

1 S.56

2 Introduced by Senators Hardy, Lyons, Baruth, Bray, Campion, Chittenden,
3 Clarkson, Cummings, Gulick, Hashim, McCormack, Perchlik,
4 Ram Hinsdale, Sears, Vyhovsky, Watson and White

5 Referred to Committee on

6 Date:

7 Subject: Human services; education; prekindergarten; child care

8 Statement of purpose of bill as introduced: This bill proposes to establish the
9 public prekindergarten education program. It proposes to designate a second
10 Deputy Secretary within the Agency of Education. It further proposes to
11 establish a property tax exemption for child care providers. This bill proposes
12 to reorganize the Department for Children and Families and establish the
13 Department of Economic Empowerment. It also proposes to increase family
14 eligibility and provider payments in the Child Care Financial Assistance
15 Program, to establish the Noncitizen Child Care Assistance Program, and to
16 provide child care workforce retention grants.

17 An act relating to child care and early childhood education

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 * * * Agency of Education Structure and Prekindergarten * * *

3 Sec. 1. 16 V.S.A. § 11 is amended to read:

4 § 11. CLASSIFICATIONS AND DEFINITIONS

5 (a) As used in this title, unless the context otherwise clearly requires:

6 * * *

7 (31) “Early childhood education;” or “early education;” ~~or~~
8 ~~“prekindergarten education”~~ means services designed to provide
9 developmentally appropriate early development and learning experiences
10 based on Vermont’s early learning standards to children who are three to four
11 years of age and to ~~five-year-old~~ children five years of age who are not eligible
12 for or enrolled in kindergarten.

13 * * *

14 (36) “Prekindergarten education” has the same meaning as in section
15 829 of this title.

16 * * *

17 Sec. 2. 16 V.S.A. § 213 is amended to read:

18 § 213. DEPUTY SECRETARIES

19 The Secretary shall employ ~~such number of deputy secretaries as he or she~~
20 ~~deems necessary~~ at least two deputy secretaries. One deputy secretary shall:

1 Sec. 4. 16 V.S.A. § 829 is amended to read:

2 § 829. PUBLIC PREKINDERGARTEN EDUCATION PROGRAM

3 (a) Definitions. As used in this section:

4 (1) “Prekindergarten child” means a child who, ~~as of the date~~
5 ~~established by the district of residence for kindergarten eligibility, on or before~~
6 September 1, is three or four years of age or is five years of age but is not yet
7 enrolled in kindergarten.

8 (2) “Prekindergarten education” means services designed ~~to provide to~~
9 for prekindergarten children that are play-based, developmentally appropriate,
10 and foster early development and learning experiences based on Vermont’s
11 early learning standards.

12 (3) ~~“Prequalified private provider” means a private provider of~~
13 ~~prekindergarten education that is qualified pursuant to subsection (c) of this~~
14 ~~section.~~ “Public prekindergarten education program” means the provision of
15 high quality, publicly funded full-day prekindergarten education at a public
16 school, which is available to prekindergarten children either within a child’s
17 district of residence or paid for by a child’s district of residence if the district
18 does not maintain an elementary school.

19 (b) Access to ~~publicly funded~~ a public prekindergarten education program.

20 (1) ~~No fewer than ten hours per week of publicly funded~~ Each school
21 district that maintains an elementary school for its resident students shall

1 maintain a full-time public prekindergarten education program, which shall be
2 available ~~for 35 weeks annually~~ to each prekindergarten child whom a parent
3 or guardian wishes to enroll ~~in an available, prequalified program operated by~~
4 ~~a public school or a private provider.~~ Each public prekindergarten education
5 program shall operate for the school year, as defined in section 1071 of this
6 title. A school district that does not maintain an elementary school and does
7 not maintain a public prekindergarten education program shall pay tuition for
8 its resident students to attend a public prekindergarten education program
9 outside the district.

10 (2) If a parent or guardian chooses to enroll a prekindergarten child in ~~an~~
11 ~~available, prequalified~~ a public prekindergarten education program, then;
12 ~~pursuant to the parent or guardian's choice~~, the school district of residence
13 shall:

14 (A) pay tuition pursuant to ~~subsections~~ subsection (d) and (h) of this
15 section upon the request of the parent or guardian to: a public prekindergarten
16 education program outside the district of residence if it does not maintain a
17 public prekindergarten education program; or

18 (i) ~~a prequalified private provider~~; or

19 (ii) ~~a public school located outside the district that operates a~~
20 ~~prekindergarten program that has been prequalified pursuant to subsection (e)~~
21 ~~of this section~~; or

1 (B) enroll the child in the public prekindergarten education program
2 that it operates.

3 ~~(3) If requested by the parent or guardian of a prekindergarten child, the~~
4 ~~school district of residence shall pay tuition to a prequalified program operated~~
5 ~~by a private provider or a public school in another district even if the district of~~
6 ~~residence operates a prekindergarten education program.~~

7 ~~(4) If the supply of prequalified private and public providers is~~
8 ~~insufficient to meet the demand for publicly funded prekindergarten education~~
9 ~~in any region of the State, nothing in this section shall be construed to require a~~
10 ~~district to begin or expand a program to satisfy that demand; but rather, in~~
11 ~~collaboration with the Agencies of Education and of Human Services, the local~~
12 ~~Building Bright Futures Council shall meet with school districts and private~~
13 ~~providers in the region to develop a regional plan to expand capacity.~~

14 Nothing in this subsection shall preclude a school district from:

15 (A) operating a public prekindergarten education program in a
16 building other than an elementary school building; or

17 (B) maintaining a public prekindergarten education program within
18 the district when the district does not maintain one or more elementary schools.

19 ~~(c) Prequalification. Pursuant to rules jointly developed and overseen by~~
20 ~~the Secretaries of Education and of Human Services and adopted by the State~~
21 ~~Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine~~

1 ~~that a private or public provider of prekindergarten education is qualified for~~
2 ~~purposes of this section and include the provider in a publicly accessible~~
3 ~~database of prequalified providers. At a minimum, the rules shall define the~~
4 ~~process by which a provider applies for and maintains prequalification status,~~
5 ~~shall identify the minimum quality standards for prequalification, and shall~~
6 ~~include the following requirements:~~

7 (1) Program requirements. ~~A program of public prekindergarten~~
8 ~~education, whether provided by a school district or a private provider, program~~
9 ~~shall have received:~~

10 (A)(1) have received National Association for the Education of
11 Young Children (NAEYC) accreditation;

12 (B) ~~at least four stars in the Department for Children and Families'~~
13 ~~STARS system; or~~

14 (C) ~~three stars in the STARS system if the provider has developed a~~
15 ~~plan, approved by the Commissioner for Children and Families and the~~
16 ~~Secretary of Education, to achieve four or more stars.~~

17 (2) ~~A licensed provider shall employ or contract for the services of at~~
18 ~~least one teacher who is licensed and endorsed in early childhood education or~~
19 ~~in early childhood special education under chapter 51 of this title.;~~

20 (3) ~~A registered home provider that is not licensed and endorsed in early~~
21 ~~childhood education or early childhood special education shall receive regular,~~

1 ~~active supervision and training from a teacher who is licensed and endorsed in~~
2 ~~early childhood education or in early childhood special education under~~
3 ~~chapter 51 of this title~~ meet the criteria for hours of operation and minimum
4 number of school days pursuant to section 1071 of this title;

5 (4) allow a prekindergarten child to attend on a part-time basis on a
6 schedule established by school board policy pursuant to subdivision 563(1) of
7 this title; and

8 (5) use play-based curriculum and programming.

9 (d) Tuition, budgets, and average daily membership.

10 (1) ~~On behalf of a resident prekindergarten child, a district shall pay~~
11 ~~tuition for prekindergarten education for ten hours per week for 35 weeks~~
12 ~~annually to a prequalified private provider or to a public school outside the~~
13 ~~district that is prequalified pursuant to subsection (c) of this section; provided,~~
14 ~~however, that the district shall pay tuition for weeks that are within the~~
15 ~~district's academic year. Tuition paid under this section shall be at a statewide~~
16 ~~rate, which may be adjusted regionally, that is established annually through a~~
17 ~~process jointly developed and implemented by the Agencies of Education and~~
18 ~~of Human Services. A district shall pay tuition upon: In a district that~~
19 maintains a public prekindergarten education program, a parent or guardian
20 may enroll a child in the public prekindergarten education program maintained
21 by the district of residence by enrolling the child in the district of residence.

1 (2) In a district that does not maintain a public prekindergarten
2 education program, the district shall pay tuition pursuant to subsection 823(a)
3 of this title upon:

4 (A) receiving notice from the child's parent or guardian that the child
5 is or will be ~~admitted to the~~ enrolled in a public prekindergarten education
6 program ~~operated by the prequalified private provider or the other district~~
7 outside the district of residence; and

8 (B) concurrent enrollment of the prekindergarten child in the district
9 of residence for purposes of budgeting and determining average daily
10 membership.

11 ~~(2)~~(3) In addition to any direct costs of operating a public
12 prekindergarten education program, a district of residence shall include
13 anticipated public prekindergarten education program tuition payments and
14 any administrative, quality assurance, quality improvement, transition
15 planning, or other prekindergarten-related costs in its annual budget presented
16 to the voters.

17 ~~(3)~~(4) Pursuant to subdivision 4001(1)(C) of this title, the district of
18 residence may include within its average daily membership any
19 prekindergarten child for whom it has provided prekindergarten education or
20 on whose behalf it has paid tuition pursuant to this section.

1 ~~(4) A prequalified private provider may receive additional payment~~
2 ~~directly from the parent or guardian only for prekindergarten education in~~
3 ~~excess of the hours paid for by the district pursuant to this section or for child~~
4 ~~care services, or both. The provider is not bound by the statewide rate~~
5 ~~established in this subsection when determining the rates it will charge the~~
6 ~~parent or guardian.~~

7 (e) Rules. The Secretary of Education and ~~the Commissioner for Children~~
8 ~~and Families, in consultation with Building Bright Futures, shall jointly~~
9 ~~develop and agree to~~ rules and present them to the State Board for adoption
10 under 3 V.S.A. chapter 25 as follows:

11 (1) ~~To permit private providers that are not prequalified pursuant to~~
12 ~~subsection (e) of this section to create new or continue existing partnerships~~
13 ~~with school districts through which the school district provides supports that~~
14 ~~enable the provider to fulfill the requirements of subdivision (e)(2) or (3), and~~
15 ~~through which the district may or may not make in-kind payments as a~~
16 ~~component of the statewide tuition established under this section.~~

17 (2) ~~To authorize a district to begin or expand a school-based~~
18 ~~prekindergarten education program only upon prior approval obtained through~~
19 ~~a process jointly overseen by the Secretaries of Education and of Human~~
20 ~~Services, which shall be based upon analysis of the number of prekindergarten~~
21 ~~children residing in the district and the availability of enrollment opportunities~~

1 ~~with prequalified private providers in the region. Where the data are not clear~~
2 ~~or there are other complex considerations, the Secretaries may choose to~~
3 ~~conduct a community needs assessment.~~

4 ~~(3) To require that the school district provides opportunities for effective~~
5 ~~parental participation in the public prekindergarten education program.~~

6 ~~(4)(2) To establish a process by which:~~

7 ~~(A) a parent or guardian notifies the district that the prekindergarten~~
8 ~~child is or will be ~~admitted to~~ enrolled in a public prekindergarten education~~
9 ~~program not operated by the district and concurrently enrolls the child in the~~
10 ~~district pursuant to ~~subdivision~~ subdivisions (d)(1) and (2) of this section;~~

11 ~~(B) a district:~~

12 ~~(i) pays tuition pursuant to a schedule that does not inhibit the~~
13 ~~ability of a parent or guardian to enroll a prekindergarten child in a~~
14 ~~prekindergarten education program or the ability of a prequalified private~~
15 ~~provider to maintain financial stability; and~~

16 ~~(ii) enters into an agreement with any provider to which it will pay~~
17 ~~tuition regarding quality assurance, transition, and any other matters; and~~

18 ~~(C) a provider that has received tuition payments under this section~~
19 ~~on behalf of a prekindergarten child notifies a district that the child is no longer~~
20 ~~enrolled.~~

1 ~~(5) To establish a process to calculate an annual statewide tuition rate~~
2 ~~that is based upon the actual cost of delivering ten hours per week of~~
3 ~~prekindergarten education that meets all established quality standards and to~~
4 ~~allow for regional adjustments to the rate.~~

5 ~~(6) [Repealed.]~~

6 ~~(7)(3) To require a district to include identifiable costs for public~~
7 ~~prekindergarten education programs and essential early education services in~~
8 ~~its annual budgets and reports to the community.~~

9 ~~(8)(4) To require a district to report to the Agency of Education annual~~
10 ~~expenditures made in support of public prekindergarten education programs,~~
11 ~~with distinct figures provided for expenditures made from ~~the General Fund,~~~~
12 ~~~~from~~ the Education Fund; and from all other sources, which shall be specified.~~

13 ~~(9)(5) To provide an administrative process for:~~

14 ~~(A) a parent, guardian, or provider to challenge an action of a school~~
15 ~~district or the State when the complainant believes that the district or State is in~~
16 ~~violation of State statute or rules regarding the public prekindergarten~~
17 ~~education program; and~~

18 ~~(B) a school district to challenge an action of ~~a provider or~~ the State~~
19 ~~when the district believes that ~~the provider or~~ the State is in violation of State~~
20 ~~statute or rules regarding the public prekindergarten education program.~~

1 ~~(10)~~(6) To establish a system by which the Agency of Education ~~and~~
2 ~~Department for Children and Families~~ shall jointly monitor and evaluate public
3 prekindergarten education programs to promote optimal results for children
4 that support the relevant population-level outcomes set forth in 3 V.S.A.
5 § 2311 and to collect data that will inform future decisions. The Agency ~~and~~
6 ~~Department~~ shall be required to report annually to the General Assembly in
7 January. At a minimum, the system shall monitor and evaluate:

8 (A) programmatic details, including the number of children served,
9 the number of ~~private and~~ public prekindergarten education programs operated,
10 and the public financial investment made to ensure access to quality
11 prekindergarten education;

12 (B) the quality of public ~~and private~~ prekindergarten education
13 programs and efforts to ensure continuous quality improvements through
14 mentoring, training, technical assistance, and otherwise; and

15 (C) the results for children, including school readiness and
16 ~~proficiency in numeracy and literacy~~ social-emotional development.

