

1 H.394

2 Introduced by Representatives Cupoli of Rutland City and Gregoire of

3 Fairfield

4 Referred to Committee on

5 Date:

6 Subject: Human services; child care and early learning; reorganization of

7 services

8 Statement of purpose of bill as introduced: This bill proposes to repeal the
9 Department for Children and Families' Child Development Division and
10 reallocate the Division's existing duties to the Department for Children and
11 Families' Economic Services and Family Services Divisions, the Departments
12 of Health and of Mental Health, and the Agency of Education.

13 An act relating to reorganizing the administration of child care and early
14 learning services

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

16 * * * Legislative Intent * * *

17 Sec. 1. LEGISLATIVE INTENT

18 It is the intent of the General Assembly that the Department for Children
19 and Families' Child Development Division be repealed and that the existing
20 duties of the Division be relocated as follows:

1 (1) Programmatic oversight of the child care and early learning system,
2 including privately operated prekindergarten programs, shall be assumed by
3 the Agency of Education.

4 (2) Administration of the Child Care Financial Assistance Program shall
5 be assumed by the Department for Children and Families' Economic and
6 Services Division.

7 (3) Prevention funding targeting the prevention of child abuse and
8 neglect and juvenile justice prevention efforts shall be assumed by the
9 Department for Children and Families' Family Services Division.

10 (4) Administration of the Strong Families Vermont home visiting
11 program, public health prevention grant programs, and Children with Special
12 Health Needs grant funding shall be assumed by the Department of Health.

13 (5) Administration of the Early Childhood Family Mental Health
14 Services program shall be assumed by the Department of Mental Health.

15 * * * Amendment to Title 3 * * *

16 Sec. 2. 3 V.S.A. § 3084 is amended to read:

17 § 3084. DEPARTMENT FOR CHILDREN AND FAMILIES

18 (a) The Department for Children and Families is created within the Agency
19 of Human Services as the successor to and the continuation of the Department
20 of Social and Rehabilitation Services, the Department of Prevention,
21 Assistance, Transition, and Health Access, excluding the Department of

1 Vermont Health Access, the Office of Economic Opportunity, and the Office
2 of Child Support. ~~The Department shall also include a Division of Child~~
3 ~~Development Programs.~~

4 * * *

5 * * * Transfer of Certain Child Development Division Duties to the Agency of
6 Education * * *

7 Sec. 3. 16 V.S.A. § 829 is amended to read:

8 § 829. PREKINDERGARTEN EDUCATION

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

10 (1) “Prekindergarten child” means a child who, as of the date
11 established by the district of residence for kindergarten eligibility, is three or
12 four years of age or is five years of age but is not yet enrolled in kindergarten.

13 (2) “Prekindergarten education” means services designed to provide to
14 prekindergarten children developmentally appropriate early development and
15 learning experiences based on Vermont’s early learning standards.

16 (3) “Prequalified private provider” means a private provider of
17 prekindergarten education that is qualified pursuant to subsection (c) of this
18 section.

19 (b) Access to publicly funded prekindergarten education.

20 (1) ~~No~~ Not fewer than ten hours per week of publicly funded
21 prekindergarten education shall be available for 35 weeks annually to each

1 prekindergarten child whom a parent or guardian wishes to enroll in an
2 available, prequalified program operated by a public school or a private
3 provider.

4 (2) If a parent or guardian chooses to enroll a prekindergarten child in an
5 available, prequalified program, then, pursuant to the parent or guardian's
6 choice, the school district of residence shall:

7 (A) pay tuition pursuant to subsections (d) and (h) of this section
8 upon the request of the parent or guardian to:

9 (i) a prequalified private provider; or

10 (ii) a public school located outside the district that operates a
11 prekindergarten program that has been prequalified pursuant to subsection (c)
12 of this section; or

13 (B) enroll the child in the prekindergarten education program that it
14 operates.

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

19 (4) If the supply of prequalified private and public providers is
20 insufficient to meet the demand for publicly funded prekindergarten education
21 in any region of the State, nothing in this section shall be construed to require a

1 district to begin or expand a program to satisfy that demand; but rather, in
2 collaboration with the ~~Agencies of Education and of Human Services~~ Agency
3 of Education, the local Building Bright Futures Council shall meet with school
4 districts and private providers in the region to develop a regional plan to
5 expand capacity.

6 (c) Prequalification. Pursuant to rules ~~jointly~~ developed and overseen by
7 the ~~Secretaries of Education and of Human Services~~ Secretary of Education
8 and adopted by the State Board pursuant to 3 V.S.A. chapter 25, the ~~Agencies~~
9 ~~jointly~~ Agency may determine that a private or public provider of
10 prekindergarten education is qualified for purposes of this section and include
11 the provider in a publicly accessible database of prequalified providers. At a
12 minimum, the rules shall define the process by which a provider applies for
13 and maintains prequalification status, shall identify the minimum quality
14 standards for prequalification, and shall include the following requirements:

15 (1) A program of prekindergarten education, whether provided by a
16 school district or a private provider, shall have received:

17 (A) National Association for the Education of Young Children
18 (NAEYC) accreditation; or

19 (B) at least four stars in the ~~Department for Children and Families~~
20 Division of Child Care and Early Learning's STARS system with a plan to get
21 to at least two points in each of the five arenas; or

1 (C) three stars in the STARS system if the provider has developed a
2 plan, approved by ~~the Commissioner for Children and Families and the~~
3 Secretary of Education, to achieve four or more stars with at least two points in
4 each of the five arenas in no more than three years, and the provider has met
5 intermediate milestones.

6 (2) A licensed center-based child care provider shall employ or contract
7 for the services of at least one teacher who is licensed and endorsed in early
8 childhood education or in early childhood special education under chapter 51
9 of this title.

10 (3) A registered family child care home provider that is not licensed and
11 endorsed in early childhood education or early childhood special education
12 shall receive regular, active supervision and training from a teacher who is
13 licensed and endorsed in early childhood education or in early childhood
14 special education under chapter 51 of this title.

