

Subparagraph (iv) of paragraph (3) of subdivision (a) of section 415.2 of Title 18 NYCRR is amended to read as follows:

(iv) a family is receiving public assistance or has income up to 200 percent of the State income standard and child care services are needed for the child's caretaker to attend a two- year program other than one with a specific vocational sequence leading to an associate's degree or a certificate of completion, or a four year college or university program leading to a bachelor's degree provided:

(a) the program is reasonably expected to improve the earning capacity of the caretaker; and

~~[(b) the caretaker is and continues to participate in non-subsidized employment whereby the caretaker works at least 17 1/2 hours per week and earns wages at a level equal to or greater than the minimum amount required under Federal and State Labor Law while pursuing the course of study; and]~~

~~[(c)](b) the caretaker can demonstrate his or her ability to successfully complete the course of study;~~

Subdivisions (a) through (i) of section 415.9 of Title 18 NYCRR are amended to read as follows:

A social services district has the option to apply the weekly or daily rate, except as provided below, when care is provided for 30 or more hours per week on five or less days. When care is provided for less than 30 hours per week, the daily[,] or part-day [or hourly ]rates must be applied, as applicable.

(a)...

(b)...

(c) Part-day rates must be applied when the child care services are provided for [at least three but ]less than six hours per day. [Part-day rates also must be applied for children who are attending pre-kindergarten, kindergarten or higher grade and who are provided care before and/or after school for less than three hours per day by day care centers or school-age child care programs that do not charge on an hourly basis.

(d) With the exception noted in subdivision (c) of this section, the hourly rates in this section must be applied when child care services are provided for less than three hours per day.

~~(e)](d) ....~~

~~[(f)](e) ....~~

[(g) The rate of payment for child care services provided to a child determined to have special needs is the actual cost of care up to the statewide limit of the highest weekly, daily, part-day or hourly market rate for child care services in the State, as applicable, based on the amount of time the child care services are provided per week regardless of the type of child care provider used or the age of the child.

(h)](f) ....

~~[(i)](g) ....~~

Subdivisions (j) and (k) of section 415.9 of Title 18 NYCRR are repealed and replaced as follows:

(h) Establishment of market rates.

(1) The Office will establish local market rates for child care services for each social services district set forth by the type of provider, the age of the child and the amount of time the child care services are provided per week.

(2) There are two market rates for informal child care, a standard market rate and an enhanced market rate. The standard market rate for informal child care will be 65 percent of the applicable registered family day care market rate. The enhanced market rate for informal child care will be 70 percent of the applicable registered family day care market rate. The enhanced market rate will apply to those informal child care providers who have provided notice to, and have been verified by, the applicable enrollment agency as having completed 10 or more hours of training annually in the areas set forth in section 390-a(3)(b) of the Social Services Law. This 10 or more hours of training must be in addition to the training requirements in section 415.13 of this Part. A social services district has the option, if it so chooses in the child care portion of its Child and Family Services Plan, to increase the enhanced market rate for informal child care providers to up to 75 percent of the applicable registered family day care market rate.

(3) The social services district must use the most recent market rates established by the Office when calculating payments for child care services. The market rates are established by the Office at no less than the eightieth percentile of the most recent market-related survey.

(4) The market rate for child care services provided to a child determined to have special needs, pursuant to subdivision 415.1(c) of this Part, is a percentage specified by the office applied to the rates set under paragraph 415.9(h)(3) of this Part. The special needs rate will only be applied if the parent demonstrates the special needs of the child require child care related services of a type or amount beyond that which is generally required by children of similar age, and the total cost of providing child care services exceeds the rates set in paragraph 415.9(h)(3) of this Part.

(i) When a social services district pays for child care services provided by an eligible provider located in another district, the applicable market rate is the rate for the district in which the child care provider is located.