17 ~~(11)~~(7) To establish a process for documenting the progress of children
18 enrolled in public prekindergarten education programs and to require public
19 ~~and private providers~~ prekindergarten education programs to use the process
20 to:

21 (A) help individualize instruction and improve program practice; and

1 (B) collect and report child progress data to the Secretary of
2 Education on an annual basis.

3 (f) ~~Other provisions of law. Section 836 of this title shall not apply to this~~
4 ~~section. [Repealed.]~~

5 (g) Limitations. Nothing in this section shall be construed to ~~permit or~~
6 ~~require payment of public funds to a private provider of prekindergarten~~
7 ~~education in violation of Chapter I, Article 3 of the Vermont Constitution or in~~
8 ~~violation of the Establishment Clause of the U.S. Constitution~~ prohibit a
9 private prekindergarten provider from providing prekindergarten education in
10 accordance with rules adopted by the Department for Children and Families'
11 Division of Child Development.

12 (h) ~~Geographic limitations.~~

13 (1) ~~Notwithstanding the requirement that a district pay tuition to any~~
14 ~~prequalified public or private provider in the State, a school board may choose~~
15 ~~to limit the geographic boundaries within which the district shall pay tuition by~~
16 ~~paying tuition solely to those prequalified providers in which parents and~~
17 ~~guardians choose to enroll resident prekindergarten children that are located~~
18 ~~within the district's "prekindergarten region" as determined in subdivision (2)~~
19 ~~of this subsection.~~

20 (2) ~~For purposes of this subsection, upon application from the school~~
21 ~~board, a district's prekindergarten region shall be determined jointly by the~~

1 ~~Agencies of Education and of Human Services in consultation with the school~~
2 ~~board, private providers of prekindergarten education, parents and guardians of~~
3 ~~prekindergarten children, and other interested parties pursuant to a process~~
4 ~~adopted by rule under subsection (e) of this section. A prekindergarten region:~~

5 ~~(A) shall not be smaller than the geographic boundaries of the school~~
6 ~~district;~~

7 ~~(B) shall be based in part upon the estimated number of~~
8 ~~prekindergarten children residing in the district and in surrounding districts, the~~
9 ~~availability of prequalified private and public providers of prekindergarten~~
10 ~~education, commuting patterns, and other region-specific criteria; and~~

11 ~~(C) shall be designed to support existing partnerships between the~~
12 ~~school district and private providers of prekindergarten education.~~

13 ~~(3) If a school board chooses to pay tuition to providers solely within its~~
14 ~~prekindergarten region, and if a resident prekindergarten child is unable to~~
15 ~~access publicly funded prekindergarten education within that region, then the~~
16 ~~child's parent or guardian may request and in its discretion the district may pay~~
17 ~~tuition at the statewide rate for a prekindergarten education program operated~~
18 ~~by a prequalified provider located outside the prekindergarten region.~~

19 ~~(4) Except for the narrow exception permitting a school board to limit~~
20 ~~geographic boundaries under subdivision (1) of this subsection, all other~~
21 ~~provisions of this section and related rules shall continue to apply.~~

1 Sec. 5. 16 V.S.A. § 1073 is amended to read:

2 § 1073. “LEGAL PUPIL” DEFINED; ACCESS TO SCHOOL

3 (a) Definition. ~~“Legal~~ As used in this section, “legal pupil” means an
4 individual who has attained ~~the age of five~~ four years of age on or before
5 ~~January~~ September 1 ~~next following the beginning~~ of the school year.

6 However, a school district may require that students admitted to kindergarten
7 have attained ~~the age of five~~ years of age on or before any date between
8 August 31 and January 1.

9 * * *

10 (c) ~~Prekindergarten and essential~~ Essential early education. An individual
11 who is not a legal pupil may be enrolled ~~in a public school in a prekindergarten~~
12 ~~program offered by or through a public school pursuant to rules adopted under~~
13 ~~section 829 of this title or~~ in a program of essential early education offered
14 pursuant to section 2956 of this title.

15 (d) Relocation. If one or both of a child’s parents or guardians are being
16 relocated to the State under military orders, a school district shall allow
17 registration of the student by mail, telephone, or electronically and shall not
18 require the parent or legal guardian of the student or the student themselves to
19 physically appear at a location within the district to register the student. Proof
20 of required residency shall not be required at the time of the remote registration

1 but shall be required within 10 days ~~of~~ following the student's attendance in
2 the school district.

3 Sec. 6. 16 V.S.A. § 4001 is amended to read:

4 § 4001. DEFINITIONS

5 As used in this chapter:

6 (1) "Average daily membership" of a school district or, if needed in
7 order to calculate the appropriate homestead tax rate, of the municipality as
8 defined in 32 V.S.A. § 5401(9), in any year means:

9 (A) The full-time equivalent enrollment of prekindergarten children
10 and students in grades kindergarten through 12, as defined by the State Board
11 by rule, who are legal residents of the district or municipality attending a
12 school owned and operated by the district, attending a public school outside the
13 district under section 822a of this title, or for whom the district pays tuition to
14 one or more approved independent schools or public schools outside the
15 district during the annual census period. The census period consists of the 11th
16 day through the 30th day of the school year in which school is actually in
17 session.

18 * * *

19 (C) The full-time equivalent enrollment for each ~~prekindergarten~~
20 child receiving essential early education services is as follows: If a child ~~is~~
21 ~~enrolled in 10 or more hours of prekindergarten education per week or receives~~

1 10 or more hours of essential early education services per week and is not
2 enrolled in a public prekindergarten program, the child shall be counted as one
3 full-time equivalent pupil. If a child is ~~enrolled in six or more but fewer than~~
4 ~~10 hours of prekindergarten education per week or if a child~~ receives fewer
5 than 10 hours of essential early education services per week, the child shall be
6 counted as a percentage of one full-time equivalent pupil, calculated as one
7 multiplied by the number of hours per week divided by ~~ten~~ 10. ~~A child~~
8 ~~enrolled in prekindergarten education for fewer than six hours per week shall~~
9 ~~not be included in the district's average daily membership~~. There is no limit
10 on the total number of children ~~who may be enrolled in prekindergarten~~
11 ~~education or~~ who receive essential early education services.

12 * * *

13 (15) "Prekindergarten child" means a ~~three or~~ four-year-old child who
14 is enrolled in a public prekindergarten education program offered by or
15 ~~through a school district pursuant to rules adopted under~~ section 829 of this
16 title ~~or who is receiving essential early education services offered pursuant to~~
17 ~~section 2956 of this title~~. Prekindergarten child also means a five-year-old
18 child who otherwise meets the terms of this definition if that child is not yet
19 eligible for or enrolled in kindergarten.

20 (16) "Child receiving essential early education services" means a three-
21 or four-year-old child who is receiving essential early education services

1 offered pursuant to section 2956 of this title. Child receiving essential early
2 education services also means a five-year-old child who otherwise meets the
3 terms of this definition if that child is not yet eligible for or enrolled in
4 kindergarten.

5 Sec. 7. 16 V.S.A. § 4010 is amended to read:

6 § 4010. DETERMINATION OF WEIGHTED LONG-TERM MEMBERSHIP
7 AND PER PUPIL EDUCATION SPENDING

8 * * *

9 (d) Determination of weighted long-term membership. For each weighting
10 category except the small schools weighting category under subdivision (b)(3)
11 of this section, the Secretary shall compute the weighting count by using the
12 long-term membership, as defined in subdivision 4001(7) of this title, in that
13 category.

14 (1) The Secretary shall first apply grade level weights. Each pupil
15 included in long-term membership from subsection (b) of this section shall
16 count as one, multiplied by the following amounts:

17 (A) ~~prekindergarten—negative 0.54; [Repealed.]~~

18 (B) grades six through eight—0.36; and

19 (C) grades nine through 12—0.39.

20 * * *

1 Sec. 8. 19 V.S.A. § 921 is amended to read:

2 § 921. SCHOOL ZONES

3 (a) Municipalities shall erect or cause to be erected on all public highways
4 near a school warning signs conforming to the standards of the Manual on
5 Uniform Traffic Control Devices as provided in 23 V.S.A. § 1025.

6 (b) For the purposes of this section and 23 V.S.A. § 1025, the term
7 “school” shall include ~~school-district-operated~~ public prekindergarten
8 education program facilities owned or leased by a school district.

9 Sec. 9. 23 V.S.A. § 1003 is amended to read:

10 § 1003. STATE SPEED ZONES

11 (a) When the Traffic Committee constituted under 19 V.S.A. § 1(24)
12 determines, on the basis of an engineering and traffic investigation that shall
13 take into account, if applicable, safe speeds within school zones (or safe speeds
14 within 200 feet of ~~school-district-operated~~ public prekindergarten education
15 program facilities owned or leased by a school district) when children are
16 traveling to or from such schools or facilities, that a maximum speed limit
17 established by this chapter is greater or less than is reasonable or safe under
18 conditions found to exist at any place or upon any part of a State highway,
19 including the Dwight D. Eisenhower National System of Interstate and
20 Defense Highways, it may determine and declare a reasonable and safe limit
21 that is effective when appropriate signs stating the limit are erected. This limit

1 may be declared to be effective at all times or at times indicated upon the
2 signs; and differing limits may be established for different times of day,
3 different types of vehicles, varying weather conditions, or based on other
4 factors bearing on safe speeds, which are effective when posted upon
5 appropriate fixed or alterable signs.

6 * * *

7 Sec. 10. AGENCY OF EDUCATION; DEPUTY SECRETARY
8 AUTHORIZATION; APPROPRIATION

9 (a) The establishment of a second Deputy Secretary position within the
10 Agency of Education pursuant to 16 V.S.A. § 213 is authorized beginning in
11 fiscal year 2024.

12 (b) In fiscal year 2024, \$200,000.00 is appropriated for the creation of a
13 second Deputy Secretary position within the Agency of Education.

14 Sec. 11. RULEMAKING

15 (a) The Department for Children and Family's Child Development
16 Division, in consultation with Building Bright Futures, shall amend the
17 following rules pursuant to 3 V.S.A. chapter 25 to reflect the creation of the
18 public prekindergarten education program pursuant to 16 V.S.A. § 829:

19 (1) Department for Children and Families, Licensing Regulations for
20 Afterschool Child Care Programs (CVR 13-171-003);

1 (2) Department for Children and Families, Licensing Regulations for
2 Center-Based Child Care and Preschool Programs (CVR 13-171-004); and

3 (3) Department for Children and Families, Child Care Licensing
4 Regulations; Registered and Licensed Family Child Care Homes (CVR 13-
5 171-005).

6 (b) The Agency of Education, in consultation with Building Bright Futures,
7 shall amend the following rules pursuant to 3 V.S.A. chapter 25 to reflect the
8 creation of the public prekindergarten education program pursuant to
9 16 V.S.A. § 829:

10 (1) Agency of Education, Length of School Day and Year—Specific
11 Program Requirements for Public Schools (CVR 22-000-005);

12 (2) Agency of Education, Full-time Equivalent Enrollment of Pupils
13 (CVR 22-000-027); and

14 (3) Agency of Education, Prekindergarten Education (CVR 22-000-
15 035).

16 * * * Property Tax Exemption; Property Used by a Child Care Provider * * *
17 Sec. 12. 32 V.S.A. § 3802(22) is added to read:

18 (22) Up to \$10,000.00 of value of real and personal property:

19 (A) owned by a home-based child care provider as defined by
20 33 V.S.A. § 3511(3) and used to provide child care services as defined by
21 33 V.S.A. § 3511(4); or

1 the portion used for business purposes includes more than 25 percent of the
2 floor space of the building.

3 * * *

4 (H)(i) A homestead does not include any portion of a dwelling that is
5 rented, and a dwelling is not a homestead for any portion of the year in which
6 it is rented.

7 (ii) Notwithstanding subdivision (i) of this subdivision (7)(H), a
8 homestead shall include a dwelling, or a portion of a dwelling, that otherwise
9 qualifies as a homestead and that is rented at not less than 25 percent below
10 fair market value as determined by the prevailing area market prices for
11 comparable space or property to a center-based child care provider as defined
12 by 33 V.S.A. § 3511(3) and is used to provide child care services as defined by
13 33 V.S.A. § 3511(4).

14 * * * Department for Children and Families Restructure and Creation of
15 Department of Economic Empowerment * * *

16 Sec. 15. 3 V.S.A. § 212 is amended to read:

17 § 212. DEPARTMENTS CREATED

18 The following administrative departments are hereby created, through the
19 instrumentality of which the Governor, under the Constitution, shall exercise
20 such functions as are by law assigned to each department respectively:

21 * * *

1 (24) The Department of Vermont Health Access;

2 (25) The Department of Economic Empowerment.

3 Sec. 16. 3 V.S.A. § 241 is amended to read:

4 § 241. BACKGROUND INVESTIGATIONS

5 (a) “Federal tax information” or “FTI” means returns and return
6 information as defined in 26 U.S.C. § 6103(b) that are received directly from
7 the Internal Revenue Service or obtained through an IRS-authorized secondary
8 source, that are in the Recipient’s possession or control, and that are subject to
9 the confidentiality protections and safeguarding requirements of the Internal
10 Revenue Code and corresponding federal regulations and guidance.

