

# STATE OF NEW YORK

9396

## IN SENATE

March 9, 2026

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

AN ACT to amend the social services law, in relation to providing enhanced rates for child care services provided to disabled and/or developmentally delayed children

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

1 Section 1. Subdivision 4 of section 410-x of the social services law,  
2 as added by section 52 of part B of chapter 436 of the laws of 1997, is  
3 amended to read as follows:

4 4. The amount to be paid or allowed for child care assistance funded  
5 under the block grant shall be the actual cost of care but no more than  
6 the applicable market-related payment rate established by the department  
7 in regulations. The payment rates established by the department shall be  
8 sufficient to ensure equal access for eligible children to comparable  
9 child care assistance in the substate area that are provided to children  
10 whose parents are not eligible to receive assistance under any federal  
11 or state programs. Such payment rates shall take into account the vari-  
12 ations in the costs of providing child care in different settings and to  
13 children of different age groups~~[, and the additional costs of providing~~  
14 ~~child care for children with special needs]~~. Additionally and notwith-  
15 standing any other provision of law, the commissioner shall establish a  
16 rate differential for child care providers who provide care to a child  
17 with a diagnosed developmental delay or disability, as defined by the  
18 commissioner. Such differential shall be no less than thirty percent  
19 above the applicable market rate otherwise payable for such child care  
20 services. The commissioner shall ensure that such rate differential is  
21 sufficient to account for the additional staffing, training, accommo-  
22 dations, and supports necessary to provide safe, inclusive, and develop-  
23 mentally appropriate care to children with developmental delays and  
24 disabilities.

25 § 2. The office of children and family services, in consultation with  
26 the office for people with developmental disabilities and the department  
27 of health, shall promulgate any rules and regulations necessary to

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

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1 implement the provisions of this act, including but not limited to  
2 documentation requirements and eligibility criteria, provided that such  
3 requirements shall not impose undue administrative burden on families or  
4 providers.

5 § 3. This act shall take effect on the first of April next succeeding  
6 the date on which it shall have become a law. Effective immediately, the  
7 addition, amendment and/or repeal of any rule or regulation necessary  
8 for the implementation of this act on its effective date are authorized  
9 to be made and completed on or before such effective date.