At the Close of Legislative Session, Early Child Advocates Celebrate Child Care Victories, but Caution that the Child Care Sector and Families are Still in Crisis

Contacts:  Gregory Brender (917) 992 -7372, gbrender@dccnyinc.org  
Dede Hill (518) 879-6616, dhill@scaany.org

With New York State’s 2021 legislative session now complete, early childhood advocates claim several significant child care victories while urging further action to stabilize the system, address critical needs among parents, providers and the workforce; and begin to transform New York child care. The Empire State Campaign for Child Care (ESCCC) and Winning Beginning NY (WBNY) applaud the NYS Assembly and NYS Senate for progress made to improve access to child care in NYS; and celebrate the many provider and advocacy groups across the state who made sure that legislators heard and understood the sacrifice and fragile state of this vital economic sector. ESCCC and WBNY also call attention to new statistics revealing how New York State failed to distribute the bulk of 2020 federal CARES Act child care funding, even as the state's child care system was breaking down. Looking ahead, ESCCC and WBNY will be calling for strict distribution deadlines, state hearings and a corrective plan of action to ensure new federal funding gets out quickly to those who need it most.

This legislative session, including the FY 2022 NYS Budget, was marked by a New York State Legislature actively – and boldly – engaged around issues facing children, families and small businesses. ESCCC and WBNY thank the Legislature for passing two important child care bills; one that will make New York’s child care subsidy system function more efficiently and equitably, and another that could play a significant role in advancing transformative changes to New York child care:

Direct Deposit Payments for Child Care Providers- A.5840 (Clark)/S.5162 (Brisport) – The Child Care Provider Direct Deposit Act Allows providers to receive child care subsidy payments from the county via direct deposit. Currently, to receive a payment for caring for a child receiving 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 particularly for smaller providers struggling to make ends meet.
Extending the Child Care Availability Task Force- A.7721 (Clark)/S.7128 (Brisport) – Extends the term and expands the scope of Child Care Availability Task Force to oversee and monitor implementation of the Task Force’s recommendations. In May, the Task Force released a bold plan to expand access to child care throughout New York State with specific action steps. This law empowers the Task Force to work to ensure the recommendations are swiftly and effectively implemented, and in a way that is responsive to the changing needs of families and child care providers as NYS recovers from the pandemic.

ESCCC and WBNY also thank the NYS Senate for passing two crucial pieces of legislation that will expand access to child care to working families who desperately need it. We urge the NYS Assembly to pass these bills immediately upon resuming the next session.

Child Care Eligibility Expansion- A.7582 (Hevesi)/S.6706A (Brisport) – Amends Social Services Law 410-w to provide localities with the discretion to increase the income eligibility criteria for child care up to 85% of state median income (SMI). In this year’s budget, NYS directs federal stimulus funds to localities to ensure access to all eligible families earning less than 200% of federal poverty level (FPL) for the next three years. While this is a critical and positive step toward enabling more low-income working families to access child care, it still leaves out thousands of NY working families when we can do more. In fact, many communities across the state already serve all families earning less than 200% of FPL, among them New York City which is home to more than half a million children under 5, or 46% of NYS’s children. This law would enable such localities to further expand access, bringing us closer to the long range goal of universal affordable access.

Work Hour Flexibility- A.7661 (Hevesi)/S.6655 (Brisport) – Decoupling child care subsidies from parents’ hours of work. Amends state law to align with discretion that federal law already provides regarding the hours of subsidized care a child may receive. Without this discretion, localities can only pay a subsidy for children to cover the exact hours a parent is working, a rule that can lead to children being pulled in and out of care as parents’ work hours fluctuate, disrupting learning for children, and creating more financial uncertainty for providers.

While we celebrate these legislative successes that will move New York towards creating a better, more equitably accessible child care system, we continue to uplift the crisis facing the child care sector and the families they serve. As a direct result of the pandemic, child care providers have faced significant drops in enrollment, threatening the sustainability of their programs at a time when child care deserts have been (even before the pandemic) spreading rampanty across the State. What is needed now – right now – is for New York State to distribute the billions of federal child care stimulus funds to providers and families with a speed reflective of the urgency of their needs.
“The pandemic proved what many already knew— that child care is essential to assist families and keep parents working. It is a concrete support that allows families peace of mind and helps prevent stressful situations that can lead to abuse,” said Jenn O’Connor, Director of Policy and Advocacy at Prevent Child Abuse NY. “Prevent Child Abuse NY is thrilled to see such progress made this legislative session and thanks our legislative champions— particularly Assembly Member Hevesi and Senator Brisport and their staffs—for elevating these important issues. I look forward to continuing to serve on the newly extended Child Care Availability Task Force and to working with advocates and providers across NYS to ensure that these pieces of the legislative package are implemented effectively and that new federal stimulus funds are spent quickly and wisely.”

“The Child Care Availability Task Force laid out an important vision for how New York State can move forward to ensure families have access to high-quality child care.” said Tara N. Gardner, Executive Director of the Day Care Council of New York. “The Day Care Council looks forward to continuing its work with State leaders to ensure that families can easily access child care and children do not miss the opportunity to learn and grow from trained early childhood educators.”