11 (b) As used in this chapter, “Recipient” means the following authorities of
12 the Executive Branch of State government that receive FTI:

13 (1) Agency of Human Services, including:

14 (A) Department for Children and Families;

15 (B) Department of Economic Empowerment;

16 (C) Department of Health;

17 ~~(D)~~ Department of Mental Health; and

18 ~~(E)~~ Department of Vermont Health Access.

19 (2) Department of Labor.

20 (3) Department of Motor Vehicles.

21 (4) Department of Taxes.

1 (5) Agency of Digital Services.

2 (6) Department of Buildings and General Services.

3 * * *

4 Sec. 17. 3 V.S.A. § 816 is amended to read:

5 § 816. EXEMPTIONS

6 (a) Sections 809–813 of this title shall not apply to:

7 (1) Acts, decisions, findings, or determinations by the Human Services
8 Board or the ~~Commissioner~~ Commissioners of Economic Empowerment or for
9 Children and Families or a duly authorized agent, and to procedures or
10 hearings before and by the Board or Commissioner or agent.

11 * * *

12 Sec. 18. 3 V.S.A. § 3002 is amended to read:

13 § 3002. CREATION OF AGENCY

14 (a) An Agency of Human Services is created consisting of the following:

15 (1) The Department of Corrections.

16 (2) The Department for Children and Families.

17 (3) The Department of Health.

18 (4) The Department of Disabilities, Aging, and Independent Living.

19 (5) The Human Services Board.

20 (6) The Department of Vermont Health Access.

21 (7) The Department of Mental Health.

1 Sec. 20. 3 V.S.A. § 3084 is amended to read:

2 § 3084. DEPARTMENT FOR CHILDREN AND FAMILIES

3 (a) The Department for Children and Families is created within the Agency
4 of Human Services ~~as the successor to and the continuation of the Department~~
5 ~~of Social and Rehabilitation Services, the Department of Prevention,~~
6 ~~Assistance, Transition, and Health Access, excluding the Department of~~
7 ~~Vermont Health Access, the Office of Economic Opportunity, and the Office~~
8 ~~of Child Support. The Department shall also include a Division of Child~~
9 ~~Development Programs~~ to promote the healthy development of children and
10 youth, oversee and support a system of high-quality child care programs in
11 home- and community-based settings, and provide assistance and support to
12 parents and families. It shall include the Divisions of Child Development and
13 of Family Services and the Offices of Children with Special Health Needs and
14 of Maternal and Child Health.

15 (b) An investigations unit is created within the Department for Children
16 and Families as the successor to and continuation of the investigation functions
17 of the Social Services Division of the Department of Social and Rehabilitation
18 Services under 33 V.S.A. chapter 49.

1 Sec. 21. 3 V.S.A. § 3091 is amended to read:

2 § 3091. HEARINGS

3 (a) An applicant for or a recipient of assistance, benefits, or social services
4 from the Department for Children and Families, of Economic Empowerment,
5 of Vermont Health Access, of Disabilities, Aging, and Independent Living, or
6 of Mental Health, ~~or~~; an applicant for a license from one of those departments;
7 or a licensee may file a request for a fair hearing with the Human Services
8 Board. An opportunity for a fair hearing ~~will~~ shall be granted to any individual
9 requesting a hearing because ~~his or her~~ the individual's claim for assistance,
10 benefits, or services is denied; or is not acted upon with reasonable
11 promptness; or because the individual is aggrieved by any other Agency action
12 affecting ~~his or her~~ the individual's receipt of assistance, benefits, or services,
13 or license or license application; or because the individual is aggrieved by
14 Agency policy as it affects ~~his or her~~ the individual's situation.

15 * * *

16 Sec. 22. 3 V.S.A. § 3094 is amended to read:

17 § 3094. OFFICE OF CHILD SUPPORT

18 (a) The Office of Child Support is created within the Department ~~for~~
19 ~~Children and Families~~ of Economic Empowerment and shall be designated the
20 IV-D agency for purposes of Title IV-D of the federal Social Security Act.

1 (b) The Office shall be headed by a Director who shall be appointed by the
2 Secretary of Human Services subject to section 3054 of this title.

3 Sec. 23. 3 V.S.A. § 3098 is added to read:

4 § 3098. DEPARTMENT OF ECONOMIC EMPOWERMENT

5 The Department of Economic Empowerment is created within the Agency
6 of Human Services to empower families and individuals through the provision
7 of financial support, case management, and other assistance aimed at building
8 skills and independence. It shall include the Office of Child Support, the
9 Office of Economic Opportunity, the Disability Determination Services
10 Division, and the Economic Services Division.

11 Sec. 24. 4 V.S.A. § 953 is amended to read:

12 § 953. SOURCES OF NAMES

13 (a) The clerk, in order to ascertain names of persons eligible as jurors, may
14 consult the latest census enumeration, the latest published city, town, or village
15 telephone or other directory, the listers' records, the elections records, and any
16 other general source of names.

17 (b) Notwithstanding any law to the contrary, the Court Administrator may
18 obtain the names, addresses, and dates of birth of persons ~~which~~ that are
19 contained in the records of the Department of Motor Vehicles, the Department
20 of Labor, the Department of Taxes, the Department of Health, the Department
21 of Economic Empowerment, and the Department for Children and Families.

1 The Court Administrator may also obtain the names of voters from the
2 Secretary of State. After the names have been obtained, the Court
3 Administrator shall compile them and provide the names, addresses, and dates
4 of birth to the clerk in a form that will not reveal the source of the names. The
5 clerk shall include the names provided by the Court Administrator in the list of
6 potential jurors.

7 * * *

8 Sec. 25. 8 V.S.A. § 10204 is amended to read:

9 § 10204. EXCEPTIONS

10 This subchapter does not prohibit any of the activities listed in this section.
11 This section shall not be construed to require any financial institution to make
12 any disclosure not otherwise required by law. This section shall not be
13 construed to require or encourage any financial institution to alter any
14 procedures or practices not inconsistent with this subchapter. This section
15 shall not be construed to expand or create any authority in any person or entity
16 other than a financial institution.

17 * * *

18 (4) Disclosure of information sought by the Department for Children
19 and Families pursuant to its authority and obligations under 33 V.S.A. § 112.

20 * * *

1 (D) a self-certification of a protected tenant's status as a victim of
2 abuse, sexual assault, or stalking, signed under penalty of perjury, on a
3 standard form adopted for that purpose by:

4 (i) a federal or State government entity, including the federal
5 Department of Housing and Urban Development, the Vermont Department of
6 Economic Empowerment, or the Vermont Department for Children and
7 Families; or

8 (ii) a nonprofit organization that provides support services to
9 protected tenants.

10 * * *

11 Sec. 29. 10 App. V.S.A. § 16 is amended to read:

12 § 16. SUSPENSION OF LICENSES: ENFORCEMENT OF CHILD
13 SUPPORT ORDERS, 15 V.S.A. § 798

14 * * *

15 16.3 All notices of compliance with a child support order shall be upon a
16 standard compliance form, as devised and approved by the court, the Vermont
17 Agency of Human Services, Department of ~~Children and Families~~ Economic
18 Empowerment, and this Department.

19 16.4 If the motion for the court order was brought by the Vermont Agency
20 of Human Services, Department of ~~Children and Families~~ Economic
21 Empowerment, then notice of compliance shall only be accepted from the

1 Vermont Agency of Human Services, Department of ~~Children and Families~~
2 Economic Empowerment or the court.

3 * * *

4 16.8 Department personnel shall direct all inquiries from persons seeking
5 reinstatement to the court or the Vermont Agency of Human Services,
6 Department of ~~Children and Families~~ Economic Empowerment, if the Vermont
7 Agency of Human Services, Department of ~~Children and Families~~ Economic
8 Empowerment was the entity ~~which~~ that brought the motion for suspension
9 before this court.

10 Sec. 30. 12 V.S.A. § 3169 is amended to read:

11 § 3169. HEARING ON MOTION; FINDINGS; ORDER

12 (a) At the hearing on the motion the court shall determine on the basis of
13 the motion and any affidavit of the judgment creditor, the record in the civil
14 action and any testimony offered by either party, and by the trustee whether the
15 judgment debtor has neglected or refused to pay or make reasonable
16 arrangements to pay the money judgment in question. If the court so finds, it
17 shall also determine:

18 (1) the amount of the judgment unpaid;

19 (2) the amount of the judgment debtor's weekly disposable earnings;

20 (3) whether the judgment debtor has been a recipient of assistance from

21 the Vermont ~~Department~~ Departments for Children and Families, of Economic

1 Empowerment, or ~~the Department~~ of Vermont Health Access within the two
2 months preceding the date of the hearing; and

3 * * *

4 Sec. 31. 12 V.S.A. § 3170 is amended to read:

5 § 3170. EXEMPTIONS; ISSUANCE OF ORDER

6 (a) No order approving the issuance of trustee process against earnings
7 shall be entered against a judgment debtor who was, within the two-month
8 period preceding the hearing provided in section 3169 of this title, a recipient
9 of assistance from the Vermont Department ~~for Children and Families of~~
10 Economic Empowerment or the Department of Vermont Health Access. The
11 judgment debtor must establish this exemption at the time of hearing.

12 * * *

13 Sec. 32. 13 V.S.A. § 1028 is amended to read:

14 § 1028. ASSAULT OF PROTECTED PROFESSIONAL; ASSAULT WITH
15 BODILY FLUIDS

16 * * *

17 (d) As used in this section:

18 (1) “Protected professional” ~~shall mean~~ means a law enforcement
19 officer; a firefighter; a health care worker; an employee, contractor, or grantee
20 of the Department for Children and Families or Department of Economic

1 Empowerment; or any emergency medical personnel as defined in 24 V.S.A.
2 § 2651(6).

3 * * *

4 Sec. 33. 15 V.S.A. § 294 is amended to read:

5 § 294. ~~MAN~~ UNRELATED ADULT IN THE HOUSE

6 (a) When the ~~mother~~ parent of minor children is residing within the same
7 household as ~~a man~~ an adult unrelated to ~~her~~ the parent and not otherwise
8 liable for the support of the ~~mother and her~~ parent and the parent's children, on
9 the complaint of the ~~mother~~ parent or, if ~~she~~ the parent is receiving public
10 assistance, the ~~Department~~ Departments of Economic Empowerment or for
11 Children and Families, the Superior Court shall make such decree concerning
12 the support of the ~~mother~~ parent and the care, custody, maintenance, and
13 education of the children as in cases where the ~~husband~~ nonresidential parent
14 refuses without just cause to support ~~his wife~~ the parent living with the
15 children and the children. The decree shall by its terms continue in force for so
16 long as the defendant resides within the household or until further order of the
17 court.

18 (b) This section shall not apply to persons living in boarding houses.

19 Sec. 34. 15 V.S.A. § 606 is amended to read:

20 § 606. ACTION TO RECOVER MAINTENANCE, CHILD SUPPORT, AND
21 SUIT MONEY; SANCTION FOR NONCOMPLIANCE

1 (a) When a judgment or order for the payment of either temporary or
2 permanent maintenance, child support, or suit money has been made by the
3 Family Division of the Superior Court, and personal jurisdiction of the person
4 liable for the payment of money under the judgment or order has been
5 obtained, the party entitled by the terms of the judgment or order to payment
6 thereunder, or the Office of Child Support in all cases in which the party or
7 dependent children of the parties are the recipients of financial assistance from
8 the ~~Department~~ Departments of Economic Empowerment or for Children and
9 Families, may file a motion in the Family Division of the Superior Court
10 asking for a determination of the amount due. Upon notice to the other party
11 and hearing thereon, the Family Division of the Superior Court shall render
12 judgment for the amount due under the judgment or order; the court may order
13 restitution to the ~~Department~~ Departments, order that payments be made to the
14 Office of Child Support for distribution, or make such other orders or
15 conditions as it deems proper. The judgment shall be as binding and as
16 enforceable in all respects as though rendered in any other civil action. Notice
17 shall be given in such manner as the Supreme Court shall by rule provide. An
18 additional motion may be brought at any time for further unpaid balances. The
19 Family Division of the Superior Court in which the cause was pending at the
20 time the original judgment or order was made shall have jurisdiction of
21 motions under the provisions of this section, irrespective of the amount in

1 controversy or the residence of the parties. The motions may be brought and
2 judgment obtained on judgments, decrees, and orders previously rendered and
3 still in force.

4 * * *

5 Sec. 35. 15 V.S.A. § 658 is amended to read:

6 § 658. SUPPORT

7 (a) In an action under this chapter or under chapter 21 of this title, the court
8 shall order either or both parents owing a duty of support to a child to pay an
9 amount for the support of the child in accordance with the support guidelines
10 as set forth in this subchapter, unless otherwise determined under section 659
11 of this title.

12 (b) A request for support may be made by either parent, a guardian, or the
13 Department for Children and Families, Department of Economic
14 Empowerment, or the Department of Vermont Health Access, if a party in
15 interest. A court may also raise the issue of support on its own motion.

16 * * *

17 Sec. 36. 16 V.S.A. § 1592 is amended to read:

18 § 1592. POWERS AND RESPONSIBILITIES OF BOARD OF TRUSTEES

19 With respect to the provision of postsecondary career technical education
20 programs, in addition to those powers and responsibilities set forth in chapter
21 72 of this title, the Vermont State Colleges Board of Trustees shall:

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(3) coordinate such programs with other employment and training programs such as those offered by the Department of Employment and Training, the Department of Labor, the Department ~~for Children and Families~~ of Economic Empowerment, the Agency of Commerce and Community Development, independent colleges, and the Vermont Student Assistance Corporation; and

(4) possess all other necessary and implied powers to carry out such responsibilities.

Sec. 37. 18 V.S.A. § 5227 is amended to read:

§ 5227. RIGHT TO DISPOSITION

* * *

(d)(1) If the disposition of the remains of a decedent is determined under subdivision (a)(10) of this section, the Office of the Chief Medical Examiner may contract with a funeral director or disposition facility to cremate the remains of the decedent.

