

The senators whose names are circled below wish to join me in the sponsorship of this proposal:

S. -----
Senate

s15 Addabbo	s59 Gallivan	s26 Kavanagh	s62 Ortt	s23 Savino
s52 Akshar	s05 Gaughran	s63 Kennedy	s01 Palumbo	s32 Sepulveda
s36 Bailey	s12 Gianaris	s28 Krueger	s21 Parker	s41 Serino
s34 Biaggi	s22 Gounardes	s24 Lanza	s19 Persaud	s29 Serrano
s57 Borrello	s47 Griffo	s11 Liu	s13 Ramos	s39 Skoufis
s04 Boyle	s40 Harckham	s50 Mannion	s61 Rath	s16 Stavisky
s44 Breslin	s54 Helming	s42 Martucci	s38 Reichlin-	s45 Stec
s25 Brisport	s46 Hinchey	s02 Mattera	Melnick	s35 Stewart-
s08 Brooks	s27 Hoylman	s53 May	s48 Ritchie	Cousins
s55 Brouk	s31 Jackson	s37 Mayer	s33 Rivera	s49 Tedisco
s14 Comrie	s43 Jordan	s20 Myrie	s60 Ryan	s06 Thomas
s56 Cooney	s09 Kaminsky	s51 Oberacker	s18 Salazar	s03 Weik
s17 Felder	s07 Kaplan	s58 O'Mara	s10 Sanders	s30

IN SENATE--Introduced by Sen

Jabari Brisport

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

IN ASSEMBLY--Introduced by M. of A.

a049 Abbate	a063 Cusick	a075 Gottfried	a020 Miller, M.	a090 Sayegh
a092 Abinanti	a045 Cymbrowitz	a021 Griffin	a051 Mitaynes	a099 Schmitt
a031 Anderson	a018 Darling	a100 Gunther	a015 Montesano	a076 Seawright
a122 Angelino	a053 Davila	a139 Hawley	a145 Morinello	a084 Septimo
a107 Ashby	a072 De La Rosa	a083 Heastie	a065 Niou	a016 Sillitti
a035 Aubry	a003 DeStefano	a028 Hevesi	a037 Nolan	a052 Simon
a120 Barclay	a070 Dickens	a128 Hunter	a144 Norris	a114 Simpson
a030 Barnwell	a054 Dilan	a029 Hyndman	a069 O'Donnell	a005 Smith
a106 Barrett	a081 Dinowitz	a079 Jackson	a091 Otis	a118 Smullen
a060 Barron	a147 DiPietro	a104 Jacobson	a132 Palmesano	a022 Solages
a082 Benedetto	a009 Durso	a011 Jean-Pierre	a088 Paulin	a110 Steck
a042 Bichotte	a048 Eichenstein	a134 Jensen	a141 Peoples-	a010 Stern
Hermelyn	a004 Englebright	a115 Jones	Stokes	a127 Stirpe
a117 Blankenbush	a074 Epstein	a077 Joyner	a058 Perry	a102 Tague
a098 Brabenec	a109 Fahy	a125 Kelles	a023 Pheffer	a064 Tannousis
a026 Braunstein	a061 Fall	a040 Kim	Amato	a086 Tapia
a138 Bronson	a080 Fernandez	a105 Lalor	a089 Pretlow	a071 Taylor
a012 Brown	a008 Fitzpatrick	a013 Lavine	a073 Quart	a001 Thiele
a093 Burdick	a057 Forrest	a097 Lawler	a019 Ra	a033 Vanel
a085 Burgos	a124 Friend	a126 Lemondes	a038 Rajkumar	a116 Walczyk
a142 Burke	a046 Frontus	a135 Lunsford	a006 Ramos	a055 Walker
a119 Buttenschon	a095 Galef	a123 Lupardo	a062 Reilly	a143 Wallace
a094 Byrne	a050 Gallagher	a129 Magnarelli	a087 Reyes	a112 Walsh
a133 Byrnes	a131 Gallahan	a036 Mamdani	a043 Richardson	a041 Weinstein
a103 Cahill	a007 Gandolfo	a130 Manktelow	a078 Rivera, J.	a024 Weprin
a044 Carroll	a002 Giglio, J.A.	a108 McDonald	a149 Rivera, J.D.	a059 Williams
a136 Clark	a148 Giglio, J.M.	a014 McDonough	a027 Rosenthal, D.	a113 Woerner
a047 Colton	a066 Glick	a146 McMahan	a067 Rosenthal, L.	a096 Zebrowski
a140 Conrad	a034 Gonzalez-	a137 Meeks	a025 Rozic	a056 Zinerman
a032 Cook	Rojas	a017 Mikulin	a121 Salka	a068
a039 Cruz	a150 Goodell	a101 Miller, B.	a111 Santabarbara	

with M. of A. as co-sponsors

--read once and referred to the
Committee on

APPR

SOCISELA

(Establishes the universal child
care act; repealer; appropriation)

Soc Serv. universal child care

AN ACT

to amend the social services law and
the education law, in relation to
the provision of universal child
care; to amend chapter 493 of the
laws of 2017 amending the social
services law relating to establish-
ing a child care availability task-
force to evaluate the need for and
availability of child care through-
out the state, in relation to the
effectiveness thereof; to amend the
state finance law, in relation to
establishing certain funds to

