

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill  
3 No. 171 entitled “An act relating to the governance and financing of Vermont’s  
4 child care system” respectfully reports that it has considered the same and  
5 recommends that the Senate propose to the House that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 \* \* \* Legislative Intent \* \* \*

9 Sec. 1. LEGISLATIVE INTENT

10 It is the intent of the General Assembly:

11 (1) that immediate investments are necessary to support Vermont’s  
12 economy, ensure that all families with young children have affordable access  
13 to high-quality child care and early education, and that Vermont’s early  
14 childhood educators are fairly compensated and well supported; and

15 (2) to continue and build upon the five-year redesign of the Child Care  
16 Financial Assistance Program that began in fiscal year 2020.

17 \* \* \* Child Care Financial Assistance Program \* \* \*

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

19 § 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;

20 ELIGIBILITY

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

7 (2) The subsidy authorized by this subsection shall be ~~on a sliding scale~~  
8 ~~basis. The scale shall be~~ established by the Commissioner, by rule, and shall  
9 bear a reasonable relationship to income and family size. ~~The lower limit of~~  
10 ~~the fee scale shall include families whose gross income is up to and including~~  
11 ~~100 percent of the current federal poverty guidelines. The upper income limit~~  
12 ~~of the fee scale shall be neither less than 200 percent of the current federal~~  
13 ~~poverty guidelines nor more than 100 percent of the State median income,~~  
14 ~~adjusted for the size of the family. Families shall be found eligible using an~~  
15 income eligibility scale based on the current federal poverty level and adjusted  
16 for the size of the family. Co-payments shall be assigned to the whole family  
17 and shall not increase if more than one eligible child is enrolled in child care.  
18 Families with an annual gross income of less than or equal to 150 percent of  
19 the current federal poverty guidelines shall not have a family co-payment.  
20 Families with an annual gross income up to and including 350 percent of  
21 current federal poverty guidelines, adjusted for family size, shall be eligible for

1 a subsidy authorized by the subsection. The scale shall be structured so that it  
2 encourages employment. If the federal poverty guidelines decrease in a given  
3 year, the Division shall maintain the previous year’s federal poverty guidelines  
4 for the purpose of determining eligibility and benefit amount under this  
5 subsection.

6 \* \* \*

7 Sec. 3. 33 V.S.A. § 3514 is amended to read:

8 § 3514. PAYMENT TO PROVIDERS

9 \* \* \*

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

13 (2) The payment schedule shall include reimbursement rate caps tiered  
14 in relation to provider ratings in the Vermont STARS program. The lower  
15 limit of the reimbursement rate caps shall be not less than the 50th percentile  
16 of all reported rates for the same provider setting in each rate category.

17 Sec. 4. APPROPRIATION AND LEGISLATIVE INTENT; CHILD CARE  
18 FINANCIAL ASSISTANCE PROGRAM

19 (a) In fiscal year 2022, \$5,529,000.00 is appropriated from the General  
20 Fund to the Department for Children and Families’ Child Development  
21 Division for the purpose of implementing Secs. 2 and 3 of this act.

1        (b) It is the intent of the General Assembly that:

2                (1) consideration be made in fiscal years 2023 through 2026 to  
3        progressively adjust the upper income limit of the Child Care Financial  
4        Assistance Program fee scale each year; and

5                (2) the co-payment at the upper limit of the income eligibility scale for a  
6        family participating in the Child Care Financial Assistance Program shall not  
7        exceed 10 percent of a family's annual gross income.

8                                \* \* \* Bright Futures Information System \* \* \*

9        Sec. 5. BRIGHT FUTURES INFORMATION SYSTEM;

10                                MODERNIZATION PLAN

11                (a) Funds for the modernization of the Bright Futures Information System  
12        are located within the Technology Modernization Reserve.

13                (b)(1) On or before October 1, 2021, the Department for Children and  
14        Families' Child Development Division shall make every reasonable effort to  
15        achieve full functionality of the first module of the modernized Bright Futures  
16        Information System.

