

STATE OF NEW YORK

1092

2025-2026 Regular Sessions

IN SENATE

January 8, 2025

Introduced by Sens. RAMOS, COMRIE, GOUNARDES, HOYLMAN-SIGAL, JACKSON, MYRIE, RIVERA, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law, in relation to establishing the early learning child care act; to amend the state finance law, in relation to establishing the early learning child care fund; and to amend the social services law, in relation to establishing the early learning child care program

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

1 Section 1. This act shall be known and may be cited as the "Early
2 Learning Child Care Act".
3 § 2. Legislative findings and intent. The legislature hereby finds and
4 declares that New Yorkers are struggling to find quality affordable
5 child care where the federal government and New York state have ignored
6 their duty to provide children, particularly infants, with affordable,
7 safe and proper care.
8 The legislature hereby finds and declares that recent studies suggest
9 that working parents earning the median household wage must spend nearly
10 31% of their income to afford center-based child care. Child care in New
11 York city has an average annual cost for infants and toddlers in
12 center-based child care of nearly nineteen thousand dollars, while home-
13 based child care can cost over ten thousand dollars annually.
14 The legislature hereby finds and declares that currently child care
15 agencies cannot afford to pay their workforce because of low reimburse-
16 ment rates that have left the industry understaffed, with high employee
17 turnover and employees living in poverty.
18 Therefore, the legislature hereby finds and declares that the govern-
19 ment has an obligation to curb child care costs for families and provide
20 a proper education and environment to children under five years of age,

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

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1 while investing in the human infrastructure to make sure providers and
2 educators are properly compensated and trained.
3 § 3. The tax law is amended by adding a new article 24-C to read as
4 follows:

5 ARTICLE 24-C

6 EARLY LEARNING CHILD CARE ACT

7 Section 875. Definitions.

8 876. Imposition of tax and rate.

9 877. Pass through of tax prohibited.

10 878. Exemption override.

11 879. Payment of tax.

12 880. Deposit and disposition of revenue.

13 881. Procedural provisions.

14 882. Enforcement with other taxes.

15 § 875. Definitions. For the purposes of this article:

16 (a) Employer. Employer means an employer required by section six
17 hundred seventy-one of this chapter to deduct and withhold tax from
18 wages, that has a payroll expense in excess of two thousand five hundred
19 thousand dollars in any calendar year; other than:

20 (1) any agency or instrumentality of the United States;

21 (2) the United Nations;

22 (3) an interstate agency or public corporation created pursuant to an
23 agreement or compact with another state or the Dominion of Canada.

24 (b) Payroll expense. Payroll expense means wages and compensation as
25 defined in sections 3121 and 3231 of the internal revenue code (without
26 regard to section 3121(a)(1) and section 3231(e)(2)(A)(i)), paid to all
27 covered employees.

28 (c) Covered employee. Covered employee means an employee who is
29 employed in the state of New York.

30 § 876. Imposition of tax and rate. (a) For the purpose of providing
31 an additional stable and reliable dedicated funding source to address
32 child care affordability, accessibility, and quality for families with
33 children under five years of age, a tax is hereby imposed on employers
34 and individuals as follows: (1) For employers who engage in business
35 within the state, the tax is imposed at a rate of (A) eleven hundredths
36 (.11) percent of the payroll expense for employers with payroll expense
37 no greater than three hundred seventy-five thousand dollars in any
38 calendar quarter, (B) twenty-three hundredths (.23) percent of the
39 payroll expense for employers with payroll expense greater than three
40 hundred seventy-five thousand dollars and no greater than four hundred
41 thirty-seven thousand five hundred dollars in any calendar quarter, and
42 (C) thirty-four hundredths (.34) percent of the payroll expense for
43 employers with payroll expense in excess of four hundred thirty-seven
44 thousand five hundred dollars in any calendar quarter. If the employer
45 is a professional employer organization, as defined in section nine
46 hundred sixteen of the labor law, the employer's tax shall be calculated
47 by determining the payroll expense attributable to each client who has
48 entered into a professional employer agreement with such organization
49 and the payroll expense attributable to such organization itself, multi-
50 plying each of those payroll expense amounts by the applicable rate set
51 forth in this paragraph and adding those products together. (2) For
52 individuals, the tax is imposed at a rate of thirty-four hundredths
53 (.34) percent of the net earnings from self-employment of individuals
54 that are attributable to the state if such earnings attributable to the
55 state exceed fifty thousand dollars for the tax year.

1 (b)(1) An individual having net earnings from self-employment from
2 activity both within and without the state is required to allocate and
3 apportion such net earnings to the state in the manner required for
4 allocation and apportionment of income under article twenty-two of this
5 chapter.

6 (2) In the case of individuals with earnings from self-employment, the
7 net earnings from self-employment threshold in paragraph two of
8 subsection (a) of this section will be computed on an individual basis
9 regardless of whether that individual filed a joint personal income tax
10 return.

11 (c) The determination of whether a covered employee is employed within
12 the state will be made by utilizing the rules applicable to the juris-
13 isdiction of employment for purposes of the statewide wage reporting
14 system under section one hundred seventy-one-a of this chapter.

15 § 877. Pass through of tax prohibited. An employer cannot deduct from
16 the wages or compensation of an employee any amount that represents all
17 or any portion of the tax imposed on the employer under this article.

18 § 878. Exemption override. (a) Except as provided in subsection (b) of
19 this section, any exemption from tax specified in any other New York
20 state law will not apply to the tax imposed by this article.

21 (b) In a tax-free NY area approved pursuant to the provisions of arti-
22 cle twenty-one of the economic development law, the payroll expense of
23 any employer that is located in such area and accepted into the START-UP
24 NY program shall be exempt from the tax imposed under this article. In
25 addition, the net earnings from self-employment of an individual from a
26 business in such tax-free NY area that is accepted into the START-UP NY
27 program shall be exempt from the tax imposed under this article.

28 § 879. Payment of tax. (a) Employers with payroll expense. The tax
29 imposed on the payroll expense of employers under section eight hundred
30 seventy-six of this article for each calendar quarter must be paid quar-
31 terly at the same time as the statewide wage reporting system report is
32 required under section one hundred seventy-one-a of this chapter;
33 provided however, that employers subject to section nine of this chapter
34 other than school districts as defined in section thirty-six hundred
35 nine-g of the education law must pay the tax on the payroll expense at
36 the same time as the withholding tax remitted under the electronic
37 payment reporting system and the electronic funds transfer system
38 authorized by section nine of this chapter.

39 (b) Individuals with net earnings from self-employment. Individuals
40 with earnings from self-employment must make estimated tax payments of
41 the tax imposed by this article for the taxable year on the same dates
42 specified in paragraph one of subsection (c) of section six hundred
43 eighty-five of this chapter. In addition, these self-employed individ-
44 uals must file a return for the taxable year by the fifteenth day of the
45 fourth month following the close of the taxable year. Paragraph one of
46 subsection (d) of section six hundred eighty-five of this chapter shall
47 not apply to the estimated tax payments required by this subsection.

