

# Access to Child Care: The Key to Economic Recovery in Westchester County



August 6, 2021



**Acknowledgements.**

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This report is for the children of Westchester County, their parents and caregivers, and the amazing professional women and men in our child care community.



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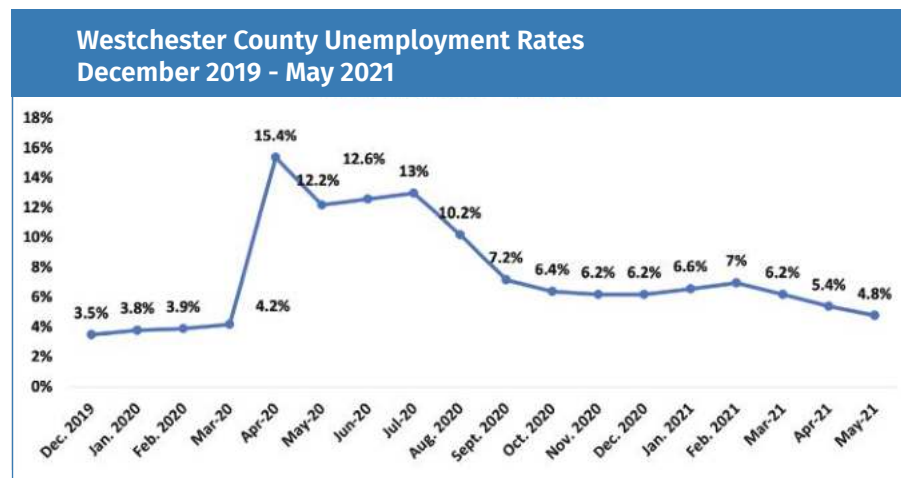
## Introduction

The pathway to economic recovery in Westchester County relies on access to affordable, quality child care for parents – those who are working and those who want to return to the workforce.

The unemployment rate for Westchester County in May 2021 at 4.8% is good news compared to a year ago when unemployment in May of 2020 was 12.2%.<sup>1</sup> However, it is still far higher than the 3.5% unemployment rate of December 2019.<sup>2</sup>

### *The Westchester workforce remains challenged.*

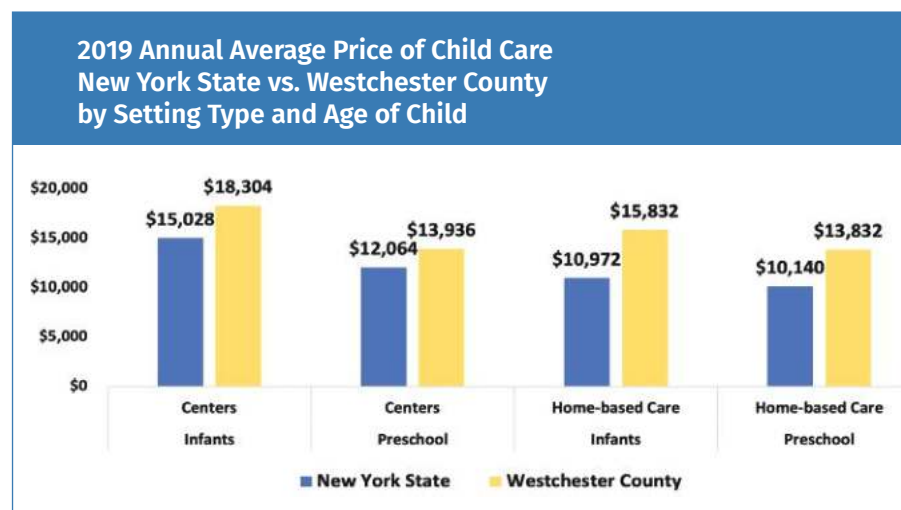
Unemployment may be lower now, but labor force participation is down compared to January 2020 as well. Combining the 15,627 individuals who have dropped out of the workforce<sup>3</sup> with the 22,554 who are unemployed,<sup>4</sup> more than 38,100 individuals may want to return to work.<sup>5</sup> Many of them could need child care to do so. However, to access child care, it needs to be available and affordable.



Source: Federal Reserve Bank of St. Louis, Economic Research Division, [Unemployment Rates in Westchester County, New York](#).

### Child Care Affordability in Westchester County

For families with young children in Westchester County, the price of child care is hard to afford. Whether it's center-based care or home-based care, it is just far more expensive in the county than in New York State generally. For example, the average annual price for center-based infant care in the county is 21.8% higher than the average annual statewide price of center-based infant care.<sup>6</sup> The average annual price of home-based care in the county is 39% higher than the average annual statewide price of infant home-based care.<sup>7</sup> Preschool-age care is expensive too. The average annual price for center-based preschool-age care is 15.5% higher than the average annual price of center-based preschool-age care statewide.<sup>8</sup> And, the average annual price for home-based care for a preschool-age child is 36.4% higher than the statewide average annual price for home-based preschool-age care.<sup>9</sup>



Sources: Child Care Aware of America, [The US and the High Price of Child Care: 2019](#). Child Care Council of Westchester, [2019 County Average Prices of Child Care](#)

For families with young children, it is more than sticker shock. It is a barrier to work – and a barrier to full economic recovery. While child care affordability is a statewide problem, the higher cost of care in Westchester County coupled with the high cost of housing makes it a greater problem for those who need child care in order to work or return to the workforce.



### Child Care Supply and Revenue Impact within Westchester County

Pre-COVID, there were about 43,931 children in Westchester County under age 6 who had all available parents working (i.e., both parents were working in married couple families and single heads of household were working).<sup>10</sup> With child care capacity for children under age 6 at about 21,627 spots,<sup>11</sup> the need for child care was more than double available capacity. Infant and toddler care for working parents was a particular challenge with licensed or regulated care meeting the need for less than one out of every five infants and toddlers with working parents.<sup>12</sup> Therefore, both the supply available and the price were challenges for families.

The Census Bureau Economic Survey is conducted to estimate market activity within specified industries. For child care, the survey reflects the use of paid, or market-based child care services reported by employers and non-employers (e.g., home-based child care providers or sole proprietors, which could also reflect income earned by nannies).

While the survey captures revenue from both nonprofit and for-profit businesses, it does not capture programs offered in schools, drop-in centers, or many faith-based

settings. For sole proprietors, the universe of those reporting income related to child care services greatly exceeds the number of regulated providers. This could mean that many more individuals are paid to care for a small number of children below the mandatory requirements for state registration compared to providers captured on regulatory lists. In addition, it could encompass nannies or individuals who are operating illegally (i.e., they should be registered but are not). From the Census Bureau data for sole proprietors, it is not possible to differentiate the number of children in care nor the frequency for which payments are made.

Pre-COVID, the child care industry had \$176 million in revenue within the county, creating more than 7,300 jobs.<sup>13</sup> The U.S. Economic Survey shows 380 child care employers (child care centers and group family child care homes who have an employee) with \$130 million in annual revenue supporting 5,213 employees.<sup>14</sup> Plus, 2,173 non-employers (home-based providers who are sole proprietors – whether regulated or not) with annual earnings of \$45.7 million.<sup>15</sup> Therefore, child care is not only a work support for parents and an early learning setting for young children, but pre-COVID was also a vibrant industry supporting economic development within Westchester County.

Child Care Businesses in Westchester County, 2019

Geographic Area Name	NAICS code	Meaning of NAICS code	Business Type	Year	Number of businesses	Annual payroll (\$1,000)	Number of employees
Westchester County, NY	6244	Child day care services	Employers	2019	380	\$130,252	5,213
Westchester County, NY	6244	Child day care services	Non-Employers (home-based providers)	2018	2,173	\$45,772	0

Sources: U.S. Census Bureau, U.S. Economic Survey, [Table: CB1900CBP](#), County Business Patterns by Legal Form of Business, NAICS Code 6244, Child day care services (2019). [Table: NS1800NONEMP](#), Non-employer Statistics by Legal Form of Organization, NAICS Code 6244, Child day care services (2018).

### The Child Care Challenge in Westchester County

The supply and the price of child care are challenges within Westchester County. While low income families, defined by New York State at 200% of the federal poverty level (FPL), struggle to access licensed or registered child care, many working families just above that level of income also struggle with the costs of child care – particularly in Westchester County given how much higher the cost of care is than elsewhere in New York.

For example, a family of three with two working parents each earning minimum wage (\$14 per hour) who both work 35 hours per week would earn too much income to qualify for child care subsidy – yet the cost of center-based infant care would comprise 35.9% of income.

For a family of four, with two parents each working 40 hours per week earning minimum wage (\$14 per hour), if they had two children – an infant and a preschooler – they would not qualify for child care subsidy and the cost of center-based care for their two children would comprise 55.4% of their income. Next year, when the minimum wage rises to \$15 per hour, this same couple with an infant would earn \$10,680 more than the 200% of FPL maximum for child care subsidy receipt. Yet, the cost of center-based infant care would be 33.5% of their income. If they had two children, an infant and a preschooler, the cost of center-based care would be 59% of their income.