(2)(A) If the cremation of the decedent is arranged and paid for under 33 V.S.A. § 2301, the Department ~~for Children and Families~~ of Economic Empowerment shall pay the cremation expenses to the funeral home, up to the maximum payment permitted by rule by the Department ~~for Children and Families~~ of Economic Empowerment.

1 caseload-related needs primarily in the Departments for Children and Families,
2 of Economic Empowerment, of Health, of Mental Health, of Disabilities,
3 Aging, and Independent Living, of Vermont Health Access, and settlement
4 costs associated with managing the Global Commitment waiver.

5 * * *

6 Sec. 42. 32 V.S.A. § 1003 is amended to read:

7 § 1003. STATE OFFICERS

8 * * *

9 (b) The Governor may appoint each officer of the Executive Branch listed
10 in this subsection at a starting salary ranging from the base salary stated for
11 that position to a salary that does not exceed the maximum salary unless
12 otherwise authorized by this subsection. The maximum salary for each
13 appointive officer shall be 50 percent above the base salary. Annually, the
14 Governor may grant to each of those officers an annual salary adjustment
15 subject to the maximum salary. The annual salary adjustment granted to
16 officers under this subsection shall not exceed the average rate of adjustment
17 available to classified employees under the collective bargaining agreement
18 then in effect. In addition to the annual salary adjustment specified in this
19 subsection, the Governor may grant a special salary increase subject to the
20 maximum salary, or a bonus, to any officer listed in this subsection whose job
21 duties have significantly increased, or whose contributions to the State in the

1 preceding year are deemed especially significant. Special salary increases or
2 bonuses granted to any individual shall not exceed the average rate of
3 adjustment available to classified employees under the collective bargaining
4 agreement then in effect.

5 (1) Heads of the following Departments and Agencies:

	Base Salary	Base Salary
	as of	as of
	January 5, 2020	July 4, 2021
9 (A) Administration	\$121,634	\$126,378
10 (B) Agriculture, Food and Markets	121,634	126,378
11 (C) Financial Regulation	113,710	118,145
12 (D) Buildings and General Services	113,710	118,145
13 (E) Children and Families	113,710	118,145
14 (F) Commerce and Com-		
15 munity Development	121,634	126,378
16 (G) Corrections	113,710	118,145
17 (H) Defender General	113,710	118,145
18 (I) Disabilities, Aging, and	113,710	118,145
19 Independent Living		
20 (J) Economic Development	103,149	107,172
21 (K) Education	121,634	126,378

1	(L)	Environmental Conservation	113,710	118,145
2	(M)	Finance and Management	113,710	118,145
3	(N)	Fish and Wildlife	103,149	107,172
4	(O)	Forests, Parks and Recreation	103,149	107,172
5	(P)	Health	113,710	118,145
6	(Q)	Housing and Community	103,149	107,172
7		Development		
8	(R)	Human Resources	113,710	118,145
9	(S)	Human Services	121,634	126,378
10	(T)	Digital Services	121,634	126,378
11	(U)	Labor	113,710	118,145
12	(V)	Libraries	103,149	107,172
13	(W)	Liquor and Lottery	103,149	107,172
14	(X)	[Repealed.]		
15	(Y)	Mental Health	113,710	118,145
16	(Z)	Military	113,710	118,145
17	(AA)	Motor Vehicles	103,149	107,172
18	(BB)	Natural Resources	121,634	126,378
19	(CC)	Natural Resources Board Chair	103,149	107,172
20	(DD)	Public Safety	113,710	118,145
21	(EE)	Public Service	113,710	118,145

1	(FF) Taxes	113,710	118,145
2	(GG) Tourism and Marketing	103,149	107,172
3	(HH) Transportation	121,634	126,378
4	(II) Vermont Health Access	113,710	118,145
5	(JJ) Veterans' Home	113,710	118,145
6	<u>(KK) Economic Empowerment</u>	<u>113,710</u>	<u>118,145</u>

7 * * *

8 Sec. 43. 32 V.S.A. § 3102 is amended to read:

9 § 3102. CONFIDENTIALITY OF TAX RECORDS

10 * * *

11 (f) Notwithstanding the provisions of this section, information obtained
12 from the Commissioner for Children and Families under 33 V.S.A. § 112(c),
13 from the Commissioner of Economic Empowerment under 33 V.S.A. § 212(c),
14 from the Vermont Student Assistance Corporation under 16 V.S.A. § 2843, or
15 from the Dental Health Program under 33 V.S.A. § 4507 shall be confidential,
16 and it shall be unlawful for anyone to divulge such information except in
17 accordance with a judicial order or as provided under another provision of law.

18 * * *

19 Sec. 44. 32 V.S.A. § 5932 is amended to read:

20 § 5932. DEFINITIONS

21 As used in this chapter:

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(2) “Debtor” means any individual owing a debt to a claimant agency or owing any support debt that may be collected by the ~~Department~~ Departments for Children and Families and of Economic Empowerment.

* * *

Sec. 45. 33 V.S.A. chapter 1 is amended to read:

CHAPTER 1. DEPARTMENT FOR CHILDREN AND FAMILIES

Subchapter 1. Policy, Organization, Powers, and Duties

§ 101. POLICY

It is the policy of the State of Vermont that:

(1) Its social and child welfare programs shall provide assistance, support, and benefits to persons of the State in proven need ~~thereof and eligible for such assistance and benefits~~ of and eligible for assistance, support, and benefits under the provisions of this title.

(2) It is the purpose of its social and child welfare laws to establish and support programs that contribute to the prevention of dependency and social maladjustment and contribute to the rehabilitation and protection of persons of the State.

(3) Assistance and benefits shall be administered promptly, with due regard for the welfare of children and youth and the preservation of family life, and without restriction of individual rights or discrimination on account of

1 gender, sexual orientation, gender identity, race, religion, political affiliation,
2 or place of residence within the State.

3 (4) Assistance and benefits shall be ~~se~~ administered as to maintain and
4 encourage dignity, self-respect, and self-reliance. It is the legislative intent
5 that assistance granted shall be adequate to maintain a reasonable standard of
6 health and decency based on current cost of living indices. ~~Notwithstanding~~
7 ~~this subdivision, the Department will amend rules that establish new maximum~~
8 ~~Reach Up grant amounts only when the General Assembly has taken~~
9 ~~affirmative action to increase or decrease the Reach Up financial assistance~~
10 ~~appropriation.~~

11 (5) The programs of the Department for Children and Families shall be
12 designed to strengthen family life for the care and protection of children;
13 promote healthy child development and support a high-quality child care
14 system throughout the State; to assist and encourage the use by any family of
15 all available personal and reasonable community resources to this end; and to
16 provide substitute care of children only when the family, with the use of
17 available resources, is unable to provide the necessary care and protection to
18 ensure the right of any child to sound health and to normal physical, mental,
19 spiritual, and moral development.

20 (6) The child care system shall provide affordable, high-quality care in a
21 manner that fosters child brain development, nurtures socio-emotional skills,

1 and supports young families. The Department shall provide leadership and
2 expertise to early educators and child care programs to ensure that children
3 receive age-appropriate care tailored to their unique needs.

4 * * *

5 § 104. FUNCTION AND POWERS OF DEPARTMENT

6 (a) The Department shall administer all laws specifically assigned to it for
7 administration.

8 (b) In addition to other powers vested in it by law, the Department may do
9 all of the following:

10 (1) ~~Provide for the administration of the following programs and~~
11 ~~services:~~

12 ~~(A) aid to the aged, blind, and disabled;~~

13 ~~(B) Reach Up financial assistance and support services;~~

14 ~~(C) [Repealed.]~~

15 ~~(D) federal Supplemental Nutrition Assistance Program benefits;~~

16 ~~(E) General Assistance;~~

17 ~~(F) medical assistance; and~~

18 ~~(G) public assistance programs funded with State general funds or the~~
19 ~~Temporary Assistance to Needy Families (TANF) block grant. [Repealed.]~~

1 (2) Cooperate with the appropriate federal agencies in receiving, to the
2 extent available, federal funds in support of programs that the Department
3 administers.

4 (3) Submit plans and reports, adopt rules, and in other respects comply
5 with the provisions of the Social Security Act that pertain to programs
6 administered by the Department.

7 (4) Receive and disburse funds that are assigned, donated, or bequeathed
8 to it for charitable purposes or for the benefit of recipients of assistance,
9 benefits, or social services. This subdivision shall not be construed to require
10 the Department to accept funds or trusts when the Commissioner, with the
11 approval of the Governor, considers it in the best interests of the State to refuse
12 them.

13 (5) Receive in trust and expend, in accordance with the provisions of the
14 trust, funds and property assigned, donated, devised, or bequeathed to it for
15 charitable purposes or for the benefit of recipients of assistance, benefits, or
16 social services. Trust funds accepted by the Department shall be safely
17 invested by the State Treasurer. Real property received in trust may, at the
18 discretion of the Commissioner, be administered by the Department of
19 Buildings and General Services of the Agency of Administration. This
20 subdivision shall not be construed to require the Department to accept funds or

1 trusts when the Commissioner, with the approval of the Governor, considers it
2 in the best interests of the State to refuse them.

3 (6) Aid and assist in charitable work as in the judgment of the
4 Commissioner will best promote the general welfare of the State.

5 (7) Visit all institutions, homes, places, and establishments soliciting
6 public support and located in the State that are devoted to or used for the care
7 of ~~needy persons~~ children.

8 (8) Visit all institutions, homes, places, and establishments providing
9 room, board, or care to ~~persons~~ children receiving social services or benefits
10 from the Department.

11 (9) Supervise and control children under its care and custody and
12 provide for their care, maintenance, and education.

13 (c) The Department for Children and Families, in cooperation with the
14 Department of Corrections, shall have the responsibility to administer a
15 comprehensive program for youthful offenders and children who commit
16 delinquent acts, including utilization of probation services; of a range of
17 community-based and other treatment, training, and rehabilitation programs;
18 and of secure detention and treatment programs when necessary in the interests
19 of public safety, designed with the objective of preparing those children to live
20 in their communities as productive and mature adults.

1 § 105. COMMISSIONER; APPOINTMENT, TERM, DUTIES, AND
2 POWERS

3 (a) The Commissioner may exercise the powers and perform duties
4 required for effective administration of the Department; and ~~he or she~~ shall
5 determine the policies of the Department.

6 (b) In addition to other duties imposed by law, the Commissioner shall:

7 (1) administer the laws assigned to the Department;

8 (2) fix standards and adopt rules necessary to administer those laws and
9 for the custody and preservation of records of the Department;

10 (3) appoint all necessary assistants, prescribe their duties, and adopt
11 rules necessary to ensure that the assistants shall hold merit system status while
12 in the employ of the Department, unless otherwise specifically provided by
13 law.

14 (c) ~~The Commissioner or the Governor, whenever the federal law so~~
15 ~~provides, may cooperate with the federal government in providing relief and~~
16 ~~work relief and community work and training programs in the State~~ shall hold
17 at least a master's level degree in child development, early childhood
18 education, or related field.

19 (d) The Commissioner, with the approval of the Attorney General, may
20 enter into reciprocal agreements with social and child welfare agencies in other
21 states in matters relating to social welfare, children, and families.

1 (e) The Commissioner shall ensure the provision of services to children and
2 adolescents with a severe emotional disturbance in coordination with the
3 Secretary of Education and the Commissioners of Mental Health and of
4 Disabilities, Aging, and Independent Living in accordance with the provisions
5 of chapter 43 of this title.

6 (f) Notwithstanding any other provision of law, the Commissioner may
7 delegate to any appropriate employee of the Department any of the
8 administrative duties and powers imposed on ~~him or her~~ the Commissioner by
9 law, with the exception of the duties and powers enumerated in this section.
10 The delegation of authority and responsibility shall not relieve the
11 Commissioner of accountability for the proper administration of the
12 Department.

13 (g) The Commissioner may publicly disclose findings or information about
14 any case of child abuse or neglect that has resulted in the fatality or near
15 fatality of a child, including information obtained under chapter 49 of this title,
16 unless the State's Attorney or Attorney General who is investigating or
17 prosecuting any matter related to the fatality requests the Commissioner to
18 withhold disclosure, in which case the Commissioner shall not disclose any
19 information until completion of any criminal proceedings related to the fatality
20 or until the State's Attorney or Attorney General consents to disclosure,
21 whichever occurs earlier.

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Subchapter 3. Provisions of General Applicability

§ 121. CANCELLATION OF ASSISTANCE OR BENEFITS

If at any time the Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~ has reason to believe that assistance or benefits have been improperly obtained, ~~he or she~~ the Commissioner shall cause an investigation to be made and may suspend assistance or benefits pending the investigation. If, on investigation, the Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~ is satisfied that the assistance or benefits were illegally obtained, ~~he or she~~ the Commissioner shall immediately cancel them. A person having illegally obtained assistance or benefits shall not be eligible for reinstatement until ~~his or her~~ the person's need has been reestablished.

§ 122. RECOVERY OF PAYMENTS

(a) The amount of assistance or benefits may be changed or cancelled at any time if the Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~ finds that the recipient's circumstances have changed. Upon granting assistance or benefits, the Department for Children and Families ~~or the Department of Vermont Health Access~~ shall inform the recipient that changes in ~~his or her~~ the recipient's circumstances must be promptly reported to the Department.

1 (b) When on the death of a person receiving assistance it is found that the
2 recipient possessed income or property in excess of that reported to the
3 Department for Children and Families ~~or the Department of Vermont Health~~
4 ~~Access~~, up to double the total amount of assistance in excess of that to which
5 the recipient was lawfully entitled may be recovered by the Commissioner for
6 Children and Families ~~or the Commissioner of Vermont Health Access~~ as a
7 preferred claim from the estate of the recipient. The Commissioner for
8 Children and Families ~~or the Commissioner of Vermont Health Access~~ shall
9 calculate the amount of the recovery by applying the legal interest rate to the
10 amount of excess recovery paid, except that the recovery shall be capped at
11 double the excess assistance paid.