48 § 880. Deposit and disposition of revenue. (a) The taxes, interest,
49 and penalties imposed by this article and collected or received by the
50 commissioner shall be deposited daily with such responsible banks, bank-
51 ing houses or trust companies, as may be designated by the comptroller
52 to the credit of the comptroller in trust for the early learning child
53 care program. An account may be established in one or more of such
54 depositories. Such deposits will be kept separate and apart from all
55 other money in the possession of the comptroller. The comptroller shall
56 require adequate security from all such depositories. Of the total

1 revenue collected or received under this article, the comptroller shall
2 retain such amount as the commissioner may determine to be necessary for
3 refunds under this article. The commissioner is authorized and directed
4 to deduct from the amounts it receives under this article, before depos-
5 it into the trust accounts designated by the comptroller, a reasonable
6 amount necessary to effectuate refunds of appropriations of the depart-
7 ment to reimburse the department for the costs incurred to administer,
8 collect and distribute the taxes imposed by this article.

9 (b) On or before the twelfth and twenty-sixth day of each succeeding
10 month, after reserving such amount for such refunds and deducting such
11 amounts for such costs, as provided for in subsection (a) of this
12 section, the commissioner shall certify to the comptroller the amount of
13 all revenues so received during the prior month as a result of the
14 taxes, interest and penalties so imposed. The amount of revenues so
15 certified shall be paid over by the fifteenth and the final business day
16 of each succeeding month from such account without appropriation into
17 the early learning child care fund established pursuant to section nine-
18 ty-nine-ss of the state finance law, provided, however, that the comp-
19 troller shall ensure that any payments to the early learning child care
20 fund which are due to be paid by the final business day in the month of
21 December pursuant to this subsection shall be received by the early
22 learning child care fund on the same business day in which it is paid.

23 § 881. Procedural provisions. (a) General. All provisions of article
24 twenty-two of this chapter shall apply to the provisions of this article
25 in the same manner and with the same force and effect as if the language
26 of article twenty-two of this chapter had been incorporated in full into
27 this article and had been specifically adjusted for and expressly
28 referred to the tax imposed by this article, except to the extent that
29 any provision is either inconsistent with a provision of this article or
30 is not relevant to this article. Notwithstanding the preceding sentence,
31 no credit against tax in article twenty-two of this chapter can be used
32 to offset the tax due under this article.

33 (b) Combined filings. Notwithstanding any other provisions of this
34 article:

35 (1) The commissioner may require the filing of a combined return
36 which, in addition to the return provided for in subsection (b) of
37 section eight hundred seventy-nine of this article, may also include any
38 of the returns required to be filed by a taxpayer pursuant to the
39 provisions of section six hundred fifty-one of this chapter and which
40 may be required to be filed by such taxpayer pursuant to any local law
41 enacted pursuant to the authority of article thirty, thirty-A or thir-
42 ty-B of this chapter.

43 (2) Where a combined return is required, and with respect to the
44 payment of estimated tax, the commissioner may also require the payment
45 to it of a single amount which shall equal the total of the amounts
46 (total taxes less any credits or refunds) which would have been required
47 to be paid with the returns or in payment of estimated tax pursuant to
48 the provisions of this article, the provisions of article twenty-two of
49 this chapter, and the provisions of local laws enacted under the author-
50 ity of article thirty, thirty-A or thirty-B of this chapter.

51 (3) Notwithstanding any other law to the contrary, the commissioner
52 may require that all filings of forms or returns under this article
53 shall be filed electronically and all payments of tax shall be paid
54 electronically.

55 § 882. Enforcement with other taxes. (a) Joint assessment. If there is
56 assessed a tax under this article and there is also assessed a tax

1 against the same taxpayer pursuant to article twenty-two of this chapter
 2 or under a local law enacted pursuant to the authority of article thirty-
 3 ty, thirty-A, or thirty-B of this chapter, and payment of a single
 4 amount is required under the provisions of this article, such payment
 5 shall be deemed to have been made with respect to the taxes so assessed
 6 in proportion to the amounts of such taxes due, including tax, penal-
 7 ties, interest and additions to tax.

8 (b) Joint action. If the commissioner takes action under such article
 9 twenty-two or under a local law enacted pursuant to the authority of
 10 article thirty, thirty-A, or thirty-B of this chapter with respect to
 11 the enforcement and collection of the tax or taxes assessed under such
 12 articles, the commissioner shall, whenever possible and necessary,
 13 accompany such action with a similar action under similar enforcement
 14 and collection provisions of the tax imposed by this article.

15 (c) Apportionment of moneys collected by joint action. Any moneys
 16 collected as a result of such joint action shall be deemed to have been
 17 collected in proportion to the amounts due, including tax, penalties,
 18 interest and additions to tax, under article twenty-two of this chapter
 19 or under a local law enacted pursuant to the authority of article thirty-
 20 ty, thirty-A, or thirty-B of this chapter and the tax imposed by this
 21 article.

22 (d) Joint deficiency action. Whenever the commissioner takes any
 23 action with respect to a deficiency of income tax under article twenty-
 24 two of this chapter or under a local law enacted pursuant to the author-
 25 ity of article thirty, thirty-A, or thirty-B of this chapter, other than
 26 the action set forth in subsection (a) of this section, the commissioner
 27 may in the commissioner's discretion accompany such action with a simi-
 28 lar action under this article.

29 § 4. The state finance law is amended by adding a new section 99-ss to
 30 read as follows:

31 § 99-ss. Early learning child care fund. 1. There is hereby estab-
 32 lished in the joint custody of the state comptroller and the commission-
 33 er of taxation and finance a fund to be known as the "early learning
 34 child care fund".

35 2. Such fund shall consist of all revenues received by the state,
 36 pursuant to the provisions of article twenty-four-C of the tax law and
 37 all other moneys appropriated thereto from any other fund or source
 38 pursuant to law. Nothing contained in this section shall prevent the
 39 state from receiving grants, gifts or bequests for the purposes of the
 40 fund as defined in this section and depositing them into the fund
 41 according to law.

42 3. Moneys shall be payable from the fund on the audit and warrant of
 43 the comptroller on vouchers approved and certified by the commissioner
 44 of social services.

45 § 5. Article 6 of the social services law is amended by adding a new
 46 title 5-D to read as follows:

47 TITLE 5-D

48 EARLY LEARNING CHILD CARE PROGRAM

49 Section 410-aa. Definitions.

50 410-bb. Early learning child care program.

51 410-cc. Financial assistance to qualified agencies for early
 52 learning child care program and enrollment.

