

## MENDING THE PATCHWORK

A report examining county-by-county  
inequities in child care subsidy  
administration in New York State

By Saima Akhtar and Susan Antos

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### ABOUT EMPIRE JUSTICE CENTER

Empire Justice Center is a statewide, public interest law firm with offices in Albany, Rochester, White Plains and on Long Island. Empire Justice focuses on changing the “systems” within which poor and low-income families live. With a focus on poverty law, Empire Justice undertakes research and training, acts as an informational clearinghouse, and provides litigation backup to local legal services programs and community based organizations. As an advocacy organization, Empire Justice engages in legislative and administrative advocacy on behalf of those impacted by poverty and discrimination. As a non-profit law firm, Empire Justice provides legal assistance to those in need and undertakes impact litigation in order to protect and defend the rights of disenfranchised New Yorkers.

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## I. INTRODUCTION

Subsidized child care provides multiple vital supports to low-income families. First, child care provides a nurturing and enriching environment in which children may learn and develop. Children receiving quality child care exhibit a higher degree of language and cognitive development than those who do not receive high quality child care. Also, children who receive quality child care in their early childhood are less likely to be anxious or develop impulse control problems than children receiving low quality child care.<sup>1</sup> Longitudinal studies of at-risk children who received early child care found that, by the age of 40, children who had received high quality early child care experienced fewer arrests, less drug abuse, and less public welfare use, along with higher earnings, more home ownership and greater educational achievement than a control group of similarly situated children who did not receive high quality early care.<sup>2</sup>

Additionally, child care supports the ability of working parents\* to fully participate in the workplace.

- Low-income mothers who use child care subsidies are more likely than other low-income mothers to work at a job for more hours on a schedule in a sustained employment arrangement.<sup>3</sup>
- Child care subsidies are strongly linked to increased employment for women who lack high school diplomas.<sup>4</sup>
- There is a strong correlation between the use of a child care subsidy and increased earnings and employment compared to similarly situated parents whose children are not receiving subsidized child care.<sup>5</sup>

Subsidized child care is critical to ensuring that low-income working families have the chance to avoid hardship from job loss and income instability.

The availability of quality subsidized child care benefits both children and working parents. However, the availability of quality subsidized child care varies widely throughout the state because New York is one of a handful of states that permits local social services districts† wide discretion in administering federally funded child care subsidy benefits. The variation among districts means that both child care providers and parents receiving subsidies are subject to different rules, expectations, and costs, simply because of where they live. Instead of setting forth clear and consistent program rules that apply equally to similarly situated families across the state, New York's child care program is a patchwork of inconsistent policies that advantages some and disadvantages others solely because of where they reside.

This report explores the variations among districts and illustrates the disparities that local control creates for both parents and providers. The disparities are discussed in narrative form and in charts that provide a statewide overview in the attached appendices. Appendix A is a summary chart of 15 variables that are analyzed in this report, including copayment multipliers and other eligibility and payment rules. The report concludes that the time has come for New York State to establish statewide equitable program rules for the New York Child Care Block Grant and provides an outline for proposed legislative and administrative action. The proposal describes short term and longer term steps which ameliorate the current inequities in child care program rules. If enacted, the changes will immediately increase the well being of children and the economic stability of both families and child care providers.

\*This report generally refers to the caretaker of children receiving child care services as a parent. However, non-parent caregivers are eligible for child care subsidies and the inequities described in this report apply equally to them.

†Except for New York City, a social services district constitutes an individual county, so in this report, the word county will often be used instead of social services district. The five counties or boroughs of New York City constitute one social services district, and so New York City will be referred to specifically in most instances.

## A. *METHODOLOGY*

In order to examine the differences among local social services districts' administration of their child care subsidy programs, the Empire Justice Center reviewed the 2007-2009 Consolidated Services Plans and the 2008-2009 Annual Plan Updates that each of New York's 58 social services districts has submitted to the Office of Children and Family Services (OCFS).<sup>6</sup> These pre-printed plans are distributed to local districts with check boxes and fill-ins and allow local districts to make scores of choices about the scope of eligibility in the district.<sup>7</sup> The information contained in these plans provides critical details of program administration beyond those set forth in regulations and state statute.‡ OCFS requires local districts to file these plans on a biennial basis and to update them annually to reflect any changes. No district can reduce services, change eligibility requirements or make a change in fees without publishing the plan for public comment, presenting it to the local advisory committee for review, and then presenting the amended plan to OCFS for its review and approval.<sup>8</sup>

These local plans contain information that is critically important to parents and providers: How does a district determine how much a child care subsidy will cost a parent? Can a parent receive child care while he or she attends college? Does a teenager's income count when determining whether a family is financial eligible for a child care subsidy? Does a provider get paid when a child receiving a subsidy is out sick? Parents need the information in the plans in order to understand the benefits that are available to them, and providers need the information to know the rules that govern their compensation. Because the answers to each of the foregoing questions vary by county, and are contained in a plan filed with OCFS, this information is often difficult to find.

This report is the third comprehensive analysis that the Empire Justice Center has conducted analyzing these child care plans. Our previous reports were issued in 2002 and 2006 and are available on our website.<sup>9</sup> The information in this report reflects the information contained in the Child Care Services Plans and the Annual Plan updates posted on the OCFS webpage as of October, 2009.

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‡Until recently, this information was not publicly available. In March of 2009, OCFS began posting the plans on its web site. While the agency is to be commended for making these documents available to the public, the effective dates of plan amendments often precede the date that the plan is posted to the website, which causes confusion and fosters misinformation.

## ***B. OVERVIEW OF THE CHILD CARE BLOCK GRANT***

The New York State Child Care Block Grant totals approximately one billion dollars and consists of federal funds appropriated for child care and any state funds appropriated for this purpose. Over 81% of the funding in this state block grant consists of federal funds provided by the federal Child Care and Development Block Grant and federal funds transferred from the federal Temporary Assistance to Needy Families Block Grant. The remaining funding is state and local.<sup>10</sup>

Over 81% of the funding in the child care state block grant consists of federal funds provided by the federal Child Care and Development Block Grant and federal funds transferred from the federal Temporary Assistance to Needy Families Block Grant.

Both state and federal law require that child care assistance be spent in a way that provides for “equitable access” to child care assistance funds.<sup>11</sup> However, the rules governing the distribution of child care funds in New York are hardly equitable. As set forth more fully below, similarly situated families in New York are consistently afforded access to child care subsidies in a way that is neither fair nor equitable.

## **II. VARIATIONS THAT IMPACT THE FAMILY**

### ***A. FAMILY SHARE***

Families who receive a child care subsidy are required to pay a portion of their child care costs. This is called the family share or copayment, which is calculated by multiplying a percentage, chosen by the social services district, by the amount of the family’s income that exceeds the poverty level. Regulations allow for districts to choose a multiplier anywhere between 10% and 35%.<sup>12</sup> The payment to the child care provider is in two parts - the family share and the subsidy paid by the social services district.

New York State law provides that “child care assistance shall be provided on a sliding fee basis based upon the family’s ability to pay.”<sup>13</sup> Despite this statutory mandate, similarly situated families pay significantly different copayments simply because of where they live. For example, a family of three living in Livingston County with earnings of \$36,620 (200% of the poverty level), pays an annual family share of \$1,831, which is 5% of the household’s income. However, if the same family moves across the county line into Genesee County, their family share will be more than three times that of the Livingston County family for the same child care – a total of \$6,408, which is 17.5% of the household’s income. This is a difference of \$4,577 per year spent or saved solely based on geography.

As indicated by the chart in Appendix B, the benefits of a subsidy are not equitably distributed across the state. In six counties, parents pay 10% of their income over the poverty level as their child care copayment; in one county, parents pay 15% of their income over poverty and in another 17.5% of their income over poverty. In thirteen counties, parents pay 20% of their income over poverty; in sixteen counties, parents pay 25% of their income over poverty; in two counties, parents pay 30% of their income over poverty; and in eighteen counties, parents pay 35% of their income over poverty.

In contrast to the counties that use a multiplier between 10% and 35%, New York City has taken a different approach to the family share. Until May 1, 2009, New York City used a multiplier of 25.5%, but if the resulting figure exceeded 10% of the total household income, the family share was reduced to a figure that equaled 10% of the total household income. The 10% cap prevented parents from facing overwhelming child care costs. New York City also reduces the family share when children only receive part-time child care. As of May 1, 2009, New York City increased its multiplier to 35% and increased its cap to 12% of parent income. Although the imposition of any cap under 17.5% in a 35% co-pay county is helpful, the requirement that a family pay 12% of its gross income for child care can be financially crushing. For example, in counties with a 35% copayment, when a family of 3 at 200% of poverty (\$36,620/yr) receives a child care subsidy, their family share is \$6,408. In New York City the 12% cap lowers the copayment to \$4,394. A 10% cap would lower the family share even further by \$732 to \$3,662.

As a condition of receiving funding under the federal Child Care Development Block Grant, federal regulations require OCFS to establish, and periodically revise, by rule, a sliding fee scale. This scale is to be based on the income and the size of the family receiving child care services, but other appropriate factors may be added.<sup>14</sup> Additionally, before receiving federal child care block grant funding, New York State is required to file a comprehensive plan with the United States Department of Health and Human Services (HHS). When the Agency submits a plan to receive these funds it must also include a description of the sliding fee scale, and any additional factors used by the state in determining the cost sharing with families that receive child care services.<sup>15</sup>

New York State's sliding fee scale has not been reviewed or revised in decades. Still, every two years, OCFS has filed a plan with HHS stating that its sliding fee scale is affordable, asserting that the need for variable multipliers of between 10 and 35 percent is due "to the wide disparity of per capita income, consumer price levels, and the cost, availability and accessibility of child care among the geographic jurisdictions."<sup>16</sup> The effect and priority of each factor is not explained; nor is the way in which such factors relate to the district's choice of a multiplier articulated in the plan or the language of the state regulation. Despite its representation to HHS that it permits districts to choose



a multiplier between 10 and 35% because of certain economic disparities among the districts, OCFS provides local districts with a pre-printed plan that does not require the local district to explain how the multiplier chosen relates to per capita income, consumer price levels or the cost, availability and accessibility of child care in its jurisdiction. In fact, as explained in more detail below and in the attached appendices, absolutely no correlation exists between the county's choice of that multiplier and the per capita income, consumer price level or the cost, availability or accessibility of child care in that district.

## 1. PER CAPITA PERSONAL INCOME (PCPI)

OCFS's plan justifies the copayment disparity because of the differences in per capita personal income. Per capita personal income is calculated as the sum of all residents' personal income in an area divided by the population of that area as of July 1 for the reference year.<sup>17</sup> Personal income is defined as the income received from participation in production, from both government and business transfer payments, and from government interest. Personal income is calculated as the sum of wage and salary disbursements and "includes employer-provided health insurance, dividends and interest income, social security benefits, and other types of income."<sup>18</sup> As indicated by the chart attached in Appendix C, in none of New York's counties do differences in per capita personal income correlate to copayment amounts.