17                (2) On or before August 1, 2021, the Department for Children and  
18        Families' Child Development Division shall convene and consult with a Bright  
19        Futures Information System end-user group, composed of child care providers,  
20        eligibility specialists from community child care support agencies, families  
21        participating in the Child Care Financial Assistance Program, and any other

1 relevant stakeholders. The Division shall provide periodic updates to the end-  
2 user group regarding the Division’s progress in completing the modernization  
3 project and any successes or challenges identified once the modernized Bright  
4 Futures Information System is operational. The Division shall actively seek  
5 advice and feedback from the end-user group regarding the modernized Bright  
6 Futures Information System. The end-user group shall be dissolved following  
7 full functionality of all components of the modernized Bright Futures  
8 Information System.

9 \* \* \* Workforce Supports \* \* \*

10 Sec. 6. 33 V.S.A. chapter 35, subchapter 5 is added to read:

11 Subchapter 5. Workforce

12 § 3541. SCHOLARSHIPS FOR CURRENT EARLY CHILDHOOD

13 PROVIDERS

14 (a) There is established a need-based scholarship program for individuals  
15 employed by a regulated, privately operated center-based child care program or  
16 family child care home while acquiring credits in early childhood development  
17 or that are related directly to working with children from birth through eight  
18 years of age.

19 (b) The Department of Children and Families may contract for the  
20 administration of the program set forth in subsection (a) of this section and  
21 adopt policies, procedures, and guidelines necessary for its implementation.

1       (c) Scholarships distributed pursuant to this section shall be available on a  
2       first-come, first-served basis until any appropriated funds are depleted.

3       (d) An individual shall not simultaneously participate in the scholarship  
4       program set forth in this section and the student loan repayment assistance  
5       program set forth in section 3543 of this title.

6       § 3542. SCHOLARSHIPS FOR PROSPECTIVE EARLY CHILDHOOD

7               PROVIDERS

8       (a)(1) There is established a need-based scholarship program for  
9       individuals pursuing a college degree in early childhood education or early  
10       childhood special education. The scholarship program shall provide financial  
11       assistance up to the full cost of tuition for an eligible individual.

12               (2) An eligible individual shall:

13                       (A) attend a Vermont college or university at least part-time;

14                       (B) be pursuing an associates or bachelor's degree in early childhood  
15       education or early childhood special education; and

16                       (C) commit to working in a regulated, privately operated center-  
17       based child care program or family child care home in Vermont for years equal  
18       to those in which scholarship monies are sought under this section.

19       (b)(1) The Department for Children and Families shall adopt policies,  
20       procedures, and guidelines necessary for implementation of the program  
21       described in subsection (a) of this section.

1           (2) The Department may contract for the administration of the program.  
2           Administration costs shall not be more than 10 percent of the total  
3           appropriation received to implement this section.

4           (c)(1) Scholarships distributed pursuant to this section shall be available on  
5           a first-come, first-served basis until any appropriated funds are depleted.

6           (2) An eligible individual who does not work the required number of  
7           years in a regulated, privately operated center-based child care program or  
8           family child care home in Vermont after completion of the individual’s degree  
9           program shall repay scholarship monies received under this section  
10           commensurate with the balance of the eligible individual’s time commitment.

11           (d) An individual shall not simultaneously participate in the scholarship  
12           program set forth in this section and the student loan repayment assistance  
13           program set forth in section 3543 of this title.

14           § 3543. STUDENT LOAN REPAYMENT ASSISTANCE

15           (a)(1) There is established a need-based student loan repayment assistance  
16           program for the purpose of providing student loan repayment assistance to any  
17           individual employed by a regulated, privately operated center-based child care  
18           program or family child care home.