53 410-dd. Drop-in care.

54 410-ee. Application and eligibility for families.

55 410-ff. Child care stabilization grant.

56 410-gg. Expansion grants; tax incentives.

1 410-hh. Training, technical assistance and professional develop-
2 ment funding.

3 410-ii. Coordination and integration funds.

4 410-jj. Reporting requirements.

5 410-kk. Enforcement.

6 410-ll. Taskforce to study after school programming for five to
7 twelve year old children and crisis care.

8 § 410-aa. Definitions. As used in this title, the term:

9 1. "Qualified agency" means any in family day care homes, group family
10 day care homes, head start programs or center-based child care that is
11 certified and licensed by the state.

12 2. "Early learning child care program" means a child care program for
13 a child not less than six weeks of age and not more than five years of
14 age who has not yet started kindergarten that is provided in family day
15 care homes, group family day care homes, head start programs or center-
16 based child care that is certified and licensed by the state.

17 3. "Covered child" means a child:

18 (a) who is less than five years of age; or

19 (b) who is not yet in kindergarten.

20 4. "Financial assistance" means assistance provided by grant for which
21 payments may be made in installments and in advance or by way of
22 reimbursement with necessary adjustments on account of overpayments or
23 underpayments.

24 5. "Low-income", with respect to a child or other individual, means an
25 individual in a family with a family income that is not more than four
26 hundred percent of the poverty line.

27 6. "Poverty line" means the official poverty line, as defined by the
28 federal office of management and budget, based on the most recent data
29 available from the bureau of the census: (a) adjusted to reflect the
30 percentage change in the consumer price index for all urban consumers,
31 issued by the bureau of labor statistics, during the annual or other
32 interval immediately preceding the date on which such adjustment is
33 made; and (b) adjusted for family size.

34 7. "Professional development" means the career pathway aligned mech-
35 anisms that contribute to ensuring that a member of the early care and
36 education workforce, in any setting, has or is working towards obtaining
37 the degrees, credentials, and other trainings needed to demonstrate the
38 necessary knowledge and competencies for quality provision of child care
39 and early learning services.

40 8. "Expansion grant" means a monetary grant provided on a yearly basis
41 to provide eligible agencies with funds for capital improvements,
42 supplies, and other miscellaneous capital funds associated with building
43 and maintaining an early learning child care program.

44 9. "Child care stabilization grant" means a monetary grant provided in
45 fiscal year two thousand twenty-five to help child care providers pay
46 their workforce a competitive wage and to hire more workers at a higher
47 wage.

48 10. "Income eligibility fee scale" means a formula used to determine
49 how much a family will spend on child care based on their income and how
50 much will be subsidized through the universal child care program pursu-
51 ant to section four hundred ten-ee of this title.

52 11. "Early learning program proposal" means a plan put together by
53 qualified agencies designed to effectively serve covered children.

54 12. "Session" means one early learning child care program class oper-
55 ating pursuant to time, staff ratio and other regulatory requirements
56 set forth.

1 13. "Full working day" means not less than ten hours per day.

2 14. "Non-school hours" means: (a) the difference between a covered
3 child's available hours in the early learning child care program minus
4 the hours in a prekindergarten program; and (b) summer vacation and
5 prekindergarten school holidays.

6 15. "Contracted care facility" means managed eligible agencies, such
7 as in-home or center-based care facilities, or schools operating as
8 early care and learning programs that enter into a contract with the
9 office of children and family services, local department of education or
10 other qualified agency to meet detailed and specific requirements and
11 goals.

12 16. "Drop-in care" means care provided to a covered child on short
13 notice on a temporary basis as to help families with emergency situ-
14 ations.

15 § 410-bb. Early learning child care program. 1. The department is
16 hereby authorized and empowered to establish and operate the early
17 learning child care program as authorized pursuant to section four
18 hundred ten-ee of this title and as funded pursuant to article twenty-
19 four-C of the tax law. The department shall have two dedicated revenue
20 streams supporting the program for children under five years old who
21 have not yet started kindergarten. One part of the funding shall be
22 dedicated to building out the needed infrastructure for establishing new
23 child care facilities, training the workforce, and increasing capacity
24 in existing facilities across the state through grants and scholarships.
25 Grants shall include funding for capital purchases and improvements,
26 expansion of provider networks, training activities and professional
27 development programs, hiring more staff, the regulation and monitor-
28 ing of the program, the development of computerized data systems, and
29 consumer education. The second part of the funding shall be dedicated to
30 providing covered children subsidies to attend qualified agencies' early
31 learning child care programs. Up to ten percent of such funding may be
32 used by the department to provide funds to social services districts,
33 the child care resource and referral program, and to designated partners
34 of the social services districts to administer the program, including
35 for outreach, processing applications, helping families and eligible
36 agencies navigate the application process, setting up local data
37 collection, and all other administrative activities associated with
38 administering the program.

39 2. (a) The department shall annually allocate all funds dedicated to
40 the program pursuant to article twenty-four-C of the tax law to social
41 services districts according to an allocation plan developed by the
42 department, eligibility based on this title, and approved by the direc-
43 tor of the budget. The allocation plan shall be based, at least in part,
44 on historical costs and on the availability, cost of, and need for child
45 care assistance in each social services district. The commissioner
46 shall take into account the incomes of residents in the area and shall
47 also take into account the fee scale pursuant to section four hundred
48 ten-ee of this title. Annual allocations shall be made on a state
49 fiscal year basis. Social services districts shall demonstrate an abil-
50 ity to administer the program. If a social services district is unable
51 to demonstrate such an ability, the state shall be the administrator of
52 the county early learning program.

53 (b) Social services districts shall expend the allocated money for all
54 eligible early learning child care programs pursuant to this title which
55 are qualified agencies based on covered children's eligibility and the

1 cost estimation model used to reimburse agencies, pursuant to this title
2 and the rules and regulations adopted by the department.

3 3. Early learning child care programs shall fall into two categories
4 broadly: (a) voucher eligible agencies; and (b) contracted care eligible
5 agencies. Social services districts shall have authority over how much
6 funding will be dedicated to these two categories, as long as the
7 social services districts program meets all requirements pursuant to the
8 program.

9 4. (a) A social services district shall make awards for contracted
10 care to consolidated applications submitted by qualified agencies which
11 include early learning child care programs offered by non-profit organ-
12 izations, community-based organizations, schools, libraries, museums,
13 and/or charter schools which shall demonstrate geographic diversity
14 within the area to be served as well as diversity of providers.

15 (b) Social services districts shall certify voucher eligible programs
16 to applications submitted by qualified agencies which include early
17 learning child care programs offered by in-home care, center-based care,
18 informal care providers who are for profit or non-profit organizations,
19 community-based organizations, charter schools, libraries and museums,
20 which may apply individually to the extent allowed under paragraph (c)
21 of this subdivision. Any consolidated application shall include, but
22 shall not be limited to, the names of individual locations and provid-
23 ers, applicable licenses, facility lease information, and intended
24 staffing plans.