In the past, State and county child care subsidy strategies to help support working families access market-based child care have fallen short due to lack of funding. Even with Westchester County choosing to use some county funding (more commonly referred to as Title XX funding) to support families above state income eligibility who have earnings between 225%-275% of FPL (depending upon family size), insufficient funds have been available to support child care affordability for all families challenged by the high costs. For affordability context, the U.S. Department of Health and Human Services recommends that family payments for child care not exceed 7% of income.<sup>16</sup>

However, we now have an opportunity to better meet the needs of working families. With supplemental funding from Congress in the past year and a healthy fund balance within the county, it may be possible to broaden child care assistance for working families to ensure that parents can work and children are in a setting that promotes their healthy development – a doubly important goal for the future of Westchester County.

Impact of Minimum Wage					
Family Composition (2 working parents plus children)	200% FPL (Child Care Subsidy Eligibility)	\$14 Minimum Wage, 12/31/20		\$15 Minimum Wage, 12/31/21	
		2 Parents working \$14 per hour, 35 hours per week	2 Parents Working \$14 per hour, 40 hours per week	2 Parents Working \$15 per hour, 35 hours per week	2 Parents Working \$15 per hour, 40 hours per week
Family of 3	\$43,920	\$50,960	\$58,240	\$54,600	\$62,400
% of Income for Center-based Infant Care (\$18,304)		35.9%	31.4%	33.5%	29.3%
Family of 4	\$53,000	\$50,960	\$58,240	\$54,600	\$62,400
% of Income for 2 Children in Center-based Care Infant, \$18,304 & Preschooler, \$13,936		63.3%	55.4%	59%	51.7%

Source: U.S. Department of Health and Human Services, [U.S. Federal Poverty Guidelines Used to Determine Financial Eligibility for Certain Federal Programs](#); 2019 Westchester County Average Child Care Prices by Age and Setting, Child Care Council of Westchester.

## A Closer Look: Child Care Needs and Funding

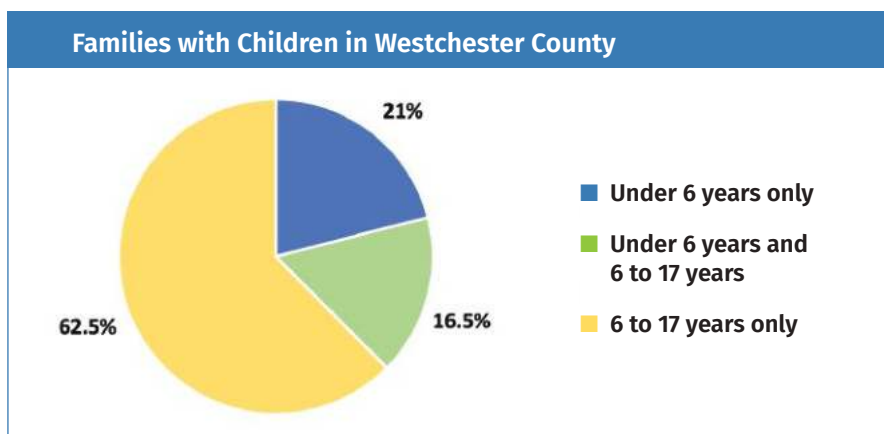
Westchester County is home to about 106,940 families with children under age 18.<sup>17</sup> About 22,457 (21%) have children who are under age six and have no older children.<sup>18</sup> Another 17,645 (16.5%) have children who are both under age six and between age 6 and 17.<sup>19</sup> The remaining families (about 62.5%) have children who are between 6 and 17 years of age.<sup>20</sup>

In reviewing young children in Westchester County by age band – 41% of children (26,483) are in households challenged by the price of child care in Westchester County.<sup>21</sup> Yet, fewer than one out of every five children (4,783) in these families receive Child Care and Development Block Grant (CCDBG) subsidy.<sup>22</sup>

Under federal law, states can set eligibility for CCDBG subsidies at 85% of state median income.<sup>23</sup> The law uses state median income as a threshold because median income varies greatly by state (as does the cost of living). New York has chosen to set eligibility at 200% of the federal poverty level (about 50% of state median income).<sup>24</sup> For many areas of New York, that may work well. But, in Westchester County, where the cost of living is higher and the price of child care greatly exceeds the statewide average, 200% of the federal poverty level falls short of meeting the child care help that families need.

In recognition of the challenges faced by Westchester County parents in accessing the licensed or registered child care market, the county uses local funding (i.e., tax levy funds more commonly referred to as “Title XX” funding) to support some families up to about 250-275% of the federal poverty level (adjusted by family size).<sup>25</sup> However, this still leaves nearly 9,000 young children in families earning above 250% of the federal poverty level and below the ALICE threshold (Asset Limited, Income Constrained, Employed)<sup>26</sup> of about \$99,600 annually for a family of 4 (which equates to about 400% of the federal poverty level).<sup>27</sup>

The ALICE threshold is important because it is related to families who are challenged to meet the basic cost of living in Westchester County.<sup>28</sup>



Source: U.S. Census Bureau, [Table S1101](#), Westchester County Households with Children, 2019 American Community Survey, 1 Year Estimates

**Westchester County Children by Age Bands by Income**

Income Band	Age of Children	Total Children	Percent of Children
At or Below 130% FPL	Under Age 2	4,310	13.5%
	Age 3-5	4,378	
131% - 200% FPL	Under Age 2	3,014	10.8%
	Age 3-5	3,931	
200% - 250%	Under Age 2	872	3.0%
	Age 3-5	1,069	
250% - 275% FPL	Under Age 2	1,410	13.9%
	Age 3-5	1,442	
276% - 300% FPL	Under Age 2	396	13.9%
	Age 3-5	1,692	
300% - 400% FPL	Under Age 2	1,303	58.8%
	Age 3-5	2,666	
Above 400% FPL	Under Age 2	16,462	58.8%
	Age 3-5	21,257	
All Income Levels	Total Under Age 6	64,202	

Source: 2019 ACS 1-Year Estimates-Public Use Microdata Sample for Westchester County



Family Size	Family Income Levels for Eligibility			% of Income to Pay for Child Care				
	200% FPL	Title XX/ County-Funded Eligibility	85% SMI	% of Income for families at 200% FPL for infant center-based child care	% of Income for Families at Title XX eligibility for infant center-based care	% of Income for Families at 85% SMI for infant center-based care	% of Income for Families at 85% SMI for infant & preschooler in center-based care	% of Income at the ALICE threshold (400% of FPL) for infant & preschooler in center-based care
2	\$34,840	\$47,905 (275 percent)	\$60,674	52.5%	38.2%	30.2%	N/A	N/A
3	\$43,920	\$55,998 (255 percent)	\$74,950	41.7%	32.7%	24.4%	43%	36.7%
4	\$53,000	\$59,625 (225 percent)	\$89,226	34.5%	30.7%	20.5%	36.1%	30.4%
5	\$62,080	\$69,840 (225 percent)	\$103,502	29.5%	26.2%	17.7%	31.1%	26%

Sources: U.S. Department of Health and Human Services, [U.S. Federal Poverty Guidelines Used to Determine Financial Eligibility for Certain Federal Programs](#); U.S. Census Bureau, State Median Income Adjusted by Family Size, [Table B19019](#), Median Household Income in the Past 12 Months, 2019 American Community Survey, 1 Year Estimates; Child Care Council of Westchester, [2019 County Average Prices of Child Care](#)

Given that available income and employment data is largely pre-COVID, it is likely that even more families with young children fall beneath the ALICE threshold, which reflects the income needed to live and work in today's economy (i.e., costs related to housing, child care, food, transportation, health care, technology – such as a cell phone plan, and taxes).



## Child Care Affordability: The Price of Child Care Compared to Family Income

Child care is expensive. While the NY Office of Children and Family Services (OCFS) sets income eligibility for subsidy at 200% of the federal poverty level, it is clear that families above that income threshold in Westchester County face a significant financial challenge to afford infant center-based child care. And, families with 2 young children face an even more daunting financial barrier.

Even at the ALICE threshold, a family with two young children would pay an extraordinary amount of their household income to meet child care costs.

### Westchester County Child Care Subsidy

Within Westchester County, there are several different options for parents of young children who are looking for child care for their children.

**Head Start.** A family with income at or below 130% of the federal poverty level is eligible for Head Start, a federally funded program to support children birth to age five. Early Head Start supports infants and toddlers and Head Start supports preschoolers age 3-5. Head Start offers an array of comprehensive services for children in families living in poverty or close to the poverty threshold. The U.S. Department of Health and Human Services, Office of Head Start, allocates funds to nonprofit agencies within the county to support 2,308 Head Start children.<sup>29</sup> Head Start is free to participating families. By law, Head Start programs are prohibited from charging any type of fee or co-pay to families.<sup>30</sup>

With only 2,308 Head Start placements funded, only 26.6% of eligible children can participate.<sup>31</sup> In 2019, Head Start programs in Westchester County served:<sup>32</sup>

- 479 infants and toddlers (about 11%)
- 1,846 children age 3-5 (about 42.2%)

Head Start Gap: Eligible vs. Participating Children				
Age of Children	2019 # of Eligible Children for Head Start & Early Head Start (up to 130% FPL)	2019 # of Children enrolled in Head Start/Early Head Start	% Eligible Children Served	% Gap in Eligible vs Served Children
Birth to 3	4,310	479	11.1%	88.9%
Age 3 to 5	4,378	1,846	42.2%	57.8%
<b>Total Birth to 5</b>	<b>8,688</b>	<b>2,308*</b>	<b>26.6%</b>	<b>73.4%</b>

Sources: 2019 ACS 1-Year Estimates-Public Use Microdata Sample for Westchester County; U.S. Department of Health and Human Services, Office of Head Start, Program Information Report (PIR) data for Westchester County.

