

**SENATE . . . . . No. 2997**

---

---

Senate, July 7, 2022 -- Text of the Senate Bill to expand access to high-quality, affordable early education and care (being the text of Senate, No. 2979, printed as amended)

---

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act to expand access to high-quality, affordable early education and care.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. The sixth paragraph of section 22N of chapter 7 of the General Laws, as  
2 appearing in the 2020 Official Edition, is hereby amended by adding the following sentence:-  
3 Notwithstanding any general or special law to the contrary, child care and school age programs  
4 contracting with the department of early education and care or their agents shall be exempt from  
5 the price limitations set forth by the bureau.

6           SECTION 2. Said section 22N of said chapter 7, as so appearing, is hereby amended by  
7 inserting after the sixth paragraph the following paragraph:-

8           “Annually, not later than July 1, the secretary of education shall submit a report to the  
9 clerks of the senate and the house of representatives, the senate and house committees on ways  
10 and means and the joint committee on education that details: (i) the number of child care and  
11 school age programs contracting with the department of early education and care or their agents;

12 (ii) the rates charged for child care services; and (iii) any discounts, incentives or modifications  
13 allowable under the price limitation exception.

14 SECTION 3. Chapter 10 of the General Laws is hereby amended by adding the following  
15 section:-

16 Section 79. (a) There shall be established and set up on the books of the commonwealth a  
17 separate fund to be known as the Early Education and Child Care Workforce Development Trust  
18 Fund. The fund shall be administered by the secretary of education, in consultation with the  
19 commissioner of early education and care and the commissioner of higher education, for the  
20 purpose of strengthening the pipeline of early childhood educators and promoting professional  
21 development opportunities for child care providers. The fund shall be credited with: (i)  
22 appropriations, bond proceeds or other money authorized or transferred by the general court and  
23 specifically designated to be credited to the fund; (ii) funds from public and private sources,  
24 including, but not limited to, gifts, grants and donations; and (iii) any interest earned on such  
25 money. Revenues deposited in the fund that are unexpended at the end of a fiscal year shall not  
26 revert to the General Fund and shall be available for expenditure in the following fiscal year. No  
27 expenditure made from the fund shall cause the fund to become deficient.

28 (b) Annually, not later than July 1, the secretary of education shall submit a report  
29 detailing expenditures from the trust fund to the clerks of the senate and the house of  
30 representatives, the senate and house committees on ways and means and the joint committee on  
31 education.

32 SECTION 4. Chapter 15A of the General Laws is hereby amended by inserting after  
33 section 19E the following 2 sections:-

34           Section 19F. (a) Subject to appropriation, the board shall, in coordination with the board  
35 of early education and care, establish an early education and child care educator scholarship  
36 program for early education and child care sector educators pursuant to clause (10) of section 5  
37 of chapter 15D, including, but not limited to, standards and application criteria for the  
38 administration of the program including mechanisms to ensure the scholarship provides  
39 meaningful improvements in the delivery of high-quality early education and child care.

40           (b) The scholarship may be used to cover the cost of tuition, fees or course-related  
41 expenses, including, but not limited to, supports unique to the diverse learning needs of the field,  
42 including personal child care expenses in order to attend classes and class meetings, and other  
43 supports deemed appropriate by the boards, for credential, certificate or degree-granting  
44 programs for early educators who are pursuing early education credentials, associate-level or  
45 bachelor-level degrees to meet the teacher and program quality standards of the department of  
46 early education and care.

47           (c) The board of higher education and the board of early education and care shall  
48 determine the scholarship amount; provided, however, that each scholarship amount shall, at a  
49 minimum, be sufficient to cover the full cost of a credential or certificate at a boards approved  
50 provider; and provided further, that the cost of a municipally-owned college credential or  
51 certificate shall be considered when determining scholarship amounts.

52           (d) Eligible recipients shall be current or prospective early education and child care  
53 educators and providers employed in early education and child care programs in the  
54 commonwealth who commit to teaching in early education and child care programs for a term of

55 service to be determined by the boards and shall reflect the diversity of the commonwealth's  
56 early education and child care workforce.

57 (e) Preference shall be given to applicants identified as providers who have displayed a  
58 proven commitment to early childhood education.

59 (f) The program shall be administered by the department, in collaboration with the  
60 department of early education and care, in a manner that ensures recipients receive adequate  
61 support in selecting programs and courses that lead to credentials and further their career in early  
62 education and child care.

63 Section 19G. Subject to appropriation, the board shall, in coordination with the board of  
64 early education and care, establish an early education and child care educator loan forgiveness  
65 program for early education and child care sector educators in the commonwealth pursuant to  
66 clause (10) of section 5 of chapter 15D with preference given to applicants identified as  
67 providers who : (i) have displayed a proven commitment to early childhood education and who  
68 work in communities predominantly serving children and families with high needs, as defined  
69 under section 1A of said chapter 15D; (ii) are members of a group that is at a social or economic  
70 disadvantage or is underrepresented in the early education and child care sector; or (iii) other  
71 areas with a shortage of early education and child care slots.