For example, two counties with very low yet similar PCPI amounts are Oswego, at \$26,513, and Yates, at \$26,299. A mother and father residing in Oswego County and caring for their two children with a total income of \$38,588 (175% of poverty) pay an annual parent share of \$1,654; a mother and father with two children living in Yates County with the same income have an annual family share of \$5,788, or more than three times what the Oswego County family pays. Even though both of these counties have a fairly similar PCPI, there is a \$4,134 differential in their annual co-pay amounts because Oswego uses a 10% multiplier and Yates uses a 35% multiplier.

Erie County (PCPI \$36,116) and Steuben County (PCPI \$35,141) are also counties with similar PCPIs, but Erie uses a 35% multiplier and Steuben uses a 10% multiplier. Similarly situated families in these two adjacent counties pay vastly different copayments. In Steuben County, a family of four (two adults, and two children) with an income of \$38,588 (175% of the poverty level) pays a copayment of \$1,654 per year which is 4.3% of their annual income. A family of four in Erie County at 175 percent of the poverty level has an annual copayment of \$5,788, which is 15% of their income. The family in Erie pays \$4,134 more every year, almost four times as much as their neighbors in Steuben County.

## COUNTY PER CAPITA PERSONAL INCOME (PCPI) AND CO-PAY MULTIPLIER

County	PCPI	Co-Pay Multiplier
Oswego	\$ 26, 513	10%
Yates	\$ 26, 299	35%
Erie	\$ 36,116	35%
Steuben	\$ 35,141	10%
Albany	\$ 42,099	15%
Dutchess	\$ 41,677	30%

Albany County has a PCPI of \$42,099 and Dutchess County has a PCPI of \$41,677. However, families in Albany County have much smaller copayments than Dutchess County families. A family of four at 175% of poverty (\$38,588) living in Albany County has an annual co-pay of \$2,481, which is 6.4% of their income. This amount is half the copayment imposed on a family of the same size and income in Dutchess County, which has a yearly copayment of \$4,961, nearly 13% of their income.

## 2. MEDIAN MONTHLY HOUSING COST (MMHC)

One indicator of consumer price levels for low-income families in New York State is the Median Monthly Housing Costs (MMHC) for Renter Occupied Housing Units from the American Community Survey of the United States Bureau of the Census.<sup>19</sup> A chart of these costs also appears in Appendix D. Many counties with the same child care co-pay multiplier have widely divergent rental costs and counties with similar rental costs have widely varying copayments. For example, Allegany and Putnam counties both have copayment multipliers of 20% of the household income over poverty, but housing costs in Putnam County are \$589 per month more than in Allegany. The MMHC in Putnam is \$1,138 while in Allegany the MMHC is \$549. A family of four living at 175% above the federal poverty line (\$38,588) will have a yearly co-pay of \$3,308 in both of these counties, but the Putnam County family is likely to pay a much higher rent.

Orange and Sullivan are neighboring counties with copayment multipliers of 35%; however, the median housing cost for renters in Orange County is \$977, while in Sullivan County the MMHC is \$734, a difference of \$243. In contrast, Albany has a slightly higher average housing cost for renters - \$790 - than in the adjoining county of Schenectady, where it is \$727. However, a mother with two children living at 200% of poverty and residing in Albany County pays \$53 per week (7.5% of her income) as a child care copayment because the county has a 15% multiplier, but if she moved to the

neighboring county of Schenectady, where the multiplier is 35%, she would pay \$123 per week (17.5% of her income). Comparing the child care subsidy amounts with median monthly housing costs for just this handful of New York counties demonstrates how the costs are unrelated to each other.

### MEDIAN MONTHLY HOUSING COSTS (MMHC) AND CO-PAY MULTIPLIER

County	MMCH	Co-Pay Multiplier
Allegany	\$ 549	20%
Putnam	\$ 1,138	20%
Orange	\$ 977	35%
Sullivan	\$ 734	35%
Albany	\$ 790	15%
Schenectady	\$ 727	35%

### 3. COST AND ACCESSIBILITY OF CHILD CARE

The cost of child care in New York counties is determined using the local market rates for each social services district.<sup>20</sup> Market rates are established in five groupings of social services districts based primarily on the size and population of the district. Within each group, the market rate is further broken down by the age of the child and type of care: day care center, registered family day care, group family day care, school age child care and two types of legally exempt child care. When the market rates for group family care and day care centers are compared across districts to co-pay amounts, there are significant inequities.

When the market rates for group family care and day care centers are compared across districts to co-pay amounts, there are significant inequities.

Despite the OCFS representation in the plan filed with HHS that variations in co-pay multipliers are in part based on the cost of child care, there is no correlation between county weekly market rates for regulated family child care and co-pay multipliers. Genesee and Clinton Counties have the same weekly family care rates, but a family of four at 175% of poverty in Genesee County has an annual child care copayment of \$5,788 per year, while a family of the same size and income in Clinton County pays \$3,308, a difference of \$2,480, because the co-pay multiplier in Genesee County is 35% and the co-pay multiplier in Clinton County is 20%.

The copayment for a family of four at 175% of poverty in St. Lawrence County, which has a 25% multiplier, is \$4,134.50; in Schoharie, which has a 35% multiplier, the copayment for this family would be \$5,788 – even though both counties have the same weekly market rate for family child care. Wayne and Yates County also have the same weekly family child care rate, but Wayne County has a 25% multiplier and Yates has a 35% multiplier which results in a family of four with income at 175% of poverty in Yates County paying \$5,788 per year as a family share while a similarly situated family in Wayne County pays \$4,134.50 – a difference of \$1,653.50.

Day care center weekly rates also do not correspond to co-pay amounts. Families in Ontario and Clinton Counties have the same co-pay multipliers (20%), but the infant market rate in Ontario County is \$226 per week, \$46 more per week than in Clinton County. Essex and Saratoga Counties also use the 20% co-pay multiplier, but the infant market rate in Saratoga is \$46 more each week than in Essex. Schoharie and Otsego are neighboring counties with the same infant market rate for day care centers of \$180 per week, but Schoharie uses a 35% multiplier and Otsego uses a 10% multiplier.

## **B. CHILD CARE FOR PARENTS WHO ARE LOOKING FOR WORK**

With New York's unemployment rate currently at 8.9%,<sup>21</sup> many low income parents are looking for work and need child care in order to do so. State regulations permit local districts to provide child care for parents looking for work for up to 6 months if their income is under 200% of poverty.<sup>22</sup> Nevertheless, eighteen social services districts do not authorize child care for parents looking for work. Of the remaining forty social services districts that will authorize care for parents looking for work, twenty-five of them restrict eligibility to time periods shorter than six months, or impose other restrictions. For example, Onondaga and Ontario will only authorize care for two weeks, although an extension is possible in Onondaga. Albany, Broome and Cayuga will

Despite a statewide unemployment rate of 8.9%, eighteen social services districts do not authorize child care for parents looking for work.

authorize care for up to six weeks. In Cortland, Delaware, Erie, Jefferson, Monroe, Schenectady and Westchester, authorizations are limited to thirty days, and in Chautauqua, Essex, and Madison, authorizations are provided for up to three months.

Of the twenty-five districts with restrictions, Cayuga, Erie, Sullivan and Westchester restrict eligibility to those who already have an open employment-related child care case and who have lost their jobs. Two counties use a lower eligibility level - Warren uses 150% of poverty and Monroe uses 165% of poverty. A number of counties will only authorize part time care (Cattaraugus and Essex – five hours per week; Schenectady,

Warren, Washington and Yates – twenty hours per week.)

If parents with young children are going to be afforded a meaningful opportunity to look for work, state policy should clearly articulate that in all social services districts, parents looking for work are eligible for a child care subsidy to enable them to look for work for up to six months. State policy should extend that benefit beyond six months where a parent is in receipt of unemployment benefits and financially eligible for a subsidy.

### **C. *PRIORITIZING LIMITED CHILD CARE RESOURCES***

In determining priorities for limited child care resources, districts are allowed to arbitrarily determine which families will be prioritized based on the determination that the household is “very low income.”<sup>23</sup> Very low income in Dutchess and Oneida Counties is defined as 100% of the State Income Standard (SIS).<sup>5</sup> In Columbia and Yates Counties, very low income is 150% of the SIS. In St. Lawrence County and New York City, very low income is defined as 200% of the SIS. This wide variation means that a family given preferential benefits in Columbia County could be one of the first families to lose benefits if they moved across the county line into Dutchess County, if reduced funding or increased enrollment created a limit on the availability of funding for child care.

### **D. *DAYTIME CHILD CARE FOR PARENTS WHO WORK OVERNIGHT***

Parents and caretakers who work nights often need child care so that they can sleep during the day when their children are young and not in school. State regulations give districts the option of providing child care for parents who work the second or third shift, and who need child care to sleep.<sup>24</sup> Forty-seven districts provide subsidized daytime child care for parents who need to sleep. However, as with other local district options, the rules regarding utilization of this benefit vary widely among districts. Currently, two districts, Broome and Steuben, provide sleep care for less than six hours. An additional 12 districts pay for six hours of sleep care. Westchester County alone provides a child care subsidy for seven hours of sleep care. The majority of the districts, 32 in total, will fund 8 hours of subsidized child care for a parent who works second or third shift and needs to sleep during the day.

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<sup>5</sup>The State Income Standard (SIS) is equal to the federal poverty level. The regulation that defines the “State income standard,” provides the authority for the State to adjust the SIS for family size. 18 NYCRR 415.1(k). Prior to June 1, 2001, the State adjusted the SIS below the poverty level for small families and increased it for large families. For example in 2000 the SIS for a family of 2 was 68% of the federal poverty level while the SIS for a family of 6 was 132% of the poverty level. 00 OCFS-INF-01. Effective June 1, 2001, OCFS made the SIS equal to the federal poverty level [01 OCFS INF-07] and has not made any adjustments since that time, meaning that the SIS equals the federal poverty level for all family sizes.



Susan W. lives in Wyoming County which is one of the eleven counties that does not approve sleep care. She works in a paper-box company from 4:30 pm to 3 am. With transportation time, she does not get home until nearly 4 am. Last year, she became the primary caregiver for her 2 year old grandson. At that time, her husband was employed and she was happy to discover that they were financially eligible for a child care subsidy. However, the county would not authorize care so that she could sleep during the day while her husband was at work. After he lost his job, the family needed daytime care even more desperately so that her husband could look for work during the day. The family medical provider said that the lack of sleep was adversely affecting Susan's health.

The number of counties providing care to parents who work nights has significantly increased since Empire Justice Center’s review of the 2004-2006 Annual Child Care Plan Updates. Then, only 27 districts provided daytime child care for a parent who needed to sleep.<sup>25</sup> This is a significant step toward having uniform eligibility rules, but is no comfort to parents in the eleven districts that do not provide this benefit. New York’s policy on providing care to parents who work second and third shifts should be based on sound policy, not the luck of geography. All parents in New York State, regardless of where they live should be able to take advantage of this type of care.

The number of counties providing care to parents who work nights has significantly increased since Empire Justice Center’s review of the 2004-2006 Annual Child Care Plan Updates. Then, only 27 districts provided daytime child care for a parent who needed to sleep.