Children who participate in Head Start are also eligible for a child care subsidy (if their parents meet child care subsidy work requirements) to cover the cost of “wrap-around care” – child care before and/or after the regular Head Start hours. Unlike child care subsidy, which requires parents to be working (or in education or training) in order to receive child care assistance, the Head Start program is based on the income of the family, not the work status of parents. In 2019, 531 (23%) of Head Start children received wrap-around child care subsidy.<sup>33</sup>

### Child Care Subsidy

The child care subsidy data used in this report represents 2019 children and public expenditures. While the Westchester County Department of Social Services provided data from 2018-2021, with the COVID pandemic, the 2019 data represents a more typical year compared to 2020 or the partial data available for the first few months of 2021.

Child care subsidy – either through federal Child Care and Development Block Grant (CCDBG) funded assistance or Title XX/ county-funded child care assistance – requires parents to be working. There are some exceptions (e.g., a child in protective services), but largely, in order to receive child care assistance from these funds, parents need to be working, in education, or job training earning at least minimum wage for at least 20 hours per week.<sup>34</sup> Parents who receive TANF assistance must work at least 17.5 hours per week.<sup>35</sup>

The federal CCDBG law does not contain a minimum number of hours that parents need to be working in order to receive child care subsidy. In addition, the federal CCDBG law does not require any minimum number of hours related to education or job training. The number of work hours or the work concept is defined by states as are the hours or concepts behind education and training.

In New York, the current work requirement is 20 hours per week for nearly all low income families (those who receive CCDBG funded subsidy), which is set by the state.<sup>36</sup> A comparatively much smaller number of parents who receive TANF monthly assistance (who also are low income) have a slightly lower work requirement.<sup>37</sup>

Education and training hours and/or concepts are set by individual local Department of Social Services (LDSS).<sup>38</sup> In Westchester County, low income families who receive TANF monthly assistance can participate in a variety of education activities if specified in their approved self-sufficiency plan.<sup>39</sup>

In contrast, low income families (who do not receive TANF), can only engage in educational activities if they are under age 21 or they are working 30 hours per week (i.e., in order to qualify for child care assistance).<sup>40</sup>

Yet, parents who are trained, receive a certification, or a 2- or 4-year degree have a greater likelihood of obtaining a higher wage job.

Appendix 1 reviews education and training requirements and options in more detail.

### Child Care Subsidy at or Below 200% FPL

In 2019, about 4,783 children ages birth to five were in child care paid for through CCDBG funds<sup>41</sup> (about 63.5% of income eligible children with working parents).<sup>42</sup>

CCDBG child care subsidy in Westchester County paid for child care for:<sup>43</sup>

- 1,561 infants and toddlers (45% of eligible)
- 3,222 children age 3-5 (79.3% of eligible)

The percentage served is not against the entire universe of children within this age group. It is a measurement of children in families at or below 200% of FPL whose parents are working, which is a requirement for subsidy.

CCDBG B-5 Gap: Eligible vs. Participating Children At or Below 200% FPL				
Age of Children	2019 # of Eligible Children for CCDBG Subsidy (up to 200% FPL)	2019 # of Children receiving CCDBG Subsidy (up to 200% FPL)	% Eligible Children served with CCDBG Subsidy	% Gap in Children receiving CCDBG Subsidy
<b>Birth to 3</b>	7,324			
Children with working parents	3,470	1,561	45%	55%
<b>Age 3 to 5</b>	8,309			
Children with working parents	4,064	3,222	79.3%	20.7%
<b>Total Birth to 5</b>	15,633			
Children with working parents	7,534	4,783	63.5%	36.5%

Sources: U.S. Census Bureau, 2019 ACS 1-Year Estimates-Public Use Microdata Sample for Westchester County; Westchester County Department of Social Services Children Receiving CCDBG subsidy

County funding (referred to as Title XX funding) is used by Westchester County to support the affordability of child care for families with income above 200% of the federal poverty level and below about 255% of the federal poverty level, depending on family size. In 2019, 280 children (14.4%) of those eligible received county-funded child care subsidy.<sup>44</sup>

Pre-COVID, children in families above the income eligibility for county-funded child care subsidy (about 225%-275% of FPL) and below 85% of state median income (the federal maximum level of income eligibility) received no child care assistance. Families in this income bracket (with about 6,715 children birth - 5)<sup>45</sup> were on their own to afford child care (i.e., spending about 25%-30% of their income on child care).<sup>46</sup>

Children in Families Above Title XX Eligibility and Below the ALICE Threshold (about 400% of FPL)				
Age of Children	# of Children Above Title XX & Under 85% SMI (250-350% FPL)	% Gap in Children Served (250-350% FPL)	# of Children Above 85% SMI & up to ALICE threshold (350-400% FPL)	% Gap in Children Served (350-400% FPL)
<b>Birth to 3</b>	2,056		1,053	
Children with working parents	1,167	56.8%	705	67%
<b>Age 3 to 5</b>	4,659		1,141	
Children with working parents	3,362	72.2%	353	30.9%
<b>Total Birth to 5</b>	6,715		2,194	
Children with working parents	4,529	67.4%	1,058	48.2%

Sources: U.S. Census Bureau, 2019 ACS 1-Year Estimates-Public Use Microdata Sample for Westchester County; Westchester County Department of Social Services Children Receiving CCDBG subsidy

Families with income above 85% of SMI but at or below the ALICE threshold (with about 2,194 children birth - 5)<sup>47</sup> also struggled to afford child care paying about 17%-26% of income for center-based infant care and 36%-46% of income for two children – an infant and a preschooler).<sup>48</sup>

Access to affordable child care is important for economic recovery so that parents can work or return to work. However, it's also important for young children to be in a setting that promotes their healthy development. Decades of studies show that the earliest years of a child's life are when the brain is developing the fastest – setting a foundation for all future learning.<sup>49</sup>

Therefore, child care is an important work support directly impacting economic recovery in Westchester County. However, it is also an important investment in the county's young children. In 2019, about 62.3% of the children whose care was paid for with a child care subsidy were children from birth to age five.<sup>50</sup>

- 24% of children who received child care subsidy were infants and toddlers.<sup>51</sup>
- 38% of the children who received child care subsidy were preschoolers.<sup>52</sup>

Individual child care programs (either center-based, home-based or legally exempt care) are decisions made by families. Among children birth to five whose care was paid for with a child care subsidy,

- 83.7% of infants were in licensed or registered child care<sup>53</sup>
- 86.4% of toddlers were in licensed or registered child care<sup>54</sup>
- 88.1% of preschool-age children were in licensed or registered child care<sup>55</sup>

Receipt of a child care subsidy enables parents to access market-based child care. Because child care is an early learning setting for children, receipt of child care

subsidy can make an enormous difference for families – not just in reducing the share of the family's budget used to pay for child care but also in promoting the healthy development and school readiness of children.

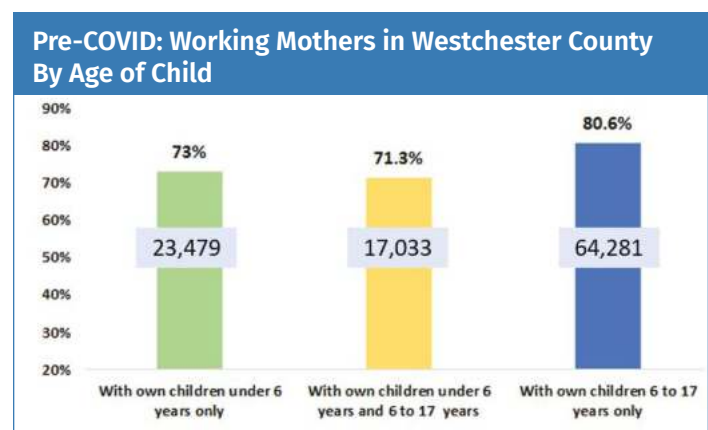
Child care in essence is a two-generational support. It helps parents to earn income to support their families and supports child development for the children who are fortunate enough to receive subsidy.

**It is this two-generational aspect of child care that makes it a public good.** For Westchester County, child care is a pathway to economic recovery. For families, it's a pathway to jobs to support their households. And, for children, it's an early learning setting during a time when the foundation for school and life success is being formed.

Pre-COVID, the majority of mothers were working in Westchester County. For economic recovery, mothers need to be able to return to the workforce. And, to do so, they need affordable, quality child care.

The next section of this report will review options for the state and county to broaden access to child care subsidy – to ensure that more families who wish to access child care will have the means to pay for it.

Source: U.S. Census Bureau, Table S2301, Employment Status, 2019 American Community Survey, 1 Year Estimates.



## 2021: Building Back Better – Strategies to Support Access to Child Care to Promote Economic Recovery

The COVID-19 pandemic was tough on everyone – a challenge for individuals, families with children, employers, communities, and the state of New York.

As a small business, the child care industry was hit hard. Parents lost jobs, had their hours reduced, or needed to stay home with children as schools closed (and later re-opened in a hybrid manner). Enrollment in child care programs declined sharply as parents removed their children from licensed and registered programs.