72 SECTION 5. Section 1A of chapter 15D, as appearing in the 2020 Official Edition, is  
73 hereby amended by inserting after the definition of "Board" the following definition:-

74 "Caregiver", a person living with, supervising and caring for at least 1 child whose  
75 parents are not living in the home with them.

76 SECTION 6. Said section 1A of said chapter 15D, as so appearing, is hereby further  
77 amended by inserting after the definition of “Child care center” the following 2 definitions:-

78 “Child care provider”, a licensed or exempt center-based child care program or a licensed  
79 family-based child care program located in the commonwealth.

80 “Child care subsidy”, financial assistance given to eligible parents for child care provided  
81 by a child care program pursuant to a contract or agreement with the department, a child care  
82 resource and referral agency or a contracted child care provider.

83 SECTION 7. Said section 1A of said chapter 15D, as so appearing, is hereby further  
84 amended by inserting after the definition of “Group care facility” the following definition:-

85 “High needs”, a designation for those individuals or families whose income is not more  
86 than 85 per cent of the state median income and individuals with needs that may result in the  
87 individual or family needing more services, which may include, but shall not be limited to, an  
88 individual or family experiencing any physical, mental, emotional, intellectual, cognitive,  
89 behavioral or health-related disability or condition, exposure to domestic violence, trauma  
90 history, limited English proficiency, limited literacy, homelessness or housing instability.

91 SECTION 8. Said section 1A of said chapter 15D, as so appearing, is hereby further  
92 amended by inserting after the definition of “Mixed system” the following definition:-

93 “Operational grant”, financial assistance from the commonwealth to a child care program  
94 or provider used for those costs directly attributable to the financial sustainability of the program,  
95 such as educator salary and benefits, instructional materials and program quality improvements.

96 SECTION 9. Said section 1A of said chapter 15D, as so appearing, is hereby further  
97 amended by inserting after the definition of “Services” the following definition:-

98 “Subsidized child care provider”, an eligible child care provider, program or individual  
99 that holds a contract or voucher service agreement with the department for the provision of  
100 subsidized child care services.

101 SECTION 10. The second paragraph of section 2 of said chapter 15D, as so appearing, is  
102 hereby amended by striking out clause (e) and inserting in place thereof the following clause:-

103 (e) establish and develop a schedule for revising: (1) a rate structure for voucher and  
104 contracted payments to providers of subsidized early education and child care programs and  
105 services on behalf of income eligible and other at-risk children based on meeting the cost of  
106 providing high-quality early education and child care programs to such children in conformity  
107 with federal and state law, regulations and quality and safety standards; and (2) a sliding fee  
108 scale for participants in those programs, which is updated at least every 5 years to reflect  
109 affordability standards for participating families; provided, however, that recipients of subsidized  
110 child care services whose income is not more than 100 per cent of the federal poverty level shall  
111 not be charged fees for care; and provided further that, a public hearing under chapter 30A and  
112 the approval of the board shall be required before the establishment or revision of the rate  
113 structure and sliding fee scale.

114 SECTION 11. Said second paragraph of said section 2 of said chapter 15D, as so  
115 appearing, is hereby further amended by adding the following clause:-

116 (v) annually, in consultation with the data advisory commission established in section  
117 12A, collect and make publicly available on the department’s website data that provides

118 information on the cost and quality of early education and child care services; provided,  
119 however, that the data shall include, but not be limited to, the: (1) number of licensed or exempt  
120 child care providers; (2) total cost of subsidies provided by the department or its agents; (3) total  
121 number of all children receiving early education and care subsidies by region, age, type of care,  
122 race and ethnicity and disability status of the child, primary language of the household, number  
123 of adults in the household and the income range of the household; (4) average monthly number  
124 and percentage of utilized contracted slots and vouchers by region and type of care provided; (5)  
125 per cent of children enrolled in each subsidized child care program whose family has an income  
126 of not more than 85 per cent of the state median income; (6) tuition charged for full-time and  
127 part-time early education and child care services by age group; and (7) number of children  
128 enrolled by age group, family income range, race, ethnicity, country of origin and preferred  
129 language.

