



Empire State Campaign for Child Care

March 27, 2020

Honorable Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol
Albany, NY 12224

Senator Andrea Stewart-Cousins
Senate Majority Leader
907 Legislative Office Building
Empire State Plaza
Albany, NY 12247

Assemblymember Carl E. Heastie
Speaker of the Assembly
932 Legislative Office Building
Empire State Plaza
Albany, NY 12248

Re: **Urgent need for emergency funds in the NYS 2020-2021 Budget to support child care programs across New York State, and the families they serve during this COVID-19 crisis**

Dear Governor Cuomo, Senate Leader Stewart-Cousins and Assembly Speaker Heastie:

We are child care providers, educators, child advocates and parents from around the State – some of us members of the Governor’s Child Care Availability Task Force – writing to urge New York State to take swift, decisive steps to safeguard the safety and well-being of child care providers and the families they serve during this COVID-19 emergency, and to ensure the providers are there on the other side of the crisis.

First, thank you for the swift, bold action taken by New York to address this crisis. With respect to child care, we appreciate the steps taken so far by the Governor, OCFS, State Education Department, counties, New York City and beyond to meet the ever changing needs of families and children. However, more decisive steps need to be taken to safeguard the safety and health of child care providers and the families they serve, and to ensure New York’s child care providers are ready and able to play their vital role in restarting the economy when we emerge from this emergency.

It is time for New York to take bold, decisive action to achieve two essential goals: ensure safe, quality child care remains available to the children of essential workers, families experiencing homelessness and families involved in the child welfare system during this period of crisis; and support child care providers so they are poised and ready to come back on-line at full capacity when the crisis subsides, and New York begins to head back to work.

To cover the costs of these recommendations, we urge New York State to create a flexible COVID-19 Emergency Child Care fund in the 2020-2021 Budget. Some or all of these funds could be derived from a portion of workforce development / economic development funds directed to child care – given that the health and economic survival of New York’s child care provider base is essential to the health of New York’s economy, as well as from new federal CCDBG funds expected to be allocated under the latest federal relief package – the CARES Act – signed into law today. The CARES Act will direct more than [\\$150 million in CCDBG funds](#) for New York which may be used to continue to pay providers based on enrollment, rather than attendance, and may be used to pay tuition for the children of essential workers, regardless of income, among other purposes.

Recommendations:

1. Issue a mandatory order that child care programs may only provide care for the children of first responders and essential workers, children experiencing homelessness, and families involved in the child welfare system. Providers with children in these categories enrolled in their programs should be urged to remain open, and supported in doing so, to provide stability for these families in this uncertain time, but not required to do so. Families who do not fall within these categories will not be able to access care during this period. This conforms with the public health directive that New Yorkers engage in social distancing during this period of emergency. This would also help to ensure that limited resources – cleaning supplies, masks, thermometers, hand sanitizer – are directed to the providers who must serve essential workers. Implementing this order should be led and coordinated by OCFS with regional CCR&Rs.

Similar strategies have been implemented in at least [10 other states](#), including Massachusetts, Vermont, Ohio, Illinois, Maryland, Texas, and soon, New Jersey. In addition, New York City has closed all of its contracted programs, and is providing free care to the children of essential workers in [regional enrichment centers](#) staffed in part by educators from the contracted programs. We recommend this approach because it supports the state’s urgent public health goals; it provides child care providers and parents clear guidance, rather than leaving such complex decisions in the hands of individual providers and parents; and it clarifies for those providers who do not or cannot safely serve the select group of families eligible for care that they may choose to temporarily cease providing care in their center or home during this period of emergency.

2. Provide clear guidance – updated regularly – on how to provide care in the safest manner possible during the COVID-19 public health emergency, for those child care providers that choose to remain open to care for the children of essential workers, children experiencing homelessness, and families involved in the child welfare system (hereinafter, “emergency child care providers,” or “ECCPs”). Ensure ECCPs are given priority access to essential cleaning supplies, masks, thermometers and other protective gear, and are supplied with diapers, wipes, fresh milk and other healthy food. Ensure that ECCPs are provided a direct contact with a health care provider and/or county Department of Health worker who is available to answer questions or concerns, and who will help them to determine whether they need to bar a child from care, or an employee from work, due to possible COVID-19 illness or exposure, or need to close their facility or take other action to comply with the most current public health guidance. This contact should also ensure that should a provider fall ill, she is provided necessary health care and support.

3. Encourage and resource ECCPs to provide extended care – before and after normal business hours – to accommodate the extended hours many essential workers are being required to work to address the public health emergency. Encourage ECCPs with available space to provide care to families of essential workers, families experiencing homelessness and families involved in the child welfare system who are not currently enrolled in their program for the duration of the public health emergency.
4. Provide premium pay and access to comprehensive health care, including mental health coverage, to all ECCPs, their staff and the staff of agencies that directly support providers. Educators and agency staff who perform the essential public service of caring for young children during this health emergency are placing themselves at great [risk](#) of becoming ill. And we are asking this of educators and staff who are often paid near poverty wages, with few, if any, receiving comprehensive health coverage or other benefits. Indeed, many must rely on public supports to make ends meet. Accordingly, all full time staff, including owner/providers, should be paid at least an additional \$1,000 per month, or a pro-rata share if they are part-time. These funds should be paid directly from the Emergency COVID-19 Child Care Fund. All educators should also be provided access to comprehensive health care.
5. Direct local department of social services (DSSs)/ Administration for Children’s Services in New York City (ACS) in New York City to pay all providers participating in the child care subsidy program for March and April 2020 based on the number of children enrolled as of March 1, regardless of attendance. Payments should occur for March and April even if a provider chooses to temporarily close during these months. If the State determines that strict social distancing rules must continue after April, this rule should apply for May, and then be reevaluated. DSSs/ ACS shall also pay all parent shares during this period. The State should provide DSSs/ ACS with additional funds to cover the costs of the parent shares. These payments should be made regardless of whether the provider remains open or closed during the period of emergency. We recognize and appreciate that New York has already given counties the option to continue to pay subsidies, regardless of attendance, and to cover parent share of tuition costs. However, with counties’ funds extremely limited due to the pandemic, and staff stretched thin, it is essential that New York adopt a uniform rule, statewide, and provide additional funds to enable counties to cover any additional costs.