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

16 (1) On behalf of a resident prekindergarten child, a district shall pay
17 tuition for prekindergarten education for ten hours per week for 35 weeks
18 annually to a prequalified private provider or to a public school outside the
19 district that is prequalified pursuant to subsection (c) of this section; provided,
20 however, that the district shall pay tuition for weeks that are within the
21 district's academic year. Tuition paid under this section shall be at a statewide

1 rate, which may be adjusted regionally, that is established annually through a
2 process ~~jointly~~ developed and implemented by the ~~Agencies of Education and~~
3 ~~of Human Services~~ Agency of Education. A district shall pay tuition upon:

4 (A) receiving notice from the child's parent or guardian that the child
5 is or will be admitted to the prekindergarten education program operated by the
6 prequalified private provider or the other district; and

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

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

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

19 (4) A prequalified private provider may receive additional payment
20 directly from the parent or guardian only for prekindergarten education in
21 excess of the hours paid for by the district pursuant to this section or for child

1 care services, or both. The provider is not bound by the statewide rate
2 established in this subsection when determining the rates it will charge the
3 parent or guardian.

4 (e) Rules. The Secretary of Education ~~and the Commissioner for Children~~
5 ~~and Families~~ shall jointly develop ~~and agree to~~ rules and present them to the
6 State Board for adoption under 3 V.S.A. chapter 25 as follows:

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

14 (2) To authorize a district to begin or expand a school-based
15 prekindergarten education program only upon prior approval obtained through
16 a process jointly overseen by the ~~Secretaries of Education and of Human~~
17 ~~Services~~ Secretary of Education, which shall be based upon analysis of the
18 number of prekindergarten children residing in the district and the availability
19 of enrollment opportunities with prequalified private providers in the region.
20 Where the data are not clear or there are other complex considerations, the
21 ~~Secretaries~~ Secretary may choose to conduct a community needs assessment.

1 (3) To require that the school district provides opportunities for
2 effective parental participation in the prekindergarten education program.

3 (4) To establish a process by which:

4 (A) a parent or guardian notifies the district that the prekindergarten
5 child is or will be admitted to a prekindergarten education program not
6 operated by the district and concurrently enrolls the child in the district
7 pursuant to subdivision (d)(1) of this section;

8 (B) a district:

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

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

15 (C) a provider that has received tuition payments under this section
16 on behalf of a prekindergarten child notifies a district that the child is no longer
17 enrolled.

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

1 (6) [Repealed.]

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

5 (8) To require a district to report to the Agency of Education annual
6 expenditures made in support of prekindergarten education, with distinct
7 figures provided for expenditures made from the General Fund, from the
8 Education Fund, and from all other sources, which shall be specified.

9 (9) To provide an administrative process for:

10 (A) a parent, guardian, or provider to challenge an action of a school
11 district or the State when the complainant believes that the district or State is in
12 violation of State statute or rules regarding prekindergarten education; and

13 (B) a school district to challenge an action of a provider or the State
14 when the district believes that the provider or the State is in violation of State
15 statute or rules regarding prekindergarten education.

16 (10) To establish a system by which the Agency of Education ~~and~~
17 ~~Department for Children and Families~~ shall jointly monitor and evaluate
18 prekindergarten education programs to promote optimal results for children
19 that support the relevant population-level outcomes set forth in 3 V.S.A.
20 § 2311 and to collect data that will inform future decisions. The Agency ~~and~~

1 Department shall be required to report annually to the General Assembly in
2 January. At a minimum, the system shall monitor and evaluate:

3 (A) programmatic details, including the number of children served,
4 the number of private and public programs operated, and the public financial
5 investment made to ensure access to quality prekindergarten education;

6 (B) the quality of public and private prekindergarten education
7 programs and efforts to ensure continuous quality improvements through
8 mentoring, training, technical assistance, and otherwise; and

9 (C) the results for children, including school readiness and
10 proficiency in numeracy and literacy.

11 (11) To establish a process for documenting the progress of children
12 enrolled in prekindergarten education programs and to require public and
13 private providers to use the process to:

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

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

17 (f) Other provisions of law. Section 836 of this title shall not apply to this
18 section.

19 (g) Limitations. Nothing in this section shall be construed to permit or
20 require payment of public funds to a private provider of prekindergarten

1 education in violation of Chapter I, Article 3 of the Vermont Constitution or in
2 violation of the Establishment Clause of the U.S. Constitution.

3 (h) Geographic limitations.

4 (1) Notwithstanding the requirement that a district pay tuition to any
5 prequalified public or private provider in the State, a school board may choose
6 to limit the geographic boundaries within which the district shall pay tuition by
7 paying tuition solely to those prequalified providers in which parents and
8 guardians choose to enroll resident prekindergarten children that are located
9 within the district's "prekindergarten region" as determined in subdivision (2)
10 of this subsection.

11 (2) For purposes of this subsection, upon application from the school
12 board, a district's prekindergarten region shall be determined ~~jointly~~ by the
13 ~~Agencies of Education and of Human Services~~ Agency of Education in
14 consultation with the school board, private providers of prekindergarten
15 education, parents and guardians of prekindergarten children, and other
16 interested parties pursuant to a process adopted by rule under subsection (e) of
17 this section. A prekindergarten region:

18 (A) shall not be smaller than the geographic boundaries of the school
19 district;

20 (B) shall be based in part upon the estimated number of
21 prekindergarten children residing in the district and in surrounding districts, the

1 availability of prequalified private and public providers of prekindergarten
2 education, commuting patterns, and other region-specific criteria; and

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

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

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

14 Sec. 4. 16 V.S.A. part 7 is added to read:

15 Part 7. Child Care and Early Learning Services

16 CHAPTER 151. CHILD CARE AND EARLY LEARNING DIVISION

17 § 5001. CHILD CARE AND EARLY LEARNING DIVISION;

18 ESTABLISHED

19 There is established the Child Care and Early Learning Division within the
20 Agency of Education for the purposes of administering and providing

1 oversight over all child care and early learning programming. The Division
2 shall:

3 (1) encourage the development of a comprehensive child care and early
4 learning system that promotes the wholesome growth and educational
5 development of children, including:

6 (A) child care and early learning quality enhancements pursuant to
7 the Child Care and Development Block Grant Act, Pub. L. No. 113-186;

8 (B) specialized child care programming;

9 (C) early intervention services for infants and toddlers with
10 disabilities pursuant to 20 U.S.C. §§ 1431–1444;

11 (D) the Prekindergarten Program established pursuant to 16 V.S.A.
12 § 829;

13 (E) administrative and technical support to Vermont’s Head Start
14 Collaboration Office; and

15 (F) administration of contracts and grants pertaining to the child care
16 and early learning system;

17 (2) facilitate the development of child care and early learning facilities,
18 including regulation of center-based child care programs and family child care
19 homes;