Child care is largely a private pay industry. While some programs receive subsidy payments for low-income children, most rely on private pay families for program operating revenue (to meet fixed costs, pay staff, and during COVID – increased operating costs for health and safety protocols). Lack of operating revenue led some programs to close permanently and others to sporadically close and re-open.

Congress recognized the dire situation facing the regulated child care market and within three COVID relief measures, provided \$53 billion in supplemental funding to help stabilize the child care market so that child care could be available for those parents who need it.

The Coronavirus Aid, Relief, and Economic Security (CARES) Act was enacted on March 27, 2020.<sup>56</sup> The CARES Act included \$3.5 billion in supplemental child care funding for states.<sup>57</sup> New York received \$163.6 million to support families and help stabilize the child care market.<sup>58</sup>

The 2021 Coronavirus Response & Relief Supplemental Appropriations (CRRSA) Act was

enacted on December 27, 2020.<sup>59</sup> CRRSA included \$10 billion in supplemental funding to help support families and stabilize the child care market.<sup>60</sup> New York received \$468.7 million in supplemental child care funding.<sup>61</sup>

The American Rescue Plan (ARP) was enacted on March 11, 2021, which included nearly \$40 billion in supplemental child care funding.<sup>62</sup> Through the ARP, New York has received,

- \$701.6 million in supplemental funds for child care assistance<sup>63</sup>
- \$1.1 billion in supplemental funds for child care stabilization and supply,<sup>64</sup> and
- \$28.4 million in supplemental mandatory child care funds (which also waived the state match requirement)<sup>65</sup>

Pre-COVID, many policy decisions were options selected based on insufficient funding. With the supplemental federal funds made available in the past year, it may be possible to rethink some of the options selected to both better support families and the child care providers who serve their children.

Some of these decisions will need to be made at the state level by OCFS. However, there are some decisions that could also be made within Westchester County.

Knowing that the cost of living in Westchester County is high and the price of child care is significantly higher as well, the Westchester Department of Social Services may also want to consider the possibility of coordinating with the county agency that receives Coronavirus State and Local Fiscal Recovery Funds allocated by the U.S. Department of Treasury -- \$350 billion to states, counties,

cities, and tribes to help support economic development and recovery.<sup>66</sup> Child care is a specific priority use for this funding.<sup>67</sup> Westchester County is allocated \$187.9 million out of these recovery funds.<sup>68</sup>

To support states in understanding the breadth of choices that can be made with the supplemental federal funding, the HHS Office of Child Care has released several sets of guidance documents aligned with each supplemental federal funding stream.<sup>69</sup> Key recommendations include: increasing subsidy rates, increasing child care provider compensation, and increasing income eligibility for subsidy receipt.



### Key Recommendations for Child Care and Development Block Grant (CCDBG) Funding

The Child Care and Development Block Grant (CCDBG) offers states a framework for safe, quality, affordable child care, which includes minimum health and safety requirements (such as child care provider background checks and safe sleeping practices for infants).<sup>70</sup> Federal regulations to assist states in implementing and operating under the CCDBG law were issued in 2016.<sup>71</sup> Under the federal law and guidance, states have broad flexibility in which to set their own rules such as eligibility requirements for families, child care subsidy rate levels, and work requirements for parents in order to receive child care subsidy.

The New York Office of Children and Families (OCFS) sets some standards or requirements statewide and allows local departments of social services to set some individual county

New York Supplemental Federal Child Care Funding 2020 - 2021	
Federal Law	Funding
The Coronavirus Aid, Relief, and Economic Security (CARES) Act, March 27, 2020 (P.L. 116-136)	\$163.6 Million
2021 Coronavirus Response & Relief Supplemental Appropriations (CRRSA) Act, December 27, 2020 (P.L. 116-260)	\$468.7 Million
American Rescue Plan, March 11, 2021 (P.L. 117-2)	\$1.849 Billion
<b>Total Supplemental Federal Funds</b>	<b>\$2.48 Billion</b>

rules.<sup>72</sup> Most recently, Congress enacted three COVID relief laws between March of 2020 and March of 2021 that included \$53 billion in supplemental funding for states for child care.<sup>73</sup> The U.S. Department of Health and Human Services has released guidance for the use of these funds, which also offer states broad choices to support child care providers and families.<sup>74</sup> In total, NY OCFS has received nearly \$2.5 billion.<sup>75</sup>

A review of flexibility within the CCDBG federal law, regulations, and guidance and policies set by NY OCFS and the Westchester County Department of Social Services has resulted in several recommended options for consideration to better support working families and those who want to return to the workforce. Below is a summary of recommendations. A more detailed examination of policies (federal, state, and county) appears in Appendix 1.



Child Care Policy Recommendations	
<b>Work Hours</b>	<p><b>Recommendation for NY OCFS.</b></p> <ul style="list-style-type: none"> <li>■ Provide flexibility in work hours consistent with American Rescue Plan guidance (e.g., allow flexibility in hours to support parents returning to work who might scale up their hours over time).</li> <li>■ Allow parents searching for work to receive child care subsidy (subject to work search documentation).</li> </ul>
<b>Education and Training</b>	<p><b>Recommendation for Westchester County Dept. of Social Services.</b></p> <ul style="list-style-type: none"> <li>■ Allow low income parents (not receiving TANF) to utilize child care subsidy while attending an educational or training program by eliminating the requirement for 30 hours of work. Parents who are trained, receive a certification, or a 2 or 4-year degree have a greater likelihood of obtaining a higher wage job.</li> <li>■ Such options could be accompanied by a reasonable time frame for completion and conditioned on satisfactory progress.</li> </ul>
<b>Income Eligibility</b>	<p><b>Recommendation for NY OCFS.</b></p> <ul style="list-style-type: none"> <li>■ Increase eligibility to 85% of SMI.</li> <li>■ At a minimum, re-instate the 85% SMI waivers for a 6-month period with the possibility of extending another 6 months (in lieu of month to month extensions).</li> </ul>
<b>Meeting Initial Eligibility/ Documentation</b>	<p><b>Recommendation for Westchester County Dept. of Social Services.</b></p> <ul style="list-style-type: none"> <li>■ Review ways to simplify the supporting documentation required to process child care subsidy applications. Consider presumptive eligibility to the extent possible.</li> <li>■ Expedite the processing of subsidy applications (e.g., current processing takes between 30-45 days).</li> <li>■ Explore the possibility and costs related to an online application for child care subsidy.</li> </ul>
<b>Co-Pays/Sliding fee scale</b>	<p><b>Recommendation for NY OCFS.</b></p> <ul style="list-style-type: none"> <li>■ At a minimum, re-instate the family share waivers for a 6-month period with the possibility of extending another 6 months (in lieu of month to month extensions).</li> </ul>
<b>Payment Rates</b>	<p><b>Recommendation for NY OCFS.</b></p> <ul style="list-style-type: none"> <li>■ Raise subsidy payment rates to a minimum of the 75<sup>th</sup> percentile.</li> <li>■ Seek approval from HHS to utilize cost modeling to set subsidy rates so that there is a relationship between the subsidy payment and the cost of high-quality care.</li> <li>■ Consistent with the federal guidance across all sets of supplemental guidance to date, increase compensation for the child care workforce to support hiring and retention. Consider: Wage supplements, Bonus payments, Retention payments, Signing bonus payments</li> </ul> <p><b>Recommendation for Westchester County Dept. of Social Services.</b></p> <ul style="list-style-type: none"> <li>■ Increase subsidy rates for nontraditional hour care to the maximum allowed – 15%.</li> <li>■ Increase subsidy rates for accredited care to at least 5%.</li> </ul>
<b>Enrollment vs Attendance Payments</b>	<p><b>Recommendation for NY OCFS.</b></p> <ul style="list-style-type: none"> <li>■ At a minimum, re-instate absence payment waivers for a 6 month period with the possibility of extending another 6 months (in lieu of month to month extensions).</li> <li>■ <b>Long-term.</b> Pay subsidy based on enrollment not attendance to reflect private pay practices and to provide a predictable revenue stream for child care programs to pay staff.</li> </ul>
<b>Support families up to the ALICE threshold to afford child care</b>	<p><b>Recommendation for County Executive and Board of Legislators.</b></p> <p>The ALICE survival budget for Westchester County shows a family needs income of about 400% of the poverty level in order to afford child care and other costs of raising a family.</p> <ul style="list-style-type: none"> <li>■ Provide more Title XX slots and scholarships to fill the gap between CCDBG eligibility and the ALICE threshold.</li> </ul>
<b>Child Care Supply</b>	<p><b>Recommendation for NY OCFS</b></p> <ul style="list-style-type: none"> <li>■ Develop specific funded strategies to address areas within the state (including Westchester County) that are child care deserts for families.</li> <li>■ Fund business technical assistance (TA) to support child care providers (center-based and home-based programs) through training, coaching, and ongoing support to utilize best business practices (e.g., business planning, budgeting, fiscal management, record-keeping and other practices to maintain economic viability).</li> </ul>

## Strategies to Support Child Care Affordability for Gap Families

### (Above CCDBG Eligibility and Below the ALICE Threshold)

Supporting families above CCDBG eligibility depends upon decisions made by NY OCFS with regard to family eligibility. Currently, OCFS policy is to support families at or below 200% of the federal poverty level (with the temporary exception of essential personnel who can earn up to 300% of FPL).<sup>76</sup>

In June 2021, 24 counties (including Westchester) were operating under a waiver serving families up to 85% of state median income.<sup>77</sup> With the supplemental federal funds, it is recommended that NY OCFS increase CCDBG eligibility above 200% of the federal poverty level to 85% of state median income.

