

HOUSE No. 456

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to expand access to family, friend, and neighbor-provided childcare.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/20/2023</i>

HOUSE No. 456

By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 456) of Marjorie C. Decker for legislation to expand access to family, friend, and neighbor-provided childcare administered by the Department of Early Education and Care. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to expand access to family, friend, and neighbor-provided childcare.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to enhance the availability of affordable, high-quality childcare provided by family, friends and neighbors, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 1A of Chapter 15D, as appearing in the 2020 Official Edition, is
2 hereby amended by inserting the following definitions:--

3 “Family, Friend and Neighbor Care” or “FFN Care” means child care which is exempt
4 from licensure by the department because the individual caregiver either provides care in the
5 child’s own home or is a relative of the child, other than family child care home care.

6 “FFN Caregiver” means a person providing FFN Care.

7 SECTION 2. Section 2 of said chapter 15D, as so appearing, is hereby amended by
8 inserting after subsection (u) the following subsections:--

9 (v) in addition to the department's obligations under subsection (e), establish a payment
10 structure for FFN caregivers that (1) ensures families with child care vouchers, or other available
11 funding mechanisms, have full use of the daily value of such vouchers or other mechanisms; (2)
12 is based on payment at an hourly rate; and (3) provides for a minimum hourly rate of
13 compensation for FFN caregivers that is equal or greater to the minimum hourly wage required
14 by section 1 of chapter 151. A public hearing under chapter 30A and the approval of the board
15 shall be required before the establishment or revision of the payment structure;

16 SECTION 3.

17 (1) The department shall, within 60 days of the passage of this act, convene a state
18 advisory committee on FFN Care, the members of which shall represent a reasonable geographic
19 balance and shall reflect the diversity of the commonwealth in race, ethnicity, gender and sexual
20 orientation. Members of the advisory committee shall, at minimum, include one person from
21 each of the following organizations, or their successor organizations, if applicable: Care That
22 Works, Inc., New England United for Justice; Service Employees International Union Local 509;
23 the Child Care Resource and Referral Network; and three or more FFN caregivers chosen by the
24 commissioner.

25 (2) Additional committee members may also be recommended by the commissioner and
26 appointed by the board. All appointees shall have special expertise, experience or interest in FFN
27 care and shall represent a mix of representatives of the FFN community, the civic, labor, and
28 business communities, academics, parents, teachers, social service providers, and health care
29 providers.

30 (3) Members of the committee shall not, by virtue of their membership, be considered
31 state employees under chapter 268A. The members of the committee shall serve without
32 compensation but may be reimbursed, subject to appropriation, for expenses necessarily and
33 reasonably incurred in the performance of their responsibilities. Members shall be appointed for
34 a 1 year period, after which the committee shall be disbanded by the department.

35 (4) The committee shall hold at least 4 public hearings and 4 public meetings in its first
36 year of establishment to collect information on, discuss, and consider the following with respect
37 to FFN care:

38 a. Ensure adequate representation of FFN care in the department's governance and
39 decision-making;

40 b. Ensuring adequate resources for FFN care including but not limited to regional child
41 care resource and referral agencies for program administration and supportive services;

42 c. Accessible application process timelines and requirements for reimbursement of FFN
43 care;

44 d. Models to extend reimbursable voucher hours for children to access formal group
45 programs, even if also using the voucher for off-hour care with FFN caregivers;

46 e. Adjusting existing resource programs to be relevant to and accessible to FFN
47 caregivers and creating new resources and programs as needed to address needs and challenges
48 unique to FFN caregivers;

49 f. Goals, objectives, and reporting requirements pertaining to FFN caregivers for
50 inclusion in the department's next 5-year strategic action plan;

51 g. Definitions and indicators of quality appropriate to FFN care and culturally responsive
52 approaches to quality improvement for FFN caregivers;

53 h. Inclusion of FFN care in career ladder and workforce development frameworks and
54 programs;

55 i. Effective outreach and communication practices to inform the public about FFN care,
56 requirements, and resources

57 j. Legislative and regulatory amendments to further support FFN care in the
58 Commonwealth; and

59 k. Department structures, representation and expertise required to effectively implement
60 and oversee and evaluate changes recommended by the committee relative to FFN care.

61 (2) The advisory committee shall file a report with the commissioner which shall be
62 forwarded to the clerks of the house and the senate, and the chairs of the house and senate
63 committees on ways and means, and the joint committee on education, with respect to the
64 committee's findings on the issues considered under subsection 5.