19           (2) An eligible individual shall:

1           (A) work in a privately operated center-based child care program or  
2           in a family child care home that is regulated by the Division for at least an  
3           average of 30 hours per week for 48 weeks of the year;

4           (B) receive an annual salary of not more than \$50,000.00; and

5           (C) have earned an associates or bachelor's degree with a major  
6           concentration in early childhood, child and human development, elementary  
7           education, special education with a birth to age eight focus, or child and family  
8           services within the preceding five years.

9           (3) To participate in the program set forth in this section, an eligible  
10          individual shall submit to the Department for Children and Families  
11          documentation expressing the individual's intent to work in a regulated,  
12          privately operated center-based child care program or family child care home  
13          for at least the 12 months following the annual loan repayment award  
14          notification. A participant may receive up to \$4,000.00 annually in student  
15          loan repayment assistance, which shall be distributed by the Department in  
16          four allotments. The Department shall distribute at least one-quarter of the  
17          individual's total annual benefit after the individual has completed three  
18          months of employment in accordance with the program. The remainder of an  
19          individual's total annual benefit shall be distributed by the Department every  
20          three months after the initial payment.



1       (b)(1) The Department shall adopt policies, procedures, and guidelines  
2       necessary to implement the provisions of this section.

3       (2) Student loan repayments shall be available pursuant to this section  
4       on a first-come, first-served basis until appropriated funds are depleted.

5       (3) The Department may contract for the administration of the program.  
6       Administration costs shall not be more than 10 percent of the total  
7       appropriation received to implement this section.

8       (c) An individual shall not simultaneously participate in the student loan  
9       repayment assistance program set forth in this section and either of the  
10       scholarship programs set forth in section 3541 or 3542 of this title.

11       Sec. 7. APPROPRIATION AND EVALUATION; EARLY CHILDHOOD

12               WORKFORCE PROGRAMS

13       (a) In fiscal year 2022:

14               (1) \$300,000.00 is appropriated to the Department for Children and  
15       Families' Child Development Division for the current early childhood provider  
16       scholarship program established pursuant to 33 V.S.A. § 3541.

17               (2) \$400,000.00 is appropriated to the Department for Children and  
18       Families for the prospective early childhood provider scholarship program  
19       established pursuant to 33 V.S.A. § 3542.

1           (3) \$1,800,000.00 is appropriated to the Department for Children and  
2           Families for the student loan repayment assistance program established  
3           pursuant to 33 V.S.A. § 3543.

4           (b) On or before October 1, 2025, the Department for Children and  
5           Families' Child Development Division, in consultation with stakeholders, shall  
6           submit a report to the House Committees on Commerce and Economic  
7           Development and on Human Services and to the Senate Committees on  
8           Economic Development, Housing, and General Affairs and on Health and  
9           Welfare:

10           (1) evaluating the effectiveness of the scholarship and student loan  
11           repayment programs established in 33 V.S.A. chapter 35, subchapter 5 at  
12           recruiting and retaining providers in Vermont's child care and early learning  
13           system; and

14           (2) recommending whether the scholarship and student loan repayment  
15           programs established in 33 V.S.A. chapter 35, subchapter 5 shall be repealed in  
16           accordance with Sec. 8 of this act, retained and funded in their current state, or  
17           retained with amendment.

18           Sec. 8. REPEALS

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

1       (b) 33 V.S.A. § 3542 (scholarships for prospective early childhood  
2 providers) is repealed on July 1, 2026.

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

5               \* \* \* Building Bright Futures' Powers and Duties \* \* \*

6       Sec. 9. 33 V.S.A. § 4603 is amended to read:

7       § 4603. POWERS AND DUTIES

8       The Council established by section 4602 of this title shall have the  
9       following powers and duties necessary and appropriate to effectuating the  
10      purposes of this chapter:

11             (1) Advise the Administration and General Assembly on:

12               (A) the status and needs of the early care, health, and education  
13 system by conducting a review of the status of young children in Vermont and  
14 the care, health, and education services and systems that support them; and

15               (B) planning related to and the administration and operation of  
16 Vermont's child care system.