#### ***E. CHILD CARE LASTING BEYOND 24 HOURS***

Regulations require that the weekly child care market rates must be paid for care that is provided 30 or more hours for five or less days per week.<sup>26</sup> A daily rate must be applied if care is for at least six hours, but less than twelve hours per day.<sup>27</sup> However, when there is a short term emergency, or where the caretaker’s approved activity necessitates care for more than 24 hours on a short term basis, a local district can pay for child care that extends beyond 24 hours if it has indicated that it will do so in its consolidated plan.<sup>28</sup> Eighteen districts pay for this type of care. Allegany County will pay for child care lasting up to seven days. Jefferson County will pay for 24-hour care if the emergency is verified and approved by a “Supervisor of higher authority than usually makes the decision.” Rensselaer County will pay for care in excess of 24-hours when it is needed for employment purposes and work hours are verified.

Working parents may be sent on trips for their employers; those in training programs may be sent to workshops out of town. Whether parents in these circumstances are eligible for a subsidy should be a uniform state policy.

#### ***F. CHILD CARE DURING BREAKS IN ACTIVITY***

Local social services districts are given additional discretion to pay for child care during a break of up to two weeks where the parent is between approved activities or waiting to start an approved program.<sup>29</sup> Districts may also choose to provide child care for a four week break in the activities of a parent if “child care arrangements would otherwise be lost and the subsequent activity is expected to begin within that period.”<sup>30</sup> A total of 27

districts will subsidize child care during some break in activity. However, only one-third of these districts will subsidize child care for the full four weeks permitted in the regulation.

Genesee County provides child care for up to two weeks, but only when the parent is waiting to begin employment. Rockland County allows child care to continue for up to four weeks during any break in a parent's activity. Warren County continues the child care subsidy for two weeks if the parent is waiting to enter an approved activity, begin employment or is on a break between activities.

A total of 27 districts will subsidize child care during some break in activity. However, only one-third of these districts will subsidize child care for the full four weeks permitted in the regulation.

Continuity of care is a marker of high quality care.<sup>31</sup> All children in New York deserve a four week period of continued care while their parents are between jobs or looking for work.

### ***G. COUNTING AN OLDER CHILD IN THE CHILD CARE SERVICES UNIT***

State regulations also allow local districts to determine whether to count the income of 18, 19 and 20 year olds when determining a parent's financial eligibility for child care for a younger child in the household.<sup>32</sup> Thirty districts opt to count an 18, 19, or 20 year old child residing at home as part of the child care services unit when calculating the family's eligibility for child care subsidy benefits. Approximately three-quarters of the 30 districts that include the 18-20 year old living at home modify the rule so that the child will only count as part of the family unit if doing so benefits the family. This would happen when the older child is not earning income and counting that child would increase the household size, respectively decreasing the family's copayment. For example, a three person family with annual earnings of \$25,000, where one parent has an 18 year old child with no earnings and a 4 year old child, would pay a family share of \$2,590 per year in a county where the multiplier is 35%. The same family would pay a family share of \$3,850 per year if the 18 year old child was not included in the child care services unit. In this case, it benefits the family to include the older child in the family unit.

Additionally, eight districts will count the 18-20 year old child in the household under some specific set of circumstances. Suffolk and Otsego Counties always count the 18-20 year old child in the child care services unit. Allegany County will always count an 18 year old child, but not a 19 or 20 year old child. Chemung, Putnam, and Columbia Counties

will always count a child who is enrolled in school. St. Lawrence County will always count an 18-20 year old child who is enrolled in school full time or a child with a disability.

In each of these counties, a risk arises that the presence of the older child in the household could harm the family for the purpose of calculating child care subsidy benefits because any income earned by the older child would be included as part of the family income. The rule effectively results in a requirement that 18-20 year olds in low-income families apply their earnings to the cost of the child care for their younger sibling. This policy penalizes the parent with a higher copayment when the child fails to make his income available. In seven counties: Allegany, Chemung, Columbia, Otsego, Putnam, St. Lawrence and Suffolk, 18-20 year olds must apply their earnings to the cost of child care for their younger siblings. In our previous example, a three person family comprised of one parent earning \$25,000 per year, an 18 year old child, and a 4 year old child, the family share will vary significantly if the 18 year old child has even a part time job earning minimum wage. If that 18 year old child earns \$3,718 per year (\$7.15 per hour, 10 hours per week for 52 weeks) and this income is counted as part of the family's total income, the family share will be \$3,891 per year in comparison to the \$2,590 per year family share if the older child is not counted as part of the family. When the older child is unconditionally counted as part of the child care services unit, a family with an 18-20 year old child who works will pay a larger family share than a family whose older child does not work. While this option is allowed by the child care regulations, it is inconsistent with public assistance budgeting rules which prohibit the application of the income of a teenager who is attending school to other family members.<sup>33</sup>

In seven counties: Allegany, Chemung, Columbia, Otsego, Putnam, St. Lawrence and Suffolk, 18-20 year olds must apply their earnings to the cost of child care for their younger siblings.

There is absolutely no justification for a county by county variation in this rule. State child care budgeting rules should be consistent with public assistance budgeting rules which recognize that in New York State children are not legally responsible for the support of their siblings or their parents<sup>34</sup> and that parents are responsible for the support of their children until they turn 21.<sup>35</sup> New York State should adopt a uniform rule by statute or regulation providing that 18-20 year old children are excluded from the child care services unit unless including the older child would benefit the family, and then in such cases, require the inclusion of the child in the unit.

## H. *CHILD CARE FOR A PARENT IN POST-SECONDARY EDUCATION*

Post-secondary education is a critical tool for improving economic stability in low-income families for several reasons. First, college educated workers earn 75% more than workers with just a high school education.<sup>36</sup> Second, individuals with bachelor's or associate's degrees earn more and experience less unemployment than individuals with a high school diploma alone.<sup>37</sup> Finally, for minorities and women, who tend to be over-represented in low-income working families, the benefits of post-secondary education are magnified; post-secondary education has proven a highly effective method of improving an individual's earning capacity and a family's overall socio-economic status.<sup>38</sup> Supporting the efforts of low-income parents in post-secondary education by making safe, affordable child care available, is an investment in the future earning power of low-income parents and the future economic stability of their children.

Local social services districts have the option of providing child care subsidies to families in an array of different circumstances, including post-secondary education, if the district opts to provide the benefit and if funds remain available. Once the district elects to make child care subsidy benefits available for a family under one of these elective categories, the district is required to continue providing the benefits as long as funds remain available.<sup>39</sup> Several of these optional eligibility categories provide child care subsidy benefits to families where the parent is involved in a post-secondary education program and the family has an income at or below 200% of poverty. For parents in post-secondary education, local variations create a mire of minute differences throughout the state which limit a parent's ability to access childcare for post-secondary education depending upon the social services district in which the parent resides. The chart in Appendix E sets forth the variety of local district choices in this area.

Under one option, a child care subsidy is available to a family where the parent is attending a two year full-time degree granting program at a community college, a two year college, or an undergraduate college with a specific vocational goal leading to an associate's degree or certificate of completion.<sup>40</sup> Parents have 30 months to complete this educational program.<sup>41</sup> A total of 36 districts elect to provide this benefit, in one form or another. In Cortland, Ulster and Monroe Counties, these parents are required to work at least 17.5 hours per week in addition to meeting the requirements of their educational program. In Albany, Livingston and Onondaga Counties, parents who want child care while they attend school must work at least 20 hours per week in addition to meeting the requirements of their educational program. Cattaraugus County explicitly limits the programs in which a parent may participate to those programs on a list determined by the county one-stop facility. Jefferson County, like Cattaraugus, only provides this benefit to parents who participate in two-year programs on a specific list;



animal management, nursing, and retail merchandising are among the available options, as long as the household falls under 150% of the poverty level.

Several districts, including Orleans, Schenectady, and Warren, make the benefit available for a period of time shorter than the regulatory maximum of 30 months, although this may well be an insufficient amount of time to complete the degree program chosen.

Twenty-eight districts have elected to provide a second option, making the child care subsidy available to a family where the parent is attending “a two-year program other than one with a specific vocational sequence leading to an associate’s degree or a certificate of completion.”<sup>42</sup> The academic program must be “reasonably expected to improve the earning capacity of the caretaker.”<sup>43</sup> The parent enrolled in such a program is required by regulation to work at least 17.5 hours per week and “successfully complete the course of study.”<sup>44</sup> This feature is distinct from option one, where varying work requirements were imposed at the election of certain districts. For example, Cortland County places a 24-month time limit on this subsidy. Westchester County limits this subsidy to public assistance recipients who work at least 30 hours per week. Jefferson County limits the programs from which a parent can choose to “those with a specific job orientation goal,” a requirement that is more limited than the regulatory language.

A third option permits local districts to provide financially eligible parents with a child care subsidy so that they can enroll in a four year college or university program leading to a bachelor’s degree. The parent must demonstrate that the degree will improve the earning capacity of the parent, and the parent is required to work at least 17.5 hours per week and “successfully complete the course of study.”<sup>45</sup> Twenty-two districts permit this option. Although there is less variation among districts choosing option three, the districts still administer this benefit in profoundly different ways. Cortland County limits the availability of benefits to 24 months, which is clearly insufficient to complete a four year college degree program. In Westchester County, the parent attending college is required to work 30 hours per week. New York City limits the availability of this benefit to non-public assistance households only.

Higher education is an important stepping stone for low-income families trying to escape poverty. State policy should recognize this goal and provide students with access to child care subsidies regardless of the county in which they reside. If cost constraints make this option difficult, the state should consider a different financial eligibility level for students in post-secondary education and allow that level to rise as funds permit.

## ***I. USE OF TITLE XX FUNDS***

Although Social Services Law 410-x provides that financial eligibility for a child care subsidy is capped at 200% of the state income standard, local districts are permitted the discretion to use Title XX funds to expand eligibility to higher income levels.<sup>46</sup> Under 18 NYCRR § 415.2(b), Title XX dollars can be used to provide childcare to families above 200% of the SIS as long as their income is not in excess of 275% of the SIS for a family of two, 255% of the SIS for a family of three, or 225% of SIS for a family of four or more. Although counties can use Title XX money to expand eligibility levels for working families, only 10 social services districts do so: Allegany, Greene, Nassau, New York City, Orange, Putnam, Schenectady, Suffolk, Warren and Westchester. Sullivan County uses Title XX funds to provide care for families in emergency situations for up to three months where the family is experiencing domestic violence, incapacity, or substance abuse, but only where the family has exhausted other resources and the emergency is verifiable. Not all counties use their Title XX funds for people at the higher income levels. In Warren County, Title XX funds provide care for families up to 200% of the SIS based on the same priorities that other child care is provided. Steuben County uses its Title XX money to provide child care only in situations where there is an intervention by child protective services.