25 (c) Prior to submission of a consolidated application, the local
26 commissioner of social services shall widely solicit prospective eligi-
27 ble agencies. The local commissioner of social services shall notify
28 any applicant who has been denied inclusion in the consolidated applica-
29 tion and/or has not been certified no later than two weeks prior to the
30 submission of such application. Such eligible providers denied inclusion
31 may apply individually as provided in paragraph (a) of this subdivision.

32 5. The child care resource and referral program shall receive funds
33 to: (a) help qualified agencies and prospective qualified agencies
34 navigate the early child care program application process, including
35 meeting operating standards, hiring staff, offering competitive wages to
36 retain or hire new staff, and applying for proper funding based on
37 prospective covered children's eligibility for the program; and (b)
38 provide families assistance in connecting with early learning child care
39 programs across the state. As a condition of receiving funds pursuant
40 to this section, the child care resource and referral program
41 shall demonstrate that it is receiving or has an agreement to receive
42 funds from sources other than the department pursuant to this title.

43 6. Qualified agencies shall apply to the office of children and family
44 services for funds for prospective covered children. All eligible appli-
45 cations shall include a commitment to use appropriate accounting and
46 fiscal control procedures which shall include the filing of an annual
47 financial statement which has been audited as required by the office so
48 as to ensure:

49 (a) the proper disbursement accounting for funds received;

50 (b) appropriate written records regarding the population served,
51 including the level of financial assistance needed and the type and
52 extent of services rendered; and

53 (c) data is collected on applications received, families served, and
54 providers approved.

55 7. Qualified agencies approved to receive funding shall be required to
56 follow section four hundred ten-q of this article to provide information

1 to parents who contact the certified child care center about the best
2 child care options for parents and their covered child.

3 8. In order for an early learning program application by qualified
4 agencies to be accepted and approved for funding, a proposal shall:

5 (a) include a needs assessment of the area within the applicant's
6 community;

7 (b) demonstrate an ability to operate after typical work hours for
8 parents working a full working day on atypical hours;

9 (c) provide for age and developmentally appropriate curriculum and
10 activities;

11 (d) provide for periodic assessments of a child's development;

12 (e) provide a proper learning environment, materials and supplies for
13 children to develop properly;

14 (f) have a robust plan and infrastructure to engage and communicate
15 with families;

16 (g) meet staffing requirement criteria created by the department;

17 (h) provide adequate training and professional development opportu-
18 nities for teachers and staff;

19 (i) demonstrate the quality of the facility;

20 (j) demonstrate the manner in which the physical well-being, health
21 and nutrition are addressed;

22 (k) ensure equal opportunity by abiding by all standards set by Title
23 III of the federal Americans with Disabilities Act in accordance with
24 state law;

25 (l) incorporate an implicit bias and cultural competency training for
26 child care providers, specifically focusing on served population;

27 (m) demonstrate compliance with local health licensing and permit
28 requirements;

29 (n) outline the care options provided in relation to full working day
30 hour sessions and non-school hour sessions; and

31 (o) other standards determined by the department.

32 9. Pursuant to section four hundred ten-cc of this title, an early
33 learning program shall pay workers a salary that is equivalent to no
34 less than forty-five thousand dollars annually for a full time teacher
35 or staff members.

36 10. The department shall create a quality standard that eligible agen-
37 cies shall meet to accept covered children who qualify for the prekin-
38 dergarten program, but whose family choose to participate in the early
39 learning child care program instead. This standard shall be met for an
40 eligible agency to accept a covered child for a full working day session
41 into the early learning child care program.

42 11. An early learning program proposal submitted under this section
43 may be disapproved or a prior designation of qualified agency may be
44 withdrawn only if the commissioner, in accordance with regulations
45 established by the commissioner, has provided: (a) written notice of
46 intention to disapprove such proposal or withdraw such designation,
47 including a statement of the reasons for such disapproval or withdrawal;
48 (b) a reasonable time in which to submit corrective amendments to such
49 plan or undertake other necessary corrective action. Provided, however,
50 that approved facilities shall be disapproved or withdrawn from the
51 program when there is an open child protective services investigation or
52 if a facility has been suspended or closed in the past due to the result
53 of a child protective services investigation.

54 12. The New York state child care board established pursuant to title
55 five-E of this article shall adopt all other rules and regulations
56 necessary to administer the program.

1 § 410-cc. Financial assistance to qualified agencies for early learn-
2 ing child care program and enrollment. 1. Social services districts
3 shall provide financial assistance for carrying out the early learning
4 child care program to qualified agencies. The amount of financial
5 assistance provided shall be based on a cost estimation model created by
6 the department which determines the actual cost of care in relation to
7 the income eligibility fee scale for each covered child of the program.
8 The cost estimation model shall be determined by a report from the
9 office of children and family services. The formula shall also take
10 into account needed wage increases to hire and retain enough child care
11 professionals to meet the needs of the program in relation to the posi-
12 tion of a covered child's family on the income eligibility fee scale.
13 Such payment rates shall take into account the variations in the costs
14 of providing child care in different settings and to children of differ-
15 ent age groups, and the additional costs of providing child care for
16 children with special needs.

17 2. Qualified agencies participating in the early learning child care
18 program shall be reimbursed by the state based on the enrollment of
19 covered children. Financial assistance shall be provided to the quali-
20 fied agency regardless of whether a covered child attends their assigned
21 session or not.

22 3. When determining the market rate cost for early child care learning
23 programs, the department shall take into account:

24 (a) wages for workers that shall not be less than forty-five thousand
25 dollars a year;

26 (b) an established differential payment rate for child care services
27 for eligible agencies. Such differential payment rate shall be
28 fifteen percent higher than the actual cost of care or the applicable
29 market-related payment rate established by the office in regulations,
30 whichever is less. Differential payment rates shall be provided to
31 eligible agencies who provide care to: (i) a child experiencing home-
32 lessness; (ii) a child during non-traditional hours; and/or (iii) any
33 other at-risk children that the New York state child care board deems
34 appropriate;

35 (c) the education level of the staff member when determining pay, with
36 staff with bachelors and masters degrees being paid more than those
37 without such degrees; and

38 (d) wages for workers that take into account cost of living differ-
39 ences across different regions of the state.

