



An Act Providing Affordable and Accessible High Quality Early Education and Care to Promote Child Development and Well-Being and Support the Economy in the Commonwealth

Whereas: 1) High quality early education and child care is critical to the development, well-being, and success of children; 2) high quality early education and child care is currently unaffordable to a large proportion of families in the commonwealth; and 3) early education and child care providers are not currently funded sufficiently to meet the actual costs of high-quality early education and child care. Therefore, the commonwealth, shall move toward establishment of a fully funded high quality early education and child care system affordable and accessible to all children.

Additions to definitions section of chapter 15D

SECTION 1. Section 1A of chapter 15D of the General Laws is hereby amended by inserting, in alphabetical order among the terms defined in this section the following term and definition: -

“Administrative appeal”, an adjudicatory proceeding, as defined in section 1 of chapter 30A of the General Laws, by which individual families may dispute decisions by the department affecting the family’s access to, retention of, hours covered by, or conditions of a subsidy and providers may dispute decisions by the department affecting the provider’s licensing by or receipt of funding from the department, or any other matter for which appeals are provided under this chapter.

“Caregiver”, a person living with and exercising parental control over at least one child whose parents are not living in the home with them.

“Department’s agents”, includes individuals and entities carrying out the purposes of this chapter, including regional child care resource and referral agencies and early education and care providers that participate in administering subsidies.

“Early education and care”, early education and child care services for infants, toddlers, and pre-school age children, and out-of-school child care for school-aged children.

“Early education and care provider”, an entity providing direct early education and care to children, subject to the requirements of this chapter.

“Family”, one or two parents or one or two caregivers living with at least one child.

“High needs”, needs that may render an individual or family more costly to serve, including needs related to any physical, mental, emotional, intellectual, cognitive, or behavioral disability or condition; adverse health conditions; exposure to domestic violence; trauma history; limited English proficiency; low reading level; experiencing homelessness or housing instability;

extremely little or no income; involvement with the department of children and families; or risk of involvement with the department of children and families.

“Infant,” a person younger than the age of 1 year and 3 months.

“Spaces”, increments representing the number of children that an early education and care provider has the physical capacity to enroll and is licensed or approved to enroll, as distinct from the number of children actually enrolled or attending.

“Subsidies”, payments by the department to or for early education and care providers, as provided in section 13A of this chapter.

“Subsidy authorization period”, the period for which the department approves a subsidy for a child, at the end of which the department conducts an eligibility redetermination to determine whether the subsidy will be continued, terminated, or modified.

“Toddler”, a person between the age of 1 year and 3 months and the age of 2 years and 9 months.

SECTION 2. Chapter 15D of the General Laws is hereby amended by inserting after section 2 the following section: -

Addition of new section 2A to Chapter 15D - Additional duties of EEC

Section 2A. Early education and care department; additional duties.

Establish revised framework for meeting costs of accessible, affordable, high-quality early education and child care system

The department shall establish a revised funding structure under which the costs to early education and care providers of providing high quality early education and care services, as determined under subsection (e) of this section will be met fully by the combination of: (1) payment for the fees charged for the children served, whether paid by the department through subsidies under section 13A of this chapter or in whole or part by the family payments; (2) any direct funding paid by a source other than the department to providers, including under federal Head Start programs, 42 U.S.C. §§ 9831-9852a; and (3) direct funding to providers under section 13B of this chapter.

With respect to funding provided under sections 13A and 13B of this chapter, the department shall:

Ensure disability access and create new director-level position

(a) Ensure that the department, its agents, and early education and care providers that receive funding under section 13A or 13B of this chapter comply with all federal and state requirements relating to accommodating individuals with disabilities, including parents and caregivers with disabilities who apply for or receive subsidies from the department or apply for or receive services from an early education and care provider, and children with disabilities, whose parents or caregivers request to enroll the child with or receive services from the provider.

The department shall establish and maintain a full-time director of disability access, responsible for:

(1) establishing procedures to (i) screen for the need for accommodations, (ii) engage with families regarding the specific accommodations needed, and (iii) provide these accommodations;

(2) ongoing assessment and implementation of the measures needed to ensure that the department's and its agents' methods of administration do not tend to result in lack of new or ongoing access to subsidies or early education and care services due to the disabilities of parents and caregivers or the disabilities of children;

(3) assisting the department to annually assess the costs to the department, its agents, and early education and care providers of compliance; and

(4) coordinating with the department of elementary and secondary education, the department of public health, and other agencies of the commonwealth that provide resources for individuals with disabilities, as needed to ensure consistent access to high quality early education and care.