“Thanks to Senator Brisport, Assemblymember Hevesi, Assemblymember Clark, and all of our legislative champions this session for ensuring direct deposits for childcare providers and the continued work of the Child Care Availability Task Force. We are excited for the tangible benefits that these pieces of legislation will have on New York families and providers, and we are so excited to build on this progress next session,” said Michelle Ming, Campaigns Manager for Gender/Worker Justice at Citizen Action of New York.

“Senator Brisport and Assemblymember Hevesi are true champions for family child care. All Our Kin is grateful for their tireless efforts to advance legislation to improve our state’s child care system. We are optimistic that in the next legislative session, legislators, child care providers, parents, and advocates will come together to pass laws to deliver the transformative change that New Yorkers deserve,” said Steven Morales, NY Policy Director, All Our Kin

“We are beyond grateful for the leadership and dedication of Senator Brisport and Assemblymember Hevesi, and the many other fierce legislative champions who stood strong for New York children, families and child care providers this legislative session. The past 12 months have been so hard for New York children, families and child care providers. Hundreds of thousands of families were pushed into poverty or near poverty due to the impacts of the pandemic; more than 1500 child care providers were forced to close their doors. These leaders came through with a state budget and legislation that strengthens child care, and signals legislators’ understanding that there can be no equitable recovery without broad access to quality child care. Today we celebrate these important wins; tomorrow, we get back to work to tackle the next challenge: ensuring New York gets federal child care relief funds out the door and into the hands of child care providers and families with a speed that reflects the urgent need of families and child care providers,” stated Dede Hill, Director of Policy, Schuyler Center for Analysis and Advocacy.
“A big thanks to Senator Brisport and Assemblymember Hevesi for their tireless work during this legislative session. Our child care system and more importantly the children of New York are better off because of the legislative actions taken this year. Parents, providers and advocates fought through the pandemic to ensure that our children are served, and, are ready to continue doing that alongside champions in the legislature to transform New York’s child care system,” said Marina Marcou-O’Malley, Policy and Operations Director for the Alliance for Quality Education.

“The pandemic has laid bare the devaluing of the crucial caretaking role of women - and particularly our black and brown sisters. NYS has a once-in-a-lifetime opportunity to build a quality, affordable and accessible child care system that elevates working women and the women serving our children. We fund what we value. It is time to value child care as an essential workforce support and economic driver for New York,” said Sheri Scavone, CEO, WNY Women’s Foundation.

“The Committee for Hispanic Children & Families (CHCF) joins our coalition partners in applauding Chairs Hevesi and Brisport, along with the many other legislative champions of New York Child Care, for the important gains made in the FY 22 budget and during this legislative session,” said Ramon Peguero, Esq., President & CEO for CHCF. “Equitable access to affordable, high-quality, culturally responsive child care that is appropriately funded has always been an essential need for New York’s working families. The pandemic has further underscored the child care sector’s value and the critical need for New York to truly take care of its child care workforce – made up overwhelmingly of women and BIPOC – and meaningfully invest in this small business sector’s sustainability and growth. For too long, the state has allowed vast funding deficiencies to severely destabilize the child care sector, disproportionately impacting child care providers in residential settings and the mostly low-income communities and communities of color that they serve. We now look to the Executive branch to sign into law the child care legislation that has passed towards stabilizing and building back a better child care system, and to release its plans for the $1.8 billion in federal child care sustainability funds; we also look to the Office of Children and Families (OCFS) to swiftly, efficiently, and effectively get these much-needed relief dollars into the hands of child care providers as we try to recover from the exacerbated devastation of the pandemic.”

“We are so pleased that the Assembly and Senate passed legislation to extend the important work of the Child Care Availability Task Force and to ensure that child care providers across New York State have the option of receiving direct deposit payments each month,” said Pete Nabozny, Director of Policy of The Children’s Agenda. “We thank Senator Brisport and Assemblymember Hevesi for their leadership, and we especially thank Assemblymember Clark for sponsoring each of these important bills. A great deal of work is still needed to transform New York’s child care system, but this legislation sets us in the right direction.”
“We are extremely grateful for the tireless dedication of our legislative leaders, partners, and child care resource and referral agencies in their commitment to the children and families of New York this legislative session. The victories that have been achieved both through the budget and subsequent legislation will continue to pave the way for equitable access to quality child care for all children and we look forward to working together to continue to transform the child care system,” said Meredith Chimento, Executive Director, Early Care & Learning Council

“Nearly three million women were pushed out of the workforce in 2020; with the lack of child care cited by many studies as a major factor,” noted Beverly Neufeld, founder and President of PowHer New York. “Despite stepping forward to provide essential services during the pandemic, the childcare workforce-- a workforce dominated by BIPOC women--continued to suffer from low pay, an absence of benefits, and a broken system of government oversight. Many providers were forced to close their doors. With the influx of new federal child care funding, and a clear set of recommendations from the Child Care Accessibility Task Force, New York State now has the opportunity to transform our child care system. PowHer NY applauds the legislative champions who prioritized this transformation in the 2021 legislative session. Along with other advocates, we will continue to work for the rapid distribution of funds to those parents and providers who need it most; and for an open process that enables those most impacted by the inadequacies of our child care system to help guide its transformation.”

June 15, 2021