

SENATE No. 653

By Mr. Magnani, a petition (accompanied by bill, Senate, No. 653) of David P. Magnani, Christopher J. Hodgkins, Mary Jane Simmons, Charles E. Shannon, Anne M. Paulsen, Benjamin Swan and William P. Nagle, Jr., for legislation relative to child care and early childhood education needs of such children and families in the Commonwealth. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT TO MEET THE EARLY CHILDHOOD EDUCATION AND CARE NEEDS OF THE CHILDREN AND FAMILIES OF THE COMMONWEALTH.

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

1 SECTION 1. Section 1G of chapter 15 as most recently
2 amended by section 3 of chapter 71 of the Acts of 1993, is hereby
3 amended by striking the words "early childhood education" and
4 inserting in place thereof the words:— child care and early child-
5 hood education; and by striking the seventh paragraph of said sec-
6 tion 1G and inserting in place thereof the following paragraph:—
7 The child care and early childhood education advisory council
8 shall consist of the secretary of the executive office of health and
9 human services or his designee, the secretary of the executive
10 office of education or his designee, the secretary of the executive
11 office for economic affairs or his designee, the commissioner of
12 the department of education or his designee, the commissioner of
13 the department of social services or his designee the commis-
14 sioner of the department of public welfare or his designee the
15 commissioner of the office for children or his designee, the com-
16 missioner of the department of public health or his designee, the
17 commissioner of the department of mental health or his designee,
18 the commissioner of the department of mental retardation or his
19 designee, two members of the senate, three members of the house
20 of representatives, one representative from the federal Department

21 of Human Services, Administration for Children, Youth, and
22 Family Services, each of whom shall serve ex officio and shall be
23 nonvoting members of the council, one representative from the
24 Massachusetts Child Care Coalition who shall be selected by that
25 organization, one representative from the Budget Endorsers who
26 shall be selected by that organizations one representative from the
27 Massachusetts Association of Day Care Agencies who shall be
28 selected by that organization, one representative of the
29 Massachusetts Independent Child Care Operators who shall be
30 selected by that organization one representative from the
31 Massachusetts Administrators of Special Education who shall be
32 selected by that organization, one representative of the Child Care
33 Resource and Referral Agencies Network who shall be selected by
34 that organization, representative from the Parents United for
35 Child Care who shall be selected by that organization, one repre-
36 sentative of the Inner City Child Care Directors Network who
37 shall be selected by that organizations one representative from the
38 coalition of Basic Human Needs who shall be selected by that
39 organizations one representative from the Alliance for Young
40 Families who shall be selected by that organization, one represen-
41 tative of the Massachusetts Municipal Association who works in
42 the field of child care or early childhood education and who shall
43 be selected by that organization, one representative of organized
44 labor who shall be selected by the AFL-CIO, one representative of
45 the Massachusetts Child Welfare League who shall be selected by
46 that organization, one representative of the Massachusetts
47 Committee for Children and Youth who shall be selected by that
48 organization, one representative of the Massachusetts Advocacy
49 Center who shall be selected by that organization, one representa-
50 tive of the Massachusetts Head Start Directors Association who
51 shall be selected by that organization, one representative from the
52 Latch Key Coalition who shall be selected by that organization,
53 one representative from Multilingual Task Force who shall be
54 selected by that organization, one representative of the
55 Massachusetts Association for the Education of Young Children
56 who shall be selected by that organization, one representative of
57 the Massachusetts Federation of Teachers who shall be selected by
58 that organization, one representative from the Massachusetts
59 Association of School Councils who shall be selected by that

60 organization, one representative from the Massachusetts
61 Superintendents Association who shall be selected by that organi-
62 zation, nine representative of the Associated Grantmakers of
63 Massachusetts who shall be selected by that organization, nine
64 members who shall be appointed by the board one of who shall
65 represent the higher education academic community and shall
66 possess expertise in early childhood education and child care
67 policy, one of whom shall be the parent of a child with special
68 needs, one of whom shall be the parent of a child in a child care
69 program subsidized in whole or in part by the commonwealth, one
70 of whom shall be a family day care provider, one of whom shall
71 be a provider of child care to school-aged children, two of whom
72 shall be early childhood educators from public schools, one of
73 whom shall be a representative of the business community, and
74 one of whom shall be a parent. Such council shall be representa-
75 tive of the communities served by child care and early childhood
76 education systems. The council shall provide to the commissioner
77 of education a list of five candidates to be considered for the posi-
78 tion of associate commissioner of child care and early childhood
79 education, as established in section one M of chapter sixty-nine.
80 The council shall review the annual child care plan and budget
81 submitted by the division of child care and early childhood educa-
82 tion and advise the board, the commissioner, and the division on
83 child care and early childhood education policies and the imple-
84 mentation thereof. The council may authorize the expenditure of
85 child care funds for recipients eligible under the department edu-
86 cation's employment and training, teen, or income eligible child
87 care programs to a local education authority, if it finds that no
88 licensed community based child care provider exists to provide
89 such services. The council shall meet monthly.