12 (c) When the Commissioner for Children and Families ~~or the~~
13 ~~Commissioner of Vermont Health Access~~ finds that a recipient of benefits
14 received assistance in excess of that to which the recipient was lawfully
15 entitled, because the recipient possessed income or property in excess of
16 Department standards, the Commissioner for Children and Families ~~or the~~
17 ~~Commissioner of Vermont Health Access~~ may take actions to recover the
18 overpayment.

19 (d) In the event of recovery, an amount may be retained by the
20 Commissioner for Children and Families ~~or the Commissioner of Vermont~~
21 ~~Health Access~~ in a special fund for use in offsetting program expenses and an

1 amount equivalent to the pro rata share to which the United States of America
2 is equitably entitled shall be paid promptly to the appropriate federal agency.

3 § 123. ~~GUARDIAN OR LEGAL REPRESENTATIVE~~

4 ~~(a) If the Commissioner finds that an applicant for or recipient of assistance~~
5 ~~is incapable of taking care of himself or herself or his or her business affairs,~~
6 ~~the Commissioner may direct the payment of the assistance to a guardian~~
7 ~~appointed by the Probate Division of the Superior Court.~~

8 ~~(b) If the Commissioner finds that an applicant for or recipient of assistance~~
9 ~~is incapable of prudently attending to his or her business affairs, the~~
10 ~~Commissioner may direct the payment of the assistance to the legal~~
11 ~~representative of the person appointed by the Probate Division of the Superior~~
12 ~~Court. [Repealed.]~~

13 * * *

14 Subchapter 5. Prohibited Practices; Penalties

15 § 141. FRAUD

16 (a) A person who knowingly fails, by false statement, misrepresentation,
17 impersonation, or other fraudulent means, to disclose a material fact used to
18 determine whether that person is qualified to receive aid or benefits under a
19 State or federally funded assistance program; or who knowingly fails to
20 disclose a change in circumstances in order to obtain or continue to receive aid
21 or benefits to which ~~he or she~~ the person is not entitled or in an amount larger

1 than that to which ~~he or she~~ the person is entitled; or who knowingly aids and
2 abets another person in the commission of any such act shall be punished as
3 provided in section 143 of this title.

4 (b) ~~A person who knowingly uses, transfers, acquires, traffics, alters,~~
5 ~~forges, or possesses; or who knowingly attempts to use, transfer, acquire,~~
6 ~~traffic, alter, forge, or possess; or who knowingly aids and abets another person~~
7 ~~in the use, transfer, acquisition, traffic, alteration, forgery, or possession of a~~
8 ~~Supplemental Nutrition Assistance Program benefit card, authorization for the~~
9 ~~purchase of Supplemental Nutrition Assistance Program benefits, certificate of~~
10 ~~eligibility for medical services, or State health care program identification card~~
11 ~~in a manner not authorized by law shall be punished as provided in section 143~~
12 ~~of this title. [Repealed.]~~

13 (c) ~~A person who administers a State or federally funded assistance~~
14 ~~program who fraudulently misappropriates, attempts to misappropriate, or aids~~
15 ~~and abets in the misappropriation of a Supplemental Nutrition Assistance~~
16 ~~Program benefit, authorization for Supplemental Nutrition Assistance Program~~
17 ~~benefits, a Supplemental Nutrition Assistance Program benefit identification~~
18 ~~card, certificate of eligibility for prescribed medicine, State health care~~
19 ~~program identification card, or assistance from any other State or federally~~
20 ~~funded program with which he or she has been entrusted or of which he or she~~
21 ~~has gained possession by virtue of his or her position; or who knowingly~~

1 ~~misappropriates, attempts to misappropriate, or aids or abets in the~~
2 ~~misappropriation of funds given in exchange for Supplemental Nutrition~~
3 ~~Assistance Program benefits shall be punished as provided in section 143 of~~
4 ~~this title. [Repealed.]~~

5 (d) A person who knowingly files, attempts to file, or aids and abets in the
6 filing of a claim for services to a recipient of benefits under a State or federally
7 funded assistance program for services that were not rendered; or who
8 knowingly files a false claim or a claim for unauthorized items or services
9 under such a program; or who knowingly bills the recipient of benefits under
10 such a program or ~~his or her~~ the person's family for an amount in excess of
11 that provided for by law or regulation; or who knowingly fails to credit the
12 State or its agent for payments received from Social Security, insurance, or
13 other sources; or who in any way knowingly receives, attempts to receive, or
14 aids and abets in the receipt of unauthorized payment as provided herein shall
15 be punished as provided in section 143 of this title.

16 (e) A person providing service for which compensation is paid under a
17 State or federally funded assistance program who requests, and receives, either
18 actually or constructively, any payment or contribution through a payment,
19 assessment, gift, devise, bequest, or other means, whether directly or
20 indirectly, from either a recipient of assistance from the assistance program or
21 from the family of the recipient shall notify the Commissioner for Children and

1 Families ~~or the Commissioner of Vermont Health Access~~, on a form provided
2 by ~~him or her~~ the Commissioner, of the amount of the payment or contribution
3 and of such other information as specified by the Commissioner for Children
4 and Families ~~or the Commissioner of Vermont Health Access~~ within 10 days
5 after the receipt of the payment or contribution or, if the payment or
6 contribution is to become effective at some time in the future, within 10 days
7 ~~of~~ following the consummation of the agreement to make the payment or
8 contribution. Failure to notify the Commissioner for Children and Families ~~or~~
9 ~~the Commissioner of Vermont Health Access~~ within the time prescribed is
10 punishable as provided in section 143 of this title.

11 (f) Repayment of assistance or services wrongfully obtained shall not
12 constitute a defense to or ground for dismissal of criminal charges brought
13 under this section.

14 § 142. BRINGING ~~NEEDY~~ PERSON IN NEED INTO THE STATE

15 (a) Any person who knowingly brings or causes to be brought a ~~needy~~
16 person in need from out of the state into this State for the purpose of securing
17 assistance for the ~~needy~~ person in need or making ~~him or her~~ the person in
18 need a public charge, shall be obligated to support the ~~needy~~ person in need at
19 ~~his or her~~ the person's own expense for as long as the ~~needy~~ person in need or
20 persons dependent on the ~~needy~~ person in need remain in the State.

1 (b) The Commissioner may bring a civil action on this statute to enforce
2 support of the ~~needy~~ person in need and ~~his or her~~ the person's dependents. In
3 the action, the court may make an order, which shall be subject to change by
4 the court from time to time as the circumstances require, directing the
5 defendant to pay a certain sum periodically to the Department for the benefit of
6 the ~~needy~~ person in need and ~~his or her~~ the person's dependents residing in the
7 State. The court may punish for violation of the order as for contempt.

8 § 143. GENERAL PENALTY

9 (a) A person who knowingly violates a provision of this title for which no
10 penalty is specifically provided shall:

11 (1) if the assistance or benefits obtained pursuant to a single fraudulent
12 scheme or a course of conduct are in violation of subsection 141(a) ~~or (b)~~ of
13 this title involving \$1,000.00 or less, be fined not more than the amount of
14 assistance or benefits wrongfully obtained or be imprisoned not more than one
15 year, or both;

16 (2) if the assistance or benefits obtained pursuant to a single fraudulent
17 scheme or course of conduct are in violation of subsection (a) ~~or (b)~~ of section
18 141 of this title and involve more than \$1,000.00, be fined not more than an
19 amount equal to the assistance or benefits wrongfully obtained or be
20 imprisoned not more than three years, or both; or

1 (3) if the violation is under subsection ~~(e), (d)~~, 141(d) or (e) ~~of section~~
2 ~~141~~ of this title, be fined up to \$1,000.00 or up to an amount equal to twice the
3 amount of assistance, benefits, or payments wrongfully obtained; or be
4 imprisoned for not more than 10 years, or both.

5 (b) If the person convicted is receiving assistance, benefits, or payments,
6 the Commissioner for Children and Families or the Commissioner of Vermont
7 Health Access may recoup the amount of assistance or benefits wrongfully
8 obtained by reducing the assistance, benefits, or payments periodically paid to
9 the recipient, as limited by federal law, until the amount is fully recovered.

10 (c) ~~If a provider of services is convicted of a violation of subsection 141(d)~~
11 ~~or (e) of this title, the Commissioner of Vermont Health Access shall, within~~
12 ~~90 days of the conviction, suspend the provider from further participation in~~
13 ~~the medical assistance program administered under Title XIX of the Social~~
14 ~~Security Act for a period of four years. The suspension required by this~~
15 ~~subsection may be waived by the Secretary of Human Services only upon a~~
16 ~~finding that the recipients served by the convicted provider would suffer~~
17 ~~substantial hardship through a denial of medical services that could not~~
18 ~~reasonably be obtained through another provider. [Repealed.]~~

19 § 143a. CIVIL REMEDIES

20 (a) A person who violates subsection 141~~(e)~~, (d); or (e) of this title with
21 actual knowledge may be subject to a civil suit by the Attorney General for:

1 (1) restitution of the amount of assistance, benefits, or payments
2 wrongfully obtained;

3 (2) interest; and

4 (3) a civil penalty of up to three times the amount of the wrongfully
5 obtained assistance, benefits, or payments; or \$500.00 per false claim; or
6 \$500.00 for each false document submitted in support of a false claim,
7 whichever is greatest.

8 (b) The remedies provided in this section shall be in addition to any other
9 remedies provided by law.

10 (c) The right to a jury trial shall attach to actions under this section.

11 § 143b. ~~EDUCATION AND INFORMATION~~

12 ~~By January 1, 2005, the Department of Vermont Health Access shall issue~~
13 ~~rules establishing a procedure for health care providers enrolled in State and~~
14 ~~federally funded medical assistance programs to obtain advisory opinions~~
15 ~~regarding coverage and reimbursement under those programs. Each advisory~~
16 ~~opinion issued by the Department of Vermont Health Access shall be binding~~
17 ~~on that Department and the party or parties requesting the opinion only with~~
18 ~~regard to the specific questions posed in the opinion, the facts and information~~
19 ~~set forth in it, and the statutes and rules specifically noted in the opinion.~~

20 [Repealed.]

1 § 144. STATUTORY CONSTRUCTION

2 (a) ~~Section 143 of this title shall not preclude prosecution under 13 V.S.A.~~
3 ~~§ 1801, 1802, or 2002 when the alleged violation involves forging an~~
4 ~~economic assistance check or where duplicate economic assistance checks~~
5 ~~have been wrongfully negotiated during any one welfare period. [Repealed.]~~

6 (b) Section 143 of this title shall not preclude prosecution under any other
7 title or sections of this title when the alleged violation is under subsection
8 141(e) ~~or~~ (d) of this title.

9 * * *

10 Sec. 46. 33 V.S.A. chapter 2 is added to read:

11 CHAPTER 2. DEPARTMENT OF ECONOMIC EMPOWERMENT

12 Subchapter 1. Policy, Organization, Powers, and Duties

13 § 201. POLICY

14 It is the policy of the State of Vermont that:

15 (1) Its social and child welfare programs shall provide assistance and
16 benefits to persons of the State in proven need thereof and eligible for such
17 assistance and benefits under the provisions of this title.

18 (2) It is the purpose of its social and child welfare laws to establish and
19 support programs that contribute to the prevention of dependency and social
20 maladjustment and contribute to the rehabilitation and protection of persons of
21 the State.

1 (3) Assistance and benefits shall be administered promptly, with due
2 regard for the preservation of family life, and without restriction of individual
3 rights or discrimination on account of gender, race, age, religion, ethnicity,
4 sexual orientation, gender identity, political affiliation, disability status,
5 primary language, or place of residence within the State.

6 (4) Assistance and benefits shall be so administered as to maintain and
7 encourage dignity, self-respect, and self-reliance. It is the legislative intent
8 that assistance granted shall be adequate to maintain a reasonable standard of
9 health and decency based on current cost of living indices. Notwithstanding
10 this subdivision, the Department shall amend rules that establish new
11 maximum Reach Up grant amounts only when the General Assembly has taken
12 affirmative action to increase or decrease the Reach Up financial assistance
13 appropriation.

14 (5) The programs of the Department of Economic Empowerment shall
15 be designed to strengthen family life for the care and protection of children and
16 to assist and encourage the use by any family of all available personal and
17 reasonable community resources to this end.

18 § 202. DEFINITIONS AND CONSTRUCTION

19 (a) As used in this chapter:

20 (1) “Aid” means financial assistance.

1 (2) “Assistance,” when not modified by an adjective, means general
2 assistance or public assistance, or both.

3 (3) “Benefits” means aid or commodities furnished under chapter 17 of
4 this title.

5 (4) “Commissioner” means the Commissioner of Economic
6 Empowerment.

7 (5) “Department” means the Department of Economic Empowerment.

8 (6) “Federal department” or “federal agency” means a department or
9 agency of the United States of America.

10 (7) “Guardian” means a legal guardian appointed by a Probate Division
11 of the Superior Court or by a court in a divorce or other proceeding or action.

12 (8) “Public assistance” means aid provided by the Department under
13 Title IV, XVI, or XIX of the Social Security Act.

14 (9) “Regulation” means a rule or regulation.

15 (10) “Social Security Act” means the federal Social Security Act and
16 regulations promulgated under the Act, as amended at any time.

17 (b) The laws relating to the Department of Economic Empowerment and its
18 programs shall be construed liberally to carry out the policies stated in this
19 chapter.

1 § 203. COMPOSITION OF DEPARTMENT

2 The Department of Economic Empowerment, created pursuant to 3 V.S.A.
3 §§ 212 and 3098, shall consist of the Commissioner of Economic
4 Empowerment and all divisions, councils, boards, committees, and offices
5 within the Department.

6 § 204. FUNCTION AND POWERS OF DEPARTMENT

7 (a) The Department shall administer all laws specifically assigned to it for
8 administration.

