

STATE OF NEW YORK

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2025-2026 Regular Sessions

IN SENATE

January 27, 2025

Introduced by Sens. BRISPORT, BAILEY, BROUK, CLEARE, COMRIE, COONEY, FERNANDEZ, GONZALEZ, GOUNARDES, HINCHEY, HOYLMAN-SIGAL, JACKSON, KAVANAGH, LIU, MYRIE, RAMOS, RIVERA, SALAZAR, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY -- 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 establishing a universal child care taskforce; to amend the state finance law, in relation to establishing a permanent child care workforce pay equity fund; to amend the education law, in relation to establishing a universal child care public option pilot program; to repeal certain provisions of the social services law relating to the child care availability taskforce; 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 initial report, finding that the
7 current crisis "requires a dramatically different approach to child
8 care: one that recognizes that high-quality child care is a public good
9 and that provides the necessary public investment" to implement a system
10 of high-quality universal child care.
11 The Task Force was subsequently charged with the duty of advising the
12 state "in developing an implementation framework leading to a phased-in
13 rollout of universal child care", and issued another report in April
14 2024 that recommended items such as a "permanent line of funding for the
15 child care workforce" and the launch of "a state-run child care assist-
16 ance pilot program". In January 2025 the Task Force released its "Road-

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

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1 map to Universal Child Care", which incorporates the recommendations in
2 the first two reports, and lays out key markers on the road to universal
3 child care, including the "short term" goal of immediately establishing
4 a "permanent workforce compensation fund aimed at increasing wages for
5 all members of the child care workforce and indexed to cost of living".

6 This legislation will implement the recommendations of the Task Force
7 and move New York towards such a dramatically new system, where child
8 care workers are treated with dignity and compensated generously as the
9 educators that they are, where child care is free and available to all
10 just like our public education system is free and available for all,
11 where burdensome and ineffective means-testing requirements are ulti-
12 mately eliminated, where public investments are directed towards those
13 most in need as we build out our important child care infrastructure,
14 where families have a meaningful ability to select the modalities that
15 work best for their children, where child care providers are not forced
16 to compete against each other, where high-quality is ensured for all so
17 that we do not have a two-tiered child care system where the wealthy
18 have high-quality care and the working poor have substandard care, where
19 both federal and state funding is allocated generously, where the burden
20 on localities is minimized, and where our child care system is truly
21 universal.

22 § 3. The social services law is amended by adding a new section 390-k
23 to read as follows:

24 § 390-k. Universal child care taskforce. 1. There shall be established
25 a universal child care taskforce for the purpose of guiding New York
26 towards a system of free and universal child care.

27 2. The taskforce shall be chaired by a representative of the executive
28 chamber and the commissioners of the office of children and family
29 services, the department of labor, and the department of education, or
30 their designees. Members of the taskforce shall serve without compen-
31 sation for three year terms, but may be reimbursed for actual costs
32 incurred for participation on such taskforce. Ensuring adequate
33 geographic, racial and ethnic representation, members of the taskforce
34 shall be appointed by the governor and comprised as follows:

35 (a) four individuals shall be appointed upon the recommendation of the
36 speaker of the assembly, at least one of whom shall be a parent who has
37 utilized subsidized child care and at least one of whom shall be a
38 parent who has utilized unsubsidized child care, from different regions
39 of the state;

40 (b) four individuals shall be appointed upon the recommendation of the
41 temporary president of the senate, at least one of whom shall be a
42 parent who has utilized subsidized child care and at least one of whom
43 shall be a parent who has utilized unsubsidized child care, from differ-
44 ent regions of the state;

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

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

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

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

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

54 (h) two representatives from the public education community;

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

1 (j) at least one representative from each of the following entities:
2 (i) the office of temporary and disability assistance;
3 (ii) the council on children and families;
4 (iii) the department of taxation and finance;
5 (iv) a regional economic development council;
6 (v) the state university of New York or the city university of New
7 York;
8 (vi) the state education department;
9 (vii) the early childhood advisory council;
10 (viii) a social services district or county government or an entity
11 that advocates on behalf of social services or county governments;
12 (ix) a non-profit child care advocacy organization; and
13 (x) an academic research institution, with expertise regarding differ-
14 ent international child care systems.

15 3. The taskforce shall:

16 (a) examine the negative impacts of the expiration of federal assist-
17 ance for child care in New York state, as well as the negative impacts
18 presented by the multiplicity of different agencies administering the
19 child care system, and the difficulties posed by means-testing require-
20 ments, work requirements, activities tests, and immigration status
21 requirements;

22 (b) advise the state in developing an implementation framework leading
23 to a four-year phased-in rollout of universal child care, which is free
24 at the point of service for all families, which delivers high-quality
25 child care to all New Yorkers, and which offers salaries to educators
26 comparable to those of public school teachers;

27 (c) recommend solutions to address chronic child care workforce
28 issues, the availability of child care for non-traditional work hours,
29 and other concerns identified in the course of the examination required
30 by this subdivision;

31 (d) recommend federal legislative changes necessary to access feder-
32 ally funded programs, as well as state funding appropriations needed to
33 completely eliminate means-testing requirements, work requirements,
34 activities tests, and immigration status requirements;

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

39 (f) anything else the taskforce deems necessary.