130 SECTION 12. Said chapter 15D is hereby further amended by inserting after section 5  
131 the following section:-

132 Section 5A. (a) There shall be an early education and child care workforce development  
133 advisory council that shall consist of: the secretary of education or a designee, who shall serve as  
134 co-chair; the secretary of labor and workforce development or a designee, who shall serve as co-  
135 chair; the commissioner of early education and care or a designee; the commissioner of higher  
136 education or a designee; the chairs of the joint committee on education or their designees; the  
137 chairs of the joint committee on labor and workforce development or their designees; the chairs  
138 of the joint committee on higher education or their designees; 1 member who shall be appointed  
139 by the minority leader of the senate; 1 member who shall be appointed by the minority leader of  
140 the house of representatives; the president of the commonwealth corporation or a designee; 3

141 members with current early education and care experience appointed by the commissioner of  
142 early education and care, 1 of whom shall be a family child care provider, 1 of whom shall be a  
143 center-based provider and 1 of whom shall be an early education and care provider with not more  
144 than 6 years of classroom experience; and the following members who shall be appointed by the  
145 co-chairs, 1 of whom shall be a representative of the Massachusetts Child Care Resource and  
146 Referral Network, Inc., 1 of whom shall be a representative of the Massachusetts Association of  
147 Early Education & Care, 1 of whom shall be a representative of Jumpstart for Young Children,  
148 Inc., 1 of whom shall be a representative of the Common Start Coalition, 1 of whom shall be a  
149 representative of the Black Economic Council of Massachusetts, Inc., 1 of whom shall be a  
150 representative of the Massachusetts Afterschool Partnership, Inc., 1 of whom shall be a  
151 representative of the Massachusetts Association of Chamber of Commerce Executives, Inc., 1 of  
152 whom shall be a representative of Massachusetts Workforce Association, Inc., 1 of whom shall  
153 be a representative of the Massachusetts Association of Community Colleges, 1 of whom shall  
154 be a representative of the Public Higher Education Network of Massachusetts Inc., 1 of whom  
155 shall be the president of a community college or a designee, 1 of whom shall be a representative  
156 of the Massachusetts Head Start Association, Inc., 1 of whom shall be a representative of the  
157 Massachusetts Association for the Education of Young Children, Inc., 1 of whom shall be a  
158 representative of the Massachusetts Association of Early Childhood Teacher Educators, 1 of  
159 whom shall be a representative of the Massachusetts Business Coalition for Early Childhood  
160 Education, 1 of whom shall be a representative of Strategies for Children, Inc., 1 of whom shall  
161 be a representative of the Alliance of Massachusetts YMCAs, Inc., 1 of whom shall be a  
162 representative of the United Way of Massachusetts Bay, Inc., 1 of whom shall be a representative  
163 of the Massachusetts Business Roundtable, 1 of whom shall be a representative of Massachusetts



164 Project Access: Coalition of Faith Based Schools, 1 of whom shall be a representative of the  
165 Greater Boston Chamber of Commerce, 1 of whom shall be a representative of Neighborhood  
166 Villages, Inc., 1 of whom shall be a representative of the Associated Industries of Massachusetts,  
167 Inc. and 1 of whom shall be a representative of the Service Employees International Union Local  
168 509. Appointees on the advisory council shall reflect geographically diverse regions of the  
169 commonwealth to ensure regional equity within the council.

170 (b) The advisory council shall regularly make recommendations to the secretary of labor  
171 and workforce development, the secretary of education, the commissioner of early education and  
172 care and the commissioner of higher education on (i) the improvement of the design, oversight  
173 and implementation of workforce development programs for early childhood educators and (ii)  
174 enhancing professional development and higher education opportunities necessary for the growth  
175 and stability of a high quality early education and care workforce.

176 (c) There shall be an early education and care workforce development program to  
177 strengthen the pipeline of early educators and promote professional development opportunities  
178 for early education and child care providers. The secretary of education, in consultation with the  
179 secretary of labor and workforce development, the commissioner of early education and care and  
180 the commissioner of higher education, may expend funds from the Early Education and Child  
181 Care Workforce Development Trust Fund established in section 79 of chapter 10 to fund the  
182 program.

183 SECTION 13. Said chapter 15D is hereby further amended by inserting after section 12  
184 the following section:-

185           Section 12A. (a) There shall be a data advisory commission to promote the improved use  
186 of state-level, provider-level and program-level data to inform the cost and quality of early  
187 education and child care services.

188           The data advisory commission shall assist the department in identifying, analyzing and  
189 making recommendations on high-impact, cost-effective data strategies for assessing the needs  
190 of families and children, including, but not limited to:

191           (i) establishing a data collection and reporting system to track: (A) the total number of  
192 children receiving child care subsidies, delineated by region, age, type of care, race and ethnicity,  
193 country of origin and disability status of the child, primary language of the household, number of  
194 adults in the household and income range of the household and other demographic  
195 characteristics; (B) the utilization of available contracted slots and vouchers by region and type  
196 of care provided; and (C) the monthly average number of children on the department's waitlist  
197 for subsidized care, delineated by region, age, type of care, race and ethnicity, country of origin  
198 and disability status of the child, primary language of the household, adults in the household and  
199 income range of the household; (D) the total cost of the subsidies provided; and (E) the average  
200 monthly number and percentage of utilized contracted slots by region;

201           (ii) strengthening the department's capacity to analyze and report on staffing, scheduling  
202 and financial data in ways that support strategic resource allocation decisions, including a review  
203 of national best practice models that ensure greater financial transparency;

204           (iii) strengthening the department's capacity to use data to inform strategic resource  
205 allocation and implementation decisions; and

206 (iv) streamlining data reporting, eliminating duplicative reporting requirements and  
207 improving data quality.