1 (3) encourage and promote the provision of parenting education,
2 developmentally appropriate activities, and primary prevention services by
3 child care and early learning providers;

4 (4) facilitate cooperation between the private and public sectors to
5 promote the expansion of child care and early learning services;

6 (5) promote continuing study of child care and early learning needs and
7 the most effective methods by which these needs can be served through
8 governmental and private programs;

9 (6) coordinate activities of the Division with other State agencies
10 serving children and families, including Building Bright Futures, and the
11 Building Bright Futures State Advisory Council;

12 (7) strive to make the State a model employer by encouraging it to offer
13 a variety of child care and early learning benefit options to its employees;

14 (8) provide professional development and training for child care and
15 early learning providers;

16 (9) support the child care and early learning referral network tasked with
17 referring families seeking child care to child care and early learning programs
18 with capacity;

19 (10) promote the involvement of businesses and communities in the
20 development of child care and early learning services throughout the State by

1 providing technical assistance to providers and potential providers of child care
2 and early learning services; and

3 (11) enforce, maintain, and manage all child care and early learning and
4 prekindergarten rules pursuant to 3 V.S.A. chapter 25.

5 § 5002. DEFINITIONS

6 As used in this part:

7 (1) “Center-based child care program” means a child care and early
8 learning facility outside of the provider’s residence that is licensed to provide
9 developmentally appropriate care, education, protection, and supervision
10 designed to ensure wholesome growth and educational experiences for children
11 outside of their home for periods of less than 24 hours per day.

12 (2) “Child” means an individual under 13 years of age.

13 (3) “Child care and early learning facility” means any place or program
14 operated as a business or service on a regular or continuous basis, whether for
15 compensation or not, whose primary function is protection, care, and
16 supervision of children under 16 years of age outside their homes for periods
17 of fewer than 24 hours a day by a person other than a child’s own parent,
18 guardian, or relative, as defined by rules adopted by the Agency of Education,
19 but not including a kindergarten approved by the State Board of Education.

1 (4) “Child care and early learning provider” or “provider” means a
2 person licensed or registered by the Agency of Education to provide child care
3 and early learning services.

4 (5) “Child care and early learning services” include developmentally
5 appropriate care and supervision for children under 13 years of age for fewer
6 than 24 hours a day by a child care and early learning provider.

7 (6) “Division” means the Child Care and Early Learning Division.

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

16 (A) These part-time school-age children may be cared for on a full-
17 day basis during school closing days, snow days, and vacation days that occur
18 during the school year.

19 (B) During the school summer vacation, up to 12 children may be
20 cared for, provided that at least six of these children are of school age and a
21 second staff person is present and on duty when the number of children in

1 attendance exceeds six. These limits shall not include children who are
2 required by law to attend school (seven years of age and older) and who reside
3 in the residence of the caregiver.

4 (8) "Secretary" means the Secretary of Education.

5 (9) "Training" means an activity, approved by the Secretary or the
6 Secretary's designee, that is likely to lead to employment or required to
7 maintain employment.

8 § 5003. CHILD CARE AND EARLY LEARNING FACILITIES

9 (a) Unless exempted under subsection (b) of this section, a person shall not
10 operate a center-based child care program without a license, or operate a
11 family child care home without registration from the Division.

12 (b) The following persons are exempted from the provisions of subsection
13 (a) of this section:

14 (1) a person providing care for children of not more than two families
15 other than that of the person providing the care;

16 (2) a hospital or establishment holding a license issued by the
17 Department of Health, or a person operating a program primarily for
18 recreational or therapeutic purposes, unless the hospital, establishment, or
19 person provides services for the care, protection, and supervision of children
20 not incidental to its primary purpose, in which case subsection (a) of this
21 section shall apply to those nonincidental additional services;

1 (3) child care and early learning facilities operated by religious
2 organizations for the care and supervision of children during or in connection
3 with religious services or church sponsored activities; and

4 (4) an after-school program that serves students in one or more grades
5 from kindergarten through secondary school, that receives funding through the
6 21st Century Community Learning Centers program, and that is overseen by
7 the Agency, unless the after-school program asks to participate in the child
8 care subsidy program.

9 (c) A person who has a license to operate a center-based child care program
10 shall not operate a family child care home. A person who operates a registered
11 family child care home shall not operate a licensed center-based child care
12 program.

13 (d)(1) Rules pertaining to child care and early learning facilities shall
14 ensure that children in child care and learning facilities are provided with
15 wholesome growth and educational experiences, and are not subjected to
16 neglect, mistreatment, or immoral surroundings.

17 (2) A center-based child care program shall ensure that all individuals
18 working therein receive orientation, based on materials recommended by the
19 Agency of Education on the prevention, identification, and mandatory
20 reporting of child abuse, including child sexual abuse, signs and symptoms of
21 sexual abuse, sexual violence, grooming processes, recognizing the dangers of

1 child sexual abuse in and close to the home, and other predatory behaviors of
2 sex offenders.

3 (e) The Division shall review the rules for licensure and registration of
4 child care and early learning facilities for potential revision not less than every
5 three years.

6 (f) The Secretary, upon request, and in the Secretary's discretion, may
7 grant waivers and variances to child-adult ratios if licensure is applied for by a
8 registered child care and early learning facility.

9 § 5004. LICENSING AND REGISTRATION; VIOLATIONS

10 (a) The Secretary shall adopt rules governing applications for and issuance,
11 revocation, term, and renewal of licenses and registrations. In the rules, the
12 Secretary may prescribe standards and conditions to be met, records to be kept,
13 and reports to be filed. Licenses and registration shall be for a term of one year
14 from issuance unless otherwise prescribed by rule.

15 (b) A child care and early learning facility covered by a license or
16 registration may be visited and inspected by the Division at reasonable hours.
17 A person who accepts a license or registration shall permit visits and
18 inspections and examinations of the records he or she is required to keep.

19 (c) A license or registration may be revoked for cause after hearing and
20 may be suspended in situations that immediately imperil the health, safety, or
21 well-being of persons in the care of the licensee or registrant.

1 (d) Before a license is granted, the Division shall visit and inspect the child
2 care and early learning facility for which the license is requested and make
3 further inquiry and investigation as the Secretary may direct. Before a family
4 child care home registration is granted, the Division shall make inquiry and
5 investigation. Inquiry and investigation may include a visit to and inspection
6 of the premises for which the registration is requested. Further inquiry and
7 investigation may be made as the Secretary may direct.