40 4. (a) The taskforce shall report a four-year plan for a phased roll-
41 out of universal child care in the state, and make annual recommenda-
42 tions, starting in November first, two thousand twenty-five through
43 November thirtieth, two thousand twenty-six, for specific appropriations
44 for budget allocations that would allow for a truly free and universal
45 child care system, including, but not limited to: (i) wage increases for
46 child care educators that allow them to achieve pay parity with public
47 school teachers; (ii) capital expenditures to allow for the expansion of
48 child care infrastructure into communities most in need; and (iii)
49 startup funds to allow for the creation of new child care programs in
50 child care deserts. Such recommendations shall include recommendations
51 to identify all reasonable means of maximizing the allocation of federal
52 funds, as well as supplemental funding from the state that would allow
53 for a truly free and universal child care system. The taskforce report
54 shall further make recommendations for the integration of child care
55 programs into existing public programs, such as public schools, public
56 universities, and public housing, to deliver high-quality child care to

1 all New Yorkers. Such recommendations shall be based on what is needed
2 to actually achieve a high-quality universal child care system in the
3 state, and what additional funding would be needed from the state to
4 achieve that goal. Each year, following the annual state budget, the
5 taskforce shall also provide a score card stating how close New York has
6 come to achieving a high-quality universal child care system, provided,
7 however, that taskforce members who are employees of the governor's
8 office and the state legislature shall recuse themselves from such
9 rating process. The taskforce shall report its findings annually.

10 (b) The taskforce shall also report on and make recommendations
11 regarding an employee compensation scale for early childhood educators
12 and child care workers in accordance with section ninety-nine-ss of the
13 state finance law. The taskforce shall:

14 (i) review the findings and recommendations of the Washington, D.C.
15 early childhood educator equitable compensation taskforce from March two
16 thousand twenty-three;

17 (ii) submit a separate report to the governor, the speaker of the
18 assembly, and the temporary president of the senate no later than Decem-
19 ber thirty-first, two thousand twenty-five. Such report shall:

20 (1) assess the expected impact of implementing an employee compen-
21 sation scale for raising the wages and benefits of workers in early
22 childhood education and child care programs to parity with public school
23 teachers;

24 (2) propose an employee compensation scale for child day care programs
25 that accounts for employee role, credentials, and experience; and

26 (3) provide recommendations for implementing the employee compensation
27 scale. Such recommendations shall, at a minimum, consider: (A) equitable
28 implementation that accounts for different staffing models, types, and
29 sizes of child day care programs; (B) how to allocate funds to new child
30 day care programs that open after the effective date of this paragraph;
31 (C) how to ensure that funds support the child care workforce rather
32 than private for-profit investors; and (D) how to ensure that funds
33 support programs that provide care to subsidy-eligible families;

34 (iii) provide guidance as to how to allocate the permanent child care
35 workforce pay equity fund for fiscal years two thousand twenty-six, two
36 thousand twenty-seven, two thousand twenty-eight and two thousand twen-
37 ty-nine, assuming that the amount available to the fund includes an
38 annual appropriation of one billion two hundred million dollars, plus
39 any amounts adjusted for inflation in years beyond fiscal year two thou-
40 sand twenty-five. The taskforce may also recommend that such appropri-
41 ations exceed one billion two hundred million dollars; and

42 (iv) make recommendations regarding oversight, reporting, and account-
43 ability mechanisms for the use of funds allocated to child day care
44 programs from the permanent child care workforce pay equity fund.

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

47 8. The [~~department~~] office of children and family services shall
48 establish and maintain a list of all current registered and licensed
49 child day care programs and a list of all programs whose license or
50 registration has been revoked, rejected, terminated, or suspended. [~~Such~~
51 ~~information shall be available to the public, pursuant to procedures~~
52 ~~developed by the department~~] The office of children and family services
53 shall work with service providers and child care resource and referral
54 agencies throughout the state to gather information to maintain a publ-
55 icly-searchable, user-friendly, and language-accessible database of
56 available child care facilities on the office's website and on a compan-

1 ion phone application. Such database shall be updated in real time and
2 shall provide and be searchable by the following information:

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

4 (b) the capacity of the facility;

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

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

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

10 (f) the modality for the facility;

11 (g) the operating hours for the facility;

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

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

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

21 § 5. Subdivision 1 of section 410 of the social services law, as
22 amended by chapter 694 of the laws of 2022, is amended to read as
23 follows:

24 1. A public welfare official of a county, city or town is [~~authorized~~
25 obligated], provided funds have been made available therefor, to provide
26 day care at public expense for children residing in [~~his~~] their territo-
27 ry [~~who are eligible therefor pursuant to provisions of this title. Such~~
28 ~~care may be provided only in cases where it is determined, under crite-~~
29 ~~ria established by the office of children and family services, that~~
30 ~~there is a need and that such care is in the best interest of the child~~
31 ~~and parent, provided however that the public welfare official shall not~~
32 ~~be required to limit authorized child care services strictly based on~~
33 ~~the work, training, or educational schedule of the parents or the number~~
34 ~~of hours the parents spend in work, training, or educational activities.~~
35 ~~Where the family is able to pay part or all of the costs of such care,~~
36 ~~payment of such fees as may be reasonable in the light of such ability~~
37 ~~shall be required] with the aim of providing free and universal child
38 care for all families within such territory.~~