208 (b) The data advisory commission shall consist of: the commissioner of early education  
209 and care or a designee, who shall serve as chair; the secretary of education or a designee; 14  
210 members who shall have demonstrated knowledge and experience in data collection and analysis  
211 for the purpose of improving access to high-quality and affordable early education and child care  
212 services, 1 of whom shall be appointed by the Massachusetts Association for Early Education &  
213 Care, Inc., 1 of whom shall be appointed by the Massachusetts Budget and Policy Center, Inc., 1  
214 of whom shall be appointed by Neighborhood Villages Inc., 1 of whom shall be appointed by the  
215 Alliance of Massachusetts YMCAs, Inc., 1 of whom shall be appointed by the Massachusetts  
216 Head Start Association, Inc., 1 of whom shall be appointed by the Massachusetts Afterschool  
217 Partnership, Inc., 1 of whom shall be appointed by the Common Start Coalition, 1 of whom shall  
218 be appointed by the Massachusetts Early Childhood Funder Collaborative, 1 of whom shall be  
219 appointed by the Massachusetts Business Roundtable, 1 of whom shall be appointed by the  
220 Massachusetts Business Coalition for Early Childhood Education, 1 of whom shall be appointed  
221 by the Boston Foundation, Inc., 1 of whom shall be appointed by Jumpstart for Young Children,  
222 Inc., 1 of whom shall be appointed by Strategies for Children, Inc. and 1 of whom shall be  
223 appointed by Massachusetts Taxpayers Foundation, Inc.; and 5 members who shall be appointed  
224 by the commissioner, 1 of whom shall be a family child care provider, 1 of whom shall be a  
225 center-based provider, 1 of whom shall be a parent of a child currently enrolled in an early  
226 education and child care program and 2 of whom shall have professional experience and  
227 knowledge in the area of data collection, quality and usage in establishing education policy and  
228 improving child and family outcomes. Appointees on the advisory commission shall reflect

229 geographically-diverse regions of the commonwealth to ensure regional equity within the  
230 commission.

231 (c) Annually, not later than December 1, the data advisory commission shall report on its  
232 progress to the clerks of the senate and house of representatives, the house and senate  
233 committees on ways and means and the joint committee on education. The report shall be made  
234 publicly available on the department's website.

235 SECTION 14. Said chapter 15D is hereby further amended by inserting after section 13  
236 the following section:-

237 Section 13A. (a) The department shall use funding that is appropriated or otherwise  
238 provided to it for the purpose of subsidizing education and care to fulfill the requirements of this  
239 section, including, but not limited to, increasing per child rates set by the department.

240 (b) Subject to appropriation, the child care subsidy program shall provide sufficient  
241 subsidies to enable eligible families to afford and access high-quality early education and child  
242 care for infants, toddlers, preschool-age children and school-age children; provided, however,  
243 that a school-age child's subsidy shall continue until at least the end of the school year in which  
244 the child reaches the maximum age. Notwithstanding any general or special law to the contrary,  
245 reimbursement for voucher and contracted payments to child care providers of subsidized early  
246 education and child care programs and services on behalf of income eligible and other at-risk  
247 children shall be based on quarterly enrollment rather than the daily attendance of participants.

248 (c) The department shall subsidize early education and care through means including, but  
249 not limited to: (i) providing vouchers for payment to child care providers, enabling families to  
250 access child care providers of their choice; or (ii) offering families the alternative of an open

251 space with a child care provider that is subsidized under the provider's contract with the  
252 department.

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

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

260 (f) The department shall provide subsidies to families currently involved with, or  
261 transitioning from, transitional aid to families with dependent children; provided, however, that  
262 early education and care benefits shall be available to: (i) recipients of transitional aid to families  
263 with dependent children benefits; (ii) former participants who are working or are engaged in an  
264 approved service need activity for up to 1 year after termination of their benefits; (iii)  
265 participants who are working or are engaged in an approved service need activity for up to 1 year  
266 after the transitional period; and (iv) parents who are under 18 years of age who are currently  
267 enrolled in a job training program and who would qualify for benefits under chapter 118 of the  
268 General Laws if not for the consideration of the grandparents' income; provided further, that  
269 early education and care benefits shall be made available to recipients of the supplemental  
270 nutrition assistance program who are participating in education and training services approved by  
271 the department of transitional assistance.

272 (g)(1) The department shall provide subsidies pursuant to this section to families eligible  
273 under income limits under this subsection.