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and: in Assembly 2 copies of memorandum in support, in Senate 4 copies of memorandum in support (single house); or 4 signed copies of bill and 6 copies of memorandum in support (uni-bill).

provide for the establishment and funding of universal child care; to repeal certain provisions of the social services law relating thereto; 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. This act shall be known and may be cited as the "universal
2 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 final report, finding that the current
7 crisis "requires a dramatically different approach to child care: one
8 that recognizes that high-quality child care is a public good and that
9 provides the necessary public investment" to implement a system of high-
10 quality universal child care. This legislation will move New York
11 towards such a dramatically new system, where child care workers are
12 treated with dignity and compensated generously as the educators that
13 they are, where child care is free and available to all just like our
14 public education system is free and available for all, where burdensome
15 and ineffective means-testing requirements are ultimately eliminated,
16 where public investments are directed towards those most in need as we
17 build out our important child care infrastructure, where families have a
18 meaningful ability to select the modalities that work best for their
19 children, where child care providers are not forced to compete against
20 each other, where high-quality is ensured for all so that we do not have
21 a two-tiered child care system where the wealthy have high-quality care
22 and the working poor have substandard care, where both federal and state
23 funding is allocated generously, where the burden on localities is mini-
24 mized, and where our child care system is truly universal.

25 § 3. Section 390-k of the social services law, as added by chapter 493
26 of the laws of 2017, subdivisions 2, 3, and 4 as amended by chapter 33
27 of the laws of 2018, is amended to read as follows:

1 § 390-k. Child care availability taskforce. 1. There shall be estab-
2 lished within the office of children and family services a child care
3 taskforce for the purpose of [evaluating the need for and availability
4 of child care throughout the state] guiding New York towards a system of
5 free and universal child care.

6 2. The taskforce shall be chaired by a representative of the executive
7 chamber and the commissioners of the office of children and family
8 services [and], the department of labor and the department of education,
9 or their designees. Members of the taskforce shall serve without compen-
10 sation for three year terms, but may be reimbursed for actual costs
11 incurred for participation on such taskforce. Ensuring adequate
12 geographic representation, members of the taskforce shall be appointed
13 by the governor and comprised as follows:

14 (a) three individuals shall be appointed upon the recommendation of
15 the speaker of the assembly, at least one of whom shall be a parent who
16 has utilized subsidized child care;

17 (b) three individuals shall be appointed upon the recommendation of
18 the temporary president of the senate, at least one of whom shall be a
19 parent who has utilized subsidized child care;

20 (c) two representatives of a child care resource and referral agency;

21 (d) two representatives of home-based child care providers;

22 (e) two representatives of center-based child care providers;

23 (f) two representatives from the business community;

24 (g) two representatives from unions that represent child care provid-
25 ers; and

26 (h) at least one representative from each of the following entities:

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

28 (ii) the council on children and families;

- 1 (iii) the department of taxation and finance;
- 2 (iv) a regional economic development council;
- 3 (v) the state university of New York or the city university of New
- 4 York;
- 5 (vi) the state education department;
- 6 (vii) the early childhood advisory council;
- 7 (viii) a social service district or county government or an entity
- 8 that advocates on behalf of social services or county governments; and
- 9 (ix) a non-profit child care advocacy organization.

10 3. The taskforce shall advise the state in developing an implementa-
11 tion framework leading to an expeditious phased-in rollout of universal
12 child care using existing state and federal resources and shall examine
13 the following:

14 (a) [affordable child care with a focus on the cost of care for fami-
15 lies and factors that contribute to such costs] how to implement a truly
16 universal child care system that is free at the point of service for all
17 families and delivers high-quality child care to all New Yorkers, with a
18 four-year phase-in that follows priorities and principles: where expan-
19 sions are targeted to first cover low-income families, historically
20 underserved communities and families facing complex needs, including
21 children with disabilities and child welfare involvement; where work
22 requirements, activities tests, and immigration status requirements for
23 low-income families are all eliminated; where the phase-in takes all
24 reasonable steps to avoid benefits' cliffs; where reasonable steps are
25 taken to guard against increases in costs for middle-income families;
26 and where the roll-out of universal child care is coordinated with the
27 expansions to universal pre-K and 3-K for all programs so that such
28 programs do not cause unintentional harm to child care providers;

1 (b) [access to and availability of subsidized child care, including
2 the identification of] how to eliminate the barriers families eligible
3 under state law face obtaining or utilizing [such] subsidies;

4 (c) how to ensure the availability of child care for non-traditional
5 work hours, and identification of the funding that would be needed to
6 expand facilities that cover such non-traditional work hours;

7 (d) whether parents are voluntarily leaving the workforce due to lack
8 of [affordable or accessible] child care, and the demographic informa-
9 tion of such parents, if known;

10 (e) whether employers have identified lack of child care as a reason
11 for a shortage of a qualified workforce;

12 (f) the impact of child care, or lack thereof, on economic development
13 throughout the state;

14 (g) varying levels of quality of care throughout the state;