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

43 2. The [~~department of social welfare is~~] office of children and family
44 services and the department of education are hereby designated and
45 empowered to act as the [~~agent~~] agents of the state in carrying out the
46 provisions of any such federal law with respect to such day care facili-
47 ties in this state. In exercising this duty as agent of the state, the
48 office of children and family services shall seek to obtain any waivers
49 or permissions from federal agencies necessary and proper to allow the
50 state and its various subdivisions to implement a child care system that
51 is universal and free at the point of service, notwithstanding that the
52 state's child care system may be more expansive than what is being reim-
53 bursed with federal funds.

54 5. To the extent that federal funds are offered for child care and are
55 contingent on matching funds from the state, the state shall make all

1 reasonable efforts to maximize the allocation of federal funds by making
2 sufficient state-level appropriations.

3 § 7. Subdivisions 5, 6, 7, 8, 9 and 10 of section 410-x of the social
4 services law are renumbered subdivisions 6, 7, 8, 9, 10 and 11 and a new
5 subdivision 5 is added to read as follows:

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

17 (b) In developing such model the office of children and family
18 services shall consult with stakeholders including, but not limited to,
19 representatives of child care resource and referral agencies, child care
20 providers, labor leaders for any labor unions representing child care
21 workers in the state, and any state advisory council established pursu-
22 ant to 42 U.S.C.S. § 9831 et seq., as amended. The cost estimation model
23 shall be statistically valid, using complete and current data and rigor-
24 ous collection methods. The cost estimation model shall further account
25 for biases in reported data that tend to underestimate the cost of care,
26 and shall make appropriate adjustments.

27 § 8. Section 410-z of the social services law, as added by section 52
28 of part B of chapter 436 of the laws of 1997, is amended to read as
29 follows:

30 § 410-z. Reporting requirements. 1. Each social services district
31 shall collect and submit to the [~~department~~] office of children and
32 family services and the department of education, in such form and at
33 such times as specified by the [~~department~~] office of children and
34 family services, such data and information regarding child care assist-
35 ance provided under the block grant as the [~~department~~] office of chil-
36 children and family services may need to comply with federal reporting
37 requirements.

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

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

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

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

52 The report shall be submitted to the governor, the speaker of the
53 assembly and the temporary president of the senate by June first, two
54 thousand twenty-six and June first of every other year thereafter. The
55 office of children and family services shall post the information
56 contained in the report on its website.

1 § 9. Subdivision 1 and paragraph (b) of subdivision 5 of section 410-c
2 of the social services law, subdivision 1 as added by chapter 1014 of
3 the laws of 1969, paragraph (a) of subdivision 1 as amended by chapter
4 110 of the laws of 1971, and paragraph (b) of subdivision 5 as amended
5 by chapter 277 of the laws of 1990, and such section as renumbered by
6 chapter 640 of the laws of 1971, are amended to read as follows:

7 1. (a) Expenditures made by counties, cities, and towns for day care
8 and its administration, and day care center projects, pursuant to the
9 provisions of this title, shall, if approved by the department, be
10 subject to reimbursement by the state, in accordance with the regu-
11 lations of the department, as follows: There shall be paid to each coun-
12 ty, city or town (1) the amount of federal funds, if any, properly
13 received or to be received on account of such expenditures; (2) [~~fifty~~]
14 ninety per centum of its expenditures for day care and its adminis-
15 tration and day care center projects, after first deducting therefrom
16 any federal funds received or to be received on account thereof, and any
17 expenditures defrayed by fees paid by parents or by other private
18 contributions.

19 (b) For the purpose of this title, expenditures for administration of
20 day care shall include expenditures for compensation of employees in
21 connection with the furnishing of day care, including but not limited to
22 costs incurred for pensions, federal old age and survivors insurance and
23 health insurance for such employees; training programs for personnel,
24 operation, maintenance and service costs; and such other expenditures
25 such as equipment costs, depreciation and charges and rental values as
26 may be approved by the department. It [~~shall not~~] may include expendi-
27 tures for capital costs in appropriate cases at the discretion of the
28 department, provided that capital costs are prioritized in areas that
29 are categorized as child care deserts. In the case of day care purchased
30 from a non-profit corporation constituting an eligible borrower pursuant
31 to title five-a of this article, expenditures shall include an allocable
32 proportion of all operating costs of such facility as may be approved by
33 the department including but not limited to the expenditures enumerated
34 in this paragraph [~~(b)~~] and expenditures for amortization, interest and
35 other financing costs of any mortgage loan made to such non-profit
36 corporation.