9 (b) In addition to other powers vested in it by law, the Department may do
10 all of the following:

11 (1) Provide for the administration of the following programs and
12 services:

13 (A) aid to the aged, blind, and disabled;

14 (B) Reach Up financial assistance and support services;

15 (C) federal Supplemental Nutrition Assistance Program benefits;

16 (D) General Assistance;

17 (E) medical assistance; and

18 (F) public assistance programs funded with State general funds or the
19 Temporary Assistance to Needy Families (TANF) block grant.

1 (2) Cooperate with the appropriate federal agencies in receiving, to the
2 extent available, federal funds in support of programs that the Department
3 administers.

4 (3) Submit plans and reports, adopt rules, and in other respects comply
5 with the provisions of the Social Security Act that pertain to programs
6 administered by the Department.

7 (4) Receive and disburse funds that are assigned, donated, or bequeathed
8 to it for charitable purposes or for the benefit of recipients of assistance,
9 benefits, or social services. This subdivision shall not be construed to require
10 the Department to accept funds or trusts when the Commissioner, with the
11 approval of the Governor, considers it in the best interests of the State to refuse
12 them.

13 (5) Receive in trust and expend, in accordance with the provisions of the
14 trust, funds, and property assigned, donated, devised, or bequeathed to it for
15 charitable purposes or for the benefit of recipients of assistance, benefits, or
16 social services. Trust funds accepted by the Department shall be safely
17 invested by the State Treasurer. Real property received in trust may, at the
18 discretion of the Commissioner, be administered by the Department of
19 Buildings and General Services of the Agency of Administration. This
20 subdivision shall not be construed to require the Department to accept funds or

1 trusts when the Commissioner, with the approval of the Governor, considers it
2 in the best interests of the State to refuse them.

3 (6) Aid and assist in charitable work as in the judgment of the
4 Commissioner will best promote the general welfare of the State.

5 (7) Visit all institutions, homes, places, and establishments soliciting
6 public support and located in the State that are devoted to or used for the care
7 of persons in need.

8 (8) Visit all institutions, homes, places, and establishments providing
9 room, board, or care to persons receiving social services or benefits from the
10 Department.

11 § 205. COMMISSIONER; APPOINTMENT, TERM, DUTIES, AND

12 POWERS

13 (a) The Commissioner may exercise the powers and perform duties
14 required for effective administration of the Department and shall determine the
15 policies of the Department.

16 (b) In addition to other duties imposed by law, the Commissioner shall:

17 (1) administer the laws assigned to the Department;

18 (2) fix standards and adopt rules necessary to administer those laws and
19 for the custody and preservation of records of the Department; and

1 (3) appoint all necessary assistants, prescribe their duties, and adopt
2 rules necessary to ensure that the assistants shall hold merit system status while
3 in the employ of the Department unless otherwise specifically provided by law.

4 (c) The Commissioner or the Governor, whenever the federal law so
5 provides, may cooperate with the federal government in providing relief and
6 work relief and community work and training programs in the State.

7 (d) Notwithstanding any other provision of law, the Commissioner may
8 delegate to any appropriate employee of the Department any of the
9 administrative duties and powers imposed on the Commissioner by law, with
10 the exception of the duties and powers enumerated in this section. The
11 delegation of authority and responsibility shall not relieve the Commissioner of
12 accountability for the proper administration of the Department.

13 Subchapter 2. General Administrative Provisions

14 § 211. RECORDS; RESTRICTIONS; PENALTIES

15 (a) The names of or information pertaining to applicants for or recipients of
16 assistance or benefits, including information obtained under section 212 of this
17 title, shall not be disclosed to anyone, except for the purposes directly
18 connected with the administration of the Department or when required by law.

19 (b) A person shall not publish, use, disclose, or divulge any of those
20 records for purposes not directly connected with the administration of
21 programs of the Department or contrary to rules adopted by the Commissioner.

1 § 212. BANKS AND AGENCIES TO FURNISH INFORMATION

2 (a) An officer of a financial institution, as described in 8 V.S.A.
3 § 11101(32); a credit union; or an independent trust company in this State,
4 when requested by the Commissioner, shall furnish the Commissioner
5 information in the possession of the bank or company with reference to any
6 person or the person's spouse who is applying for or is receiving assistance or
7 benefits from the Department.

8 (b) Any governmental official or agency in the State, when requested by
9 the Commissioner, shall furnish to the Commissioner information in the
10 official's or agency's possession with reference to aid given or money paid or
11 to be paid to any person or person's spouse who is applying for or is receiving
12 assistance or benefits from the Department.

13 (c) The Commissioner of Taxes, when requested by the Commissioner of
14 Economic Empowerment, and unless otherwise prohibited by federal law, shall
15 compare the information furnished by an applicant or recipient of assistance
16 with the State income tax returns filed by such person and shall report the
17 Commissioner of Taxes' findings to the Commissioner of Economic
18 Empowerment. Each application for assistance shall contain a form of
19 consent, executed by the applicant, granting permission to the Commissioner
20 of Taxes to disclose such information to the Commissioner for Economic
21 Empowerment.

1 § 214. ALLOCATION OF PAYMENTS WHEN APPROPRIATION

2 INSUFFICIENT

3 Should the funds available for assistance be insufficient to provide
4 assistance to all those eligible, the amounts of assistance granted in any
5 program or portion thereof shall be reduced equitably, in the discretion of the
6 Commissioner of Economic Empowerment or the Commissioner of Vermont
7 Health Access by rule.

8 Subchapter 3. Provisions of General Applicability

9 § 221. CANCELLATION OF ASSISTANCE OR BENEFITS

10 If at any time the Commissioner of Economic Empowerment or the
11 Commissioner of Vermont Health Access has reason to believe that assistance
12 or benefits have been improperly obtained, the Commissioner shall cause an
13 investigation to be made and may suspend assistance or benefits pending the
14 investigation. If on investigation the Commissioner of Economic
15 Empowerment or the Commissioner of Vermont Health Access is satisfied that
16 the assistance or benefits were illegally obtained, the Commissioner shall
17 immediately cancel them. A person having illegally obtained assistance or
18 benefits shall not be eligible for reinstatement until the person's need has been
19 reestablished.

1 § 222. RECOVERY OF PAYMENTS

2 (a) The amount of assistance or benefits may be changed or cancelled at
3 any time if the Commissioner of Economic Empowerment or the
4 Commissioner of Vermont Health Access finds that the recipient's
5 circumstances have changed. Upon granting assistance or benefits, the
6 Department of Economic Empowerment or the Department of Vermont Health
7 Access shall inform the recipient that changes in the recipient's circumstances
8 must be promptly reported to the Department.

9 (b) When on the death of a person receiving assistance it is found that the
10 recipient possessed income or property in excess of that reported to the
11 Department of Economic Empowerment or the Department of Vermont Health
12 Access, up to double the total amount of assistance in excess of that to which
13 the recipient was lawfully entitled may be recovered by the Commissioner of
14 Economic Empowerment or the Commissioner of Vermont Health Access as a
15 preferred claim from the estate of the recipient. The Commissioner of
16 Economic Empowerment or the Commissioner of Vermont Health Access
17 shall calculate the amount of the recovery by applying the legal interest rate to
18 the amount of excess recovery paid, except that the recovery shall be capped at
19 double the excess assistance paid.

20 (c) When the Commissioner of Economic Empowerment or the
21 Commissioner of Vermont Health Access finds that a recipient of benefits

1 received assistance in excess of that to which the recipient was lawfully
2 entitled because the recipient possessed income or property in excess of
3 Department standards, the Commissioner of Economic Empowerment or the
4 Commissioner of Vermont Health Access may take actions to recover the
5 overpayment.

6 (d) In the event of recovery, an amount may be retained by the
7 Commissioner of Economic Empowerment or the Commissioner of Vermont
8 Health Access in a special fund for use in offsetting program expenses, and an
9 amount equivalent to the pro rata share to which the United States of America
10 is equitably entitled shall be paid promptly to the appropriate federal agency.

11 § 224. INALIENABILITY OF ASSISTANCE PAYMENTS

12 All rights to and all monies or orders granted to persons as assistance shall
13 be inalienable by assignment, transfer, attachment, trustee process, execution,
14 or otherwise. In case of bankruptcy, the assistance shall not pass to or through
15 a trustee or other person acting on behalf of creditors.

16 Subchapter 4. Prohibited Practices; Penalties

17 § 241. FRAUD

18 (a) A person who knowingly fails, by false statement, misrepresentation,
19 impersonation, or other fraudulent means, to disclose a material fact used to
20 determine whether that person is qualified to receive aid or benefits under a
21 State or federally funded assistance program; or who knowingly fails to

1 disclose a change in circumstances in order to obtain or continue to receive aid
2 or benefits to which the person is not entitled or in an amount larger than that
3 to which the person is entitled; or who knowingly aids and abets another
4 person in the commission of any such act shall be punished as provided in
5 section 143 of this title.

6 (b) A person who knowingly uses, transfers, acquires, traffics, alters,
7 forges, or possesses; or who knowingly attempts to use, transfer, acquire,
8 traffic, alter, forge, or possess; or who knowingly aids and abets another person
9 in the use, transfer, acquisition, traffic, alteration, forgery, or possession of a
10 Supplemental Nutrition Assistance Program benefit card, authorization for the
11 purchase of Supplemental Nutrition Assistance Program benefits, certificate of
12 eligibility for medical services, or State health care program identification card
13 in a manner not authorized by law shall be punished as provided in section 143
14 of this title.

15 (c) A person who administers a State or federally funded assistance
16 program who fraudulently misappropriates, attempts to misappropriate, or aids
17 and abets in the misappropriation of a Supplemental Nutrition Assistance
18 Program benefit, authorization for Supplemental Nutrition Assistance Program
19 benefits, a Supplemental Nutrition Assistance Program benefit identification
20 card, certificate of eligibility for prescribed medicine, State health care
21 program identification card, or assistance from any other State or federally

1 funded program with which the person has been entrusted or of which the
2 person has gained possession by virtue of the person's position; or who
3 knowingly misappropriates, attempts to misappropriate, or aids or abets in the
4 misappropriation of funds given in exchange for Supplemental Nutrition
5 Assistance Program benefits shall be punished as provided in section 143 of
6 this title.

7 (d) A person who knowingly files, attempts to file, or aids and abets in the
8 filing of a claim for services to a recipient of benefits under a State or federally
9 funded assistance program for services that were not rendered; or who
10 knowingly files a false claim or a claim for unauthorized items or services
11 under such a program; or who knowingly bills the recipient of benefits under
12 such a program or the recipient's family for an amount in excess of that
13 provided for by law or regulation; or who knowingly fails to credit the State or
14 its agent for payments received from Social Security, insurance, or other
15 sources; or who in any way knowingly receives, attempts to receive, or aids
16 and abets in the receipt of unauthorized payment as provided herein shall be
17 punished as provided in section 143 of this title.

18 (e) A person providing service for which compensation is paid under a
19 State or federally funded assistance program who requests, and receives, either
20 actually or constructively, any payment or contribution through a payment,
21 assessment, gift, devise, bequest, or other means, whether directly or

1 indirectly, from either a recipient of assistance from the assistance program or
2 from the family of the recipient shall notify the Commissioner of Economic
3 Empowerment or the Commissioner of Vermont Health Access, on a form
4 provided by the Commissioner, of the amount of the payment or contribution
5 and of such other information as specified by the Commissioner of Economic
6 Empowerment or the Commissioner of Vermont Health Access within 10 days
7 after the receipt of the payment or contribution or, if the payment or
8 contribution is to become effective at some time in the future, within 10 days
9 after the consummation of the agreement to make the payment or contribution.
10 Failure to notify the Commissioner of Economic Empowerment or the
11 Commissioner of Vermont Health Access within the time prescribed is
12 punishable as provided in section 143 of this title.

13 (f) Repayment of assistance or services wrongfully obtained shall not
14 constitute a defense to or ground for dismissal of criminal charges brought
15 under this section.

16 § 242. BRINGING PERSON IN NEED INTO THE STATE

17 (a) Any person who knowingly brings or causes to be brought a person in
18 need from out of the state into this State for the purpose of securing assistance
19 for the person in need or making the person in need a public charge shall be
20 obligated to support the person in need at the person's own expense for as long

1 as the person in need or persons dependent on the person in need remain in the
2 State.

3 (b) The Commissioner may bring a civil action on this statute to enforce
4 support of the person in need and the person's dependents. In the action, the
5 court may make an order, which shall be subject to change by the court from
6 time to time as the circumstances require, directing the defendant to pay a
7 certain sum periodically to the Department for the benefit of the person in need
8 and the person's dependents residing in the State. The court may punish for
9 violation of the order as for contempt.

10 § 243. GENERAL PENALTY

11 (a) A person who knowingly violates a provision of this title for which no
12 penalty is specifically provided shall:

13 (1) if the assistance or benefits obtained pursuant to a single fraudulent
14 scheme or a course of conduct are in violation of subsection 241(a) or (b) of
15 this title involving \$1,000.00 or less, be fined not more than the amount of
16 assistance or benefits wrongfully obtained or be imprisoned not more than one
17 year, or both;

18 (2) if the assistance or benefits obtained pursuant to a single fraudulent
19 scheme or course of conduct are in violation of subsection 241(a) or (b) of this
20 title and involve more than \$1,000.00, be fined not more than an amount equal

1 to the assistance or benefits wrongfully obtained or be imprisoned not more
2 than three years, or both; or

3 (3) if the violation is under subsection 241(c), (d), or (e) of this title, be
4 fined up to \$1,000.00 or up to an amount equal to twice the amount of
5 assistance, benefits, or payments wrongfully obtained or be imprisoned for not
6 more than 10 years, or both.

7 (b) If the person convicted is receiving assistance, benefits, or payments,
8 the Commissioner of Economic Empowerment or the Commissioner of
9 Vermont Health Access may recoup the amount of assistance or benefits
10 wrongfully obtained by reducing the assistance, benefits, or payments
11 periodically paid to the recipient, as limited by federal law, until the amount is
12 fully recovered.