15 (h) availability of quality child care by economic development region
16 including identification of underserved communities and recommendations
17 making available free, high-quality child care in such communities;

18 (i) whether regulatory or statutory changes could promote free and
19 universal access to high-quality child care and improve health and safe-
20 ty standards in child care programs;

21 (j) [business] incentives to institutions that offer child care to
22 increase universal and free child care [access and the impact on tax
23 credits and deductions relating to child care];

24 (k) ways to address concerns identified in the course of the examina-
25 tion required by this subdivision; [and]

26 (l) the existence of illegal and unregulated child care providers, the
27 labor conditions of employees at such facilities, and regulatory recom-
28 mendations for approaching such providers;

1 (m) disparities in the quality of child care provided to families of
2 different economic backgrounds, and the funding needed to provide high-
3 quality child care for all;

4 (n) the factors contributing to the success of implementing universal
5 pre-k programs in the state and the unintended consequences impacting
6 child care providers, particularly family-based providers, in the state,
7 together with recommendations;

8 (o) how to implement federal funding for child care and universal
9 pre-k in a way that maximizes federal appropriations, allows the state
10 to achieve and fund a more expansive program that is not restricted by
11 narrow and restrictive means-testing requirements and implements
12 universal pre-k funding in a manner where the state education department
13 and the office of children and family services coordinate so that such
14 funding is allocated in a manner that supports and expands the state's
15 child care providers, rather than harming existing programs;

16 (p) how to ensure an expeditious phased-in rollout of universal child
17 care using existing state and federal resources, in no more than four
18 years, with an emphasis on building out necessary infrastructure and
19 providing care for those most in need while we move towards a truly
20 universal system;

21 (q) how best to phase in the establishment of a permanent department
22 of early education and care, which shall possess the duties required to
23 maintain and administer the free and high-quality universal child care
24 system pursuant to the recommendations of the taskforce;

25 (r) anything else the taskforce deems necessary.

26 4. The taskforce shall report [its interim findings and recommenda-
27 tions in accordance with subdivision three of this section to the gover-
28 nor, the speaker of the assembly and the temporary president of the

1 senate no later than November first, two thousand eighteen and its final
2 findings and recommendations no later than December thirty-first, two
3 thousand twenty] a four-year plan for a phased roll-out of universal
4 child care in the state, and make annual recommendations, starting in
5 November two thousand twenty-two and each November thereafter through
6 November two thousand twenty-five, for specific appropriations for budg-
7 et allocations that would allow for a truly free and universal child
8 care system, including, but not limited to: (i) wage increases for child
9 care workers that allow them to achieve pay parity with public school
10 teachers; (ii) capital expenditures to allow for the expansion of child
11 care infrastructure into communities most in need; and (iii) startup
12 funds to allow for the creation of new child care programs in child care
13 deserts. Such recommendations shall include recommendations to identify
14 all reasonable means of maximizing the allocation of federal funds, as
15 well as supplemental funding from the state that would allow for a truly
16 free and universal child care system. The taskforce report shall further
17 make recommendations for the integration of child care programs into
18 existing public programs, such as public schools, public universities,
19 and public housing, to deliver high-quality child care to all New York-
20 ers. Such recommendations shall be based on what is needed to actually
21 achieve a high-quality universal child care system in the state, and
22 what additional funding would be needed from the state to achieve that
23 goal. Each year, following the annual state budget, the taskforce shall
24 also provide a score card stating how close New York has come to achiev-
25 ing a high-quality universal child care system, provided, however, that
26 taskforce members who are employees of the governor's office and the
27 state legislature shall recuse themselves from such rating process. The

1 taskforce shall report its findings annually through November two thou-
2 sand twenty-five.

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

5 8. The [department] office of children and family services shall
6 establish and maintain a list of all current registered and licensed
7 child day care programs and a list of all programs whose license or
8 registration has been revoked, rejected, terminated, or suspended. [Such
9 information shall be available to the public, pursuant to procedures
10 developed by the department] The office of children and family services
11 shall work with service providers and child care resource and referral
12 agencies throughout the state to gather information to create and main-
13 tain a publicly-searchable, user-friendly, and language-accessible data-
14 base of available child care facilities on the office's website and on a
15 companion phone application. Such database shall be updated in real
16 time and shall provide and be searchable by the following information:

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

18 (b) the capacity of the facility;

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

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

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

24 (f) the modality for the facility;

25 (g) the operating hours for the facility;

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

27 (i) whether the facility has been cited for any violations, with any
28 such violations separated into "dangerous" and "non-dangerous" catego-

1 ries, and prominent notices indicating whether any such violations have
2 been cured or addressed.

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

7 § 5. Subdivision 1 of section 410 of the social services law, as added
8 by chapter 395 of the laws of 1965, is amended to read as follows:

9 1. A public welfare official of a county, city or town is [authorized]
10 obligated, provided funds have been made available therefor, to provide
11 day care at public expense for children residing in his or her territory
12 [who are eligible therefor pursuant to provisions of this title. Such
13 care may be provided only in cases where it is determined, under crite-
14 ria established by the department, that there is a need therefor because
15 of inability of the parents to provide care and supervision for a
16 substantial part of the day and that such care is in the best interest
17 of the child and parent. Where the family is able to pay part or all of
18 the costs of such care, payment of such fees as may be reasonable in the
19 light of such ability shall be required] with the aim of providing free
20 and universal child care for all families within such territory.