Continuing subsidy payment to closed providers, and those open, but with low-enrollment, will help providers remain financially viable, and poised to reopen when the health emergency is over. It replicates the way public schools are being treated: they are closed, but are continuing to be funded, so that rent, staff and other expenses can be paid. This approach will also allow those providers that choose to provide care for the children of essential workers and at-risk children during this emergency to be able to operate at less than full capacity to enable as much social distancing as possible. This approach is being followed by numerous other states, including Massachusetts, Vermont and Illinois.

6. Enable providers to apply for grants to cover the costs of private pay tuition from families unable or unwilling to pay during this period of emergency – to be paid out from the COVID-19 Child Care Emergency Fund. This is essential to ensure that providers who

serve private pay families – which is the case for most providers – remain financially viable and ready to reopen after this period of emergency. This is an approach being taken by at least one other state (Vermont).

7. Direct and resource all providers – whether they provide care during the period of emergency to undertake reasonable efforts to engage in virtual home visits or other check-ins with the families in their programs. This is a strategy Head Start programs have employed in the wake of other disasters, and could provide critical social and emotional support for families and children during this period of stress, isolation and fear. OCFS and CCR&Rs should be directed to support these efforts, and ensure providers have basic information to refer families to community resources, like food pantries and diaper banks, and to provide activities to ease isolation, and entertain and engage children stuck at home. Providers should be given clear guidance about appropriate steps to take if they are concerned that a child is not safe in the home.

Some New York providers are already engaging in outreach to families keeping their children at home. Given the significant stress many families are facing during this period, outreach by a trusted educator could serve as an essential lifeline to isolated, fearful families.

8. Allow afterschool programs with state-funded afterschool contracts, specifically Advantage After School Program, Empire State After-School Program, and Extended School Day, and federally-funded 21st Century Community Learning Centers Programs to pay their staff with contracted funds during school and program closures. New York will not be able to get back to work after this crisis if our after school programs are not adequately resourced during this crisis.

The Challenges the COVID-19 Crisis is Presenting Child Care Providers and the Families they Serve are Many and Urgent

The needs of child care providers on the frontlines of this COVID-19 crisis – largely women-owned small businesses, already operating on razor-thin margins – are formidable. This is the case both for those that have chosen to keep their doors open, and for those forced to close due to exposure to COVID-19, under-enrollment, or because they are ill-equipped to remain open safely. Providers around the state feel overwhelmed by the choices they are being asked to make. Even with the tremendous support providers are receiving from their regional Child Care Resource and Referral agencies, and regular guidance from OCFS and DOH, the decisions are still immensely difficult, particularly because conditions are changing every hour, and resources are scarce. They do not know how to decide whether to stay open; how to remain open safely; how to keep their business going with low enrollment. Providers cannot secure cleaning supplies, masks, thermometers, milk, diapers or other essential supplies. They are being left to make potentially life-or-death decisions and do not feel like they have the knowledge or supports they need to make those decisions. Further, some wonder why public health officials have deemed it unsafe to keep schools open, yet safe to continue providing child care. Another overwhelming concern: that if/when providers close their doors due to the pandemic, they will not have the resources to reopen.

Our recommendations are informed by the growing understanding that children are not [immune](#) from the COVID-19 virus, and may play a significant role in its [transmission](#). Also informing our recommendations is the projection that New York's health crisis will peak in two to three weeks. This suggests our essential workers will be needed to work at full tilt for at least the next six weeks. Further, it is projected that most schools will remain closed for (at least) another six weeks, and that some social distancing rules may remain in place for many months to come. Our recommendations are also informed by reports we are receiving from providers, CCR&Rs, advocates and parents from around the state of the challenges they are facing. Finally, some of our recommendations are inspired by actions being taken in other states.

Thank you for your consideration of these recommendations which we strongly believe will help to keep New York children and families safe and well during this difficult period. We stand ready to support your efforts during this crisis and beyond.

Respectfully yours,

[Winning Beginning New York](#)
[Empire State Campaign for Child Care](#)

cc: Kathy Hochul, Lieutenant Governor of New York State
Sheila Poole, Acting Commissioner, NYS Office of Children and Family Services
Roberta Reardon, Commissioner, NYS Department of Labor
Howard Zucker, Commissioner, NYS Department of Health
Michael Hein, Commissioner, NYS Office of Temporary and Disability Assistance
Melissa DeRosa, Secretary to the Governor
Paul Francis, Deputy Secretary, NYS Health and Human Services
Kerri Neifeld, Assistant Secretary for Human Services
Kelli Owens, Executive Director of the Office of Prevention of Domestic Violence
Janice Molnar, Deputy Commissioner, Division of Child Care Services, NYS OCFS
Jim Malatras, SUNY Empire State College President
NYS Senators
NYS Assemblymembers