

# STATE OF NEW YORK

9853

## IN SENATE

June 5, 2024

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

AN ACT to establish a universal child care pilot program to provide child care at twenty locations throughout the state

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

1 Section 1. Legislative findings. New York state is currently facing a  
2 child care crisis. Child care is unaffordable and unavailable for too  
3 many New Yorkers, and the child care workforce has been historically  
4 underpaid and undervalued. Moreover, there is a troubling lack of capac-  
5 ity, with 3.4 children under the age of six years old for every one  
6 child care slot available within the state. In order to address this  
7 child care crisis, the Child Care Availability Task Force issued a  
8 report in April 2024, subject to its mandate to assist in "developing a  
9 framework leading to phased-in rollout of universal child care." The  
10 final report advised that the state of New York should "launch and eval-  
11 uate a state-run child care assistance pilot program" in order to  
12 address these significant gaps, and move New York state towards a system  
13 of truly universal and high-quality child care. New York has one of the  
14 wealthiest economies in the world, and it is more than capable of devel-  
15 oping a system of universal child care that provides high-quality  
16 programming, pays its educators wages at parity with those of public  
17 school educators, and is free at the point of service just like our  
18 public school system.

19 § 2. Universal child care pilot program. The commissioner of education  
20 and the commissioner of the office of children and family services are  
21 hereby directed to jointly establish a universal child care pilot  
22 program, within amounts appropriated therefor, in up to twenty locations  
23 throughout the state in accordance with the provisions of this act.

24 § 3. Definitions. For the purposes of this act, the following terms  
25 shall have the following meanings:

26 (a) "education commissioner" shall mean the commissioner of education.

27 (b) "OCFS commissioner" shall mean the commissioner of the office of  
28 children and family services.

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

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1 (c) "universal child care pilot program" shall mean the pilot program  
2 established pursuant to this act.

3 § 4. Administration. The universal child care pilot program shall be  
4 jointly administered by the education commissioner and the OCFS commis-  
5 sioner. The education commissioner and the OCFS commissioner shall hold  
6 a series of public hearings, consult with all members of the child care  
7 availability task force established under section 390-k of the social  
8 services law, consult with all unions that represent child care workers  
9 in New York state, and jointly publish an implementation plan no later  
10 than December 2025 outlining a path to begin implementing this pilot  
11 program in conjunction with the fiscal year 2025-26 budget.

12 § 5. Selection of locations. The education commissioner and the OCFS  
13 commissioner shall jointly select twenty locations throughout New York  
14 state to establish new child care programs. These locations shall be  
15 selected based on factors that include, but are not limited to, the need  
16 for high-quality child care and the lack of availability of high-quality  
17 child care in the region. Existing child care providers who are finan-  
18 cially struggling due to a lack of state support, or who are capable of  
19 expanding their operations to provide further high-quality care, shall  
20 be given the option of opting in to participate in the universal child  
21 care pilot program, provided that they can offer expanded high-quality  
22 care with state supports under the program.

23 § 6. Universal admissions. The universal child care pilot program  
24 shall not discriminate in its admissions, and shall provide child care  
25 regardless of age, race, creed, color, national origin, citizenship or  
26 immigration status, sexual orientation, or gender identity or  
27 expression, military status, sex, disability, predisposing genetic char-  
28 acteristics, familial status, or marital status. There shall be no means  
29 testing for admission, and care shall be provided free at the point of  
30 service.

31 § 7. Pay parity for child care educators. The universal child care  
32 pilot program shall establish high quality pay for high quality program-  
33 ming. The universal child care pilot program shall pay staff adequate  
34 wages and benefits at parity with public school teachers with similar  
35 experience and qualifications.

36 § 8. Employee protections. Prior to submitting its implementation  
37 plan, the education commissioner and the OCFS commissioner shall consult  
38 with all unions that represent child care workers in New York state  
39 regarding matters of compensation and representation, in order to ensure  
40 that the child care workforce employed pursuant to the universal child  
41 care pilot program is properly represented and can collectively bargain.

42 § 9. Facilitated enrollment and assistance for applicants. In addition  
43 to establishing twenty new universal child care program locations, the  
44 universal child care pilot program shall also assist in serving the  
45 needs of applicants that it is unable to accommodate within the twenty  
46 new locations that are to be established under the program. Once the  
47 twenty new locations reach their maximum capacity, the universal child  
48 care pilot program shall assist in placing additional applicants, work-  
49 ing in connection with existing child care resource and referral agen-  
50 cies as well as existing facilitated enrollment programs, at existing  
51 child care facilities, and shall provide further financial assistance,  
52 subject to appropriations in the annual budget.

53 § 10. Annual reporting. In order to evaluate the implementation of the  
54 universal child care pilot program, the education commissioner and the  
55 OCFS commissioner shall jointly publish an annual report that includes,  
56 but is not limited to, the number of children and families served by the

1 program, the wages of the workforce, the number of applicants for the  
2 program, and areas where further expansion of the program or financial  
3 assistance would be beneficial.  
4 § 11. This act shall take effect immediately.