

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas:

This rule will apply to all licensed, registered, permitted, and enrolled legally exempt child care programs and social services districts in all 44 rural areas of the state.

2. Reporting, Recordkeeping, Other Compliance, and Professional Services:

The regulations will not result in any new reporting requirements for social services districts. While this rule will increase the number of applicants for child care assistance, the reduction of redundant documentation will reduce the administrative burden of processing cases. Additionally, system changes are being made to assist districts with potential recordkeeping increases. Districts must send appropriate notices to affected families and providers to notify them of the new family share percentage. Districts must also review and amend all provider contracts to ensure that the contracts reflect the 80 paid absences and 20 closure days. If necessary, districts must notify providers of the maximum number of allowable paid absences through written notice. To reduce administrative burden, the New York State Office of Children and Family Services (OCFS) will complete a blanket amendment, which will be posted to the Child and Family Services Plan (CFSP) page on the OCFS website to reflect the family income eligibility level up to 85% of the state median income, the statewide family share of 1%, the requirement for reimbursement of up to 80 absences and 20 program closures, and the removal of the district option to designate families eligible for child care assistance. Districts may review their CFSP and make any additional amendments by submitting an amendment request to OCFS. OCFS will support and assist in this process. There are no new professional services anticipated because of this rule. Neither social services districts nor child care providers should have to hire additional professional staff to implement these regulations. OCFS's Division of Child Care Services will be available to assist with questions.

3. Costs:

The 2023-24 enacted state budget increased the funding for the Child Care Assistance Program (CCAP). The expansion of eligibility, the implementation of state priorities, the restructuring of eligibility categories, the increase in absences, the requirement to reimburse for program closures, including closures for full-day professional development training for licensed and registered providers, and capping of family share will increase spending for local districts. This increase in funding to the CCAP will allow the districts to implement these regulatory changes. Expanded eligibility is also expected to increase the number of applications received by districts, which may place additional administrative costs on the district. However, state share is limited to the districts' child care block grant allocation. Finally, presumptive eligibility is a local option and not a requirement of the New York State Child Care Block Grant Program, but this district option may increase local spending in cases where the family is determined to be ineligible for child care assistance.

4. Minimizing Adverse Impact:

OCFS believes there will be no adverse impact on child care programs, and in fact a positive impact on programs is anticipated in that reimbursement for child care will be more stable. OCFS does not anticipate any disproportionate adverse impact to local social services districts in rural counties of the state because of this rule.

5. Rural Area Participation:

OCFS will provide guidance, technical assistance, and outreach to those that are impacted by this rule. Specifically, in accordance with SAPA 202-b(6), OCFS will notify social services districts through the issuance of an Administrative Directive and assist those districts that need to update their CFSP to reflect changes to eligibility. OCFS will also post this information on the OCFS website, including contact information for questions on this rule and the email address of the regulations' mailbox (regcomments@ocfs.ny.gov) to provide public comments.