1 SECTION 2. The final paragraph of section fifty-four of
2 chapter fifteen of the General Laws is hereby repealed.

1 SECTION 3. Section 4 of said chapter 28A, as so appearing, is
2 hereby amended by inserting after the word "inclusive", in
3 line 12, the words:— ; provided, however, that such providers
4 shall be notified semiannually of changes in such regulations.

1 SECTION 4. Said section 4 of said chapter 28A, as so
2 appearing, is hereby further amended by adding at the end thereof
3 the following clause: — (n) require child care providers to dis-
4 tribute public information materials, provided by the division of
5 child care and early childhood education within the department of
6 education, on the availability of child care and the aspects of
7 quality child care and early intervention, health, family support,
8 mental health, and income support services, which shall include:
9 the name, address, and phone number of the local licensing
10 agency for the community each such agency serves; an outline of
11 the formal complaint process; and information on the availability
12 of early intervention and family support services, including early
13 periodic screening and diagnostic testing (EPSDT), food stamps,
14 women, infant, and children (WIC), aid to families with depen-
15 dent children (AFDC), medicaid, early intervention services
16 through the department of public health, and family support serv-
17 ices through the department of social services.

1 SECTION 5. Section 10 of said chapter 28A is hereby
2 amended by inserting after the word “office”, in line 83, the
3 words:— shall, before issuing a license or reissuing a license to
4 any person who is subject to licensure or approval under this sec-
5 tion, and.

1 SECTION 6. Chapter 69 of the General Laws, as most recently
2 amended by section 29 of chapter 71 of the Acts of 1993, is further
3 amended by adding after section 11 the following four sections:—
4 Section 1M. There is hereby established within the department
5 of education a division of child care and early childhood educa-
6 tion. The division shall be headed by an associate commissioner.
7 The board shall appoint the associate commissioner for child care
8 and early childhood education from a list submitted by the com-
9 missioner, who shall nominate three candidates, ranked according
10 to his preference and selected from a list submitted by the child
11 care and early childhood education advisory council, which shall
12 nominate five candidates. The person appointed associate com-
13 missioner for the division of child care and early childhood educa-
14 tion shall have had at least ten years of experience and
15 background in child care and early childhood education. The

16 division of child care and early childhood education shall: (1) pro-
17 vide and administer a program of child care for families who meet
18 income eligibility standards established by the division, for recipi-
19 ents of aid to families with dependent children who are eligible
20 for child care as determined by the department of public welfare,
21 and for persons who have received aid to families with dependent
22 children within the past year who are eligible for child care as
23 determined by the department of public welfare, a program of
24 subsidized child care for school aged children, a program of early
25 childhood education programs established under section fifty-four,
26 a program of child care for teen parents, and a program of protec-
27 tive child care for families who meet eligibility standards as deter-
28 mined by the department of social services provided through
29 contracts developed in consultation with the department of social
30 services; provided, however, that all contracts and vouchers for
31 child care shall be with licensed community based child care
32 providers, which shall not include local education authorities,
33 unless the assistant commissioner, with the approval of the child
34 care and early childhood education council, authorizes a local
35 education authority to receive such contract or voucher based on a
36 finding that there is no community based child care provider that
37 can provide such child care services; (2) establish staff to children
38 ratios for child care purchased through contracts or vouchers that
39 equals the staff to children ratios of the office for children as of
40 April first, nineteen hundred and ninety-two; provided, however,
41 that for any preschool care provided through a contract, the staff
42 to child ratio shall be no less than one to eight, provided further
43 that such ratios shall apply only to day care centers and school age
44 child care programs as defined in section nine of chapter twenty-
45 eight A; (3) review and evaluate all applications for federal and
46 state funds for child care and early childhood education; (4)
47 develop, in consultation with the department of social services,
48 the department of public welfare, the department of public health,
49 and the office for children, an annual child care and early child-
50 hood education budget and needs assessment for the common-
51 wealth and submit copies of said budget and needs assessment to
52 the house and senate committees on ways and means, the com-
53 mittee on education, arts, and the humanities, the committee on
54 human services and elderly affairs, the children's caucus and the

