



2021-2022 NYS Child Care Legislative Package: Laying the Foundations for Universal Access to High Quality Child Care

New York now finds itself with a once-in-a-generation opportunity. We have a data-driven, fully vetted plan for transforming New York's child care system just released by the Governor's Child Care Availability Task Force; \$2.4 billion in additional child care stimulus funds to jump-start implementation; a federal administration that is prioritizing expanding and investing in early childhood education; and a state Legislature committed to ensuring New York's recovery is just, equitable, and centers those New Yorkers most impacted by the pandemic, among them, children. At the same time, the challenges facing the child care sector and families as the impacts of the pandemic continue cannot be overstated. We must take full advantage of the opportunity presented by this moment, and with an urgency reflective of the tremendous need of both families and of child care providers for concrete support.

Empire State Campaign for Child Care and Winning Beginning NY urge New York lawmakers to pass the following bills this session to set New York on track to offer high-quality child care to all New York families:

1. A.5840 (Clark)/S.5162 (Brisport) – [Child Care Provider Direct Deposit Act](#)

Currently, to receive a payment for caring for a child receiving a subsidy, providers must submit a bill every month to the county. Providers then wait for the county to process, audit and approve the submission, draft a check, and then return it by mail. It is not uncommon for providers to wait multiple months. This is an unnecessary hardship for child care providers that has been intensified during the pandemic as smaller providers struggle to make ends meet. Providers routinely find that their checks are delayed or lost while in transit. Direct deposit will offer a more efficient payment method that has long been standard practice for other agencies, such as Social Security. Offering this option will give these small business owners the ability to be paid in a more reliable manner, while also saving counties money on postage and from having to reissue checks.

2. A.7661 (Hevesi)/S.6655 (Brisport) – [Decoupling child care subsidies from parents' hours of work.](#)

This proposal would amend state law to align with discretion that federal law already provides regarding the hours of subsidized care a child may receive. Currently under Social Services Law 410, the number of hours a child is authorized to attend care is limited by the number of hours a parent is working or engaged in other educational/vocational activity. This means, for example, that if a parent is working part time, the child could not attend full-day/all-week child care, even if that program would best meet the child's needs. Our proposal offers enhanced early education opportunities for children, provides stable, reliable child care for families, especially parents whose work hours fluctuate from week to week, and also enhances stability for providers, many of whom cannot afford to offer part time care.

3. A.7582 (Hevesi)/S.6706-A. (Brisport) – [Allowing Social Services Districts to Expand Child Care Subsidy Eligibility](#)

This bill would amend Social Services Law 410-w to provide localities with the discretion to increase the income eligibility criteria for child care to as high as 85% of state median income (SMI) (as is allowed by federal law). This bill is critical for the many high-cost communities that already provide subsidy to families earning less than 200% of FPL, and are unable to meet the needs of many working families that desperately need support.

4. A.7093 (Clark)/ S.6865 (Kennedy) – [Remove Work Requirement for Student Parents Receiving Child Care Subsidies](#)

Current law allows counties to set a policy that a worker receiving public assistance or with income up to 200% of the poverty threshold who is enrolled in an educational program (including a 2 or 4 year degree program) must work 17.5 hours per week to receive child care subsidies. This presents an undue burden for parents that wish to pursue higher education that could allow for career development and advancement. This bill would remove the work requirement uniformly across that state and allow those receiving child care subsidies to devote the requisite amount of time to succeeding in their educational program. Given that the educational program must be reasonably expected to improve the earning capacity of the participant, this is an important and equitable effort to provide parents with the tools and security to do well in their studies. An advanced degree can provide workers with the necessary education and experience to move beyond entry-level jobs or attain a higher standard of living for their households.

5. A.7095 (Clark)/S.6077-A (Brisport) – [Child Care Pay Rate Differential](#)

Current law allows local social services districts to pay a differential of at least 5%, but no more than 15%, for providers who offer care to children from families experiencing homelessness, and for children who need care during non-traditional hours (evening, nights, and weekend). This legislation would require all districts to offer the full 15% differential for providing care to children in these two categories. For many parents, especially those who work shift jobs or in the health care field, access to nontraditional providers for nights and weekends is critical, however finding these care providers can be extremely difficult. This leaves parents facing the choice between either not working or leaving their children in unlicensed and unregulated care. This legislation will incentivize additional providers to offer care for children in these categories. It will also allow families struggling with homelessness to have a place to care for their children while they are searching for work, at an education program, or working at a job. It will give parents who work overnights or weekends with the confidence that they are leaving their children with providers who are licensed and qualified to do so.

6. A.7468 (Clark)/S.3903 (Kennedy) – [Child Care Cost Study](#)

Every two years the Office of Children and Family Services (OCFS) conducts a market rate survey among licensed, registered and legally-exempt child care providers. The survey collects data on what child care providers are charging for child care. The data collected is then used to set a payment rate to providers for subsidized care. While useful in setting rates, the market rate survey does not necessarily reflect the actual costs of providing child care. Child care providers have many fixed costs such as maintaining adequate staff, complying with building codes, as well as regulatory and licensing requirements; yet they can only charge what the market is willing to pay. When corresponding subsidy rates are not high enough, the quality of child care sometimes suffers as providers struggle to make ends meet. This bill would require that a cost estimation model be utilized for each category of care for which a market rate is determined. A cost estimation model can provide valuable data on the actual cost of providing child care, not just what price is charged to parents.

7. A.7721 (Clark) - [Extend the term and expand the scope of Child Care Availability Task Force](#)

This bill would amend Social Services Law § 390-k to extend the term and expand the scope of the Child Care Availability Task Force to oversee and monitor implementation of the Task Force's ambitious recommendations just released by the Governor on May 6, 2021. The bill would require the Task Force to meet quarterly at which meetings OCFS and other agencies will report on progress in implementation; allow for meaningful input from Task Force appointees; and require the release of an annual public report followed by a public hearing, among other duties.