40 § 410-dd. Drop-in care. 1. Eligible agencies that are contracted care
41 facilities or voucher eligible facilities that offer drop-in care shall
42 be eligible to receive a grant pursuant to subdivision two of this
43 section, based on the following criteria:

44 (a) the eligible agency meets all requirements outlined in the early
45 learning child care program; and

46 (b) the eligible agency holds open spots for enrollment to covered
47 children, based on the following sizes of the eligible agency's enroll-
48 ment capacity:

49 (i) if fifteen children or less are enrolled within a child care
50 facility, the eligible agency shall have a minimum of one spot available
51 for drop-in care in order to receive the grant;

52 (ii) if thirty children or less are enrolled within a child care
53 facility, the eligible agency shall have a minimum of two spots avail-
54 able for drop-in care in order to receive the grant;

1 (iii) if forty-five children or less are enrolled within a child care
2 facility, the eligible agency shall have a minimum of three spots avail-
3 able for drop-in care in order to receive the grant; and

4 (iv) if more than forty-five children are enrolled within a child care
5 facility, the eligible agency shall have a minimum of four spots avail-
6 able for drop-in care in order to receive the grant.

7 2. Child care facilities that choose to provide drop-in care in
8 accordance with the standards listed above within the first year of the
9 program shall receive a grant in accordance with the formula approved by
10 the New York state child care board. The grant shall be reassessed with-
11 in the first year by the child care research and data collection task-
12 force and new stipulations shall be released in the final report of such
13 taskforce and regulated by the New York state child care board.

14 3. The New York child care board shall allocate time toward the expan-
15 sion and cost of a drop-in program.

16 § 410-ee. Application and eligibility for families. 1. The department
17 shall mandate that all social services districts provide qualified agen-
18 cies approved for the early learning child care program with the proper
19 forms for families to complete an application to the program for their
20 covered child. Such application forms shall be processed by the social
21 services district and shall be made available: (a) online in a print-
22 able, and fillable format on the website of the relevant social services
23 district; and (b) in a translated version of the three to six most
24 commonly spoken languages in the relevant social services district,
25 either in-print or online. Qualified agencies shall provide families who
26 seek enrollment at their local child care and early learning program
27 information on how to contact their local social services district and
28 child care resource and referral agencies for help in applying to the
29 program.

30 2. Families may apply to a local child care and early learning program
31 in such form and at such time as the executive director of the New York
32 state child care board may prescribe, provided, however that such appli-
33 cation shall require: proof of earnings, proof of identity, proof of
34 residency, and proof of whether a child is registered in a universal
35 prekindergarten program pursuant to section thirty-six hundred two-e of
36 the education law and, if registered, for how many hours per day.

37 3. Applicants may prove earnings by providing: (a) proof of earnings
38 through the presentation of a filed tax return from the previous year,
39 or if proof of income through tax return is not possible the commis-
40 sioner may allow a letter from an employer documenting the dates of work of
41 the applicant and the yearly pay from the employer; (b) a form W-2 or
42 1099 from at least one of the two most recent completed tax years; or
43 (c) a wage notice provided pursuant to section one hundred ninety-five
44 of the labor law that documents employment for a period of time within
45 six months prior to the date the applicant certifies such applicant
46 became eligible for benefits pursuant to this title.

47 4. Applicants may prove identity by providing:

48 (a) A driver's license, motor vehicle ID card number, valid foreign
49 driver's license that includes a photo image of the applicant and which
50 is unexpired or expired for less than twenty-four months of its date of
51 expiration, New York state ID, IDNYC or other New York municipal or
52 county identification card, valid unexpired foreign passport issued by
53 the applicant's country of citizenship, or valid unexpired consular
54 identification document issued by a consulate from the applicant's coun-
55 try of citizenship. Nothing contained in this subdivision shall be

1 deemed to preclude the commissioner from approving additional proofs of
2 identity; or

3 (b) A social security number or, in lieu thereof, an individual
4 taxpayer identification number or a United States citizenship and immi-
5 gration services number; or

6 (c) The names and addresses of all employers and/or hiring parties, in
7 and out of the state, for the last eighteen months to the extent that
8 such information is available to the applicant; or

9 (d) A mailing address and zip code.

10 5. Applicants may prove residency by providing: (a) a New York state
11 driver's license or state identification card, an IDNYC; (b) a utility
12 bill with a proper address and listed under the applicant's confirmed
13 identity, or a credit card statement with a proper address and listed
14 under the applicant's confirmed identity; or (c) a lease agreement or
15 mortgage statement with a proper address and listed under the appli-
16 cant's confirmed identity, a letter from the New York city housing
17 authority, a letter from a homeless shelter, or any additional form of
18 government identification or identification approved by the department
19 and the New York state child care board.

20 6. Prekindergarten eligible children who apply to attend the early
21 learning child care program shall provide documentation proving the
22 number of hours a child attends a prekindergarten program, whether no
23 hours or a full school day.

24 7. Families shall be found eligible for financial assistance using an
25 income eligibility fee scale based on the current federal poverty line
26 and adjusted for the size of the family. No co-payments shall be
27 assigned to families of covered children.

28 8. A fee under this section shall be charged to families of a covered
29 child based on income levels as follows:

30 (a) A covered child who is in a family with an income that is less
31 than four hundred percent of the poverty line shall be assessed no fee
32 for service and receive free child care.

33 (b) A covered child who is in a family with a family income that is
34 more than four hundred percent of the poverty line but not more than
35 five hundred percent of the poverty line, the fee under this section
36 shall not exceed one percent of the family income.

37 (c) A covered child who is in a family with a family income that is
38 more than five hundred percent of the poverty line but not more than six
39 hundred percent of the poverty line, the fee under this section shall
40 not exceed two percent of the family income.

41 (d) A covered child who is in a family with a family income that is
42 more than six hundred percent of the poverty line but not more than
43 seven hundred percent of the poverty line, the fee under this section
44 shall not exceed three and one-half percent of the family income.

45 (e) A covered child who is in a family with a family income that is
46 more than seven hundred percent of the poverty line but not more than
47 eight hundred percent of the poverty line, the fee under this section
48 shall not exceed four and one-half percent of the family income.

49 (f) A covered child who is in a family with a family income that is
50 more than eight hundred percent of the poverty line but not more than
51 nine hundred percent of the poverty line, the fee under this section
52 shall not exceed six percent of the family income.

53 (g) A covered child who is in a family with a family income that is
54 more than nine hundred percent of the poverty line but not more than one
55 thousand percent of the poverty line, the fee under this section shall
56 not exceed seven percent of the family income.

1 9. The total fee for a family that is subject to the fee under this
2 section and has more than one child served through the program: (a) may
3 increase as the family enters a second or further child in the program;
4 but (b) may not be greater than the fee allowed under paragraph (g) of
5 subdivision eight of this section.

6 10. Within fourteen days of completing an application, the local
7 social services district shall provide families of a covered child with
8 a response on whether the child is eligible for financial assistance,
9 unless the local jurisdiction is facing extenuating circumstances.