274 (2) Subject to appropriation, the department shall subsidize the cost of early education  
275 and child care services to all families in need of these services with an income of not more than  
276 85 per cent of the state median income; provided, however, that if appropriations are insufficient  
277 to subsidize the cost of early education and child care services to all families in need of these  
278 services with an income of not more than 85 per cent of the state median income, first priority  
279 shall be provided to those children whose family's household income is not more than 50 per  
280 cent of the state median income or children with a documented disability whose family's  
281 household income is not more than 85 per cent of the state median income and to all children in  
282 families who are experiencing homelessness or who are headed by a parent under the age of 20;  
283 and provided further, that second priority shall be given to children whose family's household  
284 income is greater than 50 per cent but not more than 85 per cent of the state median income;  
285 provided, however, that a family below the federal poverty limit shall not have its priority status  
286 on a waitlist negatively impacted by a family with income above the federal poverty limit.

287 (3) If additional state or federal funds are available or the federal government otherwise  
288 obligates itself to release additional funding for the purpose of expanding access to child care  
289 services, the department shall, in a manner consistent with any requirements or conditions placed  
290 on the receipt or expenditure of the relevant federal funds, allocate funding to increase the  
291 numbers of families receiving subsidies based on income eligibility in the following order of  
292 priority: (i) to those eligible for subsidies as stipulated in paragraph (2); (ii) to subsidize the cost  
293 of early education and child care services to all families in need of such services, whose income  
294 is above 85 per cent, but not exceeding 100 per cent, of the state median income; (iii) to

295 subsidize the cost of early education and child care services to all families in need of these  
296 services, whose income is above 100 per cent, but not exceeding 110 per cent, of the state  
297 median income; and (iv) to subsidize the cost of early education and child care services to all  
298 families in need of these services, whose income is above 110 per cent, but not exceeding 125  
299 per cent, of the state median income.

300 (h) For the purposes of eligibility for child care subsidies, “family income” shall include  
301 income of parents living with the child receiving subsidized care but shall not include: (i) any  
302 form of income of foster parents, caregivers or other adult family members; (ii) income of or for  
303 siblings who are not receiving subsidized care; or (iii) earned income of any minor child.

304 (i) As a condition for receiving subsidies from the department under this section, child  
305 care providers shall enter into and comply with a contract with the department or its agents. The  
306 department shall develop the contract and the contract shall include a requirement that the child  
307 care provider comply with all applicable requirements of this chapter and any other federal or  
308 state requirements necessary to receive funding for subsidies provided to families under this  
309 section.

310 (j) The department or its agents shall not reduce, terminate or deny continued subsidies to  
311 a family unless and until the family is determined to be ineligible and is given the opportunity for  
312 an administrative review. If the department or its agents, after such administrative review,  
313 reduce, terminate or deny a family’s child care subsidy, the department shall provide the family  
314 with an opportunity for an administrative appeal hearing and shall process the appeal within 60  
315 days from the date the request is made. While an administrative review, or, if applicable, an  
316 administrative appeal hearing, subject to rules and regulations promulgated by the department, is

317 pending and until a final determination is made, subsidized child care services shall continue  
318 after receipt of a notice of reduction, termination or denial of continued subsidies

319 (k) The department or its agents shall not reduce, terminate or deny continued child care  
320 subsidies to a family based solely on a family's household income unless and until the family's  
321 household income exceed not less than 85 per cent of the state median income or the income  
322 threshold for currently eligible families as prioritized in subsection (f), whichever is higher.

323 (l) The department shall review the child care subsidy program not less than annually to  
324 identify access barriers to families and opportunities to improve families' experience with the  
325 child care subsidy process, including, but not limited to, department paperwork and verification  
326 requirements. The department shall take action to remove any access barriers, including, but not  
327 limited to: (i) making technological improvements; (ii) streamlining the application and renewal  
328 processes; (iii) improving outreach to potentially eligible families regarding the availability of  
329 subsidies and the process for applying; and (iv) improving access for families whose primary  
330 language is not English.

331 (m) To the extent allowable under federal law and regulation, no subsidy provided under  
332 this section shall be counted as income or assets for the purpose of disqualifying any person from  
333 eligibility for any other government benefit for which the person is otherwise eligible, including,  
334 but not limited to, transitional aid to families with dependent children benefits.

335 (n) The department shall, in accordance with chapter 30A, promulgate any regulations  
336 necessary to implement this section

337 SECTION 15. Said chapter 15D is hereby further amended by adding the following 2  
338 sections:-



339 Section 19. Notwithstanding any general or special law to the contrary and subject to  
340 appropriation, the department shall establish, distribute and maintain an operational grant  
341 program for child care providers. Annually, the department shall review and update the  
342 operational grant formula to ensure continued equity and effectiveness in promoting the financial  
343 sustainability and viability of child care providers.