8 (e) Whenever the Attorney General has reason to believe that a child care
9 and early learning facility required by the Secretary to be licensed or registered
10 is being operated without such license or registration, the Attorney General
11 may bring an action for equitable relief in the name of the State against the
12 operator of such child care and early learning facility to restrain such
13 operation. The action may be brought in the Superior Court of the county in
14 which the child care and early learning facility is located. The court is
15 authorized to grant equitable relief to restrain and prevent such operation.

16 (f) Any person who violates the terms of an injunction or restraining order
17 issued under subdivision (5) of this section shall forfeit and pay to the State a
18 civil penalty of not more than \$100.00 for each violation. In such cases, the
19 Attorney General acting in the name of the State may petition for recovery of
20 such civil penalty.

1 (g) Whenever the Division determines that a regulated child care and early
2 learning facility has violated a health or safety rule, the child care and early
3 learning facility shall post the Division’s notice of violation in a conspicuous
4 place in the child care and early learning facility. In the case of a serious
5 violation, as defined by the Division by rule, the child care and early learning
6 facility shall also notify by mail a person responsible for the welfare of each
7 child attending that child care and early learning facility. A serious violation
8 shall include violation of group size and staffing requirements and any
9 violation involving a situation which immediately imperils the health, safety,
10 or well-being of persons in the care of the licensee or registrant.

11 § 5005. CORPORAL PUNISHMENT PROHIBITED

12 (a) For the purpose of this section, “corporal punishment” means the
13 intentional infliction of physical pain upon the body of a child as a disciplinary
14 measure.

15 (b) No person employed by or agent of a licensed or registered child care
16 and early learning facility shall inflict or cause to be inflicted corporal
17 punishment upon a child attending the facility. However, this section does not
18 prohibit a person from using reasonable and necessary force:

19 (1) to quell a disturbance;

20 (2) to obtain possession of dangerous objects upon the person of or
21 within the control of a child;

1 (3) for the purpose of self defense; or

2 (4) for the protection of persons or property.

3 § 5006. ACCESS TO RECORDS

4 (a)(1) The Secretary may obtain from the Vermont Crime Information
5 Center the record of convictions of any person:

6 (A) to the extent required by law;

7 (B) who the Secretary has determined by rule that such information is
8 necessary to regulate a child care and early learning facility; or

9 (C) is an individual subject to regulation by the Agency.

10 (2) The Secretary shall first notify the person whose record is being
11 requested.

12 (b) The owner or operator of a child care and early learning facility
13 licensed or registered by the Division may ask the Secretary for the record of
14 convictions and the record of substantiated reports of child abuse of a current
15 employee or a person to whom the owner or operator has given a conditional
16 offer of employment. The request shall be in writing and shall be accompanied
17 by a release signed by the current or prospective employee. The owner or
18 operator shall inform the current or prospective employee that he or she has the
19 right to appeal the accuracy and completeness of the record. Upon receiving a
20 request under this subsection, the Secretary shall ask the Vermont Crime

1 Information Center for the record of convictions of the current or prospective
2 employee.

3 (c) If the person has a record of convictions, the Secretary shall provide the
4 owner or operator with a copy of the record. If the person has a record of
5 substantiated reports of child abuse, the Secretary shall inform the requesting
6 owner or operator that such record exists.

7 (d) Information released to an owner or operator under this section shall not
8 be released or disclosed by the owner or operator to any other person. Release
9 or disclosure of such information by an owner or operator may result in the
10 loss of the license or registration.

11 (e) As used in this section:

12 (1) "Employee" shall include volunteers.

13 (2) "Substantiated reports of child abuse" means reports of child abuse
14 substantiated under 33 V.S.A. § 4915.

15 (3) "Volunteer" means an individual who, without compensation,
16 provides services through a public or private organization.

17 § 5007. SUPPLEMENTAL CHILD CARE GRANTS

18 (a)(1) The Commissioner for Children and Families may reserve up to one-
19 half of one percent of the funds for the child care family assistance program
20 established in 33 V.S.A. chapter 35 for extraordinary financial relief to assist
21 child care and early learning facilities that are at risk of closing due to financial

1 hardship. The Secretary shall develop guidelines for providing assistance and
2 shall prioritize extraordinary financial relief to child care and early learning
3 facilities in areas of the State with high poverty and low access to high quality
4 child care. If the Secretary determines a child care and early learning facility is
5 at risk of closure because its operations are not fiscally sustainable, he or she
6 may provide assistance to transition children served by the child care operator
7 in an orderly fashion and to help secure other child care opportunities for
8 children served by the program in an effort to minimize the disruption of
9 services. The Secretary has the authority to request tax returns and other
10 financial documents to verify the financial hardship and ability to sustain
11 operations.

12 (2) Annually on or before January 15, the Secretary shall report to the
13 Senate Committees on Education and on Health and Welfare and to the House
14 Committees on Education and on Human Services regarding any funds
15 distributed pursuant to subdivision (1) of this subsection. Specifically, the
16 report shall address how funds were distributed and used. It shall also address
17 results related to any distribution of funds.

18 (b) In instances in which extraordinary financial relief will not maintain
19 ongoing access to high-quality child care, the Agency of Education may
20 provide additional support to ensure access to high-quality, comprehensive
21 child care that meets the needs of working parents in high-poverty areas of

1 Vermont. Regulated child care and early learning facilities may be considered
2 for this additional financial support to help ensure ongoing access to high-
3 quality child care in areas of the State where none exists, as determined by the
4 Secretary. Financial assistance may be granted, at the discretion of the
5 Secretary, if the child care and early learning program meets the following
6 criteria:

7 (1) provides full-day child care year-round;

8 (2) serves infants and toddlers;

9 (3) is located in a high-poverty area without access to public
10 transportation, as determined by the Secretary;

11 (4) maintains a five-star rating in the STep Ahead Recognition System
12 (STARS) program;

13 (5) maintains a caseload in which at least 80 percent of enrollees receive
14 a 100 percent subsidy from the child care financial assistance program; and

15 (6) receives child care subsidies as its primary source of program
16 revenue.

17 § 5008. CANNABIS AND TOBACCO USE PROHIBITED AT CHILD

18 CARE AND EARLY LEARNING FACILITIES

19 (a) No person shall be permitted to use cannabis as defined in 18 V.S.A.