## **III. VARIATIONS THAT AFFECT CHILD CARE PROVIDERS**

### ***A. ENHANCED PAYMENT TO ACCREDITED CHILD CARE PROVIDERS AND THOSE WHO PROVIDE CHILD CARE DURING NON-TRADITIONAL HOURS***

Generally, the payment rate to a child care provider for a child receiving subsidized care is the price of care charged to private pay parents up to a ceiling established in regulation called the “market rate.”<sup>47</sup> Federal regulations require the state to conduct a local market survey biennially.<sup>48</sup> Except for legally exempt providers, OCFS has set each district’s market rate at the 75th% percentile, as recommended in the preamble to the final federal rule.<sup>49</sup> For child care providers who have a national accreditation, the district may opt to set a rate that is up to 15% more than the market rate.<sup>50</sup> Moreover, the local districts also have a separate option to pay a higher child care rate for care that is provided to children while their parents work non-traditional hours, such as overnights and weekends.<sup>51</sup> These two payment differentials may supplement each other, but the total payment differential is limited to 15% above market rate unless a waiver is granted to the local district by the state.<sup>52</sup>

Out of 58 social services districts, only ten pay regulated child care providers a higher rate if they have been accredited by a nationally recognized child care organization, and

only twelve districts pay a higher rate for care provided during non-traditional hours. Even among these districts, there is variation. Albany County pays a 10% differential for either accredited care or care that is provided during non-traditional hours, but regulations prohibit them from providing a total differential of more than 15%. Chautauqua County pays a 15% differential only for an accredited care provider, while

Out of 58 social services districts, only ten pay regulated child care providers a higher rate if they have been accredited by a nationally recognized child care organization, and only twelve districts pay a higher rate for care provided during non-traditional hours.

Wyoming County pays a 15% differential only for care during non-traditional hours. Finally, Tompkins County, Putnam County, Washington County and New York City will pay a 15% differential for either an accredited child care provider or care provided during non-traditional hours. However, in these counties there is no additional benefit to an accredited child care provider who provides care during non-traditional hours because the total of the two supplemental payments is capped at 15% above the market rate ceiling.<sup>53</sup>

Given recent OCFS initiatives in establishing a quality rating and improvement system called QUALITYstarsNY,<sup>54</sup> it makes no sense to make enhanced rates for accredited providers a county option. Similarly, where providers charge more for caring for children on evenings and week-ends, policies that do not adjust the market rates accordingly deny parents equal access to such care.

## **B. *ADDITIONAL LOCAL STANDARDS***

Districts are permitted to impose standards on county child care providers for child care services funded through either child care block grant or Title XX dollars in addition to the standards set by the state or federal government.<sup>55</sup> These county standards impose a wide range of different requirements for providers. In Chautauqua County, approximately half of the legally exempt child care providers are randomly subjected to a home inspection. In Albany County, legally exempt child care providers and everyone living in their home are subject to criminal background checks. A criminal background check is required for each legally exempt provider in Erie County, but not the others who reside in the home. Niagara County requires all legally exempt child care providers who provide 30 or more hours of care per week to enroll in the Child and Adult Care Food Program through the local community action program. The lack of standardization among county requirements may lead a parent to rely on protections he or she believes to be standard, but which only occur at the discretion of the county, assuming a parent is able to find out about these standards at all.

### **C. PAYMENT FOR AN ABSENT CHILD**

State regulations allow districts to decide whether or not to pay the provider if a child is absent from child care temporarily, such as when a child is ill.<sup>56</sup> When a child is absent from child care on a regularly scheduled care day, 53 of 57 districts will pay the provider for child care. However, the number of absences that each district will pay for is inconsistent. In Cortland County, the district will pay for up to 15 days in one month or 20 days in three months. Twelve of these absences will be accepted for any reason and the remaining absences are allowed only for extenuating circumstances that are explicitly described in the plan and must be documented by the parent. The parent must request payment for each absence individually and provide documentation of the emergencies or extenuating circumstances. Oneida County permits 4 absences in one month and up to 12 absences in three months. There is no difference between routine absences and those that occur under extenuating circumstances. In Oneida County, paid absences are unavailable to legally exempt child care providers. Suffolk County authorizes 12 routine absences and 3 extenuating circumstance absences in a single month for a child in subsidized care full time. Suffolk also provides a detailed schedule for the authorization of payment for absences of children who are not in care full time. Like Oneida County, Suffolk does not pay absences to legally exempt child care providers and in-home day-care providers.

### **D. PROGRAM CLOSURES**

State regulations require child care providers to maintain particular child-staff ratios, which vary depending on the age of the child.<sup>57</sup> Staff must be paid regardless of whether an enrolled child is out sick or absent for another reason. It promotes the economic stability and hence the quality of child care providers to consider the enrollment of a child care slot a purchase of the slot, requiring payment for all of the days enrolled. This is consistent with the enrollment policies applied to private pay parents, who must pay for the days their child is enrolled in care regardless of whether the child is absent.

In the event of severe weather, a natural disaster, other emergency or nationally recognized holiday, regulations allow districts to pay child care programs for days that they are unable to open due to circumstances beyond the provider's control.<sup>58</sup> Only 15 social services districts pay child care providers for days they are closed. Chemung County will pay for up to five closed days per year for day care centers, family and group family child care, and school aged child care on nationally recognized holidays. Monroe, Putnam, and Rockland Counties all pay for closure on holidays also, although the approach of each county is different. Orange County will pay for up to five snow days per year at day care centers only. It is not clear how child care providers handle closure due to weather emergency in districts where the five paid closures allowed per year are all designated as holidays.

As with child absences, private pay parents must pay tuition regardless of whether there is a holiday or an emergency. Reimbursement policies for low-income children, if they are to provide equal access to quality child care, should adopt the same payment policies as the provider applies to private pay parents.

#### **E. TRANSPORTATION**

Social service districts also have the option of using child care funding to provide transportation to child care.<sup>59</sup> However, only nine districts have opted to use their limited child care funds to provide transportation. Most of the districts that use transportation are rural or are large counties with a mix of urban and rural areas (Chautauqua, Chenango, Franklin, Nassau, Oneida, Onondaga, Orleans, Putnam and Ulster). Most use their transportation funds for limited purposes. For example, Chenango County provides transportation to and from child care where it is provided to a family receiving Temporary Assistance and related to activities required by the parent's employment plan. In contrast, Putnam County will provide up to \$60 per day in transportation assistance for a three month period to a parent who is having difficulty accessing their own transportation. Ulster County limits its transportation assistance to payment for children attending summer camp.

## **IV. CONCLUSIONS AND RECOMMENDATIONS**

The variations outlined in these plans create a system in which no two districts in New York State provide the same child care subsidy benefits. These differences necessarily compromise the quality and availability of the child care provided to low-income children in New York by introducing disparities that are burdensome and harmful to low-income families.

New York must standardize many, if not all, of these policy choices. This will ensure that the same eligibility rules apply to all and that the caretaker of every low-income child eligible for subsidized care is assessed an affordable copayment, allowing the family to enroll their child in a setting in which the child will flourish.

To remedy this inequality, New York must standardize many, if not all, of these policy choices. This will ensure that the same eligibility rules apply to all and that the caretaker of every low-income child eligible for subsidized care is assessed an affordable copayment, allowing the family to enroll their child in a setting in which the child will flourish. To achieve this goal, we recommend a number of policy changes that would benefit children, low-income families, and child care programs.

We propose the following legislation, *The Equitable Access to Quality Child Care Bill*, which would require:

- **1. By April 1, 2012, New York State will fully implement a copayment structure that is based on a family’s ability to pay as required by state statute.** This structure cannot make geographic distinctions unless those distinctions are tied to economic factors such as cost of living. To accomplish this goal, the legislation will establish a work group that will develop a legislative proposal to be introduced by January 1, 2012, in time to meet the deadline above.
- **2. In the interim, and until the effective date of the revised copayment levels, state law will be amended to reduce the maximum allowable copayment in graduated stages.** Stage one will cap child care copayments at 12% of household income effective 6 months after enactment (this is the current New York City cap; counties would still be able to choose their multiplier). This cap would be reduced to 11% of household income in the next year and to 10% of household income by the following year in the event of any delays in the implementation date of the revised statewide copayment structure.
- **3. OCFS will promulgate the following uniform statewide program rules no later than 6 months after the enactment of the Equitable Access to Quality Child Care Bill:**
  - Prior to submitting proposed plan amendments regarding the copayment multiplier, or any other eligibility rule to OCFS for approval, local social services districts will be required to send a written notice to all recipients of child care services and the local Child Care Resource and Referral organization, advising them of the proposed change and the opportunity to comment. Further, the OCFS pre-printed form for plan amendments will be revised to require local districts to provide the state agency with the details as to how the district complied with 18 NYCRR § 407.10 by providing the date the proposed change was published for public comment, a summary of comments received, and the date that the change was presented to the local advisory council for review. Finally, the effective date of any change in a county multiplier or other eligibility rule will not be effective until the change is posted on the OCFS website.
  - Child care providers who charge private pay parents when a child is absent or who charge parents when the program is closed for holidays and weather emergencies will be paid for those closures and absences. This will provide parents with equitable access to child care.
  - OCFS shall create a rate differential for programs that participate in QUALITYstarsNY and phase out the option to pay a differential to accredited child care providers.

- Parents who need child care during non-traditional hours shall be eligible for a 15% differential if the higher rate is charged to private pay parents.
- Parents in all social services districts who are otherwise eligible for a child care subsidy, shall receive a subsidy if they need care to enable them to sleep because they work a late shift and have a child who is not in school. Furthermore, the parent shall receive a subsidy that is sufficient to allow the parent to obtain eight hours of sleep, plus travel time. This is necessary for the well being of working parents and their children. Making subsidized daytime child care available to parents working third shift or overnight will ensure children receive safe, nurturing care while supporting parents who are striving to bring economic security to the family.
- In recognition of the fact that children are not legally responsible for the support of their siblings and parents, the income of 18, 19 and 20 year olds will not be included in the child care services unit unless doing so would financially benefit the family.
- Parents who are making satisfactory progress in post-secondary education shall be eligible for a child care subsidy so long as they are financially eligible. Any work requirements imposed on these parents should be limited to no more than 15 hours per week, and should be adjusted downward to accommodate any special needs of the parents or their children.
- Finally, unless and until New York State adopts uniform rules, each local district shall provide all applicants and recipients for child care services with a one page handout summarizing its eligibility rules. Additionally, a one page summary of the rule shall be available on the websites of OCFS and the county or local district.

By standardizing child care subsidy programs and ensuring that uniform rules apply to all eligible parents in every social services district, New York State will be taking concrete steps to increase the economic stability of low-income working families and provide a safe, nurturing foundation for the next generation. Further delay in enacting the recommendations outlined above will only serve to undermine the future achievements of New York's children who are most in need of these critical building blocks.

**New York Must Act Now.**

## NOTES:

<sup>1</sup> Don Brower, "What Child Care Can Do" Better Brains for Babies, University of Georgia (1998), available at <http://www.fcs.uga.edu/ext/pubs/chfd/FACS01-5.pdf>.

<sup>2</sup>L.J. Schweinhart, J. Montie, Z. Xiang, W.S. Barnett, C.R. Belfield, & M. Nores, "Lifetime Effects: The High/Scope Perry Preschool Study Through Age 40," High/Scope Press: 2005. General information available at <http://www.highscope.org/Content.asp?ContentId=219>.

<sup>3</sup>Stephanie A. Schaefer, J. Lee Kreader, Ann M. Collins, "Parent Employment and the Use of Child Care Subsidies," Child Care & Early Education Research Connections, April 2006, 2. Available at <http://www.childcaresearch.org/SendPdf?resourceId=8725>.

<sup>4</sup>Id. at 2.

<sup>5</sup>Id. at 8.

<sup>6</sup>These plans are available at <http://www.ocfs.state.ny.us/main/childcare/plans.asp#APU>.

<sup>7</sup>See e.g. 09 OCFS LCM-13, available at: <http://www.ocfs.state.ny.us/main/policies/external/>.