On June 10, 2021, S.6706B and A.7582A passed the NY State Senate and went to 3rd reading in the General Assembly prior to the state legislature adjourning.<sup>78</sup> There is a strong likelihood that the bills will be approved when the legislature reconvenes in January. Until that time, the 85% SMI waivers should be re-instated and extended to provide a bridge for economic recovery until the legislature reconvenes and has time to act.

At a minimum, this would provide a steady revenue stream to support child care provider operations, offer a broader group of families who need child care to access it, and enable county departments of social services to plan and project subsidy expenditures.

If CCDBG eligibility for assistance were raised to 85% of state median income, then Westchester County could consider how best to support those families with income between 85% of state median income and the ALICE threshold. Because 85% of state median income exceeds the county-funded income eligibility threshold of 255% of the federal

poverty level, the Westchester County Department of Social Services could repurpose county funds to other uses.

For economic recovery in Westchester County, supporting child care affordability for families at or below the ALICE threshold is needed. These households aren't typically families thought of as challenged with child care costs, but they are challenged – paying about 17%-26% of income for center-based infant care and 36%-46% of income for two children – an infant and a preschooler.<sup>79</sup>

The U.S. Department of Health and Human Services recommends that family payments for child care not exceed 7% of income.<sup>80</sup> By any measure, these gap families – above 85% of state median income and at or below the ALICE threshold are paying 3-4 or even 5 times as much for child care. Yet, economic recovery will depend on as many parents with young children as possible (not just low wage earning parents) to work or return to the workforce. This is what makes addressing the child care cost challenge so urgent.

### Recommendations for Gap Families Above CCDBG Eligibility

#### NY Office of Children and Family Services

- OCFS to increase child care subsidy eligibility to 85% of state median income
- At a minimum, OCFS should re-instate waivers for counties to support families up to 85% of state median income in 6 month intervals

#### County Executive and Board of Legislators

- Use the County general fund balance to support economic recovery by providing child care scholarships to gap families – those above CCDBG income eligibility and at or below the ALICE threshold.

The higher cost of living and high price of child care in Westchester County warrant a review of options to better support families and employers who depend on working parents. The pathway for economic recovery for the county depends on the ability of parents at varying income levels to afford child care.

## Helping Gap Families with Their Child Care Costs

### Current Child Care Subsidy Costs

The current array of policy choices made by NY OCFS and Westchester County Department of Social Services are related to the availability of funding for child care. In general, it is the annual funding available that guides decisions about income eligibility for assistance, the number of children that are served, as well as the subsidy level for children by age and setting (e.g., a child care center, licensed family child care group home, or smaller registered family child care home).

Decades of policy decisions have been made based on annual funding. The number of children receiving child care subsidy in Westchester County has declined since 2018 for a variety of reasons (e.g., in 2020, families lost jobs, parents cared for children at home as schools moved to remote learning or hybrid learning, and many parents had anxiety about COVID exposure). In addition, many immigrant families may have shied away from government programs for fear of deportation or ICE involvement.

The number of children receiving child care assistance varies monthly. In December 2020, 1,565 children received CCDBG funded assistance, 161 children received child care assistance through Title XX/county funding, and 40 children received assistance within TANF families.



Since that time, the number of children receiving assistance has been increasing, but is not yet back to the level of child care

assistance utilized in 2019, which is a better marker for a “regular” year compared to 2020. The table below shows the average monthly

number of children by funding source and the annual amount spent on child care.

**Westchester County Child Care Spending: 2018-2021**

Average Monthly Number of Children by Child Care Funding Source								
Category	2018		2019		2020		1/1/21-4/30/21	
	Average Monthly Slots	Annual Spent	Average Monthly Slots	Annual Spent	Average Monthly Slots	Annual Spent	Average Monthly Slots	Spent to Date
Low Income (CCDBG) Up to 200% FPL	2,535	\$25.5 Million	2,424	\$23.5 Million	1,725	\$23.5 Million	1,681	\$8.9 Million
Title XX/county funding (225%-275% FPL)	217	\$2 Million	204	\$1.9 Million	174	\$2.4 Million	130	\$715,667
TANF Child Care	282	\$3 Million	243	\$2.5 Million	81	\$928,289	41	\$183,484
<b>Average Annual Total</b>	<b>3,034</b>	<b>\$30.5 Million</b>	<b>2,871</b>	<b>\$27.9 Million</b>	<b>1,980</b>	<b>\$26.8 Million</b>	<b>1,852</b>	<b>\$9.7 Million</b>

Source: Westchester County Department of Social Services, May 28, 2021

**Rethinking Policies with Additional Federal Funds**

With the additional federal funding made available to NY OCFS, it is time for both OCFS and the Westchester Department of Social Services to review options to support more families with young children during the next few years while supplemental federal funding is available.

First, assisting families with child care costs will increase the likelihood that parents will

rejoin the workforce or stay in the workforce. Second, high-quality child care is also an investment in the healthy development and school readiness of children.

Because of the high price of child care, many families struggle with child care costs, not only low income families. The ALICE threshold was developed to show what it costs a family in Westchester County to get by

meeting basic household expenses.

With the additional federal funding made available over the past year, some of which states have until September 2023 or September 2024 to spend (see Appendix 2 for an obligation and expenditure table by federal funding source), there is an opportunity to re-imagine how states and communities can best help families with young children access high-quality child care.



### Additional Public Investment to Support Working Families

Economic recovery will depend on more parents returning to the workforce. For parents, particularly with young children, this requires access to affordable, quality child care. The table below shows various cost estimates to support families above current CCDBG eligibility (200% FPL) and below the ALICE threshold (about 400% FPL). The table shows funding estimates based on if NY OCFS allows counties to support families up to 85% of SMI with CCDBG funding and if NY OCFS does not choose to use the supplemental federal funding to broaden income eligibility for families (i.e., Westchester County would need local funds to aid such families above 200% FPL).



#### Additional Funding Needed to Assist Families Above Current CCDBG Eligibility and Below the ALICE Threshold

Family Income Bands above CCDBG eligibility	Birth to age 3			Preschool-age		
	# of Children w/working parents	CCDBG Funds	Title XX/ County Funds	# of Children w/working parents	CCDBG Funds	Title XX/ County Funds
<b>If CCDBG Eligibility is Increased to 85% SMI</b>						
200% - 255% FPL	792	\$3.5 Million		869	\$4.7 Million	
255% - 85% of SMI (about 350% FPL)	1,167	\$5.2 Million		3,362	\$18.2 Million	
350% - 400% FPL (ALICE Threshold)	705		\$1.5 Million	353		\$783,600
<b>Total</b>	<b>2,664</b>	<b>\$8.7 Million</b>	<b>\$1.5 Million</b>	<b>4,584</b>	<b>\$22.9 Million</b>	<b>\$783,600</b>
<b>If CCDBG Eligibility is Retained at 200% of FPL</b>						
200% - 255% FPL	792		\$1.6 Million	869		\$1.9 Million
255% - 85% of SMI (about 350% FPL)	1,167		\$2.4 Million	3,362		\$7.4 Million
350% - 400% FPL (ALICE Threshold)	705		\$1.5 Million	353		\$783,600
<b>Total</b>	<b>2,664</b>	<b>\$0</b>	<b>\$5.5 Million</b>	<b>4,584</b>	<b>\$0</b>	<b>\$10 Million</b>

Sources: Westchester County Department of Social Services, 2019 Subsidy Rates by Age of Child and Setting; U.S. Census Bureau, 2019 ACS 1-Year Estimates-Public Use Microdata Sample for Westchester County (Working Parents by percentage of poverty with Children Birth to 3 and ages 3-5). The cost of care assumes 2019 average subsidy payments for child care centers, licensed group family child care homes, and registered family child care homes holding constant the 2019 percent share of children by age within each type of licensed or registered setting. Estimates could be lower if families select legally exempt care settings, however, for this estimate, all children are assumed to be in licensed or registered care. Average costs per child differ because county-funded slots generally have a higher copayment by families and may reflect contracted care with negotiated rates – if parents choose such settings.

### **Additional Funding Needed: If NY OCFS Increases Income Eligibility to 85% of State Median Income (SMI)**

The gap or additional funding needed to support families up to the ALICE threshold depends on choices made by NY OCFS.

If NY OCFS broadens eligibility for CCDBG funded child care to include families with income up to 85% of SMI, then about \$1.5 million in county funds would be needed to support families earning above 85% of state median income up to the ALICE threshold (about 400% of FPL) for children birth to age 3 and an additional \$783,000 to support preschool age children. This would be about \$2.3 million in county funding. The estimate assumes that CCDBG funded care supports \$8.7 million for children birth to age 3 and \$22.9 million for preschool age children all of whom live in families at or below 85% of SMI and who have working parents.