17                               \* \* \*

18             (3) Develop an early care, health, and education system plan for  
19 Vermont to serve as the basis for policy and funding recommendations, which  
20 shall reflect the growing diversity of Vermont's children and families.

21                               \* \* \*

1 (12) Convene members of the child care community, medical  
2 community, education community, business community, and other  
3 organizations, as well as State agencies serving young children, to ensure that  
4 families receive quality services in the most efficient and cost-effective  
5 manner.

6 \* \* \*

7 \* \* \* Recommendations on the American Rescue Plan Act of 2021 \* \* \*

8 Sec. 10. RECOMMENDATIONS; AMERICAN RESCUE PLAN ACT OF  
9 2021; CHILD CARE DEVELOPMENT BLOCK GRANT

10 (a) Purpose and membership. The Department for Children and Families,  
11 in coordination with Building Bright Futures, shall convene a child care  
12 working group composed of mutually agreed to stakeholders that reflect the  
13 growing diversity of Vermont’s children and families, including individuals  
14 who are Black, Indigenous, and Persons of Color. Members of this working  
15 group shall include a representative from both the House Committee on  
16 Human Services and the Senate Committee on Health and Welfare, as well as  
17 individuals representing a range of employer and business interests, families,  
18 child care and afterschool providers, child welfare advocates, and consultation  
19 with any other individuals necessary to make recommendations for most  
20 effectively utilizing Child Care Development Block Grant funding received by

1 the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2  
2 (ARPA) to meet the immediate and future child care needs of Vermonters.

3 (b) Powers and duties. The working group shall make recommendations to  
4 the General Assembly to ensure that the use of the ARPA Child Care  
5 Development Block Grant is fully utilized. The working group shall consider  
6 the following priorities but need not be limited to consideration of the listed  
7 priorities:

8 (1) bridge funding necessary to ensure that the co-payment for a family  
9 participating in the Child Care Financial Assistance Program shall not exceed  
10 10 percent of a family's annual gross income;

11 (2) bridge funding to expand the Child Care Financial Assistance  
12 Program to families whose incomes are up to 400 percent of the current federal  
13 poverty level;

14 (3) funding necessary to complete the child care and early childhood  
15 education systems analysis and financing studies pursuant to Sec. 14 of this  
16 act;

17 (4) funding necessary to implement the child care workforce support  
18 programs established in 33 V.S.A. chapter 35, subchapter 5;

19 (5) increased access to high-quality infant care;

20 (6) access to high-quality, affordable child care for culturally and  
21 racially diverse families;

1           (7) support and assistance to stabilize regulated, privately operated  
2           center-based child care programs and family child care homes; and

3           (8) the identification of any statutory or regulatory barriers to using the  
4           ARPA funds to address the immediate and future child care needs of  
5           Vermonters.

6           (c) Report. On or before November 30, 2021, the Department for Children  
7           and Families shall submit a written report to the House Committees on  
8           Appropriations and on Human Services and to the Senate Committees on  
9           Appropriations and on Health and Welfare containing the working group’s  
10           recommendations.

11           (d) Meetings.

12           (1) The Commissioner for Children and Families or designee and the  
13           Executive Director of Building Bright Futures shall call the first meeting of the  
14           working group and shall serve as Co-Chairs.

15           (2) A majority of the membership shall constitute a quorum.

16           (3) The working group shall cease to exist on December 1, 2021.

17           Sec. 11. RECOMMENDATIONS; AMERICAN RESCUE PLAN ACT OF  
18   2021; CHILD CARE STABILIZATION GRANTS

19           (a) Purpose and membership. The Department for Children and Families,  
20           in coordination with Building Bright Futures, shall convene a child care  
21           working group composed of mutually agreed to stakeholders that reflect the

1 growing diversity of Vermont’s children and families, including individuals  
2 who are Black, Indigenous, and Persons of Color. Members of this working  
3 group shall include a representative from both the House Committee on  
4 Human Services and the Senate Committee on Health and Welfare, child care  
5 and afterschool providers, and consultation with any other individuals  
6 necessary to make recommendations for most effectively utilizing Child Care  
7 Stabilization Grants funding received by the State pursuant to the American  
8 Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA) to meet the immediate  
9 and future child care needs of Vermonters.