<sup>8</sup>18 NYCRR § 407.10.

<sup>9</sup>W. Rolnick (S. Antos, editor), "Child Care in New York State: A Patchwork of Policies," (2002) is available at <http://www.empirejustice.org/assets/pdf/publications/reports/a-patchwork-of-policies.pdf>. The follow-up report, S. Akhtar and S. Antos, "Expanding the Patchwork," (2006) appeared in the December 2006 Legal Services Journal and is available at: <http://www.empirejustice.org/issue-areas/child-care/copayments/expanding-the-patchwork.html>.

<sup>10</sup>New York State Social Services Law § 410-u; 42 USC §§ 618; 9858; National Child Care Information and Technical Assistance Center, State Profile - New York, available at <http://nccic.acf.hhs.gov/statedata/statepro/display.cfm?state=New%20York>.

<sup>11</sup>Social Services Law § 410-x(1); see also 45 CFR § 98.43(a),(b)(3).

<sup>12</sup>18 NYCRR § 415.3(e)(3).

<sup>13</sup>Social Services Law § 410-x(6).

<sup>14</sup>45 CFR § 98.42.

<sup>15</sup>45 CFR § 98.16(i).

<sup>16</sup>See e.g. <http://www.ocfs.state.ny.us/main/childcare/New%20York%20State%20Plan%202008-2009.pdf>, pg. 37.

<sup>17</sup>Bureau of Economic Analysis: Regional Economic Accounts [http://www.bea.gov/newsreleases/regional/lapi/lapi\\_newsrelease.htm](http://www.bea.gov/newsreleases/regional/lapi/lapi_newsrelease.htm).

<sup>18</sup>U.S. Department of Commerce, Bureau of Economic Analysis, Regional Economic Accounts, Local Area Personal Income at [http://www.bea.gov/newsreleases/regional/lapi/lapi\\_newsrelease.htm](http://www.bea.gov/newsreleases/regional/lapi/lapi_newsrelease.htm). See also <http://www.bea.gov/glossary/glossary.cfm?letter=P>.

<sup>19</sup>U.S. Bureau of the Census (2000 census and 2005-2007 American Community Survey available at: [http://factfinder.census.gov/servlet/GCTTable?\\_bm=y&-context=gct&-ds\\_name=ACS\\_2007\\_3YR\\_G00\\_-CONTEXT=gct&-mtname=ACS\\_2007\\_3YR\\_G00\\_GCT2514\\_ST2T&-tree\\_id=3307&-redoLog=false&-geo\\_id=04000US36&-format=ST-2T&-lang=en](http://factfinder.census.gov/servlet/GCTTable?_bm=y&-context=gct&-ds_name=ACS_2007_3YR_G00_-CONTEXT=gct&-mtname=ACS_2007_3YR_G00_GCT2514_ST2T&-tree_id=3307&-redoLog=false&-geo_id=04000US36&-format=ST-2T&-lang=en)).

<sup>20</sup>Social Services Law § 410-x(4); 18 NYCRR § 415.9(j)(3).

<sup>21</sup>New York State Department of Labor statistic for October, 2009. See <http://www.labor.state.ny.us/workforceindustrydata/pressreleases/pruistat.htm>.

<sup>22</sup>18 NYCRR § 415.2(a)(3)(vii)(a).

<sup>23</sup>18 NYCRR § 415.2(d)(1)(i)(a).

<sup>24</sup>18 NYCRR § 415.4(c)(3).

<sup>25</sup>See "Expanding the Patchwork: Inequity in Child Care Subsidy Eligibility and Administration is Greater Now Than in 2002," available at <http://www.empirejustice.org/content.asp?ContentId=2006>.

<sup>26</sup>18 NYCRR § 415.9(a).

<sup>27</sup>18 NYCRR § 415.9(b).

<sup>28</sup>18 NYCRR § 415.1(a).

<sup>29</sup>18 NYCRR § 415.2(c)(2).

<sup>30</sup>Id.

<sup>31</sup>R. Lally, A Griffin, E. Fenichel, M. Segal, E. Szanton and B. Weissbourd, "Caring for Infants and Toddlers in Groups: Developmentally Appropriate Practice, Zero to Three," (2003) p. 34.

<sup>32</sup>18 NYCRR § 415.1(l).

<sup>33</sup>NY Social Services Law §§ 131-a(8), 131-a(10).

<sup>34</sup>See *Anonymous v Anonymous*, 176 Misc 103 (1941).

<sup>35</sup>NY Family Court Act § 413(1)(a).

<sup>36</sup>Amy Ellen Duke and Julie Strawn, "Overcoming Obstacles, Optimizing

Opportunities: State Policies to Increase Postsecondary Attainment for Low-Skilled Adults," Center for Law and Social Policy (2008), p.2, available at: <http://www.clasp.org/admin/site/publications/files/0405.pdf>.

<sup>37</sup>Charles Price, "Reforming Welfare Reform Postsecondary Education Policy: Two State Case Studies in Political Culture, Organizing, and Advocacy," Journal of Sociology and Social Welfare, September, 2005. Available at [http://findarticles.com/p/articles/mi\\_m0CYZ/is\\_3\\_32/ai\\_n15679334/print?tag=artBody;col1](http://findarticles.com/p/articles/mi_m0CYZ/is_3_32/ai_n15679334/print?tag=artBody;col1).

<sup>38</sup>Id.

<sup>39</sup>18 NYCRR § 415.2(a)(3).

<sup>40</sup>18 NYCRR § 415.2(a)(3)(vii)(b)(6).

<sup>41</sup>Id.

<sup>42</sup>18 NYCRR § 415.2(a)(3)(iv).

<sup>43</sup>18 NYCRR § 415.2(a)(3)(iv)(a).

<sup>44</sup>18 NYCRR § 415.2(a)(3)(iv)(b)-(c).

<sup>45</sup>Id. See also Social Services Law § 410-w(1)(d).

<sup>46</sup>18 NYCRR § 415.2(b)(2). Title XX of the Social Security Act (42 USC § 1397 et. seq.) can be used to fund a broad range of social services.

<sup>47</sup>NY Social Services Law § 410-x(4).

<sup>48</sup>45 CFR § 98.43(b)(2).

<sup>49</sup>05-OCFS-LCM-17. Also, 07-OCFS-INF-08 contains modifications to the rates set in the previous guidance. The market rate for legally exempt care is set at 65% of the market rate or 70% if the provider has completed 10 hours of approved training. 18 NYCRR § 415.9(j)(2).

<sup>50</sup>18 NYCRR § 415.9(h).

<sup>51</sup>Id.

<sup>52</sup>Id.

<sup>53</sup>Id.

<sup>54</sup>See <http://earlychildhood.org/QSNY/index.cfm>.

<sup>55</sup>18 NYCRR § 415.2(d)(1)(ii).

<sup>56</sup>18 NYCRR § 415.6(b).

<sup>57</sup>18 NYCRR §§ 413.2(g),(h),(i),(j), 416.8(d), 418-1.8(e).

<sup>58</sup>18 NYCRR § 415.6(c).

<sup>59</sup>18 NYCRR § 415.7(a)(3).

# APPENDIX A

## County by County Disparities in Child Care Assistance

	Family Share	"Very Low Income"-percentage of SIS	Additional Local Standards for Child Care Providers	Use of Title XX funds for child care	Use of Title XX funds for working or looking for work	Payment for Absent Child	Payment for Program Closure	Payment for care transportation	Higher payment rate for accredited child care	Higher rate for care during non-traditional hours	Payment for care while a parent who works 2nd or 3rd shift sleeps	Payment for child care beyond 24 hours	Include 18,19,20 y.o. in child care services unit	Payment for breaks in activity	Families up to 200% looking for work (up to 6 months)
Albany	25%/15% 35%/20%	200%	yes no	no yes	N/A employed	yes yes	yes no	no no	10% no	10% no	8 hours 8 hours	no yes	parent's choice 18 y.o. only	4 weeks no	Up to 6 wks; the parent/caretaker must be registered w/ the dep't of labor and maintain and provide as req'd documentation of their actively seeking employment. This period may be extended for an add'l 6 wks w/in a 12 mo. period. yes
Allegany	35%	150%	yes	yes	no	yes	no	no	no	no	5 hours 59 minutes	no	no	no	Up to 2 wks of supported job search, w/ provision of documentation of actively seeking employment, w/ max of 6 wks in 12 mo period
Cattaraugus	10%	185%	no	yes	no	yes	no	no	no	no	8 hrs	no	only to benefit the family	no	Up to 5 hrs./wk totalling up to 15 hrs./mo. Pre-approval will be req'd for anything over 5 hrs/wk or 15 hrs/mo. Will req. verification of job search from potential employers. yes, if family is currently receiving CC subsidy; family may receive CC for up to 10 hrs/wk w/ a max of 6 wks/yr
Cayuga	35%/20%	150%	yes	yes	no	yes	no	no	no	no	6 hours	yes	only to benefit the family	no	yes; Limited to 3 mo. Job search logs must be submitted monthly to DSS staff
Chautauqua	25%/30%	200%	yes	yes	no	yes	no	yes	15%/no	no	6 hours	no	include 18, 19, 20 y.o. when it would benefit the family	4 weeks	
Chemung	35%	100%	yes	yes	no	yes	yes	no	no	no	8 hrs	no	18 and 19 y.o. only, as long as child in high school	4 weeks	no
Chenango	35%	200%	no	yes	no	yes	no	yes	no	no	no	yes	no	no	no
Clinton	20%	125%	yes	yes	no	yes	no	no	15%	15%	8 hours	yes	18 and 19 y.o. only to benefit the family	2 weeks	yes
Columbia	20%	150%	yes	yes	no	yes	yes	no	no	no	6 hours	yes	child must be in an educational program	2 weeks	yes - verification required
Cortland	35%	200%	yes	yes	yes (both)	yes	yes	no	15%	15%	8 hrs	no	only to benefit the family	no	yes; time limited for up to 1 month and a caretaker must provide proof of at least 5 job contacts/week
Delaware	25%	150%	no	no	N/A	yes	no	no	no	no	8 hours	no	only to benefit the family	no	yes; limited to 30 days