37 (b) The commissioner shall, within appropriations made available
38 therefor, select proposed school age child day care programs which shall
39 be eligible to receive an award [~~of no more than twenty-five thousand~~
40 ~~dollars~~] for start up or expansion costs, including planning, rental,
41 operational and equipment costs, or minor renovations identified as
42 being necessary in order for the program to comply with applicable state
43 or local building, fire safety or licensing standards, based on plans
44 submitted to [~~him~~] the commissioner. The commissioner shall give pref-
45 erence to those areas of the state which are significantly underserved
46 by existing school age child day care programs and to those programs
47 which involve parents in the development and implementation of programs.
48 The commissioner shall publicize this availability of funds to be used
49 for purposes of this subdivision in awarding grants. Plans may be
50 submitted by private not-for-profit corporations, organizations or
51 governmental subdivisions.

52 § 10. Subdivision 8 of section 410-w of the social services law, as
53 amended by section 6 of part U of chapter 56 of the laws of 2023, is
54 amended to read as follows:

55 8. Notwithstanding any other provision of law, rule or regulations to
56 the contrary, a social services district that implements a plan amend-

1 ment to the child care portion of its child and family services plan,
2 either as part of an annual plan update, or through a separate plan
3 amendment process, where such amendment reduces eligibility for, or
4 increases the family share percentage of, families receiving child care
5 services, or that implements the process for closing child care cases as
6 set forth in the district's approved child and family services plan, due
7 to the district determining that it cannot maintain its current caseload
8 because all of the available funds are projected to be needed for open
9 cases, shall provide all families whose eligibility for child care
10 assistance or family share percentage will be impacted by such action
11 with at least thirty days prior written notice of the action. Provided,
12 however, that a family receiving assistance pursuant to this title shall
13 not be required to contribute more than what is required by federal law
14 or one percent of their income exceeding the federal poverty level,
15 whichever is lower, and that such cost shall be covered entirely by the
16 state.

17 § 11. Subdivision 7 of section 410-x of the social services law, as
18 amended by section 7 of part U of chapter 56 of the laws of 2023, and as
19 renumbered by section seven of this act, is amended to read as follows:

20 7. Pursuant to department regulations, child care assistance shall be
21 provided on a sliding fee basis based upon the family's ability to pay;
22 provided, however, that a family receiving assistance pursuant to this
23 title shall not be required to contribute more than what is required by
24 federal law or one percent of their income exceeding the federal poverty
25 level, whichever is lower, and that such cost shall be covered entirely
26 by the state.

27 § 12. Paragraph (a) of subdivision 11 of section 410-x of the social
28 services law, as added by section 1 of part Y of chapter 56 of the laws
29 of 2024, and as renumbered by section seven of this act, is amended to
30 read as follows:

31 (a) Local social services districts shall establish a differential
32 payment rate for child care services provided by licensed or registered
33 child care providers who provide care to a child or children experienc-
34 ing homelessness. Such differential payment rate shall be [~~no less than~~
35 ~~ten percent higher but no greater than fifteen~~] twenty percent higher
36 than the actual cost of care or the applicable market-related payment
37 rate established by the office in regulations, whichever is less.

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

41 1. A public welfare official of a county, city or town [~~is authorized~~
42 shall], provided funds have been made available therefor, [~~to~~] and with
43 the state making all reasonable efforts to obtain federal funding and
44 supplementing those amounts with additional state funding, provide day
45 care at public expense for children residing in [~~his~~] their territory
46 who are eligible therefor pursuant to provisions of this title. Such
47 care [~~may~~] shall be provided [~~only in cases where it is determined,~~
48 under criteria established by the office of children and family
49 services, that there is a need and that such care is in the best inter-
50 est of the child and parent; provided however that the public welfare
51 official shall not [~~be required to~~] limit authorized child care services
52 strictly based on the work, training, or educational schedule of the
53 parents or the number of hours the parents spend in work, training, or
54 educational activities, nor shall the public welfare official limit
55 authorized child care services based on proof of immigration status.
56 Where the family [~~is able to pay part or all of the costs of such care~~]

1 income is more than one thousand percent of the poverty line, payment of
2 such fees as may be reasonable in the light of such ability [~~shall~~] may
3 be required to the extent necessary as the state transitions to a system
4 that is free and universal. To the extent there are insufficient funds
5 to immediately serve all families, the state shall make all reasonable
6 efforts to incrementally expand to universal access over a period of
7 four years, pursuant to the phase-in priorities and principles recom-
8 ended by the taskforce established pursuant to section three hundred
9 ninety-k of this article.

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

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

17 1. The legislature finds and declares that a crisis exists in the
18 availability and quality of child day care in New York state and that
19 this crisis poses a danger both to the welfare and safety of the chil-
20 dren and to the productivity of this state's workforce; that inadequate
21 salaries and in many cases nonexistent benefit packages have substan-
22 tially contributed to the existing crisis by precluding day care centers
23 from recruiting and retaining necessary teaching and supervisory staff;
24 that an extremely high turnover rate has interfered in many instances
25 with the ability of day care centers to comply with regulatory require-
26 ments and to properly serve the children in their care; and that because
27 of these extraordinary circumstances New York state must intervene and
28 provide assistance for recruitment and retention of child care [~~workers~~]
29 educators, with the goal of creating a free and universal child care
30 system that is available to all, in the same manner as the public school
31 system, without the burdens of means-testing. The legislature recognizes
32 that a long-term solution to this crisis will require cooperative
33 efforts among [~~the business community, local and state governments and~~
34 ~~families~~] all New Yorkers.