20 § 4201 or to cultivate cannabis, or use tobacco products or tobacco substitutes

1 as defined in 7 V.S.A. § 1001 on the premises, both indoor and outdoor, of any
2 licensed center-based child program or afterschool program at any time.

3 (b) No person shall be permitted to use cannabis as defined in 18 V.S.A.
4 § 4201, tobacco products, or tobacco substitutes as defined in 7 V.S.A. § 1001
5 on the premises, both indoors and in any outdoor area designated for child
6 care, of a regulated family child care home while children are present and in
7 care. If use of cannabis or smoking of tobacco products or tobacco substitutes
8 occurs on the premises during other times, the family child care home shall
9 notify prospective families prior to enrolling a child in the family child care
10 home that their child will be exposed to an environment in which cannabis,
11 tobacco products, or tobacco substitutes are used. Cultivation of cannabis in a
12 regulated family child care home is not permitted.

13 (c) A person who knowingly uses or cultivates cannabis in violation of this
14 section commits a misdemeanor crime and shall be subject to the following
15 penalties:

16 (1) a fine of not more than \$500.00 for a first offense;

17 (2) a fine of not more than \$750.00 for a second offense; and

18 (3) a fine of not more than \$1,000.00 for a third or subsequent offense.

19 § 5009. BUILDING BRIGHT SPACES FOR BRIGHT FUTURES FUNDS

20 (a) A child care and early learning facilities financing program is
21 established to facilitate the development and expansion of child care and early

1 learning facilities in the State. The Program shall be administered by the
2 Agency of Education.

3 (b) The Program shall be supported from a special fund, to be known as the
4 “Building Bright Spaces for Bright Futures Fund,” hereinafter referred to as
5 “the Bright Futures Fund,” hereby created for this purpose to be administered
6 by the Secretary of Education. Subject to approvals required by 32 V.S.A § 5,
7 the Fund may accept gifts and donations from any source, and the Secretary
8 may take appropriate actions to encourage contributions and designations to
9 the account, including publicizing explanations of the purposes of the Fund
10 and the uses to which the Bright Futures Fund has been or will be applied.

11 (c) Funds appropriated for this Program shall be used by the Secretary to
12 award grants to eligible applicants for the development and expansion of child
13 care and early learning options and community programs targeted for youths
14 14 through 18 years of age. These options may include recreational programs
15 and related equipment or facilities, development or expansion of child care and
16 early learning facilities, and community-based programs that address specific
17 child care and youth program needs of the applicant region. The Secretary
18 shall establish, by rule, criteria, conditions, and procedures for awarding such
19 grants and administering this Program.

20 * * * Redesignation and Amendment of Redesignated Section * * *

21 Sec. 5. RESDESIGNATION

1 (a) 33 V.S.A. chapter 46 (Building Bright Futures Council) is redesignated
2 as 16 V.S.A. chapter 153, comprising sections 5001–5004.

3 (b) 33 V.S.A. chapter 36 (Early Care and Education Providers Labor
4 Relations Act) is redesignated as 16 V.S.A. chapter 155, comprising
5 sections 5101–5119.

6 Sec. 6. 16 V.S.A. § 5101 is amended to read:

7 § 5101. PURPOSE

8 (a) The General Assembly recognizes the right of all early care and
9 education providers to bargain collectively with the State over matters within
10 the State’s control and identified as subjects of bargaining pursuant to
11 subsection ~~3603(b)~~ 5103(b) of this chapter.

12 (b) The General Assembly intends to create an opportunity for early care
13 and education providers to choose to form a union and bargain with the State
14 over matters within the State’s control and identified as subjects of bargaining
15 pursuant to subsection ~~3603(b)~~ 5103(b) of this chapter.

16 * * *

17 Sec. 7. 16 V.S.A. § 5102 is amended to read:

18 § 5102. DEFINITIONS

19 As used in this chapter:

20 * * *

1 (3) “Early care and education provider” means a ~~licensed child care~~
2 ~~home provider, a registered child care home provider~~ child care and early
3 learning provider as defined in section 5002 of this title, or a legally exempt
4 family child care home provider, ~~which~~ that is defined by the Legally Exempt
5 Child Care Provider Requirements set forth by the ~~Vermont Department for~~
6 ~~Children and Families, Child Development~~ Agency of Education’s Child Care
7 and Early Learning Division, who provides child care and early learning
8 services as defined in ~~subdivision 3511(4)~~ section 5002 of this title.

9 (4) “Exclusive representative” means the labor organization that has
10 been elected or recognized and certified by the Board under this chapter and
11 consequently has the exclusive right under section ~~3608~~ 5108 of this chapter to
12 represent early care and education providers for the purpose of collective
13 bargaining and the enforcement of any contract provisions.

14 * * *

15 (6) “Subsidy payment” means any payment made by the State to assist
16 families in paying for child care and early learning services through the ~~State’s~~
17 ~~child care financial assistance program~~ Child Care Financial Assistance
18 Program established in 33 V.S.A. chapter 35.

19 Sec. 8. 16 V.S.A. § 5106 is amended to read:

20 § 3606. BARGAINING UNIT

21 * * *

1 (b) Early care and education providers may select an exclusive
2 representative for the purpose of collective bargaining by using the procedures
3 in sections ~~3607~~ 5107 and ~~3608~~ 5108 of this chapter.

4 * * *

5 Sec. 9. 16 V.S.A. § 5110 is amended to read:

6 § 5110. NEGOTIATED AGREEMENT; FUNDING

7 * * *

8 (e) The Board is authorized to enforce compliance with all provisions of a
9 collective bargaining agreement upon complaint of either party. In the event a
10 complaint is made by either party to an agreement, the Board shall proceed in
11 the manner prescribed in section ~~3612~~ 5112 of this chapter relating to the
12 prevention of unfair labor practices.

13 * * * Amendments and Repeals in Title 33 * * *

14 Sec. 10. 33 V.S.A. § 151 is amended to read:

15 § 151. LICENSING AND REGISTRATION; VIOLATIONS

16 This subchapter shall apply to all licenses, registrations, and applications for
17 licenses and registrations ~~which~~ that the Commissioner or the Department may
18 issue or grant, unless otherwise specifically provided.

19 (1) The Commissioner shall adopt rules governing applications for and
20 issuance, revocation, term, and renewal of licenses and registrations. In the
21 ~~regulations~~ rules, he or she may prescribe standards and conditions to be met,

1 records to be kept, and reports to be filed. Licenses and registration shall be
2 for a term of one year from issuance unless otherwise prescribed by ~~regulation~~
3 rule.