Provide language access

(b) Ensure that (1) all oral communications with parents and caregivers by the department and its agents are conducted in a language that they are able to fully comprehend and communicate; (2) all written communications are provided in at least the 8 most prevalent non-English languages in the commonwealth, in addition to English; (3) oral translation of documents is provided to parents and caregivers with limited English proficiency in a language that they are able to fully comprehend and communicate, if their language is one for which written translation is not available; (4) parents and caregivers are permitted to meet verification requirements with documents that are in the parent's or caregiver's language; (5) the parent or caregiver shall not be responsible for translating any documents into English; and (6) the parent or caregiver shall not be required to use English versions of forms that are available in their language.

Respond to communications from parents and caregivers

(c) Ensure that the department, through its agents and employees, promptly responds to communications by parents and caregivers, including communications:

(1) requesting information regarding available and open early education and care spaces, subsidies under section 13A of this chapter, the status of parent's or caregiver's application for a subsidy or existing subsidy case, and any other matters;

(2) concerning applying for, increasing, retaining, or appealing denial or termination of these subsidies; and

(3) requesting assistance with applying for, increasing, retaining, or appealing denial or termination of these subsidies.

Proactive notice of provider openings to high-needs families

(d) EEC shall ensure that families with children with high needs are informed of openings with providers that focus on serving such families and children.

Adopt regulations with public process to establish “cost of quality care” methodology for early education and child care system

(e) Adopt regulations, after providing the opportunity for public comment, to be accepted through both testimony at public hearings and written comments, and after consideration of these comments, establishing a validated methodology that the department will use for assessing and updating the full costs of high quality early education and care throughout the commonwealth, taking into account all aspects of providers’ operations and responsibilities and costs that vary with location, type of provider, age ranges of the children served, and service to children with high needs. The methodology shall include the following components:

(1) Base costs

(i) Pay and benefits to all staff, including directors, consistent with section 13D of this chapter, taking into account staff-to-child ratios needed depending on age ranges and service to children with high needs, as well as necessary non-educational staff activities, such as communications with families and EEC staff;

(ii) Professional development and instructional coaching for staff involved in the direct education and care of children;

(iii) Occupancy, including rent, utilities, maintenance, and improvements;

(iv) Office supplies and administration, including internet, telephone, insurance, permits, and taxes or fees;

(v) Educational supplies and curricula, observational tools, and toys;

(vi) Nutritional meals and snacks; and

(vii) Furnishings, appliances, and equipment.

(2) Costs of services to children and families with high needs, including:

(i) Consultants and staff to conduct health, dental, and mental health screening and provide referrals;

(ii) Social work services, including assisting families in accessing financial and other resources to meet basic needs;

(iii) Free transportation services for children to, from, and between early education and care providers, schools, and home;

(iv) Staff and staff training needed for accommodating children with disabilities or other high needs;

(v) Staff and interpreter services for communication with parents and caregivers and serving children with limited English proficiency;

(vi) Staff time and services required to provide intensive or remedial educational and social-emotional programming; and

(vii) Staff time and services required to provide comprehensive family engagement and services to ensure effective early education and promote multi-generational success.

(3) Costs of compliance with all applicable federal and state requirements for receiving funding related to early education and care.

(4) Costs of addressing policy goals, including:

(i) Filling gaps in the availability of early education and care services spaces in locations within the commonwealth that have insufficient numbers of spaces for infants and toddlers, insufficient numbers of spaces for children of any age, or insufficient numbers of providers;

(ii) Meeting the need for early education and care services during nonstandard hours;

Determine full costs of high-quality early education and child care and update annually

(f) Determine and annually update the full costs of high quality early education and care throughout the commonwealth, using the methodology required under subsection (e) of this section and after providing the opportunity for public comment, to be accepted through both testimony at public hearings and written comments, and after consideration of these comments. Until cost calculations are updated in accordance with this chapter, costs shall be increased annually at the rate of inflation as determined by the Consumer Price Index of the U.S. Bureau of Labor Statistics.

