

HOUSE No. 639

The Commonwealth of Massachusetts

PRESENTED BY:

Hannah Kane and Carolyn C. Dykema

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 ensure the health and safety of children.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------|--------------------------------|------------------|
| <i>Hannah Kane</i> | <i>11th Worcester</i> | <i>1/29/2021</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> | <i>2/2/2021</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i> | <i>2/3/2021</i> |
| <i>Christopher Hendricks</i> | <i>11th Bristol</i> | <i>2/18/2021</i> |
| <i>Mathew J. Muratore</i> | <i>1st Plymouth</i> | <i>2/24/2021</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>2/26/2021</i> |
| <i>Kimberly N. Ferguson</i> | <i>1st Worcester</i> | <i>2/26/2021</i> |
| <i>Carol A. Doherty</i> | <i>3rd Bristol</i> | <i>2/26/2021</i> |
| <i>Susannah M. Whipps</i> | <i>2nd Franklin</i> | <i>3/9/2021</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>4/25/2021</i> |

HOUSE No. 639

By Representatives Kane of Shrewsbury and Dykema of Holliston, a petition (accompanied by bill, House, No. 639) of Hannah Kane, Carolyn C. Dykema and others that the Department of Early Education and Care promulgate regulations requiring that private child care programs ensure that license-exempt programs serving infants through kindergarten-age children comply with basic health and safety standards. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 442 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to ensure the health and safety of children.

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 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the definition “Preschool-aged” the
3 following definition:-

4 “Private child care program,” a program or facility operated on a regular basis as part of a
5 private, organized educational system, whether known as a child nursery, nursery school,
6 kindergarten, child play school, progressive school, child development center, preschool or
7 known under any other name, which receives children not of common parentage under 7 years of
8 age, or under 16 years of age if those children have special needs, for nonresidential custody and
9 care during part or all of the day separate from their parents. Such a program may operate before

10 and after school and may also operate during school vacation and holidays. Private child care
11 program shall not include: services provided as part of a private, organized educational system to
12 children not of common parentage above 6 years of age, or above 15 years of age if those
13 children have special needs; programs or facilities subject to licensure by the department.

14 SECTION 2. Said section 1A of said chapter 15D, as so appearing, is hereby further
15 amended by striking out, in lines 21 and 22, the words “any part of a private” and inserting in
16 place thereof the following words:- a private child care program operated as part of a private.

17 SECTION 3. Said section 1A of said chapter 15D, as so appearing, is hereby further
18 amended by inserting after the words “system; a” in line 165, the following words:- private child
19 care program operated as.

20 SECTION 4. Said chapter 15D is hereby amended by inserting after section 8 the
21 following section:-

22 Section 8A. (a) Every private child care program shall adopt, in accordance with
23 regulations promulgated by the department, policies appropriate for the health and well-being of
24 children in the nonresidential custody and care of the program. A person providing child care or
25 support services in a private child care program shall annually complete health and safety
26 training provided by the department.

27 (b) The department shall promulgate regulations necessary to carry out the provisions of
28 this section. These regulations shall, at minimum, include appropriate standards for: annual
29 health and safety training for staff in private child care programs; staff-to-child ratios for
30 multiple age and size groupings; limitations on the number of infants in care at one time; and the

31 imposition of civil fines and sanctions. Fines authorized pursuant to this section shall not exceed
32 a maximum fine of \$250 per violation.

33 (c) The department shall provide consultation to assist private child care programs in
34 meeting requirements established under this section.

35 (d) The department shall conduct a comprehensive review of rules and regulations
36 established under this section at least once every 5 years.

37 (e) Whenever a school committee or superintendent of schools approves a private child
38 care program pursuant to their authority, said school committee or superintendent of schools
39 shall notify the department in writing. A private child care program shall, 30 days prior to the
40 closing of the program, inform in writing: (i) the school committee of the municipality in which
41 it operates; (ii) the department.

42 (f) The department shall collect and disseminate information, made available through the
43 department's web site, regarding the availability of the full diversity of child care services,
44 including private child care programs, that will promote informed child care choices. The
45 information made available through the department's web site shall include, at minimum: (i)
46 information to assist families in understanding the policies and procedures for child care
47 programs licensed or funded by the department, as well as the policies and procedures for private
48 child care programs; (ii) a localized list of child care providers known to the department;
49 provider, however, that for each provider included, the department shall indicate whether said
50 provider is licensed, funded, or exempt from licensure by the department; and (iii) provider-
51 specific information about compliance with health and safety requirements.