### **If NY OCFS Does Not Broaden Eligibility for Families to 85% of State Median Income (SMI)**

If NY OCFS does not choose to broaden income eligibility for families with the supplemental federal funds NY has received, and Westchester County decides to support families above 200% of FPL and below the ALICE threshold, additional county funding of \$5.5 million would be needed to support children from birth to age 3 and an additional \$10 million would be needed to support preschool-age children. This would be about \$15.5 million in county funding. The estimate assumes zero additional CCDBG dollars for families with children above 200% of FPL.

The estimate of the average cost per child in county-funded care differs from the average cost of care per child in CCDBG-funded care because in the past, county-funded care has served families

above CCDBG income eligibility and requires a slightly higher family copayment. Some families choose care in county-funded contracted care, which is at negotiated prices. Therefore, the cost of county-funded care per child compared to CCDBG-funded care per child is lower.

Likely the cost will be less for several reasons. The number of children is based on those where all available parents are working (e.g., both parents are working in a married couple family and the single head of household is working). The work requirement is necessary for child care subsidy eligibility. The estimate could be less if (1) fewer parents are working in 2021 compared to the 2019 census data and (2) those identified as working are working less than 20 hours per week, which is the current requirement from NY OCFS.

As mentioned previously, in addition to the supplemental federal funds to be received by Westchester County Department of Social Services, the Coronavirus State and Local Fiscal Recovery Funds allocated by the U.S. Department of Treasury will allocate \$187.9 million to Westchester County of which child care is a prioritized use.<sup>81</sup> The Treasury funds must be obligated by December 31, 2024.<sup>82</sup>

### **Conclusion**

Available funding was the constraint in policy choices to support families with child care challenges prior to 2021. However, Congress passed three major COVID relief measures in 2020-2021 that offer a significant increase in funding for child care to all states. For New York, nearly \$2.5 billion in federal supplemental funding for child care has been allocated.<sup>83</sup>

It is good news that NY OCFS has enabled children in families with essential workers up to 300% of FPL to access child care subsidy (at least temporarily).<sup>84</sup> However, economic recovery will require broader labor force participation than just those who are in designated essential worker jobs (as important as they are). And, for parents, that means access to affordable, quality child care.

With the generous level of supplemental federal funding, it is possible to rethink choices in how families facing child care access challenges can best be supported. Where there is a will, there's a way. Child care is essential for economic recovery. But, only if working parents can access it.



**Appendix 1.**

Key Policy Recommendations Based on a Review of Federal Law, Federal Regulations, Federal Guidance, the NY Draft CCDF FY2022-2024 State Plan, and the Westchester Child Care County Plan

Category	CCDBG Federal Law	NY Draft CCDF FY2022-2024 State Plan	County Plan, April 1, 2018 – March 31, 2023	Recommendation
Work Hours	<p><b>The CCDBG Law:</b></p> <p><b>Silent/State Determined. Section 658P(4).</b> Parents must be engaged in work or be defined within a category under “protective services” (e.g., some states list homeless, but NY does not)</p> <p><b>ARP Guidance (CCDF-ACF-IM-2021-03):</b> Lead agencies are also encouraged to consider whether broadening their definition of qualifying activities would improve the ability for parents to enter the workforce and remain gainfully employed. For example, lead agencies are encouraged to define employment to include a period of job search and account for fluctuations in work schedules as businesses open and close due to disruptions related to COVID-19 and the economy.</p>	20 hours	20 hours	<p>Recommendation for NY OCFS.</p> <p>Provide flexibility in work hours consistent with American Rescue Plan guidance.</p> <ul style="list-style-type: none"> <li>■ Allow flexibility in hours to support parents returning to work who might scale up their hours over time.</li> <li>■ Allow parents searching for work to receive child care subsidy (subject to work search documentation)</li> </ul>



Category	CCDBG Federal Law	NY Draft CCDF FY2022-2024 State Plan	County Plan, April 1, 2018 – March 31, 2023	Recommendation
<p><b>Education and Training</b></p>	<p><b>The CCDBG Law:</b></p> <p><b>Silent/State Determined. Section 658P(4).</b></p> <p>(4) Eligible child. - The term ‘eligible child’ means an individual-</p> <p>(A) who is less than 13 years of age;</p> <p>(B) whose family income does not exceed 85 percent of the State median income for a family of the same size, and whose family assets do not exceed \$1,000,000 (as certified by a member of such family); and</p> <p>(C) who-</p> <p>(i) <b>resides with a parent or parents who are working or attending a job training or educational program;</b> or</p> <p>(ii) is receiving, or needs to receive, protective services and resides with a parent or parents not described in clause (i).</p>	<p><b>LDSS may opt to serve families participating in any of the following education or vocational programs:</b></p> <ul style="list-style-type: none"> <li>■ Programs leading to a high school diploma or GED</li> <li>■ Programs providing basic remedial education for individuals functioning below 9<sup>th</sup> grade level</li> <li>■ Programs providing literacy training</li> <li>■ English as a second language instructional program</li> <li>■ Undergrad or community college with a specific vocational sequence leading to an associate degree or certificate of completion within a determined time frame which shall not exceed 30 consecutive months</li> <li>■ Programs which have a specific occupational goal and are conducted by an institution licensed or approved by the State Education Department other than a college or university</li> <li>■ Pre-vocational skill training programs such as basic education and literacy training</li> <li>■ Demonstration projects designed for vocational training or others as approved by the Dept. of Labor</li> <li>■ Programs to train workers in an employment field that currently is or is likely to be in demand (if he/she is a dislocated worker)</li> <li>■ 2 year programs other than one with a specific vocational sequence leading to an associate’s degree or certificate, or a 4-year college or university program leading to a BA provided that: the program is reasonably expected to improve the earning capacity of the caretaker; the caretaker participates in non-subsidized employment for at least 17 ½ hours per week, earning wages at least at minimum wage, and the caretaker can demonstrate his or her ability to successfully complete the course of study.</li> </ul>	<p><b>For parents at 200% FPL or below:</b></p> <ul style="list-style-type: none"> <li>■ High school curriculum if working at least 30 hours per week <u>OR</u> for customers under age 21.</li> <li>■ Training if working 30 hours per week</li> <li>■ 2 year program leading to an AA or certificate if working at least 30 hours per week</li> <li>■ 4-year college, only if working at least 30 hours per week</li> </ul> <p><u>Not authorized:</u> programs to train workers in an employment field likely to be in demand for dislocated workers</p> <p><b>TANF only (if approved as part of self-sufficiency plan):</b></p> <ul style="list-style-type: none"> <li>■ GED</li> <li>■ Basic remedial education below 9<sup>th</sup> grade</li> <li>■ Literacy training</li> <li>■ ESL</li> <li>■ 2 year full-time degree or vocational goal leading to AA or certificate</li> <li>■ Training</li> <li>■ Pre-vocational skills training</li> <li>■ Demonstration project for vocational training</li> </ul>	<p><b>Recommendation for Westchester County Dept. of Social Services.</b></p> <p>Allow low income parents (not receiving TANF) to utilize child care subsidy while attending an educational or training program by eliminating the requirement for 30 hours of work. Parents who are trained, receive a certification, or a 2 or 4-year degree have a greater likelihood of obtaining a higher wage job.</p> <p>Such options could be accompanied by a reasonable time frame for completion and conditioned on satisfactory progress.</p>

Category	CCDBG Federal Law	NY Draft CCDF FY2022-2024 State Plan	County Plan, April 1, 2018 – March 31, 2023	Recommendation
Income Eligibility	<p><b>The CCDBG Law: Section 658P(4).</b></p> <ul style="list-style-type: none"> <li>85% state median income maximum (State decision on initial income eligibility &amp; phaseout)</li> </ul>	<p><b>Income Eligibility for CCDBG Subsidy</b></p> <ul style="list-style-type: none"> <li>49% of SMI for a family of 2</li> <li>50% of SMI for a family of 3</li> <li>50% of SMI for a family of 4</li> <li>51% of SMI for a family of 5</li> </ul> <p>This percentage of SMI is about 200% of FPL.</p>	<p>Same, with the exception of Title XX/county funded use</p>	<p><b>Recommendation for NY OCFS.</b></p> <ul style="list-style-type: none"> <li>Increase eligibility to 85% of SMI.</li> </ul> <p><b>Recommendation for County Executive and Board of Legislators</b></p> <ul style="list-style-type: none"> <li>Provide more Title XX slots and scholarships to fill the gap between CCDBG eligibility and the ALICE threshold.</li> </ul>