21 § 6. Subdivision 2 of section 410-b of the social services law, as
22 added by chapter 395 of the laws of 1965 and as renumbered by chapter
23 640 of the laws of 1971, is amended and a new subdivision 5 is added to
24 read as follows:

25 2. The [department of social welfare] office of children and family
26 services is hereby designated and empowered to act as the agent of the
27 state in carrying out the provisions of any such federal law with
28 respect to such day care facilities in this state. In exercising this

1 duty as agent of the state, the office of children and family services
2 shall seek to obtain any waivers or permissions from federal agencies
3 necessary and proper to allow the state and its various subdivisions to
4 implement a child care system that is universal and free at the point of
5 service, notwithstanding that the state's child care system may be more
6 expansive than what is being reimbursed with federal funds.

7 5. To the extent that federal funds are offered for child care and are
8 contingent on matching funds from the state, the state shall make all
9 reasonable efforts to maximize the allocation of federal funds by making
10 sufficient state-level appropriations.

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

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

25 (b) In developing such model the office of children and family
26 services shall consult with stakeholders including, but not limited to,
27 representatives of child care resource and referral agencies, child care
28 providers, labor leaders for any labor unions representing child care

1 workers in the state, and any state advisory council established pursu-
2 ant to 42 U.S.C.S. § 9831 et. seq., as amended. The cost estimation
3 model shall be statistically valid, using complete and current data and
4 rigorous collection methods. The cost estimation model shall further
5 account for biases in reported data that tend to underestimate the cost
6 of care, and shall make appropriate adjustments.

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

10 § 410-z. Reporting requirements. 1. Each social services district
11 shall collect and submit to the [department] office of children and
12 family services, in such form and at such times as specified by the
13 [department] office of children and family services, such data and
14 information regarding child care assistance provided under the block
15 grant as the [department] office of children and family services may
16 need to comply with federal reporting requirements.

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

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

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

27 (c) a comparison of the costs of child care for each grouping to the
28 market rate determined by the office of children and family services

1 pursuant to subdivision four of section four hundred ten-x of this
2 title.

3 The report shall be submitted to the governor, the speaker of the
4 assembly and the temporary president of the senate by June first, two
5 thousand twenty-three and June first of every other year thereafter. The
6 office of children and family services shall post the information
7 contained in the report on its website.

8 § 9. Subdivision 1 and paragraph (b) of subdivision 5 of section 410-c
9 of the social services law, subdivision 1 as added by chapter 1014 of
10 the laws of 1969, paragraph (a) of subdivision 1 as amended by chapter
11 110 of the laws of 1971, and paragraph (b) of subdivision 5 as amended
12 by chapter 277 of the laws of 1990, and such section as renumbered by
13 chapter 640 of the laws of 1971, are amended to read as follows:

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

26 (b) For the purpose of this title, expenditures for administration of
27 day care shall include expenditures for compensation of employees in
28 connection with the furnishing of day care, including but not limited to

1 costs incurred for pensions, federal old age and survivors insurance and
2 health insurance for such employees; training programs for personnel,
3 operation, maintenance and service costs; and such other expenditures
4 such as equipment costs, depreciation and charges and rental values as
5 may be approved by the department. It [shall not] may include expendi-
6 tures for capital costs in appropriate cases at the discretion of the
7 department, provided that capital costs are prioritized in areas that
8 are categorized as child care deserts. In the case of day care purchased
9 from a non-profit corporation constituting an eligible borrower pursuant
10 to title five-a of this article, expenditures shall include an allocable
11 proportion of all operating costs of such facility as may be approved by
12 the department including but not limited to the expenditures enumerated
13 in this paragraph [(b)] and expenditures for amortization, interest and
14 other financing costs of any mortgage loan made to such non-profit
15 corporation.

16 (b) The commissioner shall, within appropriations made available
17 therefor, select proposed school age child day care programs which shall
18 be eligible to receive an award [of no more than twenty-five thousand
19 dollars] for start up or expansion costs, including planning, rental,
20 operational and equipment costs, or minor renovations identified as
21 being necessary in order for the program to comply with applicable state
22 or local building, fire safety or licensing standards, based on plans
23 submitted to him. The commissioner shall give preference to those areas
24 of the state which are significantly underserved by existing school age
25 child day care programs and to those programs which involve parents in
26 the development and implementation of programs. The commissioner shall
27 publicize this availability of funds to be used for purposes of this

1 subdivision in awarding grants. Plans may be submitted by private not-
2 for-profit corporations, organizations or governmental subdivisions.