10 11. Early learning child care programs shall provide families informa-
11 tion on whether there is capacity in the facility of the qualified agen-
12 cy or whether the family needs to coordinate with the child care
13 resource and referral program to find an open spot in another closely
14 located qualified agency.

15 12. Qualified agencies shall comply with existing state antidiscrimi-
16 nation laws with regard to admittance of eligible children.

17 § 410-ff. Child care stabilization grant. 1. The office of children
18 and family services shall establish a stabilization grant program to
19 help deal with a worker shortage within the child care industry within
20 sixty days of the effective date of this title.

21 2. Technical assistance and support shall be made available by child
22 care resource and referral agencies, in addition to other designated
23 partners, based on capacity, to all child care providers to assist with
24 the completion of the online application. Funding shall be made avail-
25 able to child care resource referral agencies to expand capacity for
26 technical assistance and support.

27 § 410-gg. Expansion grants; tax incentives. 1. In collaboration with
28 the child care resource and referral program, the early childhood advi-
29 sory council established pursuant to section four hundred eighty-three-g
30 of this chapter shall create an expansion grant program proposal within
31 one hundred eighty days of the effective date of this title. The
32 proposal shall be submitted for review and adoption, rejection or
33 modification by the New York state child care board. Such expansion
34 grant program shall dedicate funding to eligible agencies for: (a)
35 construction of suitable facilities; (b) plans to incorporate eligible
36 child care providers into the START-UP NY program; and (c) the creation
37 of a capital debt services plan based on the amount of funding.

38 2. (a) In fiscal year two thousand twenty-five, the office of children
39 and family services shall dedicate a portion of annual dedicated funds
40 for the early learning child care program to expansion grants and tax
41 incentives. Spending of funds shall be based on a plan created after
42 surveying social services districts and learning of their needs.

43 (b) In all subsequent fiscal years, the department shall dedicate no
44 more than thirty percent and no less than five percent of dedicated
45 funding for the program on expansion grants.

46 (c) The office of children and family services shall decide exact
47 funding amounts based on the needs of eligible child care agencies and
48 the overall health of the child care system in New York state.

49 § 410-hh. Training, technical assistance and professional development
50 funding. 1. In collaboration with the child care resource and referral
51 program, the early childhood advisory council shall create a training
52 and professional development grant program proposal within one hundred
53 days of the effective date of this title. The proposal shall be submit-
54 ted for review and adoption, rejection or modification by the New York
55 state child care board.

1 2. (a) In fiscal year two thousand twenty-five, the office of children
2 and family services shall dedicate a portion of all dedicated funds for
3 the early learning child care program to the professional development
4 and training of staff and eligible agencies. Spending of funds shall be
5 based on a plan created after surveying social services districts and
6 learning of their needs.

7 (b) In all subsequent fiscal years, the department shall dedicate no
8 more than thirty percent and no less than five percent of dedicated
9 funding for the program on training and professional development. The
10 office of children and family services shall decide exact funding
11 amounts based on the needs of eligible child care agencies, needs of the
12 workforce, and the overall health of the child care system in New York
13 state.

14 3. The plan shall use a portion of the funds decided upon by the
15 office of children and family services to improve the quality of child
16 care services, which shall include:

17 (a) supporting the training and professional development of the early
18 childhood workforce, including supporting degree attainment through
19 student loan repayment assistance and credentialing for early childhood
20 educators pursuant to this section;

21 (b) supporting mandates to require the aspire registry for all early
22 childhood care and education employees to enhance professional growth
23 and program compliance.

24 4. There shall be established a need-based student loan repayment
25 assistance program for the purpose of providing student loan repayment
26 assistance to any individual employed by a regulated, privately operated
27 center-based child care program or family child care home. Such program
28 shall require that:

29 (a) An eligible individual shall:

30 (i) work in a privately operated center-based child care program or in
31 a family child care home that is regulated by the department for at
32 least an average of thirty hours per week for forty-eight weeks of the
33 year;

34 (ii) have earned an associate's, bachelor's, or advanced degree with a
35 major concentration in early childhood, child and human development,
36 elementary education, special education with a birth to age eight focus,
37 child and family services, or other relevant field within the preceding
38 five years; and

39 (iii) submit to the office of children and family services documenta-
40 tion expressing the individual's intent to work in a regulated, private-
41 ly operated center-based child care program or family child care home
42 for at least the twelve months following the annual loan repayment award
43 notification. A participant may receive up to four thousand dollars
44 annually in student loan repayment assistance, which shall be distrib-
45 uted by the department in four allotments. The department shall distrib-
46 ute at least one-quarter of the individual's total annual benefit after
47 the individual has completed three months of employment in accordance
48 with the program. The remainder of an individual's total annual benefit
49 shall be distributed by the department every three months after the
50 initial payment.

51 (b) The department shall adopt policies, procedures, and guidelines
52 necessary to implement the provisions of this section.

53 (c) Student loan repayments shall be available pursuant to this
54 section on a first-come, first-served basis until appropriated funds are
55 depleted.

1 (d) The department may contract for the administration of the program.
2 Administration costs shall not be more than ten percent of the total
3 appropriation received to implement this section.

4 5. The department shall provide supports to aid eligible providers in
5 providing trauma-informed care. Trauma-informed care supports may be
6 used by eligible agencies for the following purposes:

7 (a) additional compensation for individual staff who have an infant
8 and early childhood mental health or other child development specialty
9 credential;

10 (b) trauma-informed professional development and training;

11 (c) the purchase of screening tools and assessment materials;

12 (d) supportive services for children with complex needs that are
13 offered as fee-for-service within local communities; or

14 (e) other related expenses.

15 § 410-ii. Coordination and integration of funds. 1. The commissioner
16 and the executive director of the early learning child care program
17 shall coordinate to integrate all federal and state dollars used for the
18 block grant child care program pursuant to title five-C of this article
19 to ensure an efficient child care system and adequate care for all chil-
20 dren. The commissioner and executive director shall create a prescreen-
21 ing application to determine eligibility for all state and federal child
22 care programs to ensure all programs are utilized to the fullest extent.

23 2. Any other child care programming by the state and localities shall
24 integrate and coordinate with the early learning child care program.

25 3. The state education department and the office of children and fami-
26 ly services shall coordinate and share data with each other to make sure
27 that children between the ages of three to four are properly cared for
28 and can participate in the programs of their choosing.

29 § 410-jj. Reporting requirements. Each social services district shall
30 collect and submit to the office of children and family services, in
31 such form and at such times as specified by the department, such data
32 and information regarding child care assistance provided under the early
33 learning child care program in accordance with criteria established by
34 the department and the New York state child care board. The office of
35 children and family services shall create, oversee, and update a data-
36 base of all child care facilities in the state. Such database shall be
37 updated on a minimum of a bi-monthly basis by each social services
38 district and shall include: (a) contact information for each child care
39 facility; (b) current full or part-time care availability; and (c)
40 whether drop-in care is available.

