SENATE DOCKET, NO. 1779 FILED ON: 1/19/2023

SENATE . . . . . No. 265

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

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 relative to quality funding for early childhood education and care programs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Sal N. DiDomenico	*Middlesex and Suffolk*	
Vanna Howard	*17th Middlesex*	*1/31/2023*

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SENATE . . . . . No. 265

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 265) of Sal N. DiDomenico and Vanna Howard for legislation relative to rates of payment for early childhood education and care programs. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *317* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to quality funding for early childhood education and care programs.

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

SECTION 1. Section 1 of Chapter 15D, as appearing in the 2020 Official Edition, is hereby amended by inserting after the phrase “It is hereby declared to be the policy of the Commonwealth” the following:- "to contribute a commensurate share of funding that matches annual funding from the federal government in order"

SECTION 2. Section 1A of Chapter 15D, as appearing in the 2018 Official Edition, is hereby amended by inserting after the definition of “Family foster care” the following definitions:-

“Foundation Awards,” an amount of funding from the department to programs providing subsidy early education and subsidy Out of School Time (OST) programs and services as a

quality add-on to the subsidy rate. Said funding shall be used for educator compensation and credentialing as well as program quality and sustainability.

“Governmental mandate,” a state or federal statutory requirement, administrative rule, regulation, assessment, executive order, judicial order or other governmental requirement that directly or indirectly imposes an obligation and associated compliance cost upon a subsidized childcare provider to take any action or to refrain from taking any action in order to fulfill the subsidized child care provider’s contractual duty to a procuring governmental unit.

"Governmental unit," the Commonwealth, any department, agency board, commission, or political subdivision of the Commonwealth.

SECTION 3. Section 1A of Chapter 15D, shall be amended by inserting after the definition of “Services” the following definition:-

“Subsidized Child Care Provider,” a licensed or exempt child care center, or a licensed family child care home located within the Commonwealth of Massachusetts that provides subsidized early education and care programs and services to low-income and at-risk children.

SECTION 4. Chapter 15D, as appearing in the 2018 Official Edition, is hereby amended by inserting after Section 18 the following new sections:-

"Section 19. Notwithstanding the provisions of any general or special law or regulation to the contrary, the board in fulfilling its responsibility in section 2 (e) of chapter 15D shall have the sole responsibility for establishing rates of payment for subsidized early education and care providers which are reasonable and adequate to meet the costs which are incurred by subsidized early education and care providers in providing early education programming and services to low

income and at- risk children in conformity with federal and state law, regulations, quality and safety standards. In addition to meeting this standard, the board shall work with the department to establish and distribute foundation awards as a quality add-on to the subsidy rate. Said Foundation Awards funding shall be used for educator compensation and credentialing as well as program quality and sustainability and must take into account and compensate at: (i) the number of subsidy children receiving early education and Out of School Time programs and services; (ii) the costs of credentials, salaries and benefits of educators towards a goal of lead classroom educators being compensated at a commensurate level as outlined in Bureau of Labor Statistic frameworks for early educator compensation target goals.

In creating said foundation awards, the board shall use (i) available cost and geographic market data related to early education and care providers; (ii) annual inflation costs of the Commonwealth and (iii) available educator credentialing frameworks and the Bureau of Labor Statistics data for early educator compensation target goals.

Section 20. Within six months of passage of this act and annually moving forward, the board shall conduct at least four regional meetings available to all early education and Out of School Times programs providing subsidy programming in order to discuss and receive data on the costs of providing high-quality early education services and shall create a standardized methodology to develop and implement a Foundation Award."

SECTION 5. This act shall take effect on July 1, 2024.