



The Commonwealth of Massachusetts

Department of Early Education and Care

Definition of Death, Serious Injury, and Substantiated Child Abuse

Field Operations Policy

- ❖ **Applicable to: Family Child Care, Group and School Age Child Care, Funded Programs**
- ❖ **Effective date: October 1, 2019**
- ❖ **Supersedes: New Policy**

Purpose:

The Department of Early Education and Care (“EEC”), as the Lead Agency for administering the Child Care Development Fund (“CCDF”), is required to report aggregated data regarding deaths, serious injuries, and substantiated allegations of child abuse pursuant to the consumer education requirements of the Child Care Development Block Grant (“CCDBG”). EEC must align its reporting definitions to meet the requirements of CCDBG and ensure that data concerning deaths, serious injuries, and substantiated allegations of child abuse in child care programs is accurately collected and reported.

The terms “death”, “serious injury”, and “substantiated child abuse” are not defined in Office of Child Care federal law or regulations or EEC state law and regulations.

Regulatory Authority:

45 CFR § 98.15(b)(5): In accordance with § 98.33(a), that the State makes public through a consumer-friendly and easily accessible website, the results of monitoring and inspection reports, as well as the number of deaths, serious injuries, and instances of substantiated child abuse that occurred in child care settings.

45 CFR § 98.33(a)(5): The Lead Agency shall: Certify that it will collect and disseminate consumer education information to parents of eligible children, the general public, and providers through a consumer-friendly and easily accessible Web site that ensures the widest possible access to services for families who speak languages other than English and persons

with disabilities, including: Aggregate number of deaths and serious injuries (for each provider category and licensing status) and instances of substantiated child abuse that occurred in child care settings each year, for eligible providers.

45 CFR § 98.42(b)(4): The Lead Agency shall: Require child care providers to report to a designated State, Territorial, or Tribal entity any serious injuries or deaths of children occurring in child care.

606 CMR 7.04(15)(a) Notification of Death or Serious Injury. The licensee must immediately report to the Department by telephone the following:

1. the death of any child which occurs while such child is in care, or resulting from an injury or event that occurred while the child was in care;
2. any injury to any child which occurs during the hours while such child is in care and which requires hospitalization or emergency medical treatment.

Definitions

The following definitions will be used for determining whether a death, serious injury, or substantiated case of child abuse occurred and is required to be reported:

- **Death:** The loss of life of any child which occurs while such child is in care, or resulting from an injury or incident that occurred while the child was in care.
- **Serious Injury:** An injury to any child which occurs while such child is in care which results in hospitalization or emergency medical treatment. The following injuries, as individual instances, are not considered serious injuries:
 - Injury where medical attention is sought as a precaution and requires no treatment. Tests used to establish a diagnosis (such as x-rays) are not considered treatment.
 - Seizures
 - Bee stings that do not necessitate a 911 call
 - Radial head subluxation, also known as “Nursemaids elbow” or “pulled elbow”
 - Cuts, scrapes, or other minor breaks in the skin that can be appropriately treated by using surgical glue, Durabond or Steri-strips
 - Contusions (bruising)
 - Sprains

- Child Abuse: A finding by the Department of Early Education and Care that a child in child care was abused or neglected, pursuant to 606 CMR 7.11(4)(c)(3).¹

Aggregate Data Reporting

For the purpose of the aggregate data report, EEC will track and report out all deaths, serious injuries, and substantiated cases of child abuse that meet the above definitions, in accordance with the Department’s federally mandated reporting requirement. The information will be reported out in an anonymized fashion by month, with aggregate numbers of deaths, serious injuries, and substantiated child abuse numerated and separated out by type of care (family child care, group and school age child care, funded programs, and unlicensed care).

Publication to Investigations on Consumer Education Website

EEC will post an indicator, associated with an investigation, representing whether a death, serious injury, or substantiated case of child abuse of a child was identified by an investigation. EEC will include the following language associated with the indicator:

“EEC is required by federal law to report whether a death, serious injury, or substantiated case of child abuse was identified during an investigation. Be advised that EEC is not making a legal determination that the death, serious injury, or child abuse was specifically caused by the program or provider, although regulatory non-compliances may have been identified relating to the death, serious injury, or child abuse. For more information about this investigation, please contact the EEC Regional Office.”

¹ Incidents where the