41 § 410-kk. Enforcement. 1. The New York state child care board shall
42 have the authority to adopt rules and regulations written by the office
43 of children and family services pertaining to oversight and enforcement
44 actions of the early learning child care program.

45 2. Enforcement actions undertaken by the office of children and family
46 services shall be proportional to the severity of violations observed in
47 a licensed child care facility. The New York state child care board
48 shall develop a framework to establish levels of violations and appro-
49 priate enforcement actions for violations pursuant to section four
50 hundred seventeen of this article.

51 (a) Violations that are non-critical code violations, and are not a
52 safety risk to children or providers, shall be documented by written
53 warning or reprimand to the provider. Such written warning or reprimand
54 shall contain options to remediate the violation, a clear timeline to
55 reach compliance, and the penalty for non-compliance.

1 (b) The office shall post violations in a publicly accessible manner
2 that provides clarity and context of the type of violation that occurred
3 and the severity of the violation, without stigmatizing providers.

4 (c) Inspection results shall clearly denote if violations have been
5 remedied.

6 (d) Enforcement history shall only be listed in cases of denial, revo-
7 cation, or suspension of a child care program's license or registration.
8 Non-public enforcement actions, such as corrective plans of action or
9 finances, shall not be listed or referenced.

10 3. The office of children and family services has the right to perform
11 inspections of any provider that provides care for subsidized children.
12 A social services district shall notify the office immediately of any
13 suspected violations.

14 (a) The office shall work to mediate and assist providers in remediating
15 violations found from an inspection performed therein. Regional
16 managers under the office of children and family services shall deploy
17 staff and/or resources to aid this effort.

18 (b) Office of children and family services staff who are involved with
19 enforcement of remediation efforts shall undergo cultural-competency
20 training to effectively work with providers of all backgrounds, includ-
21 ing but not limited to race, ethnicity, gender, sexual orientation,
22 religion, and other protected classes.

23 § 410-11. Taskforce to study after school programming for five to
24 twelve year old children and crisis care. 1. Within the office of chil-
25 dren and family services, there shall be established a taskforce for the
26 purpose of studying the need for after school programming for children
27 up to twelve years of age who are not covered by the early learning
28 child care program and the need for crisis care.

29 2. The taskforce shall be chaired by a representative of the executive
30 chamber and the commissioner of the office of children and family
31 services or their designee. Members of the taskforce shall serve without
32 compensation for a one year term, but may be reimbursed for actual costs
33 incurred for participation on such taskforce. Ensuring adequate
34 geographic representation, members of the taskforce shall be appointed
35 by the governor and comprised as follows:

36 (a) three individuals shall be appointed upon the recommendation of
37 the speaker of the assembly from different regions of the state;

38 (b) three individuals shall be appointed upon the recommendation of
39 the temporary president of the senate from different regions of the
40 state;

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

43 (d) one individual shall be appointed upon the recommendation of the
44 minority leader of the senate; and

45 (e) at least one representative from each of the following entities:

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

47 (ii) the council on children and families;

48 (iii) the department of taxation and finance;

49 (iv) a regional economic development council;

50 (v) the state university of New York or the city university of New
51 York;

52 (vi) the state education department;

53 (vii) the early childhood advisory council;

54 (viii) a social services district or county government or an entity
55 that advocates on behalf of social services or county governments;

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

1 (x) a department of education operated after school program;
2 (xi) a privately operated after school program;
3 (xii) a commercial real estate specialist; and
4 (xiii) a crisis care specialist or provider.

5 3. The taskforce shall examine the following:

6 (a) the current availability and usage of subsidized after school
7 programming and care options;

8 (b) the needs for and costs associated with subsidizing after school
9 programming and care for all children under the age of twelve;

10 (c) the demographic breakdown of children and their families who use
11 and need after school programming and care;

12 (d) whether parents are voluntarily leaving the workforce due to lack
13 of affordable or accessible after school programming and care;

14 (e) varying levels of quality of after school programming and care
15 throughout the state with reporting;

16 (f) the need and cost to subsidize the need of crisis care options for
17 children who need overnight, emergency, and shelter based care; and

18 (g) workforce demographics, needs and working conditions in the crisis
19 care and after school programming industry.

20 4. The taskforce shall release a report within one year of the estab-
21 lishment of such taskforce. Such report shall contain the recommenda-
22 tions of the taskforce and shall be submitted to the New York state
23 child care board.

24 § 6. Article 6 of the social services law is amended by adding a new
25 title 5-E to read as follows:

26 TITLE 5-E

27 NEW YORK STATE CHILD CARE BOARD

28 Section 410-aaa. Establishment of the New York state child care board.

29 410-bbb. Executive director.

30 410-ccc. Powers and duties of the board.

31 410-ddd. Powers and duties of the executive director.

32 410-eee. Ethics, transparency and accountability.

33 § 410-aaa. Establishment of the New York state child care board. 1.
34 The New York state child care board is hereby established within the
35 office of children and family services and directed to work in collab-
36 oration with the executive director of the early learning child care
37 program to advise and issue recommendations on the health of child care
38 and the early learning child care program in the state of New York.

39 2. The New York state child care board shall consist of thirteen
40 voting, appointed members, along with a representative from the office
41 of children and family services, the department of education, the
42 department of labor, the department of health and the department of
43 mental hygiene. The governor shall appoint seven members to the board
44 and the temporary president of the senate and the speaker of the assem-
45 bly shall each appoint three members to the board. The members shall be
46 appointed to serve five-year terms and, in the event of a vacancy, the
47 vacancy shall be filled in the manner of the original appointment for
48 the remainder of the term. The appointed members and representatives
49 shall receive no compensation for their services but shall be allowed
50 their actual and necessary expenses incurred in the performance of their
51 duties as board members.

52 3. Board members shall have statewide geographic representation that
53 is balanced and diverse in its composition. Appointed members shall have
54 an expertise in early education and intervention, trauma-informed care,
55 infant and early childhood mental health, child and human development
56 special education with a birth to age eight focus, public and behavioral

1 health, or job training and professional development. The board shall
2 include residents from communities most impacted by child care deserts,
3 child care costs above the median, and low wages with little profes-
4 sional development opportunities.

5 4. The governor shall nominate an executive director pursuant to
6 section four hundred ten-bbb of this title that shall share responsibil-
7 ity with the board in administering the program.

8 5. The members of the board shall elect a chairperson and a vice
9 chairperson from among the members of the board. The vice chairperson
10 shall represent the board in the absence of the chairperson at all offi-
11 cial board functions. The board shall be authorized to adopt regu-
12 lations to implement the provisions of this title. In developing such
13 regulations, the board and the executive director shall consider and
14 seek to coordinate any regulations which may currently be applicable to
15 any existing programs or eligible agencies. When developing regulations,
16 the board shall consider and recognize the diversity of settings and
17 models available for the delivery of child care programs.