4 (2) Premises covered by a license or registration may be visited and
5 inspected by the Department at reasonable hours. A person who accepts a
6 license or registration shall permit visits and inspections and examinations of
7 the records he or she is required to keep.

8 (3) A license or registration may be revoked for cause after hearing and
9 may be suspended in situations ~~which~~ that immediately imperil the health,
10 safety, or well-being of persons in the care of the licensee or registrant.

11 (4) Before a license is granted, the Department shall visit and inspect the
12 premises for which the license is requested and make further inquiry and
13 investigation as the Commissioner may direct. ~~Before a family child care~~
14 ~~home registration is granted, the Department shall make inquiry and~~
15 ~~investigation. Inquiry and investigation may include a visit to and inspection of~~
16 ~~the premises for which the registration is requested. Further inquiry and~~
17 ~~investigation may be made as the Commissioner may direct.~~

18 (5) Whenever the Attorney General has reason to believe that a facility
19 required by the Commissioner to be licensed or registered is being operated
20 without such license or registration, the Attorney General may bring an action
21 for equitable relief in the name of the State against the operator of such facility

1 to restrain such operation. The action may be brought in the Superior Court of
2 the county in which the facility is located. The ~~Court~~ court is authorized to
3 grant equitable relief to restrain and prevent such operation.

4 (6) Any person who violates the terms of an injunction or restraining
5 order issued under subdivision (5) of this section shall forfeit and pay to the
6 State a civil penalty of not more than \$100.00 for each violation. In such
7 cases, the Attorney General acting in the name of the State may petition for
8 recovery of such civil penalty.

9 (7) ~~Whenever the Department determines that a licensed child care~~
10 ~~facility or registered family child care home has violated a health or safety~~
11 ~~rule, the facility or home shall post the Department's notice of violation in a~~
12 ~~conspicuous place in the facility or home. In the case of a serious violation, as~~
13 ~~defined by the Department by rule, the facility or home shall also notify by~~
14 ~~mail a person responsible for the welfare of each child attending that facility or~~
15 ~~home. A serious violation shall include violation of group size and staffing~~
16 ~~requirements and any violation involving a situation which immediately~~
17 ~~imperils the health, safety, or well-being of persons in the care of the licensee~~
18 ~~or registrant. [Repealed.]~~

1 Sec. 11. 33 V.S.A. chapter 35 is amended to read:

2 CHAPTER 35. ECONOMIC SUPPORTS FOR CHILD CARE SERVICES
3 AND FACILITIES

4 Subchapter 1. Child Care Facilities

5 § 3501. ~~DIVISION OF CHILD DEVELOPMENT; DUTIES~~

6 ~~The Division of Child Development shall:~~

7 ~~(1) encourage the development of a comprehensive child care services~~
8 ~~system which promotes the wholesome growth and educational development~~
9 ~~of children;~~

10 ~~(2) facilitate the development of child care facilities;~~

11 ~~(3) encourage and promote the provision by child care providers of~~
12 ~~parenting education, developmentally appropriate activities, and primary~~
13 ~~prevention services;~~

14 ~~(4) facilitate cooperation between the private and public sectors to~~
15 ~~promote the expansion of child care services;~~

16 ~~(5) promote continuing study of child care needs and the most effective~~
17 ~~methods by which these needs can be served through governmental and private~~
18 ~~programs;~~

19 ~~(6) coordinate activities of the Division with other State agencies~~
20 ~~serving children and families;~~

1 ~~(7) strive to make the State a model employer by encouraging it to offer~~
2 ~~a variety of child care benefit options to its employees;~~

3 ~~(8) provide training for child care providers;~~

4 ~~(9) support resource and referral services for parents and providers; and~~

5 ~~(10) promote the involvement of businesses and communities in the~~
6 ~~development of child care services throughout the State by providing technical~~
7 ~~assistance to providers and potential providers of child care services.~~

8 ~~[Repealed.]~~

9 ~~§ 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC~~
10 ~~SCHOOLS; 21ST CENTURY FUND~~

11 ~~(a) Unless exempted under subsection (b) of this section, a person shall not~~
12 ~~operate a child care facility without a license, or operate a family child care~~
13 ~~home without registration from the Department.~~

14 ~~(b) The following persons are exempted from the provisions of subsection~~
15 ~~(a) of this section:~~

16 ~~(1) a person providing care for children of not more than two families~~
17 ~~other than that of the person providing the care;~~

18 ~~(2) a hospital or establishment holding a license issued by the~~
19 ~~Department of Health, or a person operating a program primarily for~~
20 ~~recreational or therapeutic purposes, unless the hospital, establishment, or~~
21 ~~person provides services for the care, protection, and supervision of children~~

1 ~~not incidental to its primary purpose in which case subsection (a) of this~~
2 ~~section shall apply to those nonincidental additional services;~~

3 ~~(3) child care facilities operated by religious organizations for the care~~
4 ~~and supervision of children during or in connection with religious services or~~
5 ~~church sponsored activities;~~

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

7 ~~(5) an after school program that serves students in one or more grades~~
8 ~~from kindergarten through secondary school, that receives funding through the~~
9 ~~21st Century Community Learning Centers program, and that is overseen by~~
10 ~~the Agency of Education, unless the after school program asks to participate in~~
11 ~~the child care subsidy program.~~

12 ~~(e) A person who has a license to operate a child care facility shall not~~
13 ~~operate a family child care home. A person who operates a registered family~~
14 ~~child care home shall not operate a child care facility.~~

15 ~~(d)(1) Regulations pertaining to child care facilities and family child care~~
16 ~~homes shall be designed to ensure that children in child care facilities and~~
17 ~~family child care homes are provided with wholesome growth and educational~~
18 ~~experiences, and are not subjected to neglect, mistreatment, or immoral~~
19 ~~surroundings.~~

20 ~~(2) A licensed child care facility shall ensure that all individuals~~
21 ~~working at the facility receive orientation, based on materials recommended by~~

1 ~~the Agency of Human Services and the Agency of Education, on the~~
2 ~~prevention, identification, and mandatory reporting of child abuse, including~~
3 ~~child sexual abuse, signs and symptoms of sexual abuse, sexual violence,~~
4 ~~grooming processes, recognizing the dangers of child sexual abuse in and close~~
5 ~~to the home, and other predatory behaviors of sex offenders.~~