# APPENDIX A

## County by County Disparities in Child Care Assistance

	Family Share	"Very Low Income"- percentage of SIS	Additional Local Standards for Child Care Providers	Use of Title XX funds for child care	Use of Title XX funds for working or looking for work	Payment for Absent Child	Payment for Program Closure	Payment for care transportation	Higher payment rate for accredited child care	Higher rate for care during non-traditional hours	Payment for care while a parent works 2nd or 3rd shift sleeps (hrs not provided)	Payment for child care beyond 24 hours	Include 18,19,20 y.o. in child care services unit	Payment for breaks in activity	Families up to 200% looking for work (up to 6 months)
Dutchess	30%	100%	no	no	N/A	yes	no	no	no	no	yes (hrs not provided)	no	no	no	no
Erie															For a period not to exceed 30 days for a non-TA household. Client must have an active day care subsidy case, must report loss of employment w/in 10 days and be engaged in approved job search
Essex	35%	125%	yes	yes	no	yes	no	no	no	no	no	no	no	no	yes
Franklin	20%	150%	no	yes	no	yes	no	no	no	8 hours	no	no	no	no	yes
Fulton	35%	200%	no	yes	no	yes	no	yes	no	6 hours	yes	no	18 and 19 y.o. only if child is dependent	2 weeks	yes: 3 mo. 5 hrs/wk
Genesee	20%	200%	yes	no	no	no	no	no	no	no	no	no	no	no	no
Greene	35%	200%	no	no	no	yes	no	no	no	no	no	no	18 y.o. when it benefits the family	2 weeks	yes
Hamilton	35%	200%	yes	yes	yes (both)	yes	no	no	no	yes	no/yes	no	no	no	yes
Herkimer	25%	200%	no	no	N/A	no	no	no	no	no	no	no	no	no	yes
Jefferson	25%	200%	no	yes	no	no	no	no	no	8 hrs	no	no	no	no	no
Lewis	25%	175%	yes	no	no	yes	yes	no	no	6 hours	yes	yes	18 and 19 y.o. when it benefits family	4 weeks	30 days only
Livingston	25%	150%/100%	yes	yes	no	yes	no	no	no	8 hours	yes	yes	only to benefit the family	2 weeks/no	no
Madison	10%	160%	no	yes	no	yes	no	no	no	up to 8 hrs	no	no	only to benefit the family	no	no
Monroe	25%	200%	no	no	no	yes	no	no	15%	no	8 hours	no	no	4 weeks	Only for the hours the client is engaged in the activity to include travel time between the child care provider and the activity up to 3 months in any 12 month period provided they are registered with the NYS Job Registry Services. Families who are currently receiving day care subsidy can continue coverage for up to 30 days to seek new employment; priority is to serve families up to 165% of SIS for the period 1/1/06-12/31/09 and will be expanded as funds become available
Montgomery	35%	165%	no	yes	no	yes/no	yes/no	no	15%/10% through 3/31/09	no	6 hours	no	18 or 19 y.o. only to benefit the family	2 weeks	available
	35%	175%	no	no	N/A	yes	no	no	no	8 hours	no	no	no	no	no



# APPENDIX A

## County by County Disparities in Child Care Assistance

	Family Share	"Very Low Income"-percentage of SIS	Additional Local Standards for Child Care Providers	Use of Title XX funds for child care	Use of Title XX funds for child care	Use of Title XX funds for parents working or looking for work	Payment for Absent Child	Payment for Program Closure	Payment for care transportation	Higher payment rate for accredited child care	Higher rate for care during non-traditional hours	Payment for care while a parent works 2nd or 3rd shift sleeps	Payment for care beyond 24 hours	Include 18,19,20 y.o. in child care services unit	Payment for breaks in activity	Families up to 200% looking for work (up to 6 months)	
Schenectady																	
Schoharie	25%/35%	150%	yes	yes	yes (both)		yes	no	no	no	no	8 hrs indicated on appendix only	yes	18 or 19 y.o. only to benefit the family, if child still in school	2 weeks	yes; authorized on PT (up to 20 hrs/wk) basis for up to 30 days w/ documented proof of active job search; may be extended for up to 6mo	
Schoharie	10%/35%	150%/100%	no	yes/no	no		yes	no	no	no	no	8 hours	yes	18, 19, 20 y.o. only to benefit the family	4 wks/2 wks	yes; w/ prior approval for clients w/ open child care cases who lose employment; 2 wks.	
Schuyler	25%	100%	no/yes	yes/no	no		yes/no	yes/no	no	no	15%/no	8 hours/no	yes/no	only to benefit the family	2 weeks/no	yes	
Seneca	35%	125%	no	no	no		yes	no/yes	no	no	5%	8 hours	no	18 or 19 y.o. only to benefit the family	no	yes	
St. Lawrence																	
Stauben	25%	200%	no	yes	no		yes	no	no	no	no	8 hrs	no	students or if emotionally/ physically disabled and not	2 weeks	yes	
Suffolk	20%/10%	150%	yes	yes	no		yes	no	no	10%	5%	5 hours	no	18, 19, 20 y.o. FT	no	no	
Suffolk	25%	200%	yes	yes	yes (both)		yes	no	no	no	no	less than 6 hrs (i.e. PT)	yes	18, 19, 20 y.o. will be included only if parents are supporting them	4 weeks	yes; 3 part days or 2 full days each week	
Sullivan	35%	100%	no	yes	no		no	no	no	no	no	6 hours	no	no	no	max. of 6mo for families w/ open cases.	
Tioga	25%	200%	no	no	no		yes	no	no	no	no	6 hours	yes	18, 19, 20 y.o. only to benefit the family	2 weeks	yes	
Tompkins	20%	200%	yes	no	N/A		yes	no	no	15%	15%	6 hours	no	18, 19, 20 y.o. only to benefit the family	2 weeks	yes	
Ulster	25%	150%	no	no	no		yes	yes	yes	no	no	6 hrs/8 hrs	no	18, 19, & 20 y.o. only to benefit the family	2 weeks	yes	
Warren																	client must be registered w/ NYS Employment Office; limited to 20 hrs/wk for 6mo; limited to families w/ incomes up to 150% of the state income standard.
Washington	25%/35%	130%	no	yes	yes (both)		yes	no	no	no	no	8 hours	no	18, 19, 20 y.o. only to benefit the family	2 weeks	verification of job search req'd; verification req'd for up to 20 hrs/wk (20 contacts/wk)	
Wayne	20%	175%	no	no	N/A		yes	yes	no	15%	15%	8 hours	yes	18 or 19 y.o. only to benefit the family	2 weeks	yes; must verify schedule of job search activities, appt.	
Wayne	25%	200%	yes	yes	no		yes	no	no	no	no	provided)	no	no	no	no	

# APPENDIX A

## County by County Disparities in Child Care Assistance

	Family Share	"Very Low Income" - percentage of SIS	Additional Local Standards for Child Care Providers	Use of Title XX funds for child care	Use of Title XX funds for child care	Use of Title XX funds for parents working or looking for work	Payment for Absent Child	Payment for Program Closure	Payment for child care transportation	Higher payment rate for accredited child care	Higher rate for care during non-traditional hours	Payment for care while a parent works 2nd or 3rd shift sleeps	Payment for child care beyond 24 hours	Include 18,19,20 y.o. in child care services unit	Payment for breaks in activity	Families up to 200% looking for work (up to 6 months)
Westchester																max of 30 days for non-TA households; must have active day care subsidy and must have reported loss of employment w/in .10 days of loss to DSS and be engaged in approved job search
Wyoming	10%	200%	yes	yes	yes (both)	yes	yes	no	no	no	no	7 hours	no	18, 19, 20 y.o. only to benefit the family	no	
Yates	35%	200%	no	yes	no	yes	no	no	no	15%	no	no	no	no/yes - when part of a sibling grp and inclusion will benefit family	no	must be registered w/ NYDOL Limited to 2 months and 20 hrs/wk
	35%	150%	no	yes	no	yes	no	no	no	no	no	8 hours	no	no	no	

Data is taken from the 2007-2009 Child and Family Service Plans and the 2009 Annual Plan Updates pursuant to 05 OCFS-LCM-08

\*Items in red indicate changes from the previous year. Where a column has two answers provided (ex. 25%/35%.

## APPENDIX B

### COPAYMENT DISPARITIES BY COUNTY FOR A FAMILY OF THREE WITH AN INCOME OF \$36,620/year (200% of poverty)

COUNTY	COUNTY MULTIPLIERS	ANNUAL/WEEKLY FEE
In <i>Cattaraugus, Livingston, Oswego, Otsego, Steuben and Westchester</i> counties	parents pay <b>10%</b> of their income over the poverty level for a child care subsidy	this means they pay <b>\$1831</b> per year or <b>\$35</b> per week, (5% of their income)
In <i>Albany</i> County	parents pay <b>15%</b> of their income over the poverty level for a child care subsidy	this means they pay <b>\$2746</b> per year, or <b>\$52</b> per week (7.5% of their income)
In <i>Nassau</i> County	parents pay <b>17.5%</b> of their income over the poverty level for a child care subsidy	this means they pay <b>\$3204</b> per year, or <b>\$61</b> per week (8.7% of their income)
In <i>Allegany, Cayuga, Chautauqua, Clinton, Columbia, Essex, Fulton, Niagara, Ontario, Putnam, Saratoga, Tompkins and Washington</i> counties	parents pay <b>20%</b> of their income over the poverty level for a child care subsidy	this means they pay <b>\$3662</b> per year, or <b>\$70</b> per week (10% of their income)
In <i>Delaware, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Orleans, Rensselaer, Rockland, Schuylers, St. Lawrence, Suffolk, Tioga, Ulster and Wayne</i> counties	parents pay <b>25%</b> of their income over the poverty level for a child care subsidy	this means they pay <b>\$4577</b> per year, or <b>\$88</b> per week (12.4% of their income)
In <i>Dutchess and Onondaga</i> counties	parents pay <b>30%</b> of their income over the poverty level for a child care subsidy	this means they pay <b>\$5493</b> per year, or <b>\$105</b> per week (15% of their income)
In <i>Broome, Chemung, Chenango, Cortland, Erie, Franklin, Genesee, Greene, Monroe, Montgomery, New York City, Orange, Schenectady, Schoharie, Seneca, Sullivan, Warren, Wyoming and Yates</i> counties	parents pay <b>35%</b> of their income over the poverty level for a child care subsidy	this means they pay <b>\$6408</b> per year, or <b>\$123</b> per week (17.5% of their income) (Note NYC exception - NYC uses the 35% multiplier but caps copayments at 12% of income)