55 governor not later than January first of each year; (5) develop in
56 conjunction with the department of public health, department of
57 public welfare, department of social services and distribute to
58 child care providers, through the office for children, to early
59 childhood education centers, to hospitals to parents of all newly
60 born children, and to child care resource and referral agencies,
61 public information materials on the availability of child care and
62 the aspects of quality child care and early intervention and health,
63 family support, mental health, and income support services, which
64 shall include: an outline of the elements of quality child care; the
65 name, address, and phone number of the local licensing agency
66 for each such child care provider; an outline of the formal com-
67 plaint process; information of the availability of early intervention
68 and family support services, including early periodic screening
69 and diagnostic testing (EPSDT), food stamps, women, infants, and
70 children (WIC), aid to families with dependent children (AFDC),
71 medicaid, early intervention services through the department of
72 public health and family support services through the department
73 of social services; and information on programs supported by
74 department of education grants and by the New England Office of
75 the Administration for Children and Families and eligibility cri-
76 teria for those programs; (6) provide, to the maximum extent prac-
77 ticable, for the involvement of parents of children in child care
78 and early childhood development programs in the planning, devel-
79 opment, and evaluation of child care and early childhood educa-
80 tion programs; (7) ensure the stability of the service delivery
81 system by providing a mixed system of voucher and contracted
82 child care; provided, however, that in contracting for child care,
83 the division shall give priority to contracts in areas where con-
84 tracts are critical to maintaining a diversity of quality programs
85 for parents and to maintaining financial stability for community-
86 based child care providers; (8) guarantee, to the maximum extent
87 practicable, that parents will be provided a choice of a diversity of
88 child care and early childhood education options, including center
89 based and family based child care, public and private pre-school
90 programs, school aged child care programs, and Head Start pro-
91 grams; (9) establish continuity of care policies that ensure that
92 once any child receives child care benefits under any program
93 funded by the commonwealth, such child shall have priority for

94 receiving child care services as long as such child remains eligible
95 for such services; (10) establish policies that ensure that a change
96 in the form of subsidy a recipient uses to receive child care shall
97 not require a change in the child's placement; (11) award contracts
98 and grants to programs that respect and foster linguistic and cul-
99 tural diversity; (12) supervise child care resource and referral
100 agencies; (13) cooperate with and assist public and independent
101 colleges and universities within the commonwealth in developing
102 courses and programs designed to prepare graduates to serve the
103 requirements of children in child care or early childhood educa-
104 tion programs; (14) develop and maximize the use of training
105 resources and programs to aid parents, child care providers, and
106 early childhood education providers and coordinate the allocation
107 of such resources and programs to child care resource and referral
108 agencies, other community based agencies, and early childhood
109 education providers; (15) develop and promote, in conjunction
110 with national and community efforts, a campaign to raise business
111 and parental awareness of the earned income tax credit, the depen-
112 dent care allowance program, and other federal child care tax
113 assistance programs; (16) investigate and hold hearings upon
114 prima facie denials by state subsidized child care and early child-
115 hood education providers of equal education opportunities by
116 reason of national origin, sex, economic status, race, religion, or
117 physical or mental handicap of a child seeking child care or early
118 childhood education; (17) provide mainstreaming technical assis-
119 tance for providers serving children with disabilities or special
120 needs and funding, subject to appropriation, to assist providers in
121 providing accommodations and making alterations necessary for
122 access; (18) supervise and administer the bureau of early child-
123 hood education training; (19) contract with community based
124 child care providers under the provisions of section twenty-nine B
125 of chapter twenty-nine, provided that any such contract is put out
126 to open and competitive bids at least every five years and that no
127 such contract may be for more than five years; (20) award con-
128 tracts to providers for child care only after the division has visited
129 such provider's facility; (21) establish policies to ensure that all
130 providers shall be paid within the time limits established by sec-
131 tion twenty-nine C of chapter twenty nine; (22) supervise and
132 review the data collected by child care resource and referral agen-

133 cies; (23) contract with child care resource and referral agencies
134 for a system of front end voucher management; (24) monitor
135 quality of delivery of child care services subsidized in whole or in
136 part by the commonwealth; (25) develop in consultation with the
137 department of social services, the department of public welfare,
138 and the office for children a single application form, which shall
139 be available in culturally appropriate languages; (26) develop cer-
140 tification standards for early childhood education; (27) promul-
141 gate regulations to proscribe conflicts of interests by child care
142 resource and referral agencies in the placement and referral of
143 child care services, including regulations requiring documentation
144 of referrals and an annual review of such documents by the child
145 care and early childhood education advisory council; and (28)
146 award grants and contracts to ensure that programs are geographi-
147 cally accessible and available full day, full year or at such times as
148 will meet the needs of parents.