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

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

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

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

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

1 § 16. Subdivisions 1 and 2 of section 410-v of the social services
2 law, subdivision 1 as added by section 52 of part B of chapter 436 of
3 the laws of 1997, subdivision 2 as amended by chapter 214 of the laws of
4 1998, are amended to read as follows:

5 1. The part of the block grant that is determined to be available to
6 social services districts for child care assistance shall be apportioned
7 among the social services districts by the department according to an
8 allocation plan developed by the department and approved by the director
9 of the budget. The allocation plan shall ~~[be based, at least in part, on~~
10 ~~historical costs and on the availability and cost of, and the need for,~~
11 ~~child care assistance in each social services district]~~ provide
12 universal and free child care on a statewide basis. Annual allocations
13 shall be made on a federal fiscal year basis and shall incorporate the
14 annual recommendations of the child care taskforce established pursuant
15 to section three hundred ninety-k of this article.

16 2. Reimbursement under the block grant to a social services district
17 for its expenditures for child care assistance shall be available for
18 ~~[seventy-five]~~ ninety percent of the district's expenditures for child
19 care assistance provided to those families in receipt of public assist-
20 ance which are eligible for child care assistance under this title and
21 for one hundred percent of the social services district's expenditures
22 for other eligible families~~[, provided, however, that such reimbursement~~
23 ~~shall be limited to the social services district's annual state block~~
24 ~~grant allocation]~~. To the extent that families are not eligible for
25 funding pursuant to this provision, the state shall make all reasonable
26 efforts to ensure that families not eligible for federally-funded child
27 care have access, phased-in over a period of four years, pursuant to the
28 phase-in priorities and principles recommended by the taskforce estab-
29 lished pursuant to section three hundred ninety-k of this article.

30 § 17. Subdivisions 1 and 2 of section 410-w of the social services
31 law, subdivision 1 as amended by section 2 of part U of chapter 56 of
32 the laws of 2023 and subdivision 2 as amended by chapter 569 of the laws
33 of 2001, are amended to read as follows:

34 1. A social services district may use the funds allocated to it from
35 the block grant to provide child care assistance to~~+~~

36 ~~(a) families receiving public assistance when such child care assist-~~
37 ~~ance is necessary; to enable a parent or caretaker relative to engage in~~
38 ~~work, participate in work activities or perform a community service~~
39 ~~pursuant to title nine-B of article five of this chapter; to enable a~~
40 ~~teenage parent to attend high school or other equivalent training~~
41 ~~program; because the parent or caretaker relative is physically or~~
42 ~~mentally incapacitated; or because family duties away from home necessi-~~
43 ~~tate the parent or caretaker relative's absence; child day care shall be~~
44 ~~provided during breaks in activities. Such child day care shall be~~
45 ~~authorized for the period designated by the regulations of the depart-~~
46 ~~ment;~~

47 ~~(b) families with incomes up to eighty five percent of the state medi-~~
48 ~~an income who are attempting through work activities to transition off~~
49 ~~of public assistance when such child care is necessary in order to~~
50 ~~enable a parent or caretaker relative to engage in work provided such~~
51 ~~families' public assistance has been terminated as a result of increased~~
52 ~~hours of or income from employment or increased income from child~~
53 ~~support payments or the family voluntarily ended assistance; provided~~
54 ~~that the family received public assistance at least three of the six~~
55 ~~months preceding the month in which eligibility for such assistance~~

~~terminated or ended or provided that such family has received child care assistance under subdivision four of this section;~~

~~(c) families with incomes up to eighty five percent of the state median income, which are determined in accordance with the regulations of the department to be at risk of becoming dependent on family assistance;~~

~~(d) families with incomes up to eighty five percent of the state median income, who are attending a post secondary educational program; and~~

~~(e) other families with incomes up to eighty five percent of the state median income in accordance with criteria established by the department]~~

families who need child care or who are having trouble affording child care, to the maximum extent permissible under federal laws and regulations. To the extent that families are not eligible for funding pursuant to this provision, the state shall make all reasonable efforts to ensure that families not eligible for federally-funded child care have access, phased-in over a period of four years, pursuant to the phase-in priorities and principles recommended by the taskforce established pursuant to section three hundred ninety-k of this article.

~~2. [For the purposes of this title, the term "state income standard" means the most recent federal income official poverty line (as defined and annually revised by the federal office of management and budget) updated by the department for a family size of four and adjusted by the department for family size]~~ Each social services district and school

district shall conduct extensive and language-accessible outreach to families who need child care or who are having trouble affording child care. To the extent that social services districts or the office of children and family services are required to examine families' incomes pursuant to federal laws or regulations, they shall use the least restrictive and most efficient means available to avoid placing undue burdens on families applying for assistance. To the extent that families applying for assistance are required to provide proof of eligibility, each local social services district and the office of children and family services shall make all reasonable efforts to provide assistance in completing all necessary documents expeditiously.