13 (c) If a provider of services is convicted of a violation of subsection 241(d)
14 or (e) of this title, the Commissioner of Vermont Health Access shall, within
15 90 days following the conviction, suspend the provider from further
16 participation in the medical assistance program administered under Title XIX
17 of the Social Security Act for a period of four years. The suspension required
18 by this subsection may be waived by the Secretary of Human Services only
19 upon a finding that the recipients served by the convicted provider would
20 suffer substantial hardship through a denial of medical services that could not
21 reasonably be obtained through another provider.

1 § 243a. CIVIL REMEDIES

2 (a) A person who violates subsection 241(c), (d), or (e) of this title with
3 actual knowledge may be subject to a civil suit by the Attorney General for:

4 (1) restitution of the amount of assistance, benefits, or payments
5 wrongfully obtained;

6 (2) interest; and

7 (3) a civil penalty of up to three times the amount of the wrongfully
8 obtained assistance, benefits, or payments; \$500.00 per false claim; or \$500.00
9 for each false document submitted in support of a false claim, whichever is
10 greatest.

11 (b) The remedies provided in this section shall be in addition to any other
12 remedies provided by law.

13 (c) The right to a jury trial shall attach to actions under this section.

14 § 243b. EDUCATION AND INFORMATION

15 The Department of Vermont Health Access shall issue rules establishing a
16 procedure for health care providers enrolled in State and federally funded
17 medical assistance programs to obtain advisory opinions regarding coverage
18 and reimbursement under those programs. Each advisory opinion issued by
19 the Department of Vermont Health Access shall be binding on that Department
20 and the party or parties requesting the opinion only with regard to the specific

1 questions posed in the opinion, the facts and information set forth in it, and the
2 statutes and rules specifically noted in the opinion.

3 § 244. STATUTORY CONSTRUCTION

4 (a) Section 243 of this title shall not preclude prosecution under 13 V.S.A.
5 § 1801, 1802, or 2002 when the alleged violation involves forging an
6 economic assistance check or where duplicate economic assistance checks
7 have been wrongfully negotiated during any one welfare period.

8 (b) Section 243 of this title shall not preclude prosecution under any other
9 title or sections of this title when the alleged violation is under subsection
10 241(c) or (d) of this title.

11 Sec. 47. 33 V.S.A. § 1001 is amended to read:

12 § 1001. DEFINITIONS

13 As used in this chapter:

14 * * *

15 (8) “Commissioner” means the Commissioner ~~for Children and Families~~
16 ~~or his or her~~ of Economic Empowerment or designee.

17 (9) “Department” means the Department ~~for Children and Families of~~
18 Economic Empowerment.

19 * * *

1 Sec. 48. 33 V.S.A. § 1101 is amended to read:

2 § 1101. DEFINITIONS

3 As used in this chapter:

4 * * *

5 (8) “Commissioner” means the Commissioner ~~for Children and Families~~
6 ~~or his or her~~ of Economic Empowerment or designee.

7 (9) “Department” means the Department ~~for Children and Families~~ of
8 Economic Empowerment.

9 * * *

10 Sec. 49. 33 V.S.A. § 1107 is amended to read:

11 § 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;

12 COORDINATED SERVICES

13 * * *

14 (d) The Secretary of Education, with the assistance and support of the
15 Commissioner ~~for Children and Families~~ of Economic Empowerment, the
16 Commissioner of Disabilities, Aging, and Independent Living, and the
17 Commissioner of Labor, shall develop and implement comparable and
18 reciprocally recognized literacy assessment protocols that will be used for all
19 clients seeking adult education and literacy services; related services of the
20 Agency of Education; or the services of the Department of Disabilities, Aging,
21 and Independent Living, the Department of Labor, or the Department ~~for~~

1 ~~Children and Families~~ of Economic Empowerment, when such services are
2 being sought for the purpose of developing or strengthening competencies or
3 skills related to the clients' current or future employment. Such protocols
4 shall, to the extent practicable, utilize the same terminology and apply
5 comparable criteria, consistent with individual program purposes and
6 authorization, in determining when testing, other standardized measurement
7 tools, or referrals to relevant professionals for evaluation or diagnosis are
8 appropriate.

9 * * *

10 Sec. 50. 33 V.S.A. § 1201 is amended to read:

11 § 1201. DEFINITIONS

12 As used in this chapter:

13 * * *

14 (4) "Commissioner" means the Commissioner ~~for Children and Families~~
15 ~~or his or her~~ of Economic Empowerment or designee.

16 (5) "Department" means the Department ~~for Children and Families~~ of
17 Economic Empowerment.

18 * * *

1 Sec. 51. 33 V.S.A. § 1301 is amended to read:

2 § 1301. ELIGIBILITY REQUIREMENTS—; GENERAL

3 To be eligible for State aid to the aged, blind, or disabled, in addition to the
4 requirements in sections 1301–1303 of this chapter governing eligibility for a
5 specific program, an individual shall:

6 * * *

7 (4) Not have sufficient income or other resources to provide a
8 reasonable subsistence compatible with decency and health, and not be
9 receiving or able to secure support from persons legally responsible for the
10 individual’s support. In determining whether the income of an applicant for or
11 a recipient of aid is sufficient, the Department ~~for Children and Families~~ of
12 Economic Empowerment may disregard, within the limits of available funds,
13 income used to further the purposes of rehabilitation and self-support.

14 Sec. 52. 33 V.S.A. § 1306 is amended to read:

15 § 1306. APPLICATION AND INVESTIGATION

16 Applications for State aid to the aged, blind, or disabled may be made at
17 any office of the Department ~~for Children and Families~~ of Economic
18 Empowerment. Upon receipt of an application, the Commissioner ~~for Children~~
19 ~~and Families~~ of Economic Empowerment shall investigate and prescribe the
20 amount of the grant to be given, if any. No individual shall receive more than
21 one type of grant or aid under this chapter.

1 Sec. 53. 33 V.S.A. § 1307 is amended to read:

2 § 1307. AMOUNT OF STATE AID

3 The amount of State aid to which an eligible individual is entitled shall be
4 determined with due regard to the income, resources, and maintenance
5 available to the individual and, when an eligible individual lives with the
6 individual's ineligible spouse or ~~a needy~~ an essential person in need, or both,
7 as defined by the Commissioner, with due regard to the needs of the ineligible
8 spouse and with due regard to the needs, income, and resources of the ~~needy~~
9 essential person in need. To the extent funds are available, aid shall provide a
10 reasonable subsistence compatible with decency and health. The
11 Commissioner ~~for Children and Families~~ of Economic Empowerment may by
12 rule fix maximum amounts of aid and take measures to ensure that the
13 expenditures for the programs shall not exceed the funds provided for them.

14 Sec. 54. 33 V.S.A. § 1308 is amended to read:

15 § 1308. RULES

16 In fixing standards and adopting rules under this chapter, the Commissioner
17 ~~for Children and Families~~ of Economic Empowerment shall be guided by the
18 statutory standards set forth in this chapter, which standards shall not be
19 deemed necessarily to incorporate by reference decisional or statutory law
20 applicable to the aid to the aged, blind, and disabled program in effect prior to
21 January 1, 1974.

1 Sec. 57. 33 V.S.A. § 1901b is amended to read:

2 § 1901b. PHARMACY PROGRAM ENROLLMENT

3 (a) The Department of Vermont Health Access and the Department ~~for~~
4 ~~Children and Families~~ of Economic Empowerment shall monitor actual
5 caseloads, revenue, and expenditures; anticipated caseloads, revenue, and
6 expenditures; and actual and anticipated savings from implementation of the
7 preferred drug list, supplemental rebates, and other cost containment activities
8 in each State pharmaceutical assistance program, including VPharm. When
9 applicable, the Departments shall allocate supplemental rebate savings to each
10 program proportionate to expenditures in each program.

11 * * *

12 Sec. 58. 33 V.S.A. § 2101 is amended to read:

13 § 2101. DEFINITIONS

14 As used in this chapter:

15 (1) “Commissioner” means the Commissioner ~~for Children and Families~~
16 of Economic Empowerment.

17 * * *

18 Sec. 59. 33 V.S.A. § 2103 is amended to read:

19 § 2103. ELIGIBILITY

20 (a) Consistent with available appropriations, the Department ~~for Children~~
21 ~~and Families~~ of Economic Empowerment shall furnish General Assistance

1 under this chapter, except as provided in this section, to any otherwise eligible
2 individual unable to provide the necessities of life for the individual and for
3 those whom the individual is legally obligated to support. Except for those in
4 catastrophic situations as defined in rules, no General Assistance shall be
5 provided in the following situations:

6 (1) to any individual whose income from any source, including the
7 Department ~~for Children and Families~~ of Economic Empowerment, during the
8 30 days immediately preceding the date on which assistance is sought is equal
9 to the General Assistance eligibility standard; and

10 (2) to any able-bodied individual without minor dependents included in
11 ~~his or her~~ the individual's application.

12 * * *

13 (e) As used in this section, “able-bodied individual” does not include a
14 person subject to such conditions as are determined, by rule of the
15 Commissioner ~~for Children and Families~~ of Economic Empowerment, to
16 constitute barriers to employment.

17 (f) [Repealed.]

18 Sec. 60. 33 V.S.A. § 2114 is amended to read:

19 § 2114. RENTAL OR MORTGAGE ARREARAGE PROGRAM

20 (a) The Department ~~for Children and Families~~ of Economic Empowerment
21 shall provide up to three months of rental or mortgage arrearage assistance to

1 eligible families. Assistance under this section is not an entitlement and shall
2 be limited to the funds appropriated.

3 * * *

4 Sec. 61. 33 V.S.A. § 2115 is amended to read:

5 § 2115. GENERAL ASSISTANCE PROGRAM REPORT

6 On or before September 1 of each year, the Commissioner ~~for Children and~~
7 ~~Families of Economic Empowerment~~ shall submit a written report to the Joint
8 Fiscal Committee; the House Committees on Appropriations, on General; and
9 ~~Housing, and Military Affairs~~, and on Human Services; and the Senate
10 Committees on Appropriations and on Health and Welfare. The report shall
11 contain the following:

12 * * *

13 Sec. 62. 33 V.S.A. § 2301 is amended to read:

14 § 2301. BURIAL RESPONSIBILITY

15 * * *

16 (d) As used in this chapter:

17 (1) “Burial” means the final disposition of human remains, including
18 interring or cremating a decedent and the ceremonies directly related to that
19 cremation or interment at the gravesite.

20 (2) “Department” means the Department ~~for Children and Families of~~
21 Economic Empowerment.

1 under the support obligation shall be sent to the Office of Child Support upon
2 notice to the responsible parent, without further order of the court. When an
3 assignment is in effect pursuant to subsection (a) of this section, any amounts
4 accrued under the support obligation as of the date of assignment, and any
5 amount accruing while the assignment is in effect, shall be owing to and
6 payable to the Department ~~for Children and Families~~ without further order of
7 the court.

8 * * *

9 (e) If a support order has been entered and the legal custodian and obligee
10 relinquishes physical responsibility of the child to a caretaker without
11 modifying the physical rights and responsibilities order, the Office of Child
12 Support may change the payee of support upon the caretaker's receipt of Reach
13 Up family assistance from the Department ~~for Children and Families~~. The
14 obligor's obligation under the support order to pay child support and medical
15 support continues but shall be payable to the Office of Child Support upon the
16 caretaker's receipt of Reach Up family assistance and shall continue ~~so~~ for as
17 long as the assignment is in effect. The Office of Child Support shall notify
18 the obligor and obligee under the support order, by first-class mail at last
19 known address, of the change of payee.

1 Sec. 66. 33 V.S.A. § 3903 is amended to read:

2 § 3903. CHILD SUPPORT DEBT

3 (a) Except as otherwise provided in this section, any payment of Reach Up
4 financial assistance made to or for the benefit of a dependent child creates a
5 debt due and owing to the Department ~~for Children and Families~~ by any
6 responsible parent in an amount equal to the amount of Reach Up financial
7 assistance paid.

8 (b) Collection of child support debts shall be made as provided by this
9 section and section 3902 of this title and by 15 V.S.A. chapter 11, subchapter
10 7. Regardless of the amount of Reach Up financial assistance paid, the court
11 may limit the child support debt, taking into consideration the criteria of
12 15 V.S.A. § 659. The Department ~~for Children and Families~~ and the
13 responsible parent may limit the child support debt by stipulation, which shall
14 be enforceable on its terms unless it is modified.

15 Sec. 67. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF
16 RULES TO THE DEPARTMENT OF ECONOMIC
17 EMPOWERMENT

18 (a) The statutory authority to adopt the following rules by the Department
19 for Children and Families adopted under 3 V.S.A. chapter 25 is transferred
20 from the Department for Children and Families to the Department of Economic
21 Empowerment:

- 1 (1) Child Support Guidelines (CVR 13-161-001);
- 2 (2) OCS Administrative Review (CVR 13-161-002);
- 3 (3) Reach First Program (CVR 13-170-210);
- 4 (4) Reach Up (CVR 13-170-220);
- 5 (5) Reach Up Services (CVR 13-170-230);
- 6 (6) Postsecondary Education (CVR 13-170-240);
- 7 (7) Reach Ahead (CVR 13-170-250);
- 8 (8) General Assistance (CVR 130-170-260);
- 9 (9) Assistance to the Aged, Blind, or Disabled (CVR 130-170-270);
- 10 (10) Emergency Assistance (CVR 130-170-280);
- 11 (11) Fuel (CVR 130-170-290); and
- 12 (12) Refugee Cash Assistance (CVR 130-170-300).

13 (b) All rules listed in subsection (a) of this section adopted by the
14 Department for Children and Families under 3 V.S.A. chapter 25 prior to
15 July 1, 2024 shall be deemed the rules of the Department of Economic
16 Empowerment and remain in effect until amended or repealed by the
17 Department of Economic Empowerment pursuant to 3 V.S.A. chapter 25.