3 § 10. Subdivision 8 of section 410-w of the social services law, as
4 amended by section 1 of part Z of chapter 56 of the laws of 2021, is
5 amended to read as follows:

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

24 § 11. Subdivision 6 of section 410-x of the social services law, as
25 amended by section 2 of part Z of chapter 56 of the laws of 2021, is
26 amended to read as follows:

27 6. Pursuant to department regulations, child care assistance shall be
28 provided on a sliding fee basis based upon the family's ability to pay;

1 provided, however, that a family receiving assistance pursuant to this
2 title shall not be required to contribute more than what is required by
3 federal law or ten percent of their income exceeding the federal poverty
4 level, whichever is lower, and that such cost shall be covered entirely
5 by the state.

6 § 12. Section 410-x of the social services law is amended by adding a
7 new subdivision 9 to read as follows:

8 9. A social services district shall establish differential payment
9 rates for child care services provided by licensed, registered or
10 enrolled child care providers as required by this subdivision.

11 (a) Local social services districts shall establish a differential
12 payment rate for child care services provided by licensed or registered
13 child care providers who provide care to a child or children experienc-
14 ing homelessness. Such differential payment rate shall be twenty percent
15 higher than the actual cost of care or the applicable market-related
16 payment rate established by the office of children and family services
17 in regulations, whichever is less.

18 (b) Local social services districts shall establish a differential
19 payment rate for child care services provided by licensed, registered,
20 or enrolled child care providers who provide care to a child during
21 nontraditional hours. "Nontraditional hours" shall mean care provided in
22 the evening, night, or on the weekend. Such differential payment rate
23 shall be twenty percent higher than the actual cost of care or the
24 applicable market-related payment rate established by the office of
25 children and family services in regulations, whichever is less.

26 (c) The cost of the differential payment rates established under this
27 subdivision shall be covered by the state.

1 § 13. Subdivision 1 of section 410 of the social services law, as
2 added by chapter 395 of the laws of 1965, is amended to read as follows:

3 1. A public welfare official of a county, city or town [is authorized]
4 shall, provided funds have been made available therefor, [to] and with
5 the state making all reasonable efforts to obtain federal funding and
6 supplementing those amounts with additional state funding, provide day
7 care at public expense for children residing in his or her territory who
8 are eligible therefor pursuant to provisions of this title. Such care
9 [may] shall be provided [only in cases where it is determined,] under
10 criteria established by the [department, that there is a need therefor
11 because of inability of the parents to provide care and supervision for
12 a substantial part of the day and that such care is in the best interest
13 of the child and parent] office of children and family services;
14 provided, however, that the public welfare official shall not limit
15 authorized child care services strictly based on the work, training, or
16 educational schedule of the parents or the number of hours the parents
17 spend in work, training, or educational activities, nor shall the
18 public welfare official limit authorized child care services based on
19 proof of immigration status. Where the family [is able to pay part or
20 all of the costs of such care] income is more than one thousand percent
21 of the poverty line, payment of such fees as may be reasonable in the
22 light of such ability [shall] may be required to the extent necessary as
23 the state transitions to a system that is free and universal. To the
24 extent there are insufficient funds to immediately serve all families,
25 the state shall make all reasonable efforts to incrementally expand to
26 universal access over a period of four years, pursuant to the phase-in
27 priorities and principles recommended by the taskforce under section
28 three hundred ninety-k of this article.

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

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

8 1. The legislature finds and declares that a crisis exists in the
9 availability and quality of child day care in New York state and that
10 this crisis poses a danger both to the welfare and safety of the chil-
11 dren and to the productivity of this state's workforce; that inadequate
12 salaries and in many cases nonexistent benefit packages have substan-
13 tially contributed to the existing crisis by precluding day care centers
14 from recruiting and retaining necessary teaching and supervisory staff;
15 that an extremely high turnover rate has interfered in many instances
16 with the ability of day care centers to comply with regulatory require-
17 ments and to properly serve the children in their care; and that because
18 of these extraordinary circumstances New York state must intervene and
19 provide assistance for recruitment and retention of child care workers,
20 with the goal of creating a free and universal child care system that is
21 available to all, in the same manner as the public school system, with-
22 out the burdens of means-testing. The legislature recognizes that a
23 long-term solution to this crisis will require cooperative efforts among
24 [the business community, local and state governments and families] all
25 New Yorkers.

26 2. Within amounts appropriated specifically therefor, and after
27 deducting funds as specified in subdivision three of this section, the
28 commissioner shall allocate funds to local social services districts for

1 grants to [eligible not-for-profit day care centers] child care provid-
2 ers for retention and recruitment of teaching and supervisory staff, [as
3 follows:

4 (a) a city social services district with a population in excess of one
5 million shall be allocated a portion of such funds based on an equal
6 weighting of:

7 (i) its proportion of the state population of children aged five and
8 under, and

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

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

19 § 16. Subdivisions 1 and 2 of section 410-v of the social services
20 law, subdivision 1 as added by section 52 of part B of chapter 436 of
21 the laws of 1997, subdivision 2 as amended by chapter 214 of the laws of
22 1998, are amended to read as follows:

23 1. The part of the block grant that is determined to be available to
24 social services districts for child care assistance shall be apportioned
25 among the social services districts by the department according to an
26 allocation plan developed by the department and approved by the director
27 of the budget. The allocation plan shall [be based, at least in part, on
28 historical costs and on the availability and cost of, and the need for,

1 child care assistance in each social services district] aim to provide
2 universal and free child care on a statewide basis. Annual allocations
3 shall be made on a federal fiscal year basis and shall incorporate the
4 annual recommendations of the child care taskforce established under
5 section three hundred ninety-k of this article.