6 ~~(e) At least each three years, the Department shall review the regulations~~
7 ~~for licensure and registration for revision or updating.~~

8 ~~(f) The Commissioner, upon request, and in the Commissioner's discretion,~~
9 ~~may grant waivers and variances to child-adult ratios if licensure is applied for~~
10 ~~by a registered child care facility.~~

11 ~~(g) [Repealed.]~~

12 ~~(h) Notwithstanding any provision of law to the contrary, the Agency of~~
13 ~~Human Services may provide technical assistance to schools in voluntarily~~
14 ~~meeting school-age child care standards.~~

15 ~~(i) [Repealed.] [Repealed.]~~

16 § 3503. ~~CORPORAL PUNISHMENT PROHIBITED~~

17 ~~(a) For the purpose of this chapter, corporal punishment means the~~
18 ~~intentional infliction of physical pain upon the body of a child as a disciplinary~~
19 ~~measure.~~

20 ~~(b) No person employed by or agent of a licensed or registered child care~~
21 ~~facility shall inflict or cause to be inflicted corporal punishment upon a child~~

1 attending the facility. However, this section does not prohibit a person from
2 using reasonable and necessary force:

3 (1) to quell a disturbance;

4 (2) to obtain possession of dangerous objects upon the person of or
5 within the control of a child;

6 (3) for the purpose of self defense; or

7 (4) for the protection of persons or property. [Repealed.]

8 § 3504. ~~CANNABIS AND TOBACCO USE PROHIBITED AT CHILD~~
9 ~~CARE FACILITIES~~

10 (a) ~~No person shall be permitted to use cannabis as defined in 18 V.S.A.~~
11 ~~§ 4201 or to cultivate cannabis, or use tobacco products or tobacco substitutes~~
12 ~~as defined in 7 V.S.A. § 1001 on the premises, both indoor and outdoor, of any~~
13 ~~licensed child care center or afterschool program at any time.~~

14 (b) ~~No person shall be permitted to use cannabis as defined in 18 V.S.A.~~
15 ~~§ 4201, tobacco products, or tobacco substitutes as defined in 7 V.S.A. § 1001~~
16 ~~on the premises, both indoors and in any outdoor area designated for child~~
17 ~~care, of a licensed or registered family child care home while children are~~
18 ~~present and in care. If use of cannabis or smoking of tobacco products or~~
19 ~~tobacco substitutes occurs on the premises during other times, the family child~~
20 ~~care home shall notify prospective families prior to enrolling a child in the~~
21 ~~family child care home that their child will be exposed to an environment in~~

1 ~~which cannabis, tobacco products, or tobacco substitutes are used. Cultivation~~
2 ~~of cannabis in a licensed or registered family child care home is not permitted.~~

3 ~~(e) A person who knowingly uses or cultivates cannabis in violation of this~~
4 ~~section commits a misdemeanor crime and shall be subject to the following~~
5 ~~penalties:~~

6 ~~(1) a fine of not more than \$500.00 for a first offense;~~

7 ~~(2) a fine of not more than \$750.00 for a second offense;~~

8 ~~(3) a fine of not more than \$1,000.00 for a third or subsequent offense.~~

9 [Repealed.]

10 ~~§ 3505. SUPPLEMENTAL CHILD CARE GRANTS~~

11 ~~(a)(1) The Commissioner for Children and Families may reserve up to one-~~
12 ~~half of one percent of the child care family assistance program funds for~~
13 ~~extraordinary financial relief to assist child care programs that are at risk of~~
14 ~~closing due to financial hardship. The Commissioner shall develop guidelines~~
15 ~~for providing assistance and shall prioritize extraordinary financial relief to~~
16 ~~child care programs in areas of the State with high poverty and low access to~~
17 ~~high quality child care. If the Commissioner determines a child care program~~
18 ~~is at risk of closure because its operations are not fiscally sustainable, he or she~~
19 ~~may provide assistance to transition children served by the child care operator~~
20 ~~in an orderly fashion and to help secure other child care opportunities for~~
21 ~~children served by the program in an effort to minimize the disruption of~~

1 ~~services. The Commissioner has the authority to request tax returns and other~~
2 ~~financial documents to verify the financial hardship and ability to sustain~~
3 ~~operations.~~

4 ~~(2) Annually on or before January 15, the Commissioner shall report to~~
5 ~~the Senate Committee on Health and Welfare and to the House Committee on~~
6 ~~Human Services regarding any funds distributed pursuant to subdivision (1) of~~
7 ~~this subsection. Specifically, the report shall address how funds were~~
8 ~~distributed and used. It shall also address results related to any distribution of~~
9 ~~funds.~~

10 ~~(b) In instances in which extraordinary financial relief will not maintain~~
11 ~~ongoing access to high quality child care, the Department for Children and~~
12 ~~Families may provide additional support to ensure access to high quality,~~
13 ~~comprehensive child care that meets the needs of working parents in high-~~
14 ~~poverty areas of Vermont. Licensed child care programs may be considered~~
15 ~~for this additional financial support to help ensure ongoing access to high~~
16 ~~quality child care in areas of the State where none exists, as determined by the~~
17 ~~Commissioner. Financial assistance may be granted, at the discretion of the~~
18 ~~Commissioner, if the child care program meets the following criteria:~~

19 ~~(1) provides full day child care year round;~~

20 ~~(2) serves infants and toddlers;~~

1 ~~(3) is located in a high poverty area without access to public~~
2 ~~transportation, as determined by the Commissioner;~~

3 ~~(4) maintains a 5 star rating in the STep Ahead Recognition System~~
4 ~~(STARS) program;~~

5 ~~(5) maintains a caseload in which at least 80 percent of enrollees receive~~
6 ~~a 100 percent child care subsidy; and~~

7 ~~(6) receives child care subsidies as its primary source of program~~
8 ~~revenue. [Repealed.]~~

9 Subchapter 2. Economic Supports for Child Care Services

10 § 3511. DEFINITIONS

11 As used in this ~~chapter~~ subchapter:

12 (1) “Child” means an individual under 13 years of age.

13 (2) “Child care facility” means any place or program operated as a
14 business or service on a regular or continuous basis, whether for compensation
15 or not, whose primary function is protection, care, and supervision of children
16 under 16 years of age outside their homes for periods of fewer than 24 hours a
17 day by a person other than a child’s own parent, guardian, or relative, as
18 defined by rules adopted by the ~~Department for Children and Families~~ Agency
19 of Education, but not including a kindergarten approved by the State Board of
20 Education.