Apply for federal funding for early education and child care; Comply with requirements needed to receive and retain federal funds

(g) Comply with all requirements related to applying for and receiving federal funding that is currently available or may become available to the commonwealth for use related to early education and care, including any applicable federal requirements for determining payment rates for the provision of federally-funded early education and care services, including under the Child Care and Development Block Grant Act, 42 U.S.C. § 9858c(c)(2)(M) and (c)(4). Such determinations, if required, shall be made in addition to the determinations required under subsection (f) of this section.

Assess costs of fully implementing new provisions for creating affordable, accessible, high-quality early education and child care system

(h) Annually assess the costs of fully implementing subsections (a), (b), and (c) of this section and sections 13A, 13B, 13C, and 13D of this chapter, including the costs of implementing

subsection (g) of section 13A separately for each paragraph, and the costs of high-quality early education and care under subsection (e) of this section, broken out by infant, toddler, preschool, and school-aged care, and taking into account relevant differences among locations within the commonwealth.

Assess costs of certain unmet needs in the early education and child care system

(i) Annually assess the extent of unmet needs of families eligible for subsidies under section 13A of this chapter, taking in account relevant differences among locations within the commonwealth, for: (1) subsidized transportation of children to and from early education and care providers; (2) early education and care services for time periods outside standard hours; and (3) substitute care on days on which the family's regular early education and care provider is unavailable; and assess the cost of addressing these unmet needs.

Collect employee pay and benefit data, along with rates for care and enrollment data from providers

(j) Annually collect from early education and care providers that receive funding from the department under section 13A or section 13B of this chapter, data on: (1) number of employees by race and ethnicity, (2) the pay rates and employer-paid benefits that they provide to their employees, broken out by job position, and within that, broken out by part-time and full-time employee designation, and (3) the fee rates charged for full-day and partial day early education and care services by age group, (4) numbers of children enrolled by age group, family income range, race, ethnicity, and country-of-origin, (5) the provider's desired enrollment by age group, as distinct from actual current enrollment.

Provide reports to Legislature and others to expand visibility into early education and child care system and implementation of this bill

(k) Within 60 days after the end of the first 12-month period following the effective date of this act and after the end of each 12-month period thereafter, unless a different time frame is specified, report regarding each 12-month period to the board, the secretary, the joint committee on education, and the house and senate committees on ways and means:

- Data on costs and use of subsidies provided

(1) The cost and use of all early education and care subsidies provided by the department. This report shall include, for each of the income ranges in paragraphs (i)-(v) of subsection (g) of section 13A of this act: (i) the total cost of the subsidies provided; (ii) the average daily number of children receiving early education and care subsidies; (iii) the total number of all children receiving early education and care subsidies at any point; (iv) the average daily number of children in the given income range on the department's subsidy wait list; (v) the total number of children in the given income range on the department's subsidy wait list at any time; (vi) the average daily number of unused subsidized spaces contracted by the department with early education and care providers; and (vii) any significant variations among locations within the commonwealth relevant to the matters addressed under this paragraph.

- Data on allocation of subsidies

(2) The allocation of subsidies among the categories of early education and care needs listed in subsection (d) of section 13A of this act. This report shall include, for each category of early education and care need: (i) the total cost of the subsidies provided; (ii) the average daily number

of children receiving early education and care; (iii) the total number of all children receiving early education and care subsidies at any; (iv) the average daily number of children with the given early education and care need on the department's subsidy wait list; (v) the total number of children with the given early education and care need on the department's subsidy wait list at any time during the 12-month period; and (vi) any significant variations among locations within the commonwealth relevant to the matters addressed under this paragraph.

- Data on demographics of children receiving subsidies

(3) The use of subsidies by families with access barriers. This report shall include, by the income ranges in paragraphs (i)-(v) of subsection (g) of section 13A of this act: (i) the average daily numbers, by language, of children, whose parent or caretaker has limited English proficiency, who received early education and care subsidies ; (ii) the total numbers, by language, of children, whose parent or caretaker has limited English proficiency, who received early education and care subsidies; (iii) the average daily numbers, by race and ethnicity, of children who received early education and care subsidies; (iv) the total numbers, by race and ethnicity, of children who received early education and care subsidies; (v) the average daily numbers of children with disabilities requiring accommodations or special services, who received early education and care subsidies; (vi) the total numbers, by type of disability, of children with disabilities requiring accommodations or special services, who received early education and care subsidies; and (vii) any significant variations among locations within the commonwealth relevant to the matters addressed under this paragraph.