344 The department shall require early education and care providers, as a condition for  
345 receiving funding under this section, to: (i) enter into and comply with contractual agreements  
346 with the department or its agents, which shall be developed by the department; (ii) continue or  
347 begin to enroll children with subsidies through the department, provided the family chooses the  
348 provider and the provider has an available opening; (iii) comply with any recommended salaries  
349 or compensation put forth by the department; and (iv) provide data that the department requires,  
350 as needed to carry out the department's assessment and reporting requirements under this  
351 chapter. Absent any changes in circumstances, assuming compliance with this section and as  
352 otherwise determined as necessary by the department, operational grants shall, subject to  
353 appropriation and the methodology, be renewed to each provider annually.

354 The department shall annually review and update the operational grant formula to ensure  
355 continued equity and effectiveness in promoting the financial sustainability and viability of child  
356 care providers

357 A public hearing under chapter 30A and the approval of the board shall be required  
358 before the establishment or revision of the operational grant formula.

359 Section 20. The department shall develop the early education and care career ladder  
360 considered under clause (11) of the second paragraph of section 5. The department shall review

361 the career ladder's compensation structure and benefits guidelines annually and update them, as  
362 needed, based on increased cost of living and other factors deemed relevant by the department to  
363 determine appropriate compensation for the field.

364 SECTION 16. Chapter 154 of the acts of 2018 is hereby amended by striking out section  
365 79.

366 SECTION 17. (a) The department of early education and care shall submit a report for  
367 the implementation of the permanent operational grant program for child care providers under  
368 section 19 of chapter 15D of the General Laws that shall include recommendations and proposed  
369 methodology.

370 (b) The department shall make recommendations on: (i) a formula for the distribution of  
371 the grants to child care providers; (ii) criteria for determining eligible grant recipients; (iii)  
372 allowable uses for the grants; (iv) the incorporation of the cost of quality care methodology to be  
373 proposed by the department; (v) opportunities for collaboration and mentorship between grant  
374 recipients and vocational schools with curriculums that include early education and care; and (v)  
375 developing enforceable compliance standards that demonstrate that program openings are  
376 accessible to children receiving subsidies with a goal of increasing subsidy utilization and  
377 methods for ensuring that programs receiving operational grant funding meet the standards  
378 before receiving or renewing their funding.

379 (c) In developing recommendations for the distribution formula for operational grants, the  
380 department shall consider the following factors: (i) provider licensed capacity and enrollment;  
381 (ii) employee staffing costs and benefits; (iii) the number of children enrolled in the child care  
382 program receiving a child care subsidy; (iv) the number of children enrolled in the child care

383 program identified as high needs; (v) the cost of goods and services necessary for the operation  
384 of a child care program, including rent, utilities, maintenance and facility improvements; (vi) the  
385 cost of quality care methodology developed by the department and until such time as the  
386 methodology is established, any available information regarding the cost of quality early  
387 education and care including available credentialing frameworks and applicable salary  
388 guidelines; and (vii) any other factors impacting the cost to child care providers of providing  
389 quality care, including, but not limited to, serving infants and toddlers, providing non-standard  
390 hours of care and providing care in socially and economically disadvantaged and historically  
391 underrepresented communities with shortages of early education and care slots. The department  
392 shall also incorporate geographic equity into the development of the distribution formula.

393 (d) In developing its recommendations regarding the grants recipient eligibility, the  
394 department shall require that, as a condition for receiving funding under this section, child care  
395 providers: (i) enter into and comply with contracts with the department that shall be developed  
396 by the department; (ii) continue or begin to enroll children with subsidies through the department  
397 if the family chooses the provider and the provider has an available opening; (iii) comply with  
398 any recommended salaries or compensation put forth by the department; and (iv) provide the  
399 department with data that the department needs to carry out the department's assessment and  
400 reporting requirements under said chapter 15D.

401 (e) Prior to filing the report, the department shall solicit public comment.

402 (f) The department shall file the report with the clerks of the senate and the house of  
403 representatives, the senate and house committees on ways and means and the joint committee on  
404 education not later than June 30, 2023.

405 (g) The operational grant program for child care providers under said section 19 of said  
406 chapter 15D shall be established based on the recommendations and proposed methodology in  
407 the report required under this section.

408 SECTION 18. (a) There shall be a special commission to study and make  
409 recommendations on employer-supported child care benefits.