18 § 410-bbb. Executive director. The office shall exercise its authori-
19 ty, other than powers and duties specifically granted to the board, by
20 and through an executive director nominated by the governor and with the
21 advice and consent of the senate. The executive director shall serve
22 for a term of three years and once confirmed, may only be removed for
23 good cause with appropriate notice. The executive director shall receive
24 an annual salary not to exceed an amount appropriated therefor by the
25 legislature and the director's expenses actually and necessarily
26 incurred in the performance of the director's official duties, unless
27 otherwise provided by the legislature.

28 § 410-ccc. Powers and duties of the board. 1. The New York state
29 child care board shall have the authority to approve or reject all
30 rules, regulations and orders made by the office of children and family
31 services that it may deem necessary or proper to fully effectuate the
32 provisions of the early learning child care program; provided, however,
33 that the board shall approve regulations relating to, but not be limited
34 to, the following:

35 (a) in relation to section four hundred ten-gg of this article, recom-
36 mendations from the early childhood advisory council on the proper
37 amount of funding needed for expansion grants, and startup funds and tax
38 incentives in fiscal years two thousand twenty-six, two thousand twen-
39 ty-seven, and beyond to expand eligible agency facilities to hold the
40 increased capacity needed to house and properly supply eligible agencies
41 for the early learning child care program;

42 (b) in relation to section four hundred ten-hh of this article, recom-
43 mendations from the early childhood advisory council on the proper
44 amount of funding needed for technical assistance, training, and profes-
45 sional development to sufficiently staff eligible agencies across the
46 state in fiscal years two thousand twenty-six, two thousand twenty-sev-
47 en, and beyond;

48 (c) approving rules and regulations to properly regulate all parts of
49 the early learning child care program, including rules regarding
50 enforcement, pursuant to section four hundred ten-kk of this article,
51 data collection, and reporting, pursuant to section four hundred ten-ii
52 of this article;

53 (d) a definition of the approved expenditures for which grant funds
54 may be used, which shall include, but not be limited to, transportation
55 services and lease expenses or other appropriate facilities expenses;

1 (e) approving all other transitional guidelines and rules which allow
2 a program to meet the required staff qualifications by the start of the
3 two thousand twenty-six school year;

4 (f) approving transitional guidelines and rules which allow an early
5 learning child care program to meet any other requirements set forth
6 pursuant to this section and regulations adopted by the board and the
7 executive director relating to health and safety standards;

8 (g) time requirements which reflect the needs of the social services
9 districts for flexibility, but which also meet a minimum weekly time
10 requirement;

11 (h) the staff/child ratio;

12 (i) reasonable grounds and basis for the non-acceptance of a proposal
13 submitted to the early learning child care agency when the proposal
14 otherwise meets, to the extent applicable, all the regulations of the
15 requirements set forth in this subdivision, as well as subdivisions six,
16 seven, and eight of section four hundred ten-bb of this article;

17 (j) any other program components, such as health, nutrition or support
18 services, which the child care board deem appropriate and necessary for
19 the appropriate and effective implementation of an early learning child
20 care program;

21 (k) commencing July first, two thousand twenty-six, and continuing
22 until June thirtieth, two thousand twenty-seven, approving a plan that
23 requires that the social services district give preference to serving
24 eligible children who are living in economically distressed areas, as
25 defined by section four hundred ten-aa of this article;

26 (l) approving a process by which an agency shall submit an application
27 to a social services district; and

28 (m) approving a formula for a grant for drop-in care pursuant to
29 section four hundred ten-dd of this article.

30 2. The board shall meet as frequently as its business may require. The
31 board shall enact, and from time to time may amend, bylaws in relation
32 to its meetings and the transactions of its business. A majority of the
33 total number of voting members which the board would have, were there no
34 vacancies, shall constitute a quorum and shall be required for the board
35 to conduct business. All meetings of the advisory board shall be
36 conducted in accordance with the provisions of article seven of the
37 public officers law.

38 § 410-ddd. Powers and duties of the executive director. The executive
39 director shall have the following powers and duties:

40 1. (a) To exercise the powers and perform the duties in relation to
41 the administration of the early learning child care program as are not
42 specifically vested or delegated by this chapter in the early learning
43 child care board; and (b) to oversee social services districts adminis-
44 tration of the law.

45 2. To keep records in such form as they may prescribe of all certif-
46 ications and licenses.

47 3. To inspect or provide for the inspection of any premises where an
48 early learning child care program is located.

49 4. To prescribe forms of applications for certifications, licenses and
50 contracts under this chapter and of all reports deemed necessary by the
51 board.

52 5. To inspect or provide for the inspection of any certified premises
53 where an early learning child care program is being administered.

54 6. To prescribe forms for applications for certifications and licenses
55 under this chapter and of all reports deemed necessary by the board.

1 7. To delegate the powers authorized in this section to such other
2 officers or employees as may be deemed appropriate by the executive
3 director.

4 8. To exercise the powers and perform the duties as delegated by the
5 board in relation to the administration of the board as are necessary,
6 including but not limited to budgetary and fiscal matters.

7 9. To enter into contracts, memoranda of understanding, and agreements
8 to effectuate the policy and purpose of this chapter.

9 10. To advise and assist the board in carrying out any of its func-
10 tions, powers and duties.

11 11. To coordinate across state agencies and departments in order to
12 research and study any changes in child care use, costs, adminis-
13 tration, and all related fields.

14 12. To issue guidance and industry advisories.

15 § 410-eee. Ethics, transparency and accountability. No member of the
16 board or office of children and family services or any officer, deputy,
17 assistant, inspector or employee, or spouse or minor child of such
18 member, officer, deputy, assistant, inspector or employee thereof shall
19 have any interest, direct or indirect, either proprietary or by means of
20 any loan, mortgage or lien, or in any other manner, in or on any prem-
21 ises where child care is provided; nor shall such person have any inter-
22 est, direct or indirect, in any business wholly or partially devoted to
23 child care, or own any stock in any corporation which has any interest,
24 proprietary or otherwise, direct or indirect, in any premises where
25 child care is provided, or receive any commission or profit whatsoever,
26 direct or indirect, from any person applying for or receiving any subsi-
27 dy or grant in this program, or hold any other elected public office in
28 the state or in any political subdivision. After notice and opportunity
29 to be heard, anyone found to have knowingly violated any of the
30 provisions of this section shall, after notice, be removed and shall
31 divest themselves of such direct or indirect interests, in addition to
32 any other penalty provided by law.

33 § 7. This act shall take effect one year after it shall have become a
34 law.