6 2. Reimbursement under the block grant to a social services district
7 for its expenditures for child care assistance shall be available for
8 [seventy-five] ninety percent of the district's expenditures for child
9 care assistance provided to those families in receipt of public assist-
10 ance which are eligible for child care assistance under this title and
11 for one hundred percent of the social services district's expenditures
12 for other eligible families[; provided, however, that such reimbursement
13 shall be limited to the social services district's annual state block
14 grant allocation]. To the extent that families are not eligible for
15 funding pursuant to this provision, the state shall make all reasonable
16 efforts to ensure that families not eligible for federally-funded child
17 care have access, phased in over a period of four years, pursuant to the
18 phase-in priorities and principles recommended by the taskforce under
19 section three hundred ninety-k of this article.

20 § 17. Subdivisions 1 and 2 of section 410-w of the social services
21 law, as amended by chapter 569 of the laws of 2001, are amended to read
22 as follows:

23 1. A social services district may use the funds allocated to it from
24 the block grant to provide child care assistance to[:

25 (a) families receiving public assistance when such child care assist-
26 ance is necessary: to enable a parent or caretaker relative to engage in
27 work, participate in work activities or perform a community service
28 pursuant to title nine-B of article five of this chapter; to enable a

1 teenage parent to attend high school or other equivalent training
2 program; because the parent or caretaker relative is physically or
3 mentally incapacitated; or because family duties away from home necessi-
4 tate the parent or caretaker relative's absence; child day care shall be
5 provided during breaks in activities, for a period of up to two weeks.
6 Such child day care may be authorized for a period of up to one month if
7 child care arrangements shall be lost if not continued, and the program
8 or employment is scheduled to begin within such period;

9 (b) families with incomes up to two hundred percent of the state
10 income standard who are attempting through work activities to transition
11 off of public assistance when such child care is necessary in order to
12 enable a parent or caretaker relative to engage in work provided such
13 families' public assistance has been terminated as a result of increased
14 hours of or income from employment or increased income from child
15 support payments or the family voluntarily ended assistance; and,
16 provided that the family received public assistance at least three of
17 the six months preceding the month in which eligibility for such assist-
18 ance terminated or ended or provided that such family has received child
19 care assistance under subdivision four of this section;

20 (c) families with incomes up to two hundred percent of the state
21 income standard which are determined in accordance with the regulations
22 of the department to be at risk of becoming dependent on family assist-
23 ance;

24 (d) families with incomes up to two hundred percent of the state
25 income standard who are attending a post secondary educational program
26 and working at least seventeen and one-half hours per week; and

27 (e) other families with incomes up to two hundred percent of the state
28 income standard which the social services district designates in its

1 consolidated services plan as eligible for child care assistance in
2 accordance with criteria established by the department] families who
3 need child care or who are having trouble affording child care, to the
4 maximum extent permissible under federal laws and regulations. To the
5 extent that families are not eligible for funding pursuant to this
6 provision, the state shall make all reasonable efforts to ensure that
7 families not eligible for federally-funded child care have access,
8 phased in over a period of four years, pursuant to the phase-in priori-
9 ties and principles recommended by the taskforce under section three
10 hundred ninety-k of this article.

11 2. [For the purposes of this title, the term "state income standard"
12 means the most recent federal income official poverty line (as defined
13 and annually revised by the federal office of management and budget)
14 updated by the department for a family size of four and adjusted by the
15 department for family size] Each social services district shall conduct
16 extensive and language-accessible outreach to families who need child
17 care or who are having trouble affording child care. To the extent that
18 social services districts or the office of children and family services
19 are required to examine families' incomes pursuant to federal laws or
20 regulations, they shall use the least restrictive and most efficient
21 means available to avoid placing undue burdens on families applying for
22 assistance. To the extent that families applying for assistance are
23 required to provide proof of eligibility, each local social services
24 district and the office of children and family services shall make all
25 reasonable efforts to provide assistance in completing all necessary
26 documents expeditiously.

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

4 2. The state block grant for child care shall be divided into two
5 parts pursuant to a plan developed by the department and approved by the
6 director of the budget. One part shall be retained by the state to
7 provide child care on a statewide basis to special groups and for
8 activities to increase the availability and/or quality of child care
9 programs, including, but not limited to, the start-up of child care
10 programs, the increase of child care worker salaries, the operation of
11 child care resource and referral programs, training activities, the
12 regulation and monitoring of child care programs, the development of
13 computerized data systems, and consumer education, provided however,
14 that child care resource and referral programs funded under title five-B
15 of article six of this chapter shall meet additional performance stand-
16 ards developed by the department of social services including but not
17 limited to: increasing the number of child care placements for all
18 persons, with priority given to persons who are at or below [two hundred
19 percent of the state income standard with emphasis on placements
20 supporting local efforts in meeting federal and state work participation
21 requirements,] one thousand percent of the federal poverty line;
22 increasing technical assistance to all modalities of legal child care to
23 persons, with a priority given to persons who are at or below [two
24 hundred percent of the state income standard,] one thousand percent of
25 the federal poverty line; including the provision of training to assist
26 providers in meeting child care standards or regulatory requirements[,];
27 and creating new child care opportunities, and assisting social services
28 districts in assessing and responding to child care needs for all