**Counties sorted by Family Share and then by Per Capita Personal Income**

County	Family Share (or Fee Percentage)	County Per Capita Personal Income	Copay Amount HH of 3 at 175% of FPL	Copay Amount HH of 3 at 200% of FPL	Weekly Cost of Group Family Care: 3-5 year olds	Weekly Cost of Center Care: 3-5 year olds	Weekly Cost of Registered Family Daycare, 1 <sup>1/2</sup> 2 year olds
Oswego	10.0%	\$26,513	\$1,373	\$1,831	\$140	\$160	\$139
Otsego	10.0%	\$28,235	\$1,373	\$1,831	\$140	\$160	\$139
Livingston	10.0%	\$28,454	\$1,373	\$1,831	\$140	\$160	\$139
Cattaraugus	10.0%	\$28,841	\$1,373	\$1,831	\$140	\$160	\$139
Steuben	10.0%	\$35,141	\$1,373	\$1,831	\$140	\$160	\$139
Westchester	10.0%	\$74,878	\$1,373	\$1,831	\$265	\$265	\$263
Albany	15.0%	\$42,099	\$2,060	\$2,747	\$195	\$205	\$191
Nassau	17.5%	\$62,981	\$2,403	\$3,204	\$265	\$265	\$263
Allegany	20.0%	\$23,292	\$2,747	\$3,662	\$140	\$160	\$139
Chautauqua	20.0%	\$26,986	\$2,747	\$3,662	\$140	\$160	\$139
Washington	20.0%	\$27,325	\$2,747	\$3,662	\$140	\$160	\$139
Cayuga	20.0%	\$29,033	\$2,747	\$3,662	\$140	\$160	\$139
Essex	20.0%	\$29,145	\$2,747	\$3,662	\$140	\$160	\$139
Clinton	20.0%	\$29,500	\$2,747	\$3,662	\$140	\$160	\$139
Fulton	20.0%	\$30,033	\$2,747	\$3,662	\$140	\$160	\$139
Niagara	20.0%	\$30,448	\$2,747	\$3,662	\$140	\$160	\$139
Tompkins	20.0%	\$30,551	\$2,747	\$3,662	\$175	\$196	\$161
Ontario	20.0%	\$35,527	\$2,747	\$3,662	\$175	\$196	\$161
Columbia	20.0%	\$35,661	\$2,747	\$3,662	\$175	\$196	\$161
Saratoga	20.0%	\$40,714	\$2,747	\$3,662	\$175	\$196	\$161
Putnam	20.0%	\$50,813	\$2,747	\$3,662	\$265	\$265	\$263
St. Lawrence	25.0%	\$24,854	\$3,433	\$4,578	\$140	\$160	\$139
Orleans	25.0%	\$25,697	\$3,433	\$4,578	\$140	\$160	\$139
Lewis	25.0%	\$26,193	\$3,433	\$4,578	\$140	\$160	\$139
Herkimer	25.0%	\$27,341	\$3,433	\$4,578	\$140	\$160	\$139
Schuyler	25.0%	\$27,741	\$3,433	\$4,578	\$140	\$160	\$139
Delaware	25.0%	\$28,122	\$3,433	\$4,578	\$140	\$160	\$139
Madison	25.0%	\$30,332	\$3,433	\$4,578	\$140	\$160	\$139
Oneida	25.0%	\$30,623	\$3,433	\$4,578	\$140	\$160	\$139
Hamilton	25.0%	\$30,834	\$3,433	\$4,578	\$140	\$160	\$139
Tioga	25.0%	\$30,847	\$3,433	\$4,578	\$140	\$160	\$139
Wayne	25.0%	\$31,613	\$3,433	\$4,578	\$140	\$160	\$139
Ulster	25.0%	\$34,051	\$3,433	\$4,578	\$195	\$205	\$191
Jefferson	25.0%	\$34,309	\$3,433	\$4,578	\$140	\$160	\$139
Rensselaer	25.0%	\$34,592	\$3,433	\$4,578	\$175	\$196	\$161
Suffolk	25.0%	\$47,624	\$3,433	\$4,578	\$265	\$265	\$263
Rockland	25.0%	\$53,482	\$3,433	\$4,578	\$265	\$265	\$263
Onondaga	30.0%	\$37,227	\$4,120	\$5,493	\$175	\$196	\$161
Dutchess	30.0%	\$41,667	\$4,120	\$5,493	\$195	\$205	\$191
Franklin	35.0%	\$25,381	\$4,806	\$6,409	\$140	\$160	\$139
Bronx	35.0%	\$26,001	\$4,806	\$6,409	\$175	\$217	\$150
Yates	35.0%	\$26,299	\$4,806	\$6,409	\$140	\$160	\$139
Cortland	35.0%	\$27,130	\$4,806	\$6,409	\$140	\$160	\$139
Wyoming	35.0%	\$27,401	\$4,806	\$6,409	\$140	\$160	\$139
Chenango	35.0%	\$27,661	\$4,806	\$6,409	\$140	\$160	\$139
Seneca	35.0%	\$29,099	\$4,806	\$6,409	\$140	\$160	\$139
Schoharie	35.0%	\$29,270	\$4,806	\$6,409	\$140	\$160	\$139
Genesee	35.0%	\$29,578	\$4,806	\$6,409	\$140	\$160	\$139
Chemung	35.0%	\$29,999	\$4,806	\$6,409	\$140	\$160	\$139
Montgomery	35.0%	\$30,269	\$4,806	\$6,409	\$140	\$160	\$139
Greene	35.0%	\$30,828	\$4,806	\$6,409	\$140	\$160	\$139
Broome	35.0%	\$31,337	\$4,806	\$6,409	\$140	\$160	\$139
Sullivan	35.0%	\$31,490	\$4,806	\$6,409	\$140	\$160	\$139
Kings	35.0%	\$31,768	\$4,806	\$6,409	\$175	\$217	\$150
Warren	35.0%	\$33,126	\$4,806	\$6,409	\$175	\$196	\$161
Orange	35.0%	\$34,643	\$4,806	\$6,409	\$195	\$205	\$191
Queens	35.0%	\$36,073	\$4,806	\$6,409	\$175	\$217	\$150
Erie	35.0%	\$36,116	\$4,806	\$6,409	\$175	\$196	\$161
Schenectady	35.0%	\$37,593	\$4,806	\$6,409	\$175	\$196	\$161
Monroe	35.0%	\$39,314	\$4,806	\$6,409	\$175	\$196	\$161
Richmond	35.0%	\$42,333	\$4,806	\$6,409	\$175	\$217	\$150
New York	35.0%	\$120,790	\$4,806	\$6,409	\$175	\$217	\$150

**APPENDIX C**

Counties sorted Alphabetically							
County	Family Share (or Fee Percentage)	County Per Capita Personal Income	Copay Amount HH of 3 at 175% of FPL	Copay Amount HH of 3 at 200% of FPL	Weekly Cost of Group Family Care: 3-5 year olds	Weekly Cost of Center Care: 3-5 year olds	Weekly Cost of Registered Family Daycare, 1 <sup>1/2</sup> - 2 year olds
Albany	15.0%	\$42,099	\$2,060	\$2,747	\$195	\$205	\$191
Allegany	20.0%	\$23,292	\$2,747	\$3,662	\$140	\$160	\$139
Bronx	35.0%	\$26,001	\$4,806	\$6,409	\$175	\$217	\$150
Broome	35.0%	\$31,337	\$4,806	\$6,409	\$140	\$160	\$139
Cattaraugus	10.0%	\$28,841	\$1,373	\$1,831	\$140	\$160	\$139
Cayuga	20.0%	\$29,033	\$2,747	\$3,662	\$140	\$160	\$139
Chautauqua	20.0%	\$26,986	\$2,747	\$3,662	\$140	\$160	\$139
Chemung	35.0%	\$29,999	\$4,806	\$6,409	\$140	\$160	\$139
Chenango	35.0%	\$27,661	\$4,806	\$6,409	\$140	\$160	\$139
Clinton	20.0%	\$29,500	\$2,747	\$3,662	\$140	\$160	\$139
Columbia	20.0%	\$35,661	\$2,747	\$3,662	\$175	\$196	\$161
Cortland	35.0%	\$27,130	\$4,806	\$6,409	\$140	\$160	\$139
Delaware	25.0%	\$28,122	\$3,433	\$4,578	\$140	\$160	\$139
Dutchess*	30.0%	\$41,667	\$4,120	\$5,493	\$195	\$205	\$191
Erie	35.0%	\$36,116	\$4,806	\$6,409	\$175	\$196	\$161
Essex	20.0%	\$29,145	\$2,747	\$3,662	\$140	\$160	\$139
Franklin	35.0%	\$25,381	\$4,806	\$6,409	\$140	\$160	\$139
Fulton	20.0%	\$30,033	\$2,747	\$3,662	\$140	\$160	\$139
Genesee	35.0%	\$29,578	\$4,806	\$6,409	\$140	\$160	\$139
Greene	35.0%	\$30,828	\$4,806	\$6,409	\$140	\$160	\$139
Hamilton	25.0%	\$30,834	\$3,433	\$4,578	\$140	\$160	\$139
Herkimer	25.0%	\$27,341	\$3,433	\$4,578	\$140	\$160	\$139
Jefferson	25.0%	\$34,309	\$3,433	\$4,578	\$140	\$160	\$139
Kings	35.0%	\$31,768	\$4,806	\$6,409	\$175	\$217	\$150
Lewis	25.0%	\$26,193	\$3,433	\$4,578	\$140	\$160	\$139
Livingston	10.0%	\$28,454	\$1,373	\$1,831	\$140	\$160	\$139
Madison	25.0%	\$30,332	\$3,433	\$4,578	\$140	\$160	\$139
Monroe	35.0%	\$39,314	\$4,806	\$6,409	\$175	\$196	\$161
Montgomery	35.0%	\$30,269	\$4,806	\$6,409	\$140	\$160	\$139
Nassau	17.5%	\$62,981	\$2,403	\$3,204	\$265	\$265	\$263
New York	35.0%	\$120,790	\$4,806	\$6,409	\$175	\$217	\$150
Niagara	20.0%	\$30,448	\$2,747	\$3,662	\$140	\$160	\$139
Oneida	25.0%	\$30,623	\$3,433	\$4,578	\$140	\$160	\$139
Onondaga	30.0%	\$37,227	\$4,120	\$5,493	\$175	\$196	\$161
Ontario	20.0%	\$35,527	\$2,747	\$3,662	\$175	\$196	\$161
Orange	35.0%	\$34,643	\$4,806	\$6,409	\$195	\$205	\$191
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Oswego	10.0%	\$26,513	\$1,373	\$1,831	\$140	\$160	\$139
Otsego	10.0%	\$28,235	\$1,373	\$1,831	\$140	\$160	\$139
Putnam	20.0%	\$50,813	\$2,747	\$3,662	\$265	\$265	\$263
Queens	35.0%	\$36,073	\$4,806	\$6,409	\$175	\$217	\$150
Rensselaer	25.0%	\$34,592	\$3,433	\$4,578	\$175	\$196	\$161
Richmond	35.0%	\$42,333	\$4,806	\$6,409	\$175	\$217	\$150
Rockland	25.0%	\$53,482	\$3,433	\$4,578	\$265	\$265	\$263
Saratoga	20.0%	\$40,714	\$2,747	\$3,662	\$175	\$196	\$161
Schenectady	35.0%	\$37,593	\$4,806	\$6,409	\$175	\$196	\$161
Schoharie	35.0%	\$29,270	\$4,806	\$6,409	\$140	\$160	\$139
Schuyler	25.0%	\$27,741	\$3,433	\$4,578	\$140	\$160	\$139
Seneca	35.0%	\$29,099	\$4,806	\$6,409	\$140	\$160	\$139
St. Lawrence	25.0%	\$24,854	\$3,433	\$4,578	\$140	\$160	\$139
Steuben	10.0%	\$35,141	\$1,373	\$1,831	\$140	\$160	\$139
Suffolk	25.0%	\$47,624	\$3,433	\$4,578	\$265	\$265	\$263
Sullivan	35.0%	\$31,490	\$4,806	\$6,409	\$140	\$160	\$139
Tioga	25.0%	\$30,847	\$3,433	\$4,578	\$140	\$160	\$139
Tompkins	20.0%	\$30,551	\$2,747	\$3,662	\$175	\$196	\$161
Ulster	25.0%	\$34,051	\$3,433	\$4,578	\$195	\$205	\$191
Warren	35.0%	\$33,126	\$4,806	\$6,409	\$175	\$196	\$161
Washington	20.0%	\$27,325	\$2,747	\$3,662	\$140	\$160	\$139
Wayne	25.0%	\$31,613	\$3,433	\$4,578	\$140	\$160	\$139
Westchester	10.0%	\$74,878	\$1,373	\$1,831	\$265	\$265	\$263
Wyoming	35.0%	\$27,401	\$4,806	\$6,409	\$140	\$160	\$139
Yates	35.0%	\$26,299	\$4,806	\$6,409	\$140	\$160	\$139