Category	CCDBG Federal Law	NY Draft CCDF FY2022-2024 State Plan	County Plan, April 1, 2018 – March 31, 2023	Recommendation
<p><b>Income Eligibility Comparison</b></p>	<p><b>85% SMI (CCDBG Law Maximum)</b></p> <ul style="list-style-type: none"> <li>■ \$60,674 family of 2</li> <li>■ \$74,950 family of 3</li> <li>■ \$89,226 family of 4</li> <li>■ \$103,502 family of 5</li> </ul> <p><b>ARP Guidance (CCDF-ACF-IM-2021-03):</b> Lead agencies who have set their income eligibility requirements lower than 85 percent of SMI are also encouraged to consider expanding their income eligibility threshold.</p> <p><b>Income Exception.</b> The ARP Act creates a limited exception to the definition of eligible child for the purposes of the supplemental grant funds. Lead agencies are allowed to use the supplemental grant funds to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to coronavirus by public officials, without regard to the income eligibility requirements in section 658P(4)(B) of the CCDBG Act (42 U.S.C. 9858n(4)(B)). Lead agencies have the discretion to determine which essential workers are deemed essential for the purposes of this income exemption and may provide CCDF subsidies to essential workers whose income exceeds 85 percent of SMI. This flexibility is not limited to only during the official public health emergency declaration.</p>	<p><b>200% FPL (NY OCFS)</b></p> <ul style="list-style-type: none"> <li>■ \$34,840 family of 2</li> <li>■ \$43,920 family of 3</li> <li>■ \$53,000 family of 4</li> <li>■ \$62,080 family of 5</li> </ul>	<p><b>Westchester County has chosen to use Title XX/county funding to broaden eligibility for child care subsidy.</b></p> <p>Programmatic eligibility for income eligible families:</p> <ul style="list-style-type: none"> <li>■ Work</li> <li>■ Illness/incapacity</li> <li>■ Domestic violence</li> <li>■ Substance abuse program</li> </ul> <p><u>Options not selected:</u> seeking employment, homelessness, education/training, emergencies/short duration</p> <p><b>Waiver.</b> Westchester County was approved by OCFS for a <a href="#">waiver</a> up to 85% SMI (which is currently scheduled to terminate at the end of July 2021).</p>	<p><b>Recommendation for NY OCFS.</b></p> <p>At a minimum, re-instate the 85% SMI waivers for a 6 month period with the possibility of extending another 6 months. HHS Office of Child Care Guidance recommends broadening income eligibility for families in states with eligibility set below 85% of state median income with the supplemental federal child care funding.</p>

Category	CCDBG Federal Law	NY Draft CCDF FY2022-2024 State Plan	County Plan, April 1, 2018 – March 31, 2023	Recommendation
<p><b>Meeting Initial Eligibility/ Documentation</b></p>	<p><b>The CCDBG Law:</b></p> <p><b>Section 658K Reports.</b>                      (4) Repayment of amounts- Each State shall repay to the United States any amounts determined through an audit under this subsection not to have been expended in accordance with this subchapter, or the Secretary may offset such amounts against any other amount to which the State is or may be entitled under this subchapter.</p> <p><b>The 2016 CCDF final regulations:</b>                      ACF expects Lead Agencies to have rigorous processes in place to detect fraud and improper payments, but these should be reasonably balanced with family- friendly practices.                      § 98.68 Program Integrity.</p>	<p>The following are required, but Local Department of Social Services establish procedures to document and verify</p> <ul style="list-style-type: none"> <li>■ Applicant identity</li> <li>■ Applicant's relationship to the child</li> <li>■ Child's information</li> <li>■ Work</li> <li>■ Job Training or educational program</li> <li>■ Family income</li> <li>■ Household composition</li> <li>■ Applicant residence</li> </ul>	<p>Fraud and abuse control activities in place. Flags plus sampling methodology in place to detect fraud.</p> <p>Westchester County has elected to use the <a href="#">OCFS-6025 form</a> for Application for Child Care Assistance.</p> <p>Additional documentation beyond state mandated documents are required.</p>	<p><b>Recommendation for Westchester County Dept. of Social Services.</b></p> <ul style="list-style-type: none"> <li>■ Review ways to simplify the supporting documentation required to process child care subsidy applications.</li> <li>■ Consider presumptive eligibility to the extent possible.</li> <li>■ Expedite the processing of subsidy applications.</li> <li>■ Explore the possibility and costs related to an online application for child care subsidy.</li> </ul>





Category	CCDBG Federal Law	NY Draft CCDF FY2022-2024 State Plan	County Plan, April 1, 2018 – March 31, 2023	Recommendation
<p><b>Co-Pays/Sliding fee scale</b></p>	<p><b>The CCDBG Law:</b> Section 658E(c)(5) Sliding fee scale. The State plan shall provide that the State will establish and periodically revise, by rule, a sliding fee scale that provides for cost sharing that is not a barrier to families receiving assistance.</p> <p>The 2016 CCDF final regulations: Co-payments. Section 98.16(k), requires Lead Agencies to include a description of how co-payments are affordable for families, pursuant to § 98.45(k), including a description of any criteria established by the Lead Agency for waiving contributions for families. While Lead Agencies have flexibility in establishing their sliding fee scales and determining what constitutes a cost barrier for families, seven percent level is a recommended benchmark and any calculations about affordability should either incorporate this benchmark or provide justification for how families can afford to spend a higher percentage of their income on child care.</p> <p><b>ARP Guidance (CCDF-ACF-IM-2021-03):</b> Lead agencies may adjust copayment amounts for families experiencing temporary or non-temporary job or income loss. Lead agencies may also use supplemental funds to waive and cover the cost of copays for a subpopulation of families, defined by the lead agency, without the need for a CCDBG waiver.</p> <p>As a reminder, lead agencies may use funds appropriated in the <a href="#">Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act (Public Law 116-260)</a> to cover the portion of the child care cost ordinarily covered by copayments for all families without the need for a CCDBG waiver.</p>	<p>The local Department of Social Services selects a percentage that is applied to the family's income that exceeds the state income standard (federal poverty level). The allowable percentage range is established by state regulation.</p> <p>18 NYCRR §415.3(e)(1) provides that families receiving Temporary Assistance, families experiencing homelessness, and families caring for children in foster care must not be required to pay a family share for child care services.</p> <p>Pursuant to the FY 2022 Enacted Budget of the State of New York, the family fee for child care assistance will be calculated as no more than 10 percent of the family's income that exceeds the State Income Standard.</p> <p><b>Family Share Waiver.</b> OCFS allows LSSDs to waive the family share (currently month to month).</p>	<p>Family share: 27% applied against income above 100% FPL</p> <p>*State legislation limits this to 10% soon</p> <p><b>Waiver.</b> Westchester County was approved by NY OCFS for a <a href="#">waiver</a> on family share (which is currently scheduled to terminate at the end of July 2021).</p>	<p><b>Recommendation for NY OCFS.</b></p> <ul style="list-style-type: none"> <li>At a minimum, re-instate the family share waivers for a 6 month period with the possibility of extending another 6 months.</li> </ul> <p>HHS Office of Child Care Guidance recommends waiving family copays with the supplemental federal child care funding.</p> <p>Federal CCDF regulations recommend limiting family payments for child care to 7% of income.</p>

Category	CCDBG Federal Law	NY Draft CCDF FY2022-2024 State Plan	County Plan, April 1, 2018 – March 31, 2023	Recommendation
Payment Rates	<p><b>The CCDBG Law:</b> Section 658E (4) Payment Rates. The CCDBG law requires states to certify that payment rates allow equal access for low income children.</p>	<p>Payment rates are set by the state (currently at about 69%).</p>	<p>Payment rates are set by the state.</p>	<p><b>Recommendation for NY OCFS.</b></p> <ul style="list-style-type: none"> <li>■ Raise subsidy payment rates to a minimum of the 75<sup>th</sup> percentile.</li> <li>■ Seek approval from HHS to utilize cost modeling to set subsidy rates so that there is a relationship between the subsidy payment and the cost of high-quality care.</li> </ul>



Category	CCDBG Federal Law	NY Draft CCDF FY2022-2024 State Plan	County Plan, April 1, 2018 – March 31, 2023	Recommendation
	<p><b>The 2016 CCDF final regulations:</b></p> <p><i>“We restate the continued importance of the 75th percentile as a benchmark for gauging equal access by Lead Agencies conducting a market rate survey. Established as a benchmark for CCDF by the preamble to the 1998 Final Rule (63 FR 39959), Lead Agencies and other stakeholders are familiar with this rate as a proxy for equal access. ACF acknowledges that rates above the benchmark of 75th percentile may be required to support the costs associated with high-quality care. Inadequate rates may violate the statutory requirement for equal access and because CCDF is serving a large number of vulnerable children who would benefit from access to high quality care and for whom payment rates even higher than the 75<sup>th</sup> percentile may be necessary to afford access to such care.”</i></p> <p><b>ARP Guidance (CCDF-ACF-IM-2021-03):</b> OCC strongly recommends that lead agencies prioritize increasing provider payment rates and workforce compensation so that child care providers can retain a skilled workforce and deliver higher-quality care to children receiving subsidies. Low payment rates and compensation for child care providers undermines every aspect of the child care sector and fosters large inequities within the system, making it particularly difficult for families of color and parents with low-incomes to have equal access to child care options, as required by the CCDBG Act.</p> <p><b>Nontraditional Hours.</b> Many essential workers require child care during non-traditional hours. Lead agencies are encouraged to use supplemental funds in ways that will increase the child care options for parents that work non-traditional hours and/or have varying work schedules.</p>	<p>LDSSs must pay eligible child care providers a differential payment rate of at least 5 percent above the actual cost of care or the applicable market rate for non-traditional hours. LDSSs may choose to set a differential payment rate greater than 5 percent above the actual cost of care or the applicable market rate provided the rate does not exceed 15 percent.</p>	<p><b>Homelessness:</b> licensed and registered providers- 5%; <u>Option:</u> 5% to 15%</p> <p><b>Nontraditional hours:</b> 5% <u>Option:</u> 5% to 15%</p> <p><b>Accredited programs:</b> 5 to 15% not selected (i.e., zero)</p> <p>Differential payments may not exceed 25% above applicable market rate or actual cost of care. Waivers can be requested if able to show that 25% maximum is insufficient to provide access. Not selected.</p> <p>Westchester County opts to provide child care while a caretaker sleeps if working a 2<sup>nd</sup> or 3<sup>rd</sup> shift.</p>	<p><b>Recommendation for Westchester County Dept. of Social Services.</b></p> <ul style="list-style-type: none"> <li>■ Increase subsidy rates for nontraditional hour care to the maximum allowed – 15%.</li> <li>■ Increase subsidy rates for accredited care to at least 5% (higher if possible, reflecting the higher cost of providing high quality child care).</li> </ul> <p><b>Recommendation for NY OCFS.</b></p> <p>Consistent with the federal guidance across all sets of supplemental guidance to date, increase compensation for the child care workforce to support hiring and retention.</p> <p><u>Consider:</u></p> <ul style="list-style-type: none"> <li>■ Wage supplements</li> <li>■ Bonus payments</li> <li>■ Retention payments</li> <li>■ Signing bonus payments</li> </ul>