§ 18. Subdivision 2 of section 410-u of the social services law, as amended by section 1 of part U of chapter 56 of the laws of 2023, is amended to read as follows:

2. The state block grant for child care shall be divided into two parts pursuant to a plan developed by the department and approved by the director of the budget. One part shall be retained by the state to provide child care on a statewide basis to special groups and for activities to increase the availability and/or quality of child care programs, including, but not limited to, the start-up of child care programs, the increase of child care worker salaries, the operation of child care resource and referral programs, training activities, the regulation and monitoring of child care programs, the development of computerized data systems, and consumer education, provided however, that child care resource and referral programs funded under title five-B of article six of this chapter shall meet additional performance standards developed by the department of social services including but not limited to: increasing the number of child care placements for all persons, with priority given to persons who are at or below [~~eighty five percent of the state median income,~~] one thousand percent of the federal poverty line; with emphasis on placements supporting local efforts in meeting federal and state work participation requirements, increasing technical assistance to all modalities of legal child care to persons, with priority given to persons who are at or below [~~eighty five percent~~

1 ~~of the state median income,~~ one thousand percent of the federal poverty
 2 line; including the provision of training to assist providers in meeting
 3 child care standards or regulatory requirements~~[7]~~; and creating new
 4 child care opportunities, and assisting social services districts in
 5 assessing and responding to child care needs for all persons, with
 6 priority given to persons at or below ~~[eighty-five percent of the state~~
 7 ~~median income]~~ one thousand percent of the federal poverty line. The
 8 department shall have the authority to withhold funds from those agen-
 9 cies which do not meet performance standards. Agencies whose funds are
 10 withheld may have funds restored upon achieving performance standards.
 11 The other part shall be allocated to social services districts to
 12 provide child care assistance to families receiving family assistance
 13 and to other low income families. To the extent that families are not
 14 eligible for funding pursuant to this subdivision, the state shall make
 15 all reasonable efforts to ensure that families not eligible for federal-
 16 ly-funded child care have access, phased-in over a period of four years,
 17 pursuant to the phase-in priorities and principles recommended by the
 18 taskforce established pursuant to section three hundred ninety-k of this
 19 article.

20 § 19. Section 410-cc of the social services law, as amended by chapter
 21 882 of the laws of 1990, is amended to read as follows:

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

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

47 § 101. Education department; regents of the university. There shall
 48 continue to be in the state government an education department. The
 49 department is charged with the general management and supervision of all
 50 public schools and all of the educational work of the state, including
 51 the operations of The University of the State of New York and the exer-
 52 cise of all the functions of the education department, of The University
 53 of the State of New York, of the regents of the university and of the
 54 commissioner of education and the performance of all their powers and
 55 duties, which were transferred to the education department ~~[by section~~
 56 ~~three hundred twelve of the state departments law]~~ or shall have been

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

39 § 21. The state finance law is amended by adding a new section 99-ss
40 to read as follows:

41 § 99-ss. Permanent child care workforce pay equity fund. 1. There is
42 hereby established in the joint custody of the state comptroller and the
43 commissioner of taxation and finance a special fund to be known as the
44 "permanent child care workforce pay equity fund".

45 2. Such fund shall consist of all moneys collected therefor or credit-
46 ed or transferred thereto from any other fund, account, or source.
47 Nothing contained in this section shall prevent the state from receiving
48 grants, gifts or bequests for the purposes of the fund as defined in
49 this section and depositing them into the fund according to law.

50 3. Any unexpended and unencumbered moneys remaining in the permanent
51 child care workforce pay equity fund at the end of a fiscal year shall
52 remain in the permanent child care workforce pay equity fund and shall
53 not be credited to any other fund. Any interest received by the comp-
54 troller on moneys on deposit in the fund shall be retained in and become
55 a part of such fund.

1 4. Subject to authorization in an approved budget and financial plan,
2 any funds appropriated in the fund shall be continually available with-
3 out regard to fiscal year limitation.

4 5. Moneys in the fund, following appropriation by the legislature,
5 shall be utilized to directly raise wages of participating programs as
6 New York transitions towards a universal child care system and to allow
7 early childhood education and child care providers to pay staff adequate
8 wages and benefits at parity with public school teachers. Such moneys
9 shall be allocated through agencies, including but not limited to the
10 office of children and family services, to:

11 (a) Support the implementation of an employee compensation salary
12 scale to increase the minimum compensation for employees of early child-
13 hood education and child care programs, as set forth in section three
14 hundred ninety-k of the social services law; and

15 (b) Pay agency administrative costs, including personnel costs and
16 costs related to providing technical assistance to child day care
17 providers, related to increasing the minimum compensation for employees
18 pursuant to a salary scale approved by the universal child care task-
19 force, as defined in section three hundred ninety-k of the social
20 services law; provided, that such administrative costs shall not exceed
21 five percent of the annual amount deposited into the fund in any fiscal
22 year.