1 (3) “Child care provider” means a person licensed or registered or
2 authorized by the ~~Department for Children and Families~~ Agency of Education,
3 ~~or authorized by the Department~~, to provide child care.

4 (4) “Child care services” include developmentally appropriate care and
5 supervision for children under 13 years of age for fewer than 24 hours a day by
6 a child care provider.

7 (5) “Commissioner” means the Commissioner for Children and
8 Families.

9 (6) “Division” means the ~~Child Development~~ Economic Services
10 Division.

11 (7) “Family child care home” means a child care facility that provides
12 care on a regular basis in the caregiver’s own residence for not more than
13 10 children at any one time. Of this number, up to six children may be
14 provided care on a full-time basis and the remainder on a part-time basis. As
15 used in this subdivision, care of a child on a part-time basis shall mean care of
16 a school-age child for not more than four hours a day. These limits shall not
17 include children who reside in the residence of the caregiver, except:

18 (A) These part-time school-age children may be cared for on a full-
19 day basis during school closing days, snow days, and vacation days that occur
20 during the school year.

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

7 (8) "Training" means an activity, approved by the Commissioner or the
8 Commissioner's designee, that is likely to lead to employment or required to
9 maintain employment.

10 § 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;

11 ELIGIBILITY

12 * * *

13 (b)(1) An Enhanced Child Care Services Subsidy Program is established
14 for families participating in the Reach Ahead program.

15 (2) The Enhanced Child Care Services Subsidy Program established by
16 this subsection shall be administered by the Department's ~~Child Development~~
17 Economic Services Division. The Commissioner shall adopt rules necessary
18 for the administration of the Program pursuant to 3 V.S.A. chapter 25.

19 (3) The subsidy authorized by this subsection shall be no greater than
20 100 percent of the subsidy provided in subsection (a) of this section.

1 (4) A participating family shall remain eligible for the Enhanced Child
2 Care Services Subsidy Program between 12 and 24 months as long as one or
3 more dependent children of a working parent or parents are receiving child
4 care services. The Commissioner for Children and Families may extend the
5 subsidy beyond 24 months if the Commissioners for Children and Families and
6 of Finance and Management determine jointly that an extension can be
7 accommodated within appropriated resources.

8 (5) The Enhanced Child Care Services Subsidy Program shall be funded
9 through savings resulting from caseload reductions in the Reach Up program.
10 If there are insufficient savings from caseload reductions to fund the Program,
11 the Program shall be suspended or modified.

12 * * *

13 Subchapter 3. Child Care Facilities Financing Program

14 * * *

15 Subchapter 4. Child Care Facilities Financing

16 § 3531. ~~CHILD CARE BUILDING BRIGHT SPACES FOR BRIGHT~~
17 ~~FUTURES FUNDS~~

18 ~~(a) A child care facilities financing program is established to facilitate the~~
19 ~~development and expansion of child care facilities in the State. The Program~~
20 ~~shall be administered by the Department for Children and Families.~~

1 ~~(b) The Program shall be supported from a special fund, to be known as the~~
2 ~~“Building Bright Spaces for Bright Futures Fund,” hereinafter referred to as~~
3 ~~“the Bright Futures Fund,” hereby created for this purpose to be administered~~
4 ~~by the Commissioner for Children and Families. Subject to approvals required~~
5 ~~by 32 V.S.A. § 5, the Fund may accept gifts and donations from any source,~~
6 ~~and the Commissioner may take appropriate actions to encourage contributions~~
7 ~~and designations to the account, including publicizing explanations of the~~
8 ~~purposes of the Fund and the uses to which the Bright Futures Fund has been~~
9 ~~or will be applied.~~

10 ~~(c) Funds appropriated for this Program shall be used by the Commissioner~~
11 ~~to award grants to eligible applicants for the development and expansion of~~
12 ~~child care options and community programs targeted for youths 14 through 18~~
13 ~~years of age. These options may include recreational programs and related~~
14 ~~equipment or facilities, development or expansion of child care facilities, and~~
15 ~~community-based programs which address specific child care and youth~~
16 ~~program needs of the applicant region. The Commissioner shall establish, by~~
17 ~~rule, criteria, conditions, and procedures for awarding such grants and~~
18 ~~administering this Program. [Repealed.]~~

1 * * * Transfer of Rulemaking Authority * * *

2 Sec. 12. TRANSFER OF AUTHORITY; INTENT

3 (a) It is the intent of the General Assembly that the statutory authority to
4 adopt rules by the Commissioner for Children and Families on behalf of the
5 Child Development Division pertaining to the child care and early learning
6 system is transferred from the Department for Children and Families' Child
7 Development Division to:

8 (1) the Department for Children and Families' Economic Services
9 Division with regard to the Child Care Financial Assistance Program; and

10 (2) the Agency of Education with regard to regulated child care and
11 early learning facilities.

12 (b) All rules adopted by Department for Children and Families' Child
13 Development Division under 3 V.S.A. chapter 25 prior to July 1, 2022 shall
14 remain in effect until amended or repealed pursuant to 3 V.S.A. chapter 25.

15 (c) The Department for Children and Families' Economic Services
16 Division and the Agency of Education, respectively, shall provide notice of
17 the transfer to the Secretary of State and the Legislative Committee on
18 Administrative Rules in accordance with 3 V.S.A. § 848(d)(2).

*** Reporting Requirement ***

1
2 Sec. 13. ADMINISTRATIVE EFFICIENCIES; REPORT

3 (a) Nothing in this act shall prohibit the Agencies of Human Services and
4 of Education from pursuing administrative efficiencies related to the repeal of
5 the Department for Children and Families' Child Development Division and
6 subsequent reorganization of programs previously administered by the
7 Division.

8 (b) On or before January 15, 2022, the Agency of Human Services shall
9 submit a plan to the House Committees on Appropriations and on Human
10 Services and to the Senate Committees on Appropriations and on Health and
11 Welfare detailing how the Child Development Division's responsibilities,
12 funding, and staff shall be reallocated beginning in fiscal year 2023.

13 *** Effective Dates ***

14 Sec. 14. EFFECTIVE DATES

15 (a) This section and Secs. 1 and 13 shall take effect on July 1, 2021.

16 (b) Secs. 2-12 shall take effect in July 1, 2022.