation to implementing a cost estimation model for child care

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

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

3 5-a. (a) For each group for which the office of children and family  
4 services determines a separate payment rate pursuant to subdivision four  
5 of this section, and at the same frequency, such office shall utilize a  
6 cost estimation model to determine the actual cost providers incur when  
7 providing child care. The cost estimation model shall identify and take  
8 into account cost drivers including but not limited to employee salary  
9 and benefits, enrollment levels, facility costs and compliance with  
10 statutory and regulatory requirements. Where a quality rating system or  
11 any quality indicators are being utilized, the cost estimation model  
12 shall also take into account the cost of providing services at each  
13 level of quality.

14 (b) In developing such model the office of children and family  
15 services shall consult with stakeholders including, but not limited to,  
16 representatives of child care resource and referral agencies, child care  
17 providers and any state advisory council established pursuant to 42  
18 U.S.C.S. § 9831 et. seq., as amended. The cost estimation model shall be  
19 statistically valid, using complete and current data and rigorous  
20 collection methods.

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

24 § 410-z. Reporting requirements. 1. Each social services district  
25 shall collect and submit to the [~~department~~] office of children and

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

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

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

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

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

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

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

24 § 3. This act shall take effect immediately.