18 (c) The Department of Economic Empowerment shall provide notice of the
19 transfer to the Secretary of State and the Legislative Committee on
20 Administrative Rules in accordance with 3 V.S.A. § 848(d)(2).

1 Sec. 68. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF
2 RULES TO THE DEPARTMENT FOR CHILDREN AND
3 FAMILIES

4 (a) The statutory authority to adopt the following rules by the Department
5 of Health adopted under 3 V.S.A. chapter 25 is transferred from the
6 Department of Health to the Department for Children and Families:

7 (1) Newborn Screening Program Regulations (CVR 13-140-057);

8 (2) Blood Lead Screening, Reporting and Response Rule (CVR 13-140-
9 070);

10 (3) Maternal Mortality Review Panel Rule (CVR 13-140-057);

11 (4) Maternal Child Health; Subchapter 4 Home Visiting Rule (CVR 13-
12 140-074); and

13 (5) Birth Information Network (CVR 13-140-078).

14 (b) All rules listed in subsection (a) of this section and adopted by the
15 Department of Health under 3 V.S.A. chapter 25 prior to July 1, 2024 shall be
16 deemed the rules of the Department for Children and Families and remain in
17 effect until amended or repealed by the Department for Children and Families
18 pursuant to 3 V.S.A. chapter 25.

19 (c) The Department for Children and Families shall provide notice of the
20 transfer to the Secretary of State and the Legislative Committee on
21 Administrative Rules in accordance with 3 V.S.A. § 848(d)(2).

1 * * * Child Care and Child Care Subsidies * * *

2 Sec. 69. 33 V.S.A. § 3512 is amended to read:

3 § 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;

4 ELIGIBILITY

5 (a)(1) The Child Care Financial Assistance Program is established to
6 subsidize, to the extent that funds permit, the costs of child care for families
7 that need child care services ~~in order to obtain employment, to retain~~
8 ~~employment, or to obtain training leading to employment. Families seeking~~
9 ~~employment shall be entitled to participate in the Program for up to three~~
10 ~~months and the Commissioner may further extend that period.~~

11 (2) The subsidy authorized by this subsection shall be established by the
12 Commissioner, by rule, and shall bear a reasonable relationship to income and
13 family size. Families shall be found eligible using an income eligibility scale
14 based on the current federal poverty level and adjusted for the size of the
15 family. Co-payments shall be assigned to the whole family and shall not
16 increase if more than one eligible child is enrolled in child care. Families with
17 an annual gross income of less than or equal to ~~150~~ 185 percent of the current
18 federal poverty guidelines shall not have a family co-payment. Families with
19 an annual gross income up to and including ~~350~~ 425 percent of current federal
20 poverty guidelines, adjusted for family size, shall be eligible for a subsidy
21 authorized by the subsection. The scale shall be structured so that it

1 encourages employment. If the federal poverty guidelines decrease in a given
2 year, the Division shall maintain the previous year's federal poverty guidelines
3 for the purpose of determining eligibility and benefit amount under this
4 subsection.

5 (3) Earnings deposited in a qualified child education savings account,
6 such as the Vermont Higher Education Investment Plan, established in
7 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be
8 disregarded in determining the amount of a family's income for the purpose of
9 determining continuing eligibility.

10 (4) ~~After September 30, 2021, a~~ A regulated center-based child care
11 program or family child care home as defined by the Department in rule shall
12 not receive funds pursuant to this subsection that are in excess of the usual and
13 customary rate for services at the center-based child care program or family
14 child care home.

15 (5) The Department shall ensure that applications for the Child Care
16 Financial Assistance Program use a simple, plain-language format.
17 Applications shall be available in both electronic and paper formats.

18 * * *

19 Sec. 70. 33 V.S.A. § 3512 is amended to read:

20 § 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;

21 ELIGIBILITY

1 compensation standard for employees of child care providers, which is
2 comparable to compensation received by early childhood educators in
3 Vermont's public school system who serve children from prekindergarten
4 through grade three. Annually, the Commissioner shall amend the rule
5 containing the professional compensation standard required by this section to
6 account for inflation and increases due to renegotiated public school teacher
7 compensation levels. The Commissioner shall ensure that the professional
8 compensation standard is posted on the Department's website.

9 (B) To participate in the Child Care Financial Assistance Program,
10 child care providers shall minimally compensate employees providing child
11 care services in accordance with the professional compensation standard
12 established pursuant to this subsection (a).

13 * * *

14 Sec. 71. 33 V.S.A. § 3514 is amended to read:

15 § 3514. PAYMENT TO PROVIDERS

16 (a) The Commissioner shall establish a payment schedule for purposes of
17 reimbursing providers for full- or part-time child care services rendered to
18 families who participate in the programs established under section 3512 or
19 3513 of this title. Payments established under this section shall reflect the
20 following considerations: whether the provider operates a licensed child care
21 facility or a registered family child care home, type of service provided, cost of

1 providing the service, and the prevailing market rate for comparable service.

2 Payments shall be based on enrollment ~~status or any other basis agreed to by~~
3 ~~the provider and the Division.~~

4 * * *

5 Sec. 72. 33 V.S.A. § 3514 is amended to read:

6 § 3514. PAYMENT TO PROVIDERS

7 (a) The Commissioner shall establish a payment schedule by rule, pursuant
8 to 3 V.S.A. chapter 25 and in consultation with Building Bright Futures, for
9 ~~purposes~~ the purpose of reimbursing providers for full- or part-time child care
10 services rendered to families who participate in the programs established under
11 section 3512 or 3513 of this title. Payments established under this section shall
12 reflect the ~~following considerations:~~ total cost of care, including whether the
13 provider operates a licensed child care facility or a registered family child care
14 home, type of service provided, cost of providing the service, and ~~the~~
15 ~~prevailing market rate for comparable service~~ provider credentials. Payments
16 shall be based on enrollment and the professional standard established in
17 subdivision 3512(a)(6)(A) of this title.

18 (b) The Commissioner may establish a separate payment schedule for child
19 care providers who have received specialized training, approved by the
20 Commissioner, relating to protective or family support services.

1 ~~(c)(1) The payment schedule established by the Commissioner may~~
2 ~~reimburse providers in accordance with the results of the most recent Vermont~~
3 ~~Child Care Market Rate Survey.~~

4 ~~(2) The payment schedule shall include reimbursement rate caps tiered~~
5 ~~in relation to provider ratings in the Vermont STARS program. The lower limit~~
6 ~~of the reimbursement rate caps shall be not less than the 50th percentile of all~~
7 ~~reported rates for the same provider setting in each rate category. Annually, the~~
8 ~~Commissioner shall amend the rule containing the payment schedule required~~
9 ~~by this section to account for inflation. The Commissioner shall ensure that~~
10 ~~the payment schedule is posted on the Department's website.~~

11 Sec. 73. 33 V.S.A. § 3515 is added to read:

12 § 3515. CHILD CARE WAITLIST AND APPLICATION FEES

13 A child care provider shall not charge an application or waitlist fee for child
14 care services where the applying child qualifies for the Child Care Financial
15 Assistance Program pursuant to section 3512 of this title. A child care
16 provider shall reimburse an individual who is charged an application or waitlist
17 fee for child care services if it is later determined that the applying child
18 qualified for the Child Care Financial Assistance Program at the time the fee or
19 fees were paid.

20 Sec. 74. 33 V.S.A. chapter 35, subchapter 6 is added to read:

21 Subchapter 6. Child Care Assistance for Additional Populations

1 § 3551. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM;

2 LEGISLATIVE INTENT

3 In establishing the Noncitizen Child Care Assistance Program to provide
4 child care subsidies for children who are not eligible for the Child Care
5 Financial Assistance Program because of their citizenship status, it is the intent
6 of the General Assembly that the benefits and eligibility criteria set forth in
7 section 3552 of this chapter should align to the greatest extent practicable with
8 the benefits and eligibility criteria in CCFAP as set forth in section 3512 of this
9 chapter and corresponding rule.

10 § 3552. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM

11 SUBSIDIES FOR CERTAIN VERMONT RESIDENTS

12 (a) For purposes of this section, the phrase “Vermont residents who have a
13 citizenship status for which Child Care Financial Assistance Program
14 (CCFAP) participation is not available” includes children of migrant workers
15 who are employed in seasonal occupations in this State.

16 (b) The Department for Children and Families shall provide State-funded
17 child care subsidies equivalent to those offered in the Child Care Financial
18 Assistance Program (CCFAP) to Vermont residents who have a citizenship
19 status for which CCFAP participation is not available and meet the service
20 need and income eligibility standards established by the Department in rule.

1 (c)(1) The Department shall not inquire about or record the citizenship and
2 immigration status of the applicant or any member of the applicant's family.

3 (2) All applications submitted and records created pursuant to this
4 section shall be exempt from public inspection and copying under the Public
5 Records Act and shall be kept confidential. Absent a request for information
6 by a U.S. agency pursuant to federal law, the Department shall not disclose any
7 personally identifiable information regarding applicants or enrollees to the U.S.
8 government.

9 (d) The Department for Children and Families may adopt rules in
10 accordance with 3 V.S.A. chapter 25 to carry out the purposes of this section.

11 Sec. 75. DEPARTMENT FOR CHILDREN AND FAMILIES; NONCITIZEN
12 CHILD CARE ASSISTANCE PROGRAM SUBSIDIES; FISCAL
13 YEAR 2025 ESTIMATE

14 The Department for Children and Families shall provide information on the
15 estimated fiscal year 2025 costs of providing coverage to Vermont residents
16 who have a citizenship status for which Child Care Financial Assistance
17 Program participation is not available pursuant to 33 V.S.A. § 3552 beginning
18 on July 1, 2024 as part of the Department's fiscal year 2025 budget
19 presentation to the House Committees on Appropriations and on Human
20 Services and the Senate Committees on Appropriations and on Health and
21 Welfare.

1 * * * Special Accommodations Grant * * *

2 Sec. 76. REPORT; SPECIAL ACCOMMODATIONS GRANT

3 On or before January 15, 2024, the Department for Children and Family’s
4 Child Development Division shall submit a report to the House Committee on
5 Human Services and to the Senate Committee on Health and Welfare
6 providing a proposal to streamline the application process for special
7 accommodation grants, including:

8 (1) moving to a 12-month grant cycle;

9 (2) improving support and training for providing inclusive care for
10 children with special needs; and

11 (3) determining how to better meet the early learning needs of children
12 with disabilities within a child care setting.

13 * * * Child Care Workforce Retention Grants * * *

14 Sec. 77. FY 2024 APPROPRIATION; CHILD CARE WORKER
15 RETENTION GRANT PROGRAM

16 In fiscal year 2024, the sum of \$7,300,000.00 is appropriated from the
17 General Fund to the Department for Children and Families for the early
18 childhood staff and home-based provider retention grant program established
19 in 2021 Acts and Resolves No. 74, Sec. G.300(a)(30), as added by 2022 Acts
20 and Resolves No. 83, Sec. 68.

1 * * * Scholarship for Prospective Early Childhood Providers * * *

2 Sec. 78. 2021 Acts and Resolves No. 45, Sec. 8 is amended to read:

3 Sec. 8. REPEALS

4 (a) 33 V.S.A. § 3541(d) (reference to student loan repayment assistance
5 program) is repealed on July 1, 2026.

6 (b) ~~33 V.S.A. § 3542 (scholarships for prospective early childhood~~
7 ~~providers) is repealed on July 1, 2026. [Repealed.]~~

8 (c) 33 V.S.A. § 3543 (student loan repayment assistance program) is
9 repealed on July 1, 2026.

10 Sec. 79. APPROPRIATION; SCHOLARSHIPS FOR CURRENT EARLY
11 CHILDHOOD PROVIDERS

12 In fiscal year 2024, \$500,000.00 is appropriated in addition to the base
13 funding to the Department for Children and Families for the purpose of
14 funding scholarships for current early childhood providers pursuant to 33
15 V.S.A. § 3541.

16 * * * Transitional Assistance * * *

17 Sec. 80. BUILDING BRIGHT FUTURES; TECHNICAL ASSISTANCE

18 The Agency of Education and the Department for Children and Families
19 shall consult with and receive technical assistance from Building Bright
20 Futures for the purpose of implementing the provisions of this act, including
21 establishing the public prekindergarten education program pursuant to 16

1 V.S.A. § 829, reorganizing the Department for Children and Families, and
2 implementing changes to the Child Care Financial Assistance Program and
3 establishing the Noncitizen Child Care Assistance Program pursuant to 33
4 V.S.A. chapter 35.

5 * * * Effective Dates * * *

6 Sec. 81. EFFECTIVE DATES

7 (a) Except as provided in subsection (b) of this section, this act shall take
8 effect on July 1, 2023, with the Department for Children and Families making
9 child care subsidies available to Vermont residents who have an immigration
10 status for which Child Care Financial Assistance Program participation is not
11 available pursuant to 33 V.S.A. § 3552 beginning on July 1, 2024, subject to
12 fiscal year 2025 appropriations for this purpose.

13 (b)(1) Secs. 1, 3–9, and 11 (related to the public prekindergarten education
14 program) shall take effect on July 1, 2024, except that the Secretary of
15 Education and the Commissioner for Children and Families shall amend any
16 rules necessary prior to that date in order to perform their duties under this act.

17 (2) Secs. 12–14 (property tax exemption; property used by child care
18 providers) shall take effect on July 1, 2024.

19 (3) Secs. 15–68 (relating to the reorganization of the Department for
20 Children and Families and creation of the Department of Economic
21 Empowerment) shall take effect on July 1, 2024.

1 (4) Sec. 70 (Child Care Financial Assistance Program; eligibility) and
2 Sec. 72 (provider payments) shall take effect on July 1, 2024, subject to fiscal
3 year 2025 appropriations for this purpose, except that the Commissioner for
4 Children and Families shall adopt any rules necessary prior to that date in order
5 to perform the Commissioner's duties under this act.