

No. 161. An act relating to the provision of child care at family child care homes during remote learning days.

(H.967)

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

Sec. 1. 33 V.S.A. § 3511 is amended to read:

§ 3511. DEFINITIONS

As used in this chapter:

* * *

(7) “Family child care home” means a child care facility ~~which~~ that provides care on a regular basis in the caregiver’s own residence for not more than 10 children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. As used in this subdivision, care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver, except:

(A) These part-time school-age children may be cared for on a full-day basis during school closing days, remote learning days, snow days, and vacation days ~~which~~ that occur during the school year. As used in this subdivision, a “remote learning day” means any day in which a school-age student’s school has provided the option for or has scheduled some or all students for full- or part-time remote instruction occurring electronically off school premises.

(B) During the school summer vacation, up to 12 children may be cared for, provided that at least six of these children are of school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (seven years of age and older) and who reside in the residence of the caregiver.

* * *

Sec. 2. 33 V.S.A. § 3511 is amended to read:

§ 3511. DEFINITIONS

As used in this chapter:

* * *

(7) “Family child care home” means a child care facility that provides care on a regular basis in the caregiver’s own residence for not more than 10 children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. As used in this subdivision, care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver, except:

(A) These part-time school-age children may be cared for on a full-day basis during school closing days, ~~remote learning days~~, snow days, and vacation days that occur during the school year. ~~As used in this subdivision, a “remote learning day” means any day in which a school-age student’s school~~

~~has provided the option for or has scheduled some or all students for full- or part-time remote instruction occurring electronically off school premises.~~

(B) During the school summer vacation, up to 12 children may be cared for, provided that at least six of these children are of school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (seven years of age and older) and who reside in the residence of the caregiver.

* * *

Sec. 3. EFFECTIVE DATES

(a) This section shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 1 (33 V.S.A. § 3511) shall take effect on passage and apply retroactively to September 8, 2020.

(c) Sec. 2 (33 V.S.A. § 3511) shall take effect on September 1, 2021.

Date Governor signed bill: October 5, 2020