- Data on the cost and use of funding allocated for the purposes of section 13B (Bedrock Funding)

(4) The cost and use of all allocations of direct funding to early education and care providers under section 13B of this chapter, including identifying the providers funded, the amount the provider received, and the uses for which the funding was provided.

- Data on subsidy applications, denials, terminations, appeals

(5) Data for the 12-month reporting period providing: (i) the number of applications for subsidies; (ii) the numbers of applications for subsidies denied, broken out by the reason for denial; (iii) the numbers of instances of family subsidies ended during or at the end of a temporary subsidy authorization period, broken out by the reason that the subsidy ended; (iv) the numbers of instances of family subsidies ended prior to the end of a 12-month subsidy authorization period, broken out by the reason that the subsidy ended; (v) the numbers of instances of subsidies ended at the of the family's 12-month subsidy authorization period, broken out by the reason that the subsidy ended; (vi) the numbers of requests for review made by families of the denial of their applications for or ending of their subsidies, broken out by the reason for denial of the application for or end of the subsidy and, of those, the numbers of requests for review that: (a) resulted in a decision that reversed the application denial or subsidy ending, (b) resulted in a decision that upheld the denial or ending of the family's subsidy, or (c) were undecided as of the end of the 12-month reporting period; and (xi) the number of requests for an administrative hearing made by families of the denial of their applications for or ending of their subsidies, broken out by the reason for denial of the application for or ending of the subsidy and, of those, the numbers (a) that resulted in a hearing decision that reversed the application denial or subsidy ending, (b) that resulted in a hearing decision that upheld the application denial or subsidy ending, (c) in which a hearing was not held as of the end of the 12-month reporting

period, or (d) in which a hearing was held but the decision was not issued as of the end of the 12-month reporting period.

- Data on compensation patterns of early education and child care provider staff and use of early educator grant program from this bill

(6) For early education and care providers that receive funding from the department under section 13A or section 13B of this chapter, data from the 12-month period on: (i) the number of employees by race and ethnicity, (ii) the pay rates and employer-paid benefits provided to employees, broken out by job position, and within that, broken out by part-time and full-time employee designation, race and ethnicity, and job location within the commonwealth; (iii) the levels of pay rates and employer-paid benefits compared to levels reported in the previous three reporting years; (iv) the degree of deviation between actual reported pay and pay guidance developed under section 13D of this chapter, including levels of deviation from their previous three reporting years; and (v) the cost and use of all allocations of direct funding to early education and care employees under section 13C of this chapter, including the amount employees received and the uses for which the funding was provided.

- Annual full-cost-of-care, implementation costs, unmet needs determinations/assessments

(7) By February 1 of each year, the results of the determinations made under subsection (f) of this section, the assessments made under subsections (h) and (i) of this section, and the results of calculations used in the determination of the full costs of high quality care under subsections (e) and (f) of this section, including: (i) the average cost of providing early education and care per child broken out by infant, toddler, preschool, and school-aged care, taking into account staff-to-child ratios; (ii) details regarding the effect on the per-child cost of providing early education and care to children and families with high needs; and (iii) details regarding the effect on per-child cost of providing early education and care during nonstandard hours or in locations where there are insufficient numbers of spaces.

Publish enumerated reports online to ensure public access

(1) Publish all reports issued under this section on the department's website, in accordance with subsection (b) of section 19 of chapter 66.

Duties of EEC Board

SECTION 3. Section 3 of chapter 15D of the General Laws is hereby amended by inserting after subsection (c) the following paragraph: -

(13) to ensure, jointly with the commissioner, that the department complies with its obligations under this chapter.

Duties of EEC Commissioner; Budget recommendations needed to fund accessible, affordable, high-quality early education and child care system

SECTION 4. Section 4 of chapter 15D of the General Laws is hereby amended by striking out the sixth paragraph and inserting in place thereof the following paragraphs: -

The commissioner shall be responsible for ensuring that the department and its agents, including regional child care resource and referral agencies and any entity that participates in administering

subsidies, complies with all requirements of this chapter. The department's agents shall comply with any requests from the commissioner for information or corrective action that is necessary for the commissioner to carry out this responsibility, as determined by the commissioner.