10 (b) Powers and duties. The working group shall make recommendations to  
11 ensure that the use of the ARPA Child Care Stabilization Grants funding is  
12 fully utilized in a timely manner.

13 (c) Report and approval. On or before September 1, 2021, the Department  
14 shall submit a written report with the working group’s recommendations to the  
15 Chairs of the House Committee on Human Services and the Senate Committee  
16 on Health and Welfare or their designees. The Chairs or their designees shall  
17 review the report and recommend to the Joint Fiscal Committee whether or not  
18 to approve the report’s recommendations. After review of the report and the  
19 recommendations of the Chairs or their designees, the Joint Fiscal Committee  
20 shall approve the report’s recommendation, disapprove the report’s  
21 recommendation, or direct the Department to amend and resubmit the report to

1 the Chairs by a date certain. Upon approval by the Joint Fiscal Committee, the  
2 Department shall distribute funds according to the report's recommendations.

3 (d) Meetings.

4 (1) The Commissioner for Children and Families or designee and the  
5 Executive Director of Building Bright Futures shall call the first meeting of the  
6 working group and shall serve as Co-Chairs.

7 (2) A majority of the membership shall constitute a quorum.

8 (3) The working group shall cease to exist on January 1, 2022.

9 \* \* \* Studies and Reports \* \* \*

10 Sec. 12. REPORT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM;  
11 ENROLLMENT MODEL

12 On or before July 1, 2022, the Department for Children and Families' Child  
13 Development Division shall submit to the House Committees on  
14 Appropriations and on Human Services and to the Senate Committees on  
15 Appropriations and on Health and Welfare analyses addressing the costs and  
16 policy implications associated with moving from an attendance-based model to  
17 an enrollment-based model in the Child Care Financial Assistance Program.

18 Sec. 13. CHILD CARE AND EARLY CHILDHOOD EDUCATION  
19 SYSTEMS ANALYSIS STUDY

20 (a)(1) On or before September 1, 2021, Building Bright Futures shall  
21 develop and issue a request for proposals to select an independent consulting



1 entity with expertise in the field of child care and early childhood education to  
2 provide an analysis and recommendations on Vermont’s child care and early  
3 education systems for children from birth through five years of age. The  
4 development of the request for proposals and selection of an independent  
5 consulting entity shall be done in consultation with the Chairs of the House  
6 Committee on Human Services and the Senate Committee on Health and  
7 Welfare or their designees.

8 (2) On or before July 1, 2022, the independent consulting entity shall  
9 submit the analysis and recommendations to the House Committee on Human  
10 Services and to the Senate Committee on Health and Welfare regarding the  
11 following:

12 (A) existing child care and early childhood education systems and  
13 administrative stakeholders and structures, including functions that are  
14 currently not staffed or understaffed;

15 (B) emerging system needs;

16 (C) stakeholder engagement in decision-making processes and State  
17 plan development;

18 (D) mechanisms to strengthen system oversight and leverage current  
19 system strengths;

20 (E) identification of existing needs and challenges;

1           (F) ensuring data driven accountability for improvement of the  
2           current well-being and future outcomes of children and families; and

3           (G) ensuring that an antiracist approach is utilized in modifying  
4           existing policies and procedures and creating new policies and procedures.

5           (b) All findings and recommendations provided pursuant to this section  
6           shall:

7           (1) be divided by birth through five years of age and six years of age  
8           through 12 years of age; and

9           (2) rely on the work and advice provided pursuant to Sec. 10 of this act.

10          (c) As used in this section, “child care and early childhood education”  
11          means programming provided at a center-based child care program or family  
12          child care home regulated by the Department for Children and Families’ Child  
13          Development Division that serves children from birth through 12 years of age.