410 The commission shall consist of: the chairs of the joint committee on education or their  
411 designees, who shall serve as co-chairs; 1 member who shall be appointed by the minority leader  
412 of the senate; 1 member who shall be appointed by the minority leader of the house of  
413 representatives; the chairs of the joint committee on labor and workforce development or their  
414 designees; the secretary of education or a designee; the secretary of housing and economic  
415 development or a designee; the secretary of labor and workforce development or a designee; 15  
416 members appointed by the co-chairs, 1 of whom shall be a representative of the Massachusetts  
417 Association for Early Education & Care, Inc., 1 of whom shall be a representative of  
418 Massachusetts Budget and Policy Center, Inc., 1 of whom shall be a representative of the  
419 Common Start Coalition, 1 of whom shall be a representative of the Massachusetts Early  
420 Childhood Funder Collaborative, 1 of whom shall be a representative of the Massachusetts  
421 Business Roundtable, 1 of whom shall be a representative of the Greater Boston Chamber of  
422 Commerce, 1 of whom shall be a representative of the Massachusetts Association of Chamber of  
423 Commerce Executives, Inc., 1 of whom shall be a representative of the Massachusetts Taxpayers  
424 Foundation, Inc., 1 of whom shall be a representative of the Associated Industries of  
425 Massachusetts, Inc., 1 of whom shall be a representative of the Boston Foundation, Inc., 1 of  
426 whom shall be a representative of Neighborhood Villages, Inc., 1 of whom shall be a  
427 representative of Strategies for Children, Inc., 1 of whom shall be a representative of the Service

428 Employees International Union Massachusetts State Council, 1 of whom shall be appointed by  
429 the Alliance of Business Leadership and 1 of whom shall be a representative of Massachusetts  
430 Business Coalition for Early Childhood Education; provided, however, that at least 1 member  
431 appointed by the co-chairs shall work at a company that does not offer employer-supported child  
432 care benefits; 1 member who shall be appointed by the Retailers Association of Massachusetts,  
433 Inc., who shall be an owner of a small business; and 2 members who shall be appointed by the  
434 commissioner of early education and care, 1 of whom shall be a family child care provider and 1  
435 of whom shall be a center-based provider. Appointees on the commission shall reflect  
436 geographically diverse regions of the commonwealth to ensure regional equity within the  
437 commission.

438 (b) In making its recommendations, the commission shall consider the feasibility and  
439 economic impact of employer-supported early education and care benefits in the commonwealth,  
440 including, but not limited to: (i) on-site child care; (ii) financial assistance stipends for child care  
441 services; (iii) pre-tax spending child care spending accounts; (iv) partnerships with child care  
442 programs to provide child care services for employees; and (iv) flexible work schedules.

443 The commission shall make recommendations on: (i) encouraging employers to provide  
444 employer-supported early education and care benefits to employees; (ii) requirements for  
445 specific subgroups of employers to provide employer-supported early education and care  
446 benefits to employees; and (iii) other matters related to the expansion of employer-supported  
447 early education and care benefits in the commonwealth.

448 (c) The commission shall hold not less than 3 public meetings and may hold additional  
449 meetings, hearings and other forums that is considers necessary. The commission shall file its

450 report and recommendations with the clerks of the senate and the house of representatives, the  
451 senate and house committees on ways and means and the joint committee on education not later  
452 than June 30, 2023.

453 SECTION 19. The department of early education and care shall file a report: (i) detailing  
454 a plan to expand local partnerships, including strategies and resources necessary to address  
455 community-based program expansion plans currently in development under the Commonwealth  
456 Preschool Partnership Initiative grant; (ii) identifying means by which existing programming  
457 may be continued using existing resources available to child care providers in the mixed delivery  
458 system; (iii) identifying strategies for expanding the number of slots available in communities  
459 currently receiving Commonwealth preschool partnership initiative grants; and (iv) identifying  
460 best practices to expand local partnerships to more communities, including through mixed  
461 delivery programs administered by the local school system, municipal scholarship programs  
462 provided directly to families based on successful models already being implemented in certain  
463 municipalities and other approaches to expand access to public high-quality care. The report  
464 shall be filed with the clerks of the senate and house of representatives, the senate and house  
465 committees on ways and means and the joint committee on education not later than December  
466 31, 2022.

467 SECTION 20. Not later than December 31, 2022, the department of early education and  
468 care, in consultation with the Children's Investment Fund and the Community Economic  
469 Development Assistance Corporation, shall file a report with the clerks of the senate and house  
470 of representatives, the senate and house committees on ways and means and the joint committee  
471 on education detailing proposed improvements to the Early Education and Out of School Time  
472 Capital fund. The report shall include, but not be limited to: (i) eligibility criteria; (ii) size of

473 grants; (iii) ways to streamline the application process; (iv) any other parameters to increase the  
474 impact of the fund; and (iv) any data available on unmet needs for early education and care  
475 facilities improvements.

476 SECTION 21. Not later than January 15, 2023, the department of higher education shall  
477 file a report with the clerks of the senate and house of representatives, the senate and house  
478 committees on ways and means and the joint committee on education, on the design, eligibility  
479 criteria and implementation plans for the early education and care educator scholarship program  
480 and the early education and care educator loan forgiveness program established in sections 19F  
481 and 19G of chapter 15A of the General Laws.