Category	CCDBG Federal Law	NY Draft CCDF FY2022-2024 State Plan	County Plan, April 1, 2018 – March 31, 2023	Recommendation
<p><b>Enrollment vs Attendance Payments</b></p>	<p><b>The CCDBG Law:</b> Section 658E (S) Payment Practices.– The plan shall include– (i) a certification that the payment practices of child care providers in the State that serve children who receive assistance under this subchapter reflect generally accepted payment practices of child care providers in the State that serve children who do not receive assistance under this subchapter, so as to provide stability of funding and encourage more child care providers to serve children who receive assistance under this subchapter; and (ii) an assurance that the State will, to the extent practicable, implement enrollment and eligibility policies that support the fixed costs of providing child care services by delinking provider reimbursement rates from an eligible child’s occasional absences due to holidays or unforeseen circumstances such as illness.</p>	<p>Temporary absences from child care are allowed up to 12 days in any one calendar month; provided, further, that such absences may total no more than 12 days in any three-month period if the LDSS selects a three-month period for determining maximum temporary absences, or 24 days in any six-month period if the social services district selects a six-month period for determining maximum temporary absences.</p> <p>Currently out of the 58 LDSSs in New York State, 50 pay for absences. Additionally, LDSSs have the option to pay for up to 5 days for program closures per year.</p>	<p><b>The following providers are eligible for payment for absences if contracted:</b></p> <ul style="list-style-type: none"> <li>■ Day care centers</li> <li>■ Group family day care</li> <li>■ School-age care</li> </ul> <p><u>Not selected:</u></p> <ul style="list-style-type: none"> <li>■ Family day care</li> <li>■ Legally-exempt care</li> </ul> <p>State legislation will increase this to 24 absences per year for all licensed and registered providers. Number of absences allowed in a quarter for contracted providers: 12 Annual: 24</p> <p>Payments for program closures: Maximum allowable- 5 (holiday, inclement weather, training)</p> <p><b>Waiver.</b> Westchester County was approved by NY OCFS for a <a href="#">waiver</a> related to paying for absences and program closures (which has expired).</p>	<p><b>Recommendation for NY OCFS</b></p> <p>At a minimum, re-instate waivers for counties to pay for absences for a 6 month period with the possibility of extending another 6 months.</p> <p><b>Long-term.</b> Pay subsidy on enrollment not attendance to reflect private pay practices and to provide a steady revenue stream for child care programs. Child care programs need to pay for staff whether a child is absent or not, paying based on enrollment is aligned with private-pay policies that providers have in place for families whose care is not paid for with a subsidy.</p>

Category	CCDBG Federal Law	NY Draft CCDF FY2022-2024 State Plan	County Plan, April 1, 2018 – March 31, 2023	Recommendation
	<p><b>The 2016 CCDF final regulations:</b></p> <p>Generally-accepted payment practices typically require parents who pay privately for child care to pay their provider a set fee based on their child’s enrollment, often in advance of when services are provided.</p> <p>(8) To the extent practicable, enrollment and eligibility policies support the fixed costs of providing child care services by delinking provider payment rates from an eligible child’s occasional absences in accordance with § 98.45(l).</p> <p><b>ARP Guidance (CCDF-ACF-IM-2021-03):</b></p> <p>OCC encourages lead agencies to use these supplemental funds to expand their use of grants or contracts to provide direct child care services. OCC also recommends that lead agencies adopt policies to stabilize child care providers by paying based on enrollment and delinking provider subsidy payments from a child’s absence or from a provider’s closure due to COVID-19. Staffing and facilities are fixed costs of running a child care program and are based on expected enrollment not daily attendance. Lead agencies are encouraged to use these funds in a manner that aligns with the true cost of providing care.</p>	<p><b>Waivers for Expansion of Absent Days.</b> To accommodate short term needs of communities during the COVID-19 emergency, OCFS authorized the option for a LDSS to apply for a waiver which allowed them to pay for additional absence days up to 30 days in a 30 day period. Pursuant to the FY 2022 Enacted Budget of the State of New York, changes related to the payment of absences will be implemented. OCFS is in the process of making the necessary regulatory change to support this policy shift.</p>		<p><b>Recommendation for NY OCFS</b></p> <p>At a minimum, re-instate waivers for counties to pay for absences for a 6 month period with the possibility of extending another 6 months.</p> <p><b>Long-term.</b> Pay subsidy on enrollment not attendance to reflect private pay practices and to provide a steady revenue stream for child care programs. Child care programs need to pay for staff whether a child is absent or not, paying based on enrollment is aligned with private-pay policies that providers have in place for families whose care is not paid for with a subsidy.</p>

Category	CCDBG Federal Law	NY Draft CCDF FY2022-2024 State Plan	County Plan, April 1, 2018 – March 31, 2023	Recommendation
<p><b>Child Care Supply</b></p>	<p>Three sets of federal guidance issued to support state implementation of supplemental child care funding under COVID relief laws strongly encourage states to use funding to support supply retention and expansion activities.</p> <p>Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act Guidance, <a href="#">CCDF-ACF-IM-2021-01</a>, issued April 14, 2021.</p> <p>American Rescue Plan Guidance, <a href="#">CCDF-ACF-IM-2021-02</a>, issued May 10, 2021.</p> <p>American Rescue Plan Guidance, <a href="#">CCDF-ACF-IM-2021-03</a>, issued June 11, 2021.</p>	<p>No decisions yet</p>	<p>Unclear until state announcements made</p>	<p><b>Recommendation to NY OCFs.</b></p> <ul style="list-style-type: none"> <li>■ Develop specific funded strategies to address areas within the state (including Westchester County) that are child care deserts for families.</li> <li>■ Fund business technical assistance (TA) to support child care providers (center-based and home-based programs) through training, coaching, and ongoing support to utilize best business practices.</li> </ul>

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## Appendix 2.

## Key Dates for the Obligation and Expenditure of Supplemental Federal Child Care Funding

Federal Law	NY Funding	Dec. 11, 2021	April 1, 2022	Sept. 30, 2022	April 1, 2023	Sept. 30, 2023	Sept. 30, 2024
<b>CARES Act (March 2020)</b> P.L. 116-136	<b>\$163.6 Million</b>			<b>All funds must be obligated</b>		<b>All funds must be spent</b>	
<b>CRRSA Act (Dec. 2020)</b> P.L. 116-260	<b>\$468.7 Million</b>		Notify HHS if unable to obligate funds by Sept. 30, 2022. Funds are recaptured and allotted to other states.	<b>All funds must be obligated</b>		<b>All funds must be spent</b>	
<b>American Rescue Plan Stabilization (March 2021)</b> P.L. 117-2	<b>\$1.1 Billion</b>	Notify HHS if unable to obligate at least 50% of funds	Notify HHS if unable to obligate funds by Sept. 30, 2022. Funds are recaptured and allotted to other states.	<b>All funds must be obligated</b>		<b>All funds must be spent</b>	
<b>American Rescue Plan CCDBG Assistance (March 2021)</b> P.L. 117-2	<b>\$701.6 Million</b>				Notify HHS if unable to obligate funds by Sept. 30, 2023. Funds are recaptured and allotted to other states.	<b>All funds must be obligated</b>	<b>All funds must be spent</b>
<b>American Rescue Plan Mandatory CCDBG Funds Increase (Match Waived)</b> P.L. 117-2	<b>\$28.4 Million</b>		Notify HHS if unable to obligate funds by Sept. 30, 2022. Funds are recaptured and allotted to other states.	<b>All funds must be obligated</b>		<b>All funds must be spent</b>	
<b>Total</b>	<b>\$2.46 Billion</b>						

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#### **About the Child Care Council of Westchester, Inc.**

The Child Care Council of Westchester is a 501(c)(3) not-for-profit organization that champions the healthy development of children, families and our community by promoting quality early care and education. We accomplish this mission by:

- Serving as a one-stop shop for child care resources, referrals and information for parents and employers
- Helping child care providers implement quality improvement strategies, give the best possible care, grow their businesses, and meet their legal obligations
- Actively advocating for policies and resources that improve the quality, affordability and accessibility of care

#### **For additional information, contact**

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