149 Section 1N. There is hereby established a task force on certifi-
150 cation, licensing, and program standards. The task force shall be
151 co-chaired by the associate commissioner of child care and early
152 childhood education and the commissioner of the office for chil-
153 dren, who shall jointly appoint ten members to serve on the task
154 force. The task force shall review current licensing certification,
155 eligibility, and program standards for child care, school age child
156 care, early childhood education, and Head Start programs. The
157 task force shall evaluate the feasibility of uniform standards for all
158 child care, early childhood education, and head start programs and
159 shall recommend such standards as it deems appropriate to the
160 division of child care and early childhood education, the child
161 care and early childhood education council, the clerks of the
162 senate and house, and the office for children by December thirty-
163 first, nineteen hundred and ninety-five.

164 Section 1O. Any child care resource and referral agency that
165 receives funding from the commonwealth shall: (1) collect data on
166 the existence and availability of child care services, including
167 contracts, vouchers, independent child care, programs funded
168 under the provisions of section fifty-four, and Head Start; (2)
169 administer a front end management system for the Massjobs and
170 income eligible voucher programs through the allocation of
171 vouchers to assure access and continuity of care to participants
172 and to assure that the allocation of vouchers shall not exceed

173 appropriation; (3) administer a system of intake management for
174 contracts; (4) maintain waiting lists of parents eligible for subsidi-
175 zed child care seeking placement of their children in child care
176 facilities; (5) provide information, counseling, and referral serv-
177 ices to all parents, including information about waiting lists, open-
178 ings at child care facilities, the earned income tax credit, and the
179 dependent care allowance program; (6) organize parent and
180 provider training; (7) organize data collection and make monthly
181 reports to the division on the number of clients seeking and
182 receiving services, the distribution of referral, and such other
183 information as the division of child care and early childhood edu-
184 cation may require; (8) establish a partnership with the business
185 and philanthropic communities in the area served by each child
186 care resource and referral agency with the goal of generating a
187 twenty percent match of state funds for resource and referral serv-
188 ices from such communities; (9) distribute public information
189 materials provided by the division of child care and early child-
190 hood education and the office for children; (10) establish a com-
191 munity advisory board that includes substantial community and
192 parental representation; and (11) provide weeknight and weekend
193 referral services.

194 Section 1P. The division of child care and early childhood edu-
195 cation shall establish and administer a bureau for child care and
196 early childhood education training. Said bureau shall develop
197 training resources and programs to aid parents, child care
198 providers, and early childhood education providers; maximize the
199 use of such resources and programs by parents and providers; and
200 coordinate allocation of such training resources to appropriate
201 agencies, including child care resource and referral agencies,
202 community based providers, and local educational authorities.

1 SECTION 7. The division of child care and early childhood
2 education shall develop a plan for the commonwealth to provide,
3 by the year two thousand, child care and early childhood educa-
4 tion to all children in families whose income is below seventy five
5 percent of the state's median family income and who need or want
6 child care or early childhood education services. Said division
7 shall submit this plan to the governor, the clerks of the senate and

8 house, the legislative children's caucus, and the child care and
9 early childhood education council on or before June thirtieth,
10 nineteen hundred and ninety-five.

REPORT OF THE COMMITTEE ON THE PHYSICAL SCIENCES

The Committee on the Physical Sciences was organized in 1946 to study the physical sciences in the United States and to make recommendations to the National Science Foundation. The Committee has held numerous public hearings and has received many suggestions from scientists, engineers, and the general public. The Committee has also conducted extensive research into the physical sciences and has published several reports. The following is a summary of the Committee's findings and recommendations.

The Physical Sciences in the United States

The physical sciences in the United States have made significant progress in the past few decades. This progress has been the result of a combination of factors, including a strong tradition of scientific research, a large and talented workforce, and a commitment to funding basic research.

However, there are several areas where the physical sciences in the United States are currently facing challenges. These challenges include a decline in the number of students entering the field, a shortage of funding for basic research, and a lack of coordination between different agencies.

The Committee believes that these challenges can be addressed through a series of reforms. These reforms include increasing the number of students entering the field, increasing funding for basic research, and improving coordination between agencies.

1. **Education:** The Committee recommends that the National Science Foundation (NSF) increase its funding for the physical sciences in order to attract more students to the field. This funding should be used to support a variety of programs, including undergraduate research, graduate fellowships, and postdoctoral fellowships.
2. **Funding:** The Committee recommends that the NSF increase its funding for basic research in the physical sciences. This funding should be used to support a variety of programs, including grants for individual scientists, grants for research groups, and grants for large-scale research projects.
3. **Coordination:** The Committee recommends that the NSF, the National Aeronautics and Space Administration (NASA), and the Department of Energy (DOE) improve their coordination in order to avoid duplication of effort and to ensure that the physical sciences are being supported in a comprehensive and effective manner.

The Committee believes that these reforms are essential for ensuring that the physical sciences in the United States continue to make significant progress in the future. The Committee urges the NSF, NASA, and DOE to take prompt action on these recommendations.

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