

**SENATE . . . . . No. 339**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Adam Gomez*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act creating a disproportionate share childcare provider fund.

PETITION OF:

NAME:

*Adam Gomez*

DISTRICT/ADDRESS:

*Hampden*

**SENATE . . . . . No. 339**

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By Mr. Gomez, a petition (accompanied by bill, Senate, No. 339) of Adam Gomez for legislation to create a disproportionate share childcare provider fund. Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 345 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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

An Act creating a disproportionate share childcare provider fund.

*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. Notwithstanding any general or special law to the contrary there shall be  
2 established under the Department of Early Education and Care a new fund to be known as the  
3 “Disproportionate Share Childcare Provider Fund”. This fund shall provide supplemental  
4 funding to certain eligible childcare provider agencies which care for a disproportionate number  
5 of high risk children and which meet the criteria set forth in Section 3 of this act.

6           SECTION 2. On an annual basis not less than fifty percent of licensing fees collected by  
7 the Department of Early Education and Care shall be deposited into the Disproportionate Share  
8 Childcare Provider Fund established in Section 1 of this act.

9           SECTION 3. Childcare provider agencies which meet the following criteria shall be  
10 eligible for supplemental funding from the Disproportionate Share Childcare Provider Fund:

11 a) Be an agency which offers center based, family and after school early education and  
12 care programs with a licensed capacity of over 150 children; and

13 b) Have at least 95% of their capacity serving children whose families live at or below  
14 the federal poverty level; and

15 c) Not be a provider of HeadStart or eligible for federal funding as a Community Anti-  
16 Poverty Agency; and

17 d) Receive not less than 90% of agency early education and care revenue from the  
18 Department of Early Education and Care; and

19 e) Operate in a designated “gateway municipality” as defined by Section 3A of Chapter  
20 23A of the General Laws.

21 SECTION 4. Licensed childcare provider agencies which meet the criteria set forth in  
22 Section 3 of this act shall be entitled to an annual payment from the Disproportionate Share  
23 Childcare Provider Fund. Payment to eligible agencies shall be made in a manner prescribed by  
24 the Commissioner of Early Education and Care. All funds contained in the account shall be  
25 expended to eligible licensed childcare provider agencies bi-annually in proportion to the  
26 licensed capacity of the eligible agency. Any funds not expended at the end of each fiscal year  
27 shall remain in such fund and shall not revert to the General Fund.

28 SECTION 5. This act shall take effect upon its passage.