23 6. For fiscal year two thousand twenty-five, before the universal
24 child care taskforce's report and recommendations are completed and
25 available, payments from the fund shall be distributed at least quarter-
26 ly to eligible participants. Such payments shall meet the following
27 criteria, pending submission of the report and recommendations from the
28 universal child care taskforce:

29 (a) Payments shall be calculated and readjusted on a quarterly basis,
30 to ensure that, to the extent practicable, all of the funding for such
31 fiscal year is distributed;

32 (b) The commissioner of children and family services shall establish a
33 simple and accessible application process for providers to apply to
34 receive money from the fund in accordance with this section. The commis-
35 sioner shall make reasonable efforts to ensure that providers and
36 employees throughout the state are aware of the program and the applica-
37 tion process.

38 (c) Quarterly payments should be sufficient to achieve a minimum annu-
39 al salary floor that the commissioner of children and family services
40 determines is necessary for the median child day care educator to
41 achieve parity with the median public school educator.

42 (d) The commissioner of children and family services shall consult
43 with child day care union representatives, and with the universal child
44 care taskforce, in the development of the payment system, and shall
45 allow such representatives and members of the taskforce to review and
46 discuss a draft proposal, and on a quarterly basis before additional
47 quarterly payments are distributed.

48 (e) The commissioner of children and family services shall report to
49 the public, on a quarterly basis, the total amount in the permanent
50 child care workforce pay equity fund, the amount deducted for adminis-
51 trative costs, the number of applicants from the previous quarter, the
52 number of participants receiving payments from the previous quarter, and
53 the exact salary enhancement methodology used.

54 7. For fiscal years two thousand twenty-six, two thousand twenty-sev-
55 en, two thousand twenty-eight and two thousand twenty-nine, expenditures
56 shall be made in accordance with the report and recommendations from the

1 universal child care taskforce, regarding employee compensation scales
2 and enhancements for child day care providers, as set forth in section
3 three hundred ninety-k of the social services law. The commissioner of
4 children and family services shall incorporate the recommendations of
5 the taskforce, based on the following criteria:

6 (a) Beginning February first, two thousand twenty-five, and annually
7 by February first thereafter, the commissioner shall publish applicable
8 salary tables to reflect minimum assistant teacher and lead teacher
9 salaries for the following fiscal year, together with additional sala-
10 ries deemed necessary by the universal child care taskforce. Each salary
11 level shall annually increase in proportion to the annual average
12 increase, if any, in the consumer price index for all urban consumers in
13 New York state, published by the bureau of labor statistics of the
14 United States department of labor for the previous calendar year, round-
15 ed to the nearest multiple of five cents.

16 (b) The commissioner of children and family services shall aim to
17 maintain the ongoing solvency of the permanent child care workforce pay
18 equity fund. If the recommended updates to compensation deviate from the
19 principles set forth in this subdivision, the commissioner shall provide
20 an explanation for such deviation.

21 (c) The commissioner shall report the updated salary tables to the
22 governor in order for the governor to include such salary tables in the
23 governor's annual executive budget submission to the legislature.

24 8. To the extent practicable, the commissioner of children and family
25 services shall ensure that all monies received during a fiscal year are
26 expanded prior to the end of that fiscal year.

27 9. In the event that funds available in the permanent child care work-
28 force pay equity fund are not sufficient to cover the costs to implement
29 the early childhood education salary scale, the commissioner of children
30 and family services may do any combination of the following, provided
31 that the commissioner shall notify the legislature of reductions author-
32 ized pursuant to this subdivision within five business days after the
33 decision to make such reductions is made:

34 (a) Reduce child development facility payroll formula payments to
35 participants to align with the availability of funds and issue guidance
36 to facilities for adjusting implementation of the early childhood educa-
37 tion salary scale for that fiscal year; or

38 (b) Reduce the number of participants receiving child development
39 facility payroll formula payments, in which case the commissioner shall
40 prioritize funding to child development facilities receiving subsidy
41 payments.

42 10. For the purposes of this section, the term "child day care" shall
43 have the same meaning as provided in subparagraph (i) of paragraph (a)
44 of subdivision one of section three hundred ninety of the social
45 services law.

46 § 22. The education law is amended by adding a new article 25 to read
47 as follows:

48 ARTICLE 25

49 UNIVERSAL CHILD CARE PUBLIC OPTION PILOT PROGRAM

50 Section 1220. Legislative findings.

51 1221. Universal child care public option pilot program.

52 1222. Administration.

53 1223. Selection of locations.

54 1224. Universal admissions.

55 1225. Pay parity for child care educators.

1 1226. Employee protections.

2 1227. Facilitated enrollment and assistance for applicants.

3 1228. Annual reporting.