**APPENDIX D**

<b>MMHC for Renter-Occupied Housing Units</b>		
<b>County Name</b>	<b>Family Share</b>	<b>Median Monthly Housing Costs for Renter-Occupied Housing Units*</b>
Albany	15.0%	\$790
Allegany	20.0%	\$549
Bronx	35.0%	\$844
Broome	35.0%	\$565
Cattaraugus	10.0%	\$558
Cayuga	20.0%	\$599
Chautauqua	20.0%	\$536
Chemung	35.0%	\$597
Chenango	35.0%	\$536
Clinton	20.0%	\$605
Columbia	20.0%	\$684
Cortland	35.0%	\$609
Delaware	25.0%	\$564
Dutchess	30.0%	\$989
Erie	35.0%	\$648
Essex	20.0%	\$604
Franklin	35.0%	\$550
Fulton	20.0%	\$605
Genesee	35.0%	\$665
Greene	35.0%	\$608
Hamilton	25.0%	Not Available
Herkimer	25.0%	\$549
Jefferson	25.0%	\$618
Kings	35.0%	\$930
Lewis	25.0%	\$569
Livingston	10.0%	\$630
Madison	25.0%	\$650
Monroe	35.0%	\$736
Montgomery	35.0%	\$603
Nassau	17.5%	\$1,334
New York	35.0%	\$1,115
Niagara	20.0%	\$585
Oneida	25.0%	\$594
Onondaga	30.0%	\$672
Ontario	20.0%	\$660
Orange	35.0%	\$977
Orleans	25.0%	\$629
Oswego	10.0%	\$617
Otsego	10.0%	\$666
Putnam	20.0%	\$1,138
Queens	35.0%	\$1,090
Rensselaer	25.0%	\$716
Richmond	35.0%	\$1,060
Rockland	25.0%	\$1,172
Saratoga	20.0%	\$816
Schenectady	35.0%	\$727
Schoharie	35.0%	\$614
Schuyler	25.0%	Not Available
Seneca	35.0%	\$621
St. Lawrence	25.0%	\$551
Steuben	10.0%	\$566
Suffolk	25.0%	\$1,357
Sullivan	35.0%	\$734
Tioga	25.0%	\$575
Tompkins	20.0%	\$799
Ulster	25.0%	\$897
Warren	35.0%	\$750
Washington	20.0%	\$672
Wayne	25.0%	\$631
Westchester	10.0%	\$1,138
Wyoming	35.0%	\$628
Yates	35.0%	\$534

\* Median Monthly Housing Costs for Renter-Occupied Housing Units (contract rent plus the estimated average monthly cost of utilities (electricity, gas, and water and sewer) and fuels (oil, coal, kerosene, wood, etc.) if these are paid by the renter (or paid for the renter by someone else). U.S. Bureau of the Census (2000 Census and 2005-2007 American Community Survey) at [http://factfinder.census.gov/servlet/GCTTable?\\_bm=y&-context=gct&-ds\\_name=ACS\\_2007\\_3YR\\_G00\\_-CONTEXT=gct&-mt\\_name=ACS\\_2007\\_3YR\\_G00\\_GCT2514\\_ST2T&-tree\\_id=3307&-redoLog=false&-geo\\_id=04000US36&-format=ST-2T&-\\_lang=en](http://factfinder.census.gov/servlet/GCTTable?_bm=y&-context=gct&-ds_name=ACS_2007_3YR_G00_-CONTEXT=gct&-mt_name=ACS_2007_3YR_G00_GCT2514_ST2T&-tree_id=3307&-redoLog=false&-geo_id=04000US36&-format=ST-2T&-_lang=en). Definition at <http://www.census.gov/acs/www/Downloads/2007/usedata/2007%20ACS%20Subject%20Definitions.pdf>

**County by County Disparities in Child Care Assistance for Parents Attending College**

<i>County by County Disparities</i>	<i>Two Year College</i>	<i>Two Year College (no vocational objective)</i>	<i>Four Year College</i>
Albany	yes	yes	no
Allegany	yes	yes	yes
Broome	yes - caretaker is a TA recipient	no	no
Cattaraugus	yes	yes	yes
Cayuga	no	no	no
Chautauqua	yes	yes	yes
Chemung	no	no	no
Chenango	no	no	no
Clinton	no	no	no
Columbia	yes	yes	no
Cortland	yes - available for up to 19 w/ no other limitations; over 19, caretaker must be employed at least 17.5 hrs/wk w/ earnings of at least min wage and being time limited for a period of 12 consecutive months	yes - caretaker must be employed at least 17.5 hrs/wk with earnings of a least minimum wage and being time limited for a period of 24 consecutive months	yes - limited to the time traveling to/from school and class attendance; also limited to max pd. of 24 consec. months and caretaker must be working at least 17.5 hrs/wk with earnings of at least minimum wage
Delaware	yes	yes	yes
Dutchess	no	yes	yes
Erie	no	no	no
Essex	yes	yes	yes
Franklin	yes - limited to 30 consecutive months	no	no
Fulton	no	no	no
Genesee	no	no	no
Greene	yes	yes	yes
Hamilton	yes	yes	yes
Herkimer	no	no	no
Jefferson	yes	yes - 2yr college degree programs that have a specific job orientation goal; all 2yr degree applicants must fall under 150% SIS	yes
Lewis	yes	yes	yes
Livingston	yes - must be employed at least 20 hrs/wk, maintain satisfactory attendance and at least a 2.0 GPA	no	no
Madison	yes - only for the hrs the client is engaged in the activity to include travel time between the child care provider and the activity; the approved activity will be limited to no more than 30 consecutive calendar months; any further education would need agency approval	yes - only for the hrs the client is engaged in the activity to include travel time between the child care provider and the activity; the approved activity will be limited to no more than 30 consecutive calendar months; any further education would need agency approval	no
Monroe	yes - attendance in a degree program must be in attendance to a minimum of 17.5 hrs of weekly employment (NOTE: Monroe County's priority is to serve families up to 165% of SIS for the period 1/1/06-12/31/09. As add'l funds become available, Monroe County will expand its priority populations based on its Openings & Closings Criteria.)	yes - students must maintain a minimum 2.0 GPA; participation in a college 2+2 program does not qualify because it is reasonably expected to lead to enrollment in a 4yr college or university program (NOTE: Monroe County's priority is to serve families up to 165% of SIS for the period 1/1/06-12/31/09. As add'l funds become available, Monroe County will expand its priority populations based on its Openings & Closings Criteria.)	no
Montgomery	yes	yes	yes
Nassau	no	no	no
New York City	yes	no	no
Niagara	no	no	no
Oneida	yes - caretaker must submit monthly course attendance sheets and submit proof of satisfactory progress - C avg - each semester; must complete w/in 24 months of start date	no	no

County by County Disparities in Child Care Assistance for Parents Attending College			
County by County Disparities	Two Year College	Two Year College (no vocational objective)	Four Year College
Onondaga	yes; working parent must be a single parent or caretaker w/a child in the household under 13yo; if 2-parent household, applicant must provide info as to why 2nd parent cannot care for child during training hrs; must work min 20hrs in unsubsidized employment in 9 of last 12 months or has graduated from HS or received GED w/in 6m prior to application; must be resident of Onondaga - but can work outside county; must be planning to enroll in, or already enrolled in, an education or training program which is vocational in nature; must certify that s/he will not decrease his/her work below min of 20 hrs to participate in the training and will not increase his/her financial need to qualify for TA*	no	no
Ontario	no	no	no
Orange	yes - will only pay for an AAS degree	yes - effective 10/15/08	yes - effective 10/15/08
Orleans	<b>yes - limited to a 2yr program</b>	<b>no</b>	<b>no</b>
Oswego	yes - if part of a WIA-approved & monitored case management plan designed to move the individual toward employment/self-reliance	yes - if part of a WIA-approved & monitored case management plan designed to move the individual toward employment/self-reliance	yes - if part of a WIA-approved & monitored case management plan designed to move the individual toward employment/self-reliance; the parent/caretaker must be able to demonstrate his/her ability to successfully complete the course of study w/in 2yrs of the start of the child care subsidy
Otsego	yes - individual and vocational program must meet the training requirements as stipulated in the section 3.6 of the OCDSS Employment Plan and 18 NYCRR part 415. Agreement will be signed to maintain at least a "C" average and 90% attendance; individual must provide school/class schedule and grades upon request and at recertification; vocational programs may not exceed 2yrs of full-time study	no	no
Putnam	yes	yes	yes
Rensselaer	no	no	no
Rockland	no	no	no
Saratoga	<b>yes</b>	<b>no</b>	<b>no</b>
Schenectady	yes - if the applicant is a recent HS graduate or received a GED (w/in the last 2yrs) and all previous work experience is part time (less than 25 hrs/wk); and maintains a 2.5 GPA; and must complete the program w/in 24m	no	no
Schoharie	no	no	no
Schuyler	<b>yes</b>	<b>yes</b>	<b>no</b>
Seneca	yes	yes	no
St. Lawrence	yes	yes	yes

County by County Disparities in Child Care Assistance for Parents Attending College			
County by County Disparities	Two Year College	Two Year College (no vocational objective)	Four Year College
Steuben	yes - students attending a 4yr full-time program who work a minimum of 10 hrs/wk will also be eligible; all students must maintain a 2.0 GPA; students attending a SUNY school must be denied subsidy through the SUNY Child Care Subsidy System before qualifying for local subsidy funds	yes	yes
Suffolk	<b>yes - the student must meet the attendance and progress requirements of the college</b>	<b>yes</b>	<b>yes</b>
Sullivan	no - a specific vocational goal approved by local district as defined by approved Employment Plan**	no	no
Tioga	yes	yes	yes - provided that this is the course of action that is in the individual's current Employment Plan which has been signed off on by the immediate Supervisor and Director
Tompkins	yes	yes	yes
Ulster	yes	yes	yes
Warren	no	no	no
Washington	yes - verification of enrollment, vocational goal and participation will be required	yes - verification of enrollment, employment, grades and participation in the program are required	no
Wayne	yes	yes - child care provided during time recipient is working; recipient must meet work requirements***	yes - child care provided during time recipient is working; recipient must meet work requirements***
Westchester	yes - for TA households only, if approved as a mandatory part of a self-sufficiency plan	yes - for TA households, if approved as a mandatory part of the self-sufficiency plan; for low-income households, only for programs approved by the Department, at local discretion, subject to availability, at the discretion of the Department, for customers employed at least 30 hrs/wk	yes - for TA households, if approved as a mandatory part of the self-sufficiency plan; for low-income households, only for programs approved by the Department, at local discretion, subject to availability, at the discretion of the Dept., for customers employed at least 30 hrs/wk
Wyoming	yes	yes	yes
Yates	<b>no</b>	<b>no</b>	<b>no</b>
	Data is taken from the 2009 Annual Plan Updates pursuant to 05 OCFS-LCM-08 and 2007-2009 Child and Family Service Plans.	Answers in <b>bold</b> are from 2007-2009 plans	
	*Answer is not clear re: requirement to not increase caretaker's financial need to qualify for TA.	**It appears that Sullivan County only offers this assistance when it has been approved through an Employment Plan.	***Plan does not make clear whether child care is also provided during school attendance.





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