The commissioner shall propose a budget to the board. The budget shall reflect the goals and objectives of this chapter and shall include:

- (a) The costs of compliance with section 2A of this chapter, including fully accommodating:
(1) children with disabilities; (2) families in which the parent or caregiver or the child has limited English proficiency; (3) families in need of nonstandard hours of care or care for certain age groups in specific locations; and (4) children and families with high needs through voluntary supplemental services, such as social work services, health and disability-related services, and support to parents and caregivers; and
- (b) The costs of fully implementing sections 13A, 13B, 13C, and 13D of this chapter, such that the costs to early education and care providers of providing high quality early education and care services, as determined under subsection (e) of section 2A of this chapter, would be fully met by the combination of: (1) payment for the fees charged for the children served, whether by the department through subsidies under section 13A of this chapter or in whole or part by the family; (2) any direct funding paid by a source other than the department to providers, including under the federal Head Start programs, 42 U.S.C. §§ 9831-9852c; and (3) direct funding to providers under section 13B of this chapter.

The board shall review the budget proposed by the commissioner and, if determined to meet the requirements of this section, recommend it to the secretary.

New framework for meeting costs of high-quality early education and child care

SECTION 5. Chapter 15D of the General Laws is hereby amended by inserting after section 13 the following sections:

Components of expanded subsidy program

Section 13A. Early education and care subsidy program

- Requirement that EEC use all funding available for subsidies

(a) The department shall use, for the purpose of providing subsidies under this section, all funding, from any source, that is appropriated or otherwise provided to it for the purpose of subsidizing or reducing the costs to families of fees for early education and care for their children, including increasing per child rates set by the department. The department shall not redirect any funding that it receives that is available for use for subsidies if this would result in a reduction of funding for subsidies.

- Subsidies for children from birth through school-age care

(b) The early education and care subsidy program shall provide subsidies to enable all families to afford and access high quality early education and care for infants, toddlers, preschool-age, and school-age children, as defined in section 1A of this chapter, provided that a school-age

child's subsidy shall continue until at least the end of the school year in which the child reaches the maximum age.

- Eligible providers (remains the same as currently)

(c) Subsidies may be used for early education and care provided by public, private, non-profit, and for-profit entities licensed or approved by the department, including but not limited to: preschools, child care centers, nursery schools, before and after school programs, out-of-school-time programs, Head Start and Early Head Start programs, and independent and system-affiliated family child care.

- Prioritized needs for subsidies (for incremental implementation)

(d) The department shall provide subsidies to families eligible in accordance within any income limits in effect under subsection (e) of this section, prioritizing:

(1) families in which early education and child care is needed to enable the parent or caregiver to seek, obtain, or retain employment or attend a training program, school, or other education program;

(2) families experiencing homelessness;

(3) families in which the parent or caregiver has a disability or disabilities that, in the absence of early education and care services, prevent the parent from receiving medical care or result in putting the child at risk of adverse impact on mental, emotional, physical, or developmental wellbeing;

(4) families within the 12-month transitional period after the department of children and families has closed their case;

(5) families experiencing domestic violence; and

(6) families in which the parent or caregiver needs or is in treatment for substance use disorder.

- Retaining existing child care provisions for families involved with DCF

(e) The department shall provide subsidies to families receiving services from the department of children and families as provided in section 2 of chapter 18B of the General Laws.

- Retaining existing child care provisions for families receiving or transitioning from TAFDC

(f) The department shall provide subsidies to recipients of transitional aid to families with dependent children as provided in subsection (j) of section 110 of chapter 5 of the acts of 1995, as amended by section 523 of chapter 151 of the actions of 1996, as further amended by section 156 of chapter 43 of the acts of 1997, and to former recipients of transitional aid to families with dependent children as provided in subsection (f) of section 110 of chapter 5 of the acts of 1995, as amended by section 155 of chapter 43 of the acts of 1997.

- Income range priorities for incremental implementation

(g) If appropriations are insufficient to provide subsidies for all eligible children in the commonwealth, the department shall allocate funding to increase the numbers of families receiving subsidies in stages, in accordance with the following income range priorities:

(1) First priority, to fully subsidize the cost of early education and care services to all families in need of these services, whose income is at or below 25% of the state median income and to all families who are experiencing homelessness or who are headed by a parent under age 20;

(2) Second priority, to fully subsidize the cost of early education and care services to all families in need of these services, whose income is above 25%, but not exceeding 50%, of the Massachusetts state median income;

(3) Third priority, to subsidize the cost of early education and care services to all families in need of these services, whose income is above 50%, but not exceeding 85%, of the Massachusetts state median income, with any family fee set in accordance with paragraph (f) of this section;

(4) Fourth priority, to subsidize the cost of early education and care services to all families in need of these services, whose income is above 85%, but not exceeding 125%, of the Massachusetts state median income, with any family fee set in accordance with paragraph (f) of this section; and

(5) Fifth priority, to subsidize the cost of early education and care services to all families in need of these services, whose income is above 125% of the Massachusetts state median income, with any family fee set in accordance with paragraph (f) of this section.

- Limitations on families' share of fees; No share for lowest income

(h) Amounts charged to families as their share of fees for any children who are not eligible for fully subsidized early education and care child care shall not exceed 7% of the family's total income and shall be determined by a sliding scale applied to the remainder of income after deducting 50% of the state median income.

- Income-counting in subsidy determinations

(i) Family income, for the purposes of eligibility for early education and care subsidies shall include income of parents living with the child receiving subsidized care, but shall not include: any form of income of legal guardians, foster parents, caregivers, or other adult family members; income of or for siblings who are not receiving subsidized care; or earned income of any minor child.

- Confirming department's parent choice responsibilities re: contracts and vouchers

(j) The department shall subsidize early education and care by (1) providing vouchers for payment to providers, enabling families to access early education and care providers of their choice and (2) offering families the alternative of an open space with a provider that is subsidized under the provider's contract with the department.

- Contractual agreements with EEC for subsidies

(k) The department shall require early education and care providers, as a condition for receiving subsidies from the department under this section, to enter into and comply with contractual agreements with the department, developed by the department and requiring the provider to comply with all applicable requirements of this chapter and any other federal or state requirements necessary to receive funding for subsidies provided to families under this section.

- Family appeals of denials of applications for and reductions and terminations of subsidies

(l) The department and its agents shall not reduce, terminate, or deny continued subsidies to families until and unless the family is determined to be ineligible and is given the opportunity for an administrative appeal hearing. In situations in which the department or its agents deny a family's application for a subsidy, the department shall provide the family an opportunity for an administrative appeal hearing and shall process such appeals within 60 days from date requested.

- Protection for families currently eligible for subsidy, but in lower priority category for expansion of subsidy program

(m) The department shall not terminate or deny continued subsidies on the grounds of ineligibility based on income to families who were receiving subsidized early education and care as of the effective date of this section, as long as the family's income does not exceed 125% of Massachusetts state median income.

- Protection for families whose income increases up to 125% SMI

(n) The department shall not terminate or deny continued subsidies on the grounds of ineligibility based on income to families who began receiving subsidies under this section, as long as the family's income does not exceed 125% of Massachusetts state median income.

- Opportunity for increased subsidy due to income loss and payment plans for arrears

(o) To the extent not otherwise prohibited by federal or state law, the department shall not terminate or deny subsidies on the grounds of fee arrears for any arrears that accrued prior to implementation of paragraph (h) of this section or for any later arrears:

(1) Until and unless the family's fees and subsidy have been adjusted, prospectively and retroactively, to take into account any reduction in income, and the arrears reduced accordingly; and

(2) Until and unless the family has been offered an affordable payment plan, taking into account their income and expenses, and only if the family refused to enter into the plan. Disputes about the existence or amount of fee arrears and about the affordability of payment plans shall be subject to administrative appeal. The department shall accord early education and care providers the option of receiving department payment of arrears and repaying the department as the family makes payments under a payment plan.

- Department to continually review and address barriers to accessing subsidies

(p) The department shall review the early education and care subsidy program at least annually to identify access barriers to families, including but not limited to department paperwork and verification requirements and the matters referred to in paragraphs (a), (b), and (c) of section 2A of this chapter, and shall take action to remove access barriers, including by technological improvements to enable management of larger numbers of families applying for and receiving

subsidies and by ongoing improvement of families' experiences in dealing with the department and its agents.

- Requirement to adopt regulations needed to implement subsidy section of bill

(q) The department shall adopt any additional regulations necessary to implement the provisions of this section, after providing the opportunity for public comment, to be accepted through both testimony at public hearings and written comments, and after consideration of these comments.

Establishment of direct funding to providers program

Section 13B. Early education and care provider funding program

- Introducing direct funding to providers (Bedrock Funding) and goals of program

(a) The department shall establish a program of funding to early education and care providers to meet the full range of costs of high quality early education and care to the extent that fees, whether subsidized or unsubsidized, charged for the children receiving early education and care services do not meet these costs. This funding shall be used to address the following priorities:

(1) Expanding affordability of early education and care to families by reducing the percentage of early education and care costs that must be covered by fees charged for children receiving early education and care, whether subsidized or unsubsidized.

(2) Enabling early education and care providers to provide high-quality early education and care and to comply fully with all applicable health, safety, educational, quality-assurance, and other requirements of this chapter and requirements imposed by the department consistent with this chapter.

(3) Maintaining and increasing the supply of early education and care spaces in ways that address shortages in available spaces related to: location within the commonwealth, child age range, ability to serve children with disabilities, and ability to provide care during nonstandard hours.

(4) Compensating early education and care provider staff in accordance with the criteria set forth in section 13D of this chapter.

(5) Enabling early education and care providers to address emergency situations, during which the cost of care significantly increases due to additional federal, state, or department requirements, or the loss of fees due to absence or unenrollment jeopardizes early education and care providers' ability to retain their facilities and staff.

(6) Enabling early education and care providers to maintain or increase capacity to provide voluntary supplemental services to enrolled children and their families, such as social work services, health and disability-related services, and support to parents and caregivers.

- Provider eligibility for receiving Bedrock Funding and responsibilities of recipients

(b) The department shall require early education and care providers, as a condition for receiving funding under this section, to:

(1) Enter into and comply with contractual agreements with the department, which shall be developed by the department;

(2) Continue or begin to enroll children with subsidies through the department, if the family chooses the provider;

(3) Comply with the compensation structure, as established and updated under section 13D of this chapter or if the funding the provider receives is insufficient, increase compensation to the extent possible; and

(4) Provide data that the department requires, as needed to carry out the department's assessment and reporting requirements under this chapter.

- Factors for determining size of Bedrock Funding allocations

(c) The department shall determine the amount of funding to be paid under this section to an early education and care provider and shall take into account the following factors:

(1) The provider's existing number of spaces for children, broken down by age range;

(2) The number of spaces for children, broken down by age range, that the provider would add if funded;

(3) Economies of scale, such that smaller providers may have higher costs in some areas necessitating proportionately higher funding;

(4) Numbers of children with high needs enrolled, or to be enrolled if the provider were funded;

(5) Any variation in costs to the provider due to location within the commonwealth; and

(6) Any increase in costs to the provider of providing, or beginning to provide, services in locations within the commonwealth that have shortages of spaces for particular age groups, such as infants and toddlers, or that have overall shortages of early education and care spaces.

- Criteria for prioritizing providers for Bedrock Funding during incremental implementation

(d) In the event of insufficient funding for all eligible early education and care providers, the department shall select providers based on the following criteria:

(1) The numbers of children with high needs currently enrolled with the provider;

(2) Whether the provider, if funded, would have the capacity and expertise to serve children with disabilities, or children with limited English proficiency or whose parents or caregivers have limited English proficiency;

(3) Whether the provider, if funded, would have the capacity and expertise to serve children and families with high needs, including the provision of the services listed in paragraph (2) of subsection (e) of section 2A of this chapter;

(4) Whether the provider, if funded, would increase services in locations within the commonwealth that have shortages of spaces for particular age groups, such as infants and toddlers, or that have overall shortages of early education and care spaces or unmet needs for nonstandard hours care; and

(5) Whether the provider, if funded, would implement proposed innovations that increase the quality of its early education and care services.

- Presumption of renewal of Bedrock Funding for providers maintaining eligibility

(e) The department shall accord to the early education and care providers to which the department allocates funding under this section a presumption of annual renewal if the provider has complied with all requirements and the appropriations for this section are not reduced such that renewal of all providers is not possible.

- Requirement that EEC use all funding accorded for direct provider Bedrock Funding under this section

(f) The department shall use, for funding the purposes of the section, all funding from any source that is appropriated or otherwise provided to it for direct funding to early education and care providers.

- Requirement to adopt regulations needed to implement Bedrock Funding section of bill

(g) The department shall adopt regulations implementing the provisions of the section, after providing the opportunity for public comment, to be accepted through both testimony at public hearings and written comments, and after consideration of these comments.

Establishment of program for funding for education, training, and profession for persons working in or seeking to enter the early education and care field

Section 13C. Professional Development Grant Program

To assist with recruitment and retention and increase instructional and managerial quality in the early education and care field, the department shall establish a professional development grant program for individuals who are employed by an early education and care provider, working as a family child care provider, or seeking to work in the early education and care field. Under this program, the department shall provide scholarships, loan forgiveness, and other financial aid to enable individuals to achieve early education and care skills and credentials through relevant training and post-secondary certificate and degree programs. The board shall provide relevant information, if any, that it developed and updated as directed by section 5 of this chapter. The department shall adopt regulations implementing this section, after providing the opportunity for public comment, to be accepted through both testimony at public hearings and written comments, and after consideration of these comments.

Establishment of compensation structure needed to deliver stable, quality care and attract/retain talented educators

Section 13D. Early Education and Care Compensation to Individuals

(a) The department shall establish a compensation structure for provider staff involved in the direct education and care of children that is commensurate with annual pay scales for equivalent teacher positions in the public school system administered by the department of elementary and secondary education under chapter 69 of the General Laws, taking into account: job responsibilities; contractual requirements; and the skills, experience, and credentials of the individual.

(b) The department shall establish compensation guidelines for other provider staff not involved in the direct education or care of children that are competitive in the labor market for such staff, enabling providers to maintain stable staffing.

(c) The department shall establish guidelines for the minimum required benefits, and for recommended additional benefits, for provider staff, including but not limited to health insurance, retirement benefits, paid vacation, and other leave time.

(d) The compensation structure and guidelines under this section shall not preclude provider staff from exercising any rights they may have to collective bargaining about pay and benefits.

(e) The department shall review the compensation structure and benefits guidelines annually and update them, as needed, based on increased cost of living.

(f) The department shall adopt regulations implementing the provisions of this section, after providing the opportunity for public comment, to be accepted through both testimony at public hearings and written comments, and after consideration of these comments.

One-time report on resources that EEC needs for implementation of bill and management of reformed system of early education and child care

SECTION 6. Within 180 days following passage of this act, the department shall report to the house and senate committees on ways and means the steps required to implement this Act and a preliminary assessment of the funding and administrative resources that would aid the department in implementing section 5 of this act, such as technological resources, technical expertise, and staffing of the department and its. The department shall hold no fewer than three public meetings and incorporate feedback from families and advocates for families, early education and care providers and advocates for these providers, employers, and other stakeholders from across the commonwealth before the submission of this report. This report shall be made publicly available on the department's website in accordance with section 19 of chapter 66 of the General Laws.

No intent to change existing laws affecting early education and child care for current and former TAFDC families

SECTION 7. Nothing in this act shall be construed as altering the provisions in subsection (j) of section 110 of chapter 5 of the acts of 1995, as amended by section 523 of chapter 151 of the acts of 1996, as further amended by section 156 of chapter 43 of the acts of 1997, for early education and care for current recipients of transitional aid to families with dependent children or the provisions in subsection (f) of section 110 of chapter 5 of the acts of 1995, as amended by section 155 of chapter 43 of the acts of 1997, for early education and care for former recipients of transitional aid to families with dependent children.

No intent to change existing laws affecting early education and child care for families involved with DCF

SECTION 8. Nothing in this act shall be construed as altering the provisions of section 2 of chapter 18B of the General Laws for early education and care for children whose families have an open case with the department of children and families.

SECTION 9. This act shall be implemented notwithstanding any provisions of chapter 15D of the General Laws or any other general or special law to the contrary.

Aspirational time frame

SECTION 10. The department shall fully implement this act within 5 years from the date of passage.

Aspirational time frame

SECTION 11. This act shall take effect upon its passage.