§1
T&E and Note
§2
Approp.

P.L. 2021, CHAPTER 324, ***approved December 21, 2021***
Assembly, No. 4746 ***(Third Reprint)***

AN ACT concerning State subsidies to child care providers and [3]**[**supplementing chapter 5B of Title 30 of the Revised Statutes**]** making an appropriation[3].

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. [3]**[**Notwithstanding**]** For the period beginning on the effective date of P.L. , c. (pending before the Legislature as this bill) and ending June 30, 2022, and notwithstanding[3] any law, rule, or regulation to the contrary and in addition to any other criteria set forth by the Division of Family Development in the Department of Human Services to determine a provider's subsidy payment for child care services, the division shall determine the subsidy payment for child care services issued to a licensed child care [3]**[**provider**]** center[3] [1]**[**in which 60 percent or more of the provider's enrollment is eligible for child care services**]**[1] [2]**[**shall be[1]**]** or a registered family day care provider[2] based on the number of children enrolled with the provider who are eligible for child care services. At no time [3]during this period[3] shall a subsidy payment for child care services issued to a licensed child care [3]**[**provider**]** center[3] [1]**[**in which 60 percent or more of the provider's enrollment is eligible for child care services**]**[1] [2]or a registered family day care provider[2] be based on the attendance of eligible children for child care services.

b. [1]A licensed child care [3]**[**provider**]** center[3] [2]or a registered family day care provider[2] for which the subsidy payment is based on enrollment of children who are eligible for child care services shall comply at all times with requirements concerning the ratio of staff to enrolled children, as established pursuant to regulation by the Office of Licensing in the Department of Children and Families. At no time shall this ratio be based on the attendance of children eligible for child care services.

c. Within [3]**[**24**]** 12[3] months following the effective date of this act, the division shall [3]conduct a study and[3] submit a written report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature comparing the costs of basing

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Assembly AWC committee amendments adopted June 9, 2021.
[2]Assembly floor amendments adopted June 21, 2021.
[3]Assembly amendments adopted in accordance with Governor's recommendations December 20, 2021.

child care provider subsidy payments on the number of children [3]enrolled who are[3] eligible for child care services [3][enrolled with the provider][3] and basing such subsidy payments on the [3]number of children in[3] attendance [3][of children] who are[3] eligible for child care services. [3]As part of the study and report, the division may consider other measures that may be taken with respect to the payment of subsidies to licensed child care centers and registered family day care providers to ensure stability for providers and best serve families of children eligible for child care services.[3]

d.[1] The Commissioner of Human Services shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this section and to continue to secure any available federal financial participation for the applicable child care programs.

[1][c.]e.[1] As used in this section, "child care services" means those services provided to eligible children, as certified by the Division of Family Development within the Department of Human Services, for which the division receives and administers State and federal funding to provide subsidy payments to licensed child care [3][providers] centers[3] [2]and registered family day care providers[2].

2. [3][The Commissioner of Human Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall adopt rules and regulations necessary to implement the provisions of this act] There is appropriated from the General Fund to the Department of Human Services the sum of $400,000 to conduct the study and submit the report required pursuant to subsection c. of section 1 of P.L. , c. (pending before the Legislature as this bill). The Department is authorized to contract with a third party to conduct the study and submit the report required by that subsection.[3]

3. This act shall take effect immediately [3][1]and shall expire two years after the federal government approves the State's application for a State plan amendment or waiver, pursuant to section 1 of this act, or the division implements the revised child care subsidy payment rates, whichever occurs earlier][3].[1]

Requires that certain provider subsidy payments for child care services be based on enrollment.