1 persons, with priority given to persons at or below [two hundred percent
2 of the state income standard] one thousand percent of the federal pover-
3 ty line. The department shall have the authority to withhold funds from
4 those agencies which do not meet performance standards. Agencies whose
5 funds are withheld may have funds restored upon achieving performance
6 standards. The other part shall be allocated to social services
7 districts to provide child care assistance to families receiving family
8 assistance and to other low income families. To the extent that fami-
9 lies are not eligible for funding pursuant to this subdivision, the
10 state shall make all reasonable efforts to ensure that families not
11 eligible for federally-funded child care have access, phased in over a
12 period of four years, pursuant to the phase-in priorities and principles
13 recommended by the taskforce under section three hundred ninety-k of
14 this article.

15 § 19. Section 410-cc of the social services law, as amended by chapter
16 882 of the laws of 1990, is amended to read as follows:

17 § 410-cc. Start up grants for child day care. The commissioner shall
18 provide funds to start up grants to not-for-profit organizations or
19 corporations for the development of new or expanded all day child day
20 care programs including costs related to planning, renting, renovating,
21 operating, and purchasing equipment. The commissioner shall establish
22 guidelines including, but not limited to, allowable costs, and criteria
23 for eligibility for grants giving preference to those child day care
24 providers who [will, to the maximum extent feasible, target services to
25 households having incomes up to two hundred percent of the federal
26 poverty standard] serve areas that currently constitute child care
27 deserts, and with the aim of developing New York's statewide universal
28 child care infrastructure. The commissioner shall widely publicize the

1 availability of funds and conduct extensive outreach in a language-ac-
2 cessible manner to develop the state's universal child care infrastruc-
3 ture. [No awards shall be granted which exceed twenty-five hundred
4 dollars for a new family day care provider or new group family day care
5 provider, and one hundred thousand dollars for a new child day care
6 center.] Child care resource and referral agencies [may] shall receive
7 family day care start up grants [not to exceed two thousand five hundred
8 dollars per new provider] if the agency trains such new family provider
9 and thereby expands the supply of family day care programs in the commu-
10 nity. The commissioner shall give preference to those communities which
11 are significantly underserved by existing programs and to those programs
12 which and those providers who will serve infants under two years of age.

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

14 § 101. Education department; regents of the university. There shall
15 continue to be in the state government an education department. The
16 department is charged with the general management and supervision of all
17 public schools and all of the educational work of the state, including
18 the operations of The University of the State of New York and the exer-
19 cise of all the functions of the education department, of The University
20 of the State of New York, of the regents of the university and of the
21 commissioner of education and the performance of all their powers and
22 duties, which were transferred to the education department [by section
23 three hundred twelve of the state departments law] or shall have been
24 prescribed by law before March sixteenth, nineteen hundred twenty-seven,
25 whether in terms vested in such department or university or in any sub-
26 department, division or bureau thereof or in such commissioner, board or
27 officer, and such functions, powers and duties shall continue to be
28 vested in the education department continued by this chapter and shall

1 continue to be exercised and performed therein by or through the appro-
2 priate officer, sub-department, division or bureau thereof, together
3 with such functions, powers and duties as hereafter may be conferred or
4 imposed upon such department by law. The education department shall also
5 establish an office of early education, which shall be tasked with coor-
6 dinating with the office of children and family services to ensure that
7 the implementation of funding for universal pre-K and 3-K for all
8 programs are phased in in a manner that complements and supports child
9 care providers within the state and provides equitable wages, benefits,
10 and working conditions for child care workers, pursuant to the guidance
11 established by the taskforce under section three hundred ninety-k of the
12 social services law. All the provisions of this chapter, in so far as
13 they are not inconsistent with the provisions of this chapter as hereby
14 amended or may be made applicable, shall apply to the education depart-
15 ment continued by this chapter as hereby amended and to The University
16 of the State of New York, the board of regents of the university, the
17 commissioner [of education] and to the divisions, bureaus and officers
18 in such department. The head of the department shall continue to be the
19 regents of The University of the State of New York, who shall appoint,
20 and at pleasure may remove, the commissioner [of education]. The
21 commissioner shall continue to be the chief administrative officer of
22 the department. The regents also may appoint and, at pleasure, remove a
23 deputy commissioner [of education], who shall perform such duties as the
24 regents may assign to him by rule and who, in the absence or disability
25 of the commissioner or when a vacancy exists in the office of commis-
26 sioner, shall exercise and perform the functions, powers and duties
27 conferred or imposed on the commissioner by this chapter. The regents
28 of The University of the State of New York shall continue to constitute

1 a board and The University of the State of New York, which was continued
2 under such name by section two of article eleven of the constitution,
3 shall continue to be governed and all its corporate powers to be exer-
4 cised by such board.