14          (d) In fiscal year 2022, \$200,000.00 is appropriated to the Department for  
15          Children and Families from the General Fund for the purpose of enabling  
16          Building Bright Futures to contract with an independent consulting entity  
17          pursuant to this section.

18          Sec. 14. CHILD CARE AND EARLY CHILDHOOD EDUCATION

19                  FINANCING STUDY

20          (a) On or before July 1, 2022, the Joint Fiscal Office shall contract with an  
21          economist or independent consulting entity with expertise in the field of child

1 care and early childhood education to evaluate the economic impacts of and  
2 potential funding mechanisms to adjusting Vermont’s existing child care  
3 system regulated pursuant to 33 V.S.A. chapter 35 for children from birth  
4 through five years of age with consideration given to the intersection of and  
5 impacts on child care for children from six years of age through 12 years of  
6 age in alignment with the recommendations of the Universal Afterschool Task  
7 Force established pursuant to 2020 Acts and Resolves No. 154, Sec. B.1120.1.  
8 The work of the economist or independent consulting entity shall be governed  
9 by the following goals:

10 (1) that a family does not spend more than 10 percent of its gross annual  
11 income on child care;

12 (2) that child care providers receive compensation that is commensurate  
13 with peers in other fields; and

14 (3) the utilization of a cost of care model versus a market rate model in  
15 the Child Care Financial Assistance Program.

16 (b)(1) On or before December 1, 2022, the consultant shall submit  
17 preliminary results to the Joint Fiscal Office and to the Chairs of the House  
18 Committees on Appropriations, on Human Services, and on Ways and Means  
19 and to the Senate Committees on Appropriations, on Finance, and on Health  
20 and Welfare.

1           (2) On or before January 15, 2023, the consultant shall submit to the  
2           House Committees on Appropriations, on Human Services, and on Ways and  
3           Means and to the Senate Committees on Appropriations, on Finance, and on  
4           Health and Welfare multiple financing options for public and private funding  
5           sources, including a final report that:

6                   (A) projects the costs of expanding the State’s child care benefit to  
7                   more families in accordance with this section, requiring commensurate pay for  
8                   providers, and utilizing cost of care in the Child Care Financial Assistance  
9                   Program and the feasibility of implementing each policy in Vermont, both  
10                   separately and jointly; and

11                   (B) identifies and determines the feasibility of implementing stable,  
12                   long-term funding sources to finance an affordable, high-quality early child  
13                   care system for children from birth through five years of age.

14                                   \* \* \* Federal Funding, Administration \* \* \*

15           Sec. 15. FEDERAL FUNDS; ANTICIPATED RECEIPTS

16           (a) To the extent that appropriations in this act are made from federal funds  
17           provided by the American Rescue Plan Act of 2021, Pub. L. No. 117-2  
18           (ARPA), including State holding funds that are established as a result of the  
19           ARPA, the Commissioner of Finance and Management is authorized to make  
20           expenditures in anticipation of receipts as necessary. In the event monies

1 received by the State under ARPA cannot be used for their designated purpose,  
2 appropriations shall instead be made from the General Fund.

3 (b) The appropriations in this act from funds provided by ARPA  
4 shall carry forward from fiscal year 2021 until expended.

5 \* \* \* Effective Dates \* \* \*

6 Sec. 16. EFFECTIVE DATES

7 (a) This section and Secs. 10 (recommendations; American Rescue Plan  
8 Act of 2021; Child Care Development Block Grant) and 11 (recommendations;  
9 American Rescue Plan Act of 2021; Child Care Stabilization Grants) shall take  
10 effect on passage.

11 (b) All other sections shall take effect on July 1, 2021, except that Secs. 2  
12 (Child Care Financial Assistance Program; eligibility) and 3 (payment to  
13 providers) shall take effect on October 1, 2021.

14 and that after passage the title of the bill be amended to read: “An act  
15 relating to child care systems and financing”

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4 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

6

Senator \_\_\_\_\_

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FOR THE COMMITTEE