



Office of Children and Family Services

Kathy Hochul
Governor

52 WASHINGTON STREET
RENSSELAER, NY 12144

Sheila J. Poole
Commissioner

Administrative Directive

Transmittal:	22-OCFS-ADM-03
To:	Local Departments of Social Services Commissioners
Issuing Division/Office:	Division of Child Care Services Division of Administration
Date:	January 28, 2022
Subject:	Availability of Supplemental Funding for the New York State Child Care Block Grant
Suggested Distribution:	Directors of Local Departments of Social Services Day Care Subsidy Supervisors Planning Coordinators Accounting Supervisors
Contact Person(s):	Child Care Subsidy Policy Unit, OCFS Division of Child Care Services ocfs.sm.districtsupport.subsidy@ocfs.ny.gov
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
21-OCFS-ADM-14, 21-OCFS-ADM-30, 21-OCFS-INF-07, 21-OCFS-LCM-19		18 NYCRR Parts 358, 404 and 415			

I. Purpose

The purpose of this Administrative Directive (ADM) is to inform local social services districts (districts) of available supplemental funding to support the reduction of income-based family share, the implementation of 12-month eligibility, the expansion of initial eligibility levels to 200% of the state income standard (SIS) across the state, and the required payment for 24 absences per child per provider per year.

II. Background

The New York State budget for State Fiscal Year 2021-22 included appropriations to support implementation of a reduction in income-based family share, 12-month eligibility, expanded eligibility for

families with income up to 200% SIS, mandated reimbursement for up to 24 absences per child per year, and expansion of families exempt from paying family share.

On June 16, 2021, the New York State Office of Children and Family Services (OCFS) filed emergency regulations and notice of proposed rulemaking regarding changes to Title 18 of the official compilation of Codes, Rules and Regulations of the State of New York (18 NYCRR) Part 415, regarding the provision of child care services funded under the New York State Child Care Block Grant (NYSCCBG), specifically capping the income-based family share at an income factor of 10%. Districts were advised of this reduction of the income-based family share, effective April 16, 2021, in 21-OCFS-ADM-14, *Changes to Child Care Subsidy Regulations 2021: Family Share Applicability of Part 415.0*.

On July 20, 2021, OCFS filed a notice of proposed rulemaking regarding additional regulatory changes to 18 NYCRR Part 415 to implement 12-month eligibility, expanded eligibility for families with income up to 200% SIS statewide, mandated reimbursement for up to 24 absences per child per provider per year, and expansion of families exempt from paying a family share. Districts were notified of these proposed regulatory changes in 21-OCFS-INF-07, *Notification of Proposed Changes to Child Care Subsidy Regulations 2021*. On November 24, 2021, districts were notified of the final adoption and implementation of such changes, in 21-OCFS-ADM-30, *Changes to Child Care Subsidy Regulations Parts 404 and 415*.

Please refer to 21-OCFS-LCM-19, *New York State Child Care Block Grant Subsidy Program Allocations SFY 2021-2022*, for further information regarding districts' regular allocations, eligible families, parental choice, reimbursement, maintenance of effort, systems information, claiming instructions, and subaward information.

III. Program Implications

The additional funding appropriated in the New York State SFY 2021-2022 Enacted Budget to implement the reduction of income-based family share, 12-month eligibility, mandatory payment for 24 absences, expanded eligibility for families with income up to 200% SIS statewide, and the expansion of families exempt from paying a family share will not be allocated at one time. The additional appropriated funds will be allocated to districts individually, based on need. The regulatory changes to expand eligibility for families with income up to 200% SIS are expected to result in an increased number of families being determined eligible and having child care subsidy cases opened. Additionally, the regulatory changes limiting case closing criteria allow certain families that previously would have lost eligibility to remain eligible for the duration of the 12-month eligibility period, including families that experience income increases above the initial eligibility level of 200% SIS that does not exceed 85% of the state median income (SMI) and families that experience a temporary break in activities.

For additional information on eligibility related changes, districts should refer to 21-OCFS-ADM-30, *Changes to Child Care Subsidy Regulations Parts 404 and 415*.

The regulatory changes related to family share are expected to also result in increased costs for districts, due to the reduction of the income-based family share to no more than 10% of income exceeding the federal poverty level, removal of family share for certain categories of families, and holding family share stable for the 12-months of eligibility such that the amount may only be lessened during the period of eligibility. For additional information on family share related changes, districts should refer to 21-OCFS-ADM-14, *Changes to Child Care Subsidy Regulations 2021: Family Share Applicability of Part 415.0* and 21-OCFS-ADM-30, *Changes to Child Care Subsidy Regulations Parts 404 and 415*.

IV. Required Action

Since additional funding is available to support expanded caseloads, districts that utilize waitlists must immediately review those waitlists and open all eligible cases, in accordance with the district's approved Child and Family Services Plan (CFSP). Districts are also encouraged to publicize the availability of additional funds for families through the child care subsidy program to increase enrollment of eligible families in the program.

Districts must report available funding and projected spending as a part of the 2022 CFSP Annual Plan Update detailing current available funding and projected need for additional funds. Revisions to the CFSP template are being made to accommodate this and will be included when the next Annual Plan Update is ready for completion. The district must request additional funding from OCFS. The request must include the amount requested, the time period the district expects to utilize such funds, and the specific projects for which the district expects to use the funding. The district must submit this request as an amendment to their CFSP.

A district's request for additional funding must be supported by a signed statement of the need for such funding. This will be confirmed by the OCFS Bureau of Budget Management prior to additional funds being allocated. Requests will be evaluated on an individual basis and compared against any available remaining funds. Supplemental allocations will be allocated to districts based on need and overall funding availability.

V. Systems Implications

The CFSP template is being revised to allow districts to report available funding and projected spending at the time of 2022 Annual Plan Update submission.

VI. Effective Date

This ADM is effective upon issuance.

/s/ Janice M. Molnar, Ph.D.

Issued by:

Name: Janice M. Molnar, Ph.D.

Title: Deputy Commissioner

Division/Office: Division of Child Care Services

/s/ Derek J. Holtzclaw

Issued by:

Name: Derek J. Holtzclaw

Title: Deputy Commissioner

Division/Office: Division of Administration