5 § 21. Section 2 of chapter 493 of the laws of 2017 amending the social
6 services law relating to establishing a child care availability task-
7 force to evaluate the need for and availability of child care throughout
8 the state, as amended by section 2 of chapter 33 of the laws of 2018, is
9 amended to read as follows:

10 § 2. This act shall take effect immediately and shall expire December
11 31, [2021] 2025 when upon such date the provisions of this act shall be
12 deemed repealed.

13 § 22. The state finance law is amended by adding three new sections
14 99-oo, 99-pp, and 99-qq to read as follows:

15 § 99-oo. Child care workforce stabilization fund. 1. There is hereby
16 established in the custody of the state comptroller and the commissioner
17 of taxation and finance a fund to be known as the child care workforce
18 stabilization fund.

19 2. Such fund shall consist of all moneys collected therefor or credit-
20 ed or transferred thereto from any other fund, account or source. Any
21 interest received by the comptroller on moneys on deposit in the child
22 care workforce stabilization fund shall be retained in and become a part
23 of such fund.

24 3. Moneys in the child care workforce stabilization fund, following
25 appropriation by the legislature, shall be utilized to directly raise
26 wages among participating programs as New York adjusts its reimbursement
27 rates to cover the true cost of child care, and to allow child care
28 providers to pay staff adequate wages and benefits at parity with public

1 school teachers as New York state restructures its economy to reflect
2 the true value of this important work. Such moneys shall be allocated
3 through agencies including, but not limited to, the office of children
4 and family services.

5 § 99-pp. Child care transitional reimbursement rate fund. 1. There
6 is hereby established in the custody of the state comptroller and the
7 commissioner of taxation and finance a fund to be known as the child
8 care transitional reimbursement rate fund.

9 2. Such fund shall consist of all moneys collected therefor or credit-
10 ed or transferred thereto from any other fund, account or source. Any
11 interest received by the comptroller on moneys on deposit in the child
12 care transitional reimbursement rate fund shall be retained in and
13 become a part of such fund.

14 3. Moneys in the child care transitional reimbursement rate fund,
15 following appropriation by the legislature, shall be utilized in a
16 manner that reflects a transitional reimbursement rate structure based
17 on the results of the forthcoming child care market rate survey or the
18 existing survey, whichever results in higher rates. Reimbursement rates
19 shall be set at the ninetieth percentile of market rates in each region
20 to ensure that per child amounts are sufficient to not disrupt the child
21 care sector during this transition from a market rate-based model to a
22 model based on the true cost of quality care. During the phase-in peri-
23 od, entry level staff shall be paid at least a living wage, with more
24 experienced staff compensated at a proportionately higher rate and with
25 compensation progressively increasing over the course of the transition
26 period. Such moneys shall be allocated through agencies including, but
27 not limited to, the office of children and family services.

1 § 99-qq. Child care infrastructure development fund. 1. There is
2 hereby established in the custody of the state comptroller and the
3 commissioner of taxation and finance a fund to be known as the child
4 care infrastructure development fund.

5 2. Such fund shall consist of all moneys collected therefor or credit-
6 ed or transferred thereto from any other fund, account or source. Any
7 interest received by the comptroller on moneys on deposit in the child
8 care infrastructure development fund shall be retained in and become a
9 part of such fund.

10 3. Moneys in the child care infrastructure development fund, following
11 appropriation by the legislature, shall be used to build and develop
12 child care infrastructure in connection with existing public insti-
13 tutions such as public universities, public schools, and public housing.

14 § 23. The sum of five billion dollars (\$5,000,000,000) is hereby
15 appropriated out of any moneys in the state treasury in the general fund
16 to the credit of the state purposes account, not otherwise appropriated,
17 and made immediately available as set forth herein. Such funds shall be
18 allocated as follows:

19 (a) Three billion dollars (\$3,000,000,000) shall be allocated to guar-
20 antee access to child care subsidies to high-quality and culturally
21 responsive child care that meets the needs of all children, including
22 children with disabilities, those experiencing trauma, multilingual
23 learners, families who work non-traditional hours, and families experi-
24 encing homelessness or in transitional housing. Such moneys shall be
25 allocated through agencies including, but not limited to, the office of
26 children and family services.

1 (b) One billion dollars (\$1,000,000,000) shall be allocated to the
2 child care workforce stabilization fund established pursuant to section
3 99-oo of the state finance law.

4 (c) Six hundred million dollars (\$600,000,000) shall be allocated to
5 the child care transitional reimbursement rate fund pursuant to section
6 99-pp of the state finance law.

7 (d) Four hundred million dollars (\$400,000,000) shall be allocated to
8 the child care infrastructure development fund pursuant to section 99-qq
9 of the state finance law.

10 § 24. This act shall take effect immediately; provided, that the
11 amendments to section 390-k of the social services law made by section
12 three of this act shall not affect the repeal of such section and shall
13 be deemed repealed therewith; provided, however, that the amendments to
14 subdivision 8 of section 410-w of the social services law made by
15 section ten of this act and the amendments to subdivision 6 of section
16 410-x of the social services law made by section eleven of this act
17 shall not affect the expiration of such subdivisions and shall be deemed
18 to expire therewith.