4 § 1220. Legislative findings. New York state is currently facing a
5 child care crisis. Child care is unaffordable and unavailable for too
6 many New Yorkers, and the child care workforce has been historically
7 underpaid and undervalued. Moreover, there is a troubling lack of capac-
8 ity, with 3.4 children under the age of six years old for every one
9 child care slot available within the state. In order to address this
10 child care crisis, the Child Care Availability Task Force issued a
11 report in April two thousand twenty-four, subject to its mandate to
12 assist in "developing a framework leading to phased-in rollout of
13 universal child care". The final report advised that the state of New
14 York should "launch and evaluate a state-run child care assistance pilot
15 program" in order to address these significant gaps and move New York
16 state towards a system of truly universal and high-quality child care.
17 New York has one of the wealthiest economies in the world, and it is
18 more than capable of developing a system of universal child care that
19 provides high-quality programming, pays its educators wages at parity
20 with those of public school educators, and is free at the point of
21 service just like our public school system.

22 § 1221. Universal child care public option pilot program. The commis-
23 sioner and the commissioner of the office of children and family
24 services are hereby directed to jointly establish a universal child care
25 public option pilot program, within amounts appropriated therefor, in no
26 fewer than twenty locations throughout the state in accordance with the
27 provisions of this article.

28 § 1222. Administration. The universal child care public option pilot
29 program shall be jointly administered by the commissioner and the
30 commissioner of the office of children and family services. The commis-
31 sioner and the commissioner of the office of children and family
32 services shall hold a series of public hearings, consult with all
33 members of the universal child care taskforce established pursuant to
34 section three hundred ninety-k of the social services law, consult with
35 all unions that represent child care workers in New York state, and
36 jointly publish an implementation plan no later than December thirty-
37 first, two thousand twenty-five outlining a path to begin implementing
38 the pilot program established pursuant to this article in conjunction
39 with the two thousand twenty-five--two thousand twenty-six fiscal year
40 budget.

41 § 1223. Selection of locations. The commissioner and the commissioner
42 of the office of children and family services shall jointly select no
43 fewer than twenty locations throughout the state to establish new child
44 care programs. These locations shall be selected based on factors that
45 include, but are not limited to, the need for high-quality child care
46 and the lack of availability of high-quality child care in the region.
47 Existing child care providers who are financially struggling due to a
48 lack of state support, or who are capable of expanding their operations
49 to provide further high-quality care, shall be given the option of
50 opting in to participate in the universal child care public option pilot
51 program, provided that they can offer expanded high-quality care with
52 state supports under the program.

53 § 1224. Universal admissions. The universal child care public option
54 pilot program shall not discriminate in its admissions, and shall
55 provide child care regardless of age, race, creed, color, national

1 origin, citizenship or immigration status, sexual orientation, or gender
2 identity or expression, military status, sex, disability, predisposing
3 genetic characteristics, familial status, or marital status. There shall
4 be no means testing for admission, and care shall be provided free at
5 the point of service.

6 § 1225. Pay parity for child care educators. The universal child care
7 public option pilot program shall establish high quality pay for high
8 quality programming. The universal child care public option pilot
9 program shall pay staff adequate wages and benefits at parity with
10 public school teachers with similar experience and qualifications.

11 § 1226. Employee protections. Prior to submitting its implementation
12 plan, the commissioner and the commissioner of the office of children
13 and family services shall consult with all unions that represent child
14 care workers in New York state regarding matters of compensation and
15 representation, in order to ensure that the child care workforce
16 employed pursuant to the universal child care public option pilot
17 program is properly represented and can collectively bargain.

18 § 1227. Facilitated enrollment and assistance for applicants. In addi-
19 tion to establishing no fewer than twenty new universal child care
20 program locations, the universal child care public option pilot program
21 shall also assist in serving the needs of applicants that it is unable
22 to accommodate within the new locations that are to be established under
23 the pilot program. Once the new locations reach their maximum capacity,
24 the universal child care public option pilot program shall assist in
25 placing additional applicants, working in connection with existing child
26 care resource and referral agencies as well as existing facilitated
27 enrollment programs, at existing child care facilities, and shall
28 provide further financial assistance, subject to appropriations in the
29 annual budget.

30 § 1228. Annual reporting. In order to evaluate the implementation of
31 the universal child care public option pilot program, the commissioner
32 and the commissioner of the office of children and family services shall
33 jointly publish an annual report that includes, but is not limited to,
34 the number of children and families served by the program, the wages of
35 the workforce, the number of applicants for the pilot program, and areas
36 where further expansion of the pilot program or financial assistance
37 would be beneficial.

38 § 23. The sum of one billion two hundred million dollars
39 (\$1,200,000,000), or so much thereof as may be necessary, is hereby
40 appropriated to the office of children and family services from any
41 moneys in the state treasury in the general fund to the credit of the
42 state purposes account not otherwise appropriated for the purposes of
43 creating the workforce compensation fund for child care educators. Such
44 sum shall be payable on the audit and warrant of the state comptroller
45 on vouchers certified or approved by the commissioner of children and
46 family services, or such commissioner's duly designated representative
47 in the manner provided by law.

48 § 24. This act shall take effect immediately; provided, however, that
49 if section one of part Y of chapter 56 of the laws of 2024 shall not
50 have taken effect on or before such date, then the amendments to subdi-
51 vision 11 of section 410-x of the social services law made by section
52 twelve of this act shall take effect on the same date and in the same
53 manner as such chapter of the laws of 2024 takes effect.