482 SECTION 22. Not later than June 30, 2023, the department of early education and care  
483 shall file a report with the clerks of the senate and house of representatives, the senate and house  
484 committees on ways and means and the joint committee on education that assesses the extent of  
485 current supply and the unmet needs of families, taking into account relevant differences among  
486 geographic locations within the commonwealth including: (i) subsidized transportation of  
487 children to and from child care providers; (ii) early education and care services for time periods  
488 outside standard hours; (iii) substitute care on days on which the family's regular child care  
489 provider is unavailable; and (iv) any other factors that prevent families from accessing state early  
490 education and care subsidies and to assess the cost of addressing these unmet needs.

491 SECTION 23. Not later than June 30, 2023, the department of early education and care  
492 shall submit a report to the clerks of the house of representatives and the senate, the house and  
493 senate committees on ways and means and the joint committee on education on a proposed  
494 methodology to calculate and assess the cost to provide high-quality early education and care.

495 The methodology shall take into consideration the full cost of service delivery, including, but not  
496 limited to, costs that vary based on: (i) geographic region; (ii) child care provider type and size;  
497 (iii) age ranges of children served; (iv) group size and ratios; and (v) the demographics of the  
498 populations served by child care providers; and (vi) costs of additional services to children and  
499 families with high needs, as defined under section 1A of said chapter 15D of the General Laws,  
500 including staff and staff training needed for accommodating children with disabilities or other  
501 high needs, interpreter services, mental health supports for children and staff, trauma-informed  
502 care practice, and staff time required to provide comprehensive family engagement and services  
503 to ensure effective early education and promote multi-generational success.

504 In developing the proposed methodology, the department shall consider the categories  
505 that affect the cost of service delivery, including, but not limited to: (i) administration; (ii) staff  
506 pay and benefits; (iii) professional development and instructional coaching; (iv) operations and  
507 maintenance, including, but not limited to, rent, furniture and utility costs; (v) equipment, office  
508 supplies and technology; (vi) educational supplies and curricula; (vii) food services; and (viii)  
509 transportation services.

510 In the report, the department shall include recommendations to annually assess and  
511 update the methodology to ensure continued alignment with the cost of providing high-quality  
512 early education and care in the commonwealth and compliance with federal regulations. The  
513 department shall also include recommendations regarding the use of the proposed methodology  
514 to inform the development of subsidy reimbursement rates.

515 SECTION 24. Not later than March 31, 2023, the department of early education and care  
516 shall develop the early education and care career ladder required by section 20 of chapter 15D of



517 the General Laws. The department shall file a report with the clerks of the senate and house of  
518 representatives, the senate and house committees on ways and means and the joint committee on  
519 education that includes: (i) a copy of the career ladder; (ii) recommendations for linking  
520 professional development and educational credentials to increased compensation and leadership  
521 opportunities in the field of early education and care; (iii) minimum recommended salaries and  
522 compensation for each level of the career ladder that are commensurate with the salaries of  
523 public school teachers with equivalent credentials and training when required for a position; and  
524 (iv) minimum recommended benefits for child care provider staff, including, but not limited to,  
525 health insurance, retirement benefits, paid vacation and other leave time.

526 SECTION 25. Not later than October 1, 2023, the department of early education and care  
527 shall file a report detailing a plan to pilot, scale and regularly evaluate shared services and  
528 quality licensed hubs for early education and care programs, including family child care  
529 providers with the clerks of the senate and house of representatives, the senate and house  
530 committees on ways and means and the joint committee on education.

531 SECTION 26. Not later than 180 days after the effective date of this act, the department  
532 of early education and care shall file a report with the clerks of the house and the senate, the  
533 senate and house committees on ways and means and the joint committee on education on the  
534 steps required to implement this act and a preliminary assessment of the funding and  
535 administrative resources that would aid the department in implementing this act, such as  
536 technological resources, technical expertise and staffing of the department. The report shall be  
537 made publicly available on the department's website.

538 SECTION 27. Unless otherwise specified, the reports required pursuant to sections 19 to  
539 26, inclusive, shall be made publicly available on the department of early education and care's  
540 website.

541 SECTION 28. The first annual publication of the data required pursuant to clause (v) of  
542 the second paragraph of section 2 of chapter 15D of the General Laws shall be made publicly  
543 available on the department's website not later than June 30, 2023.

544 SECTION 29. Not later than January 15, 2023, the department of early education and  
545 care, in conjunction with the executive office of administration and finance, shall file a report on  
546 the feasibility and implementation of a tax credit for early educators with the clerks of the senate  
547 and house of representatives, the senate and house committees on ways and means and the joint  
548 committee on education.

549 SECTION 30. Section 14 shall take effect 1 year after the effective date of this act.

550 SECTION 31. Section 15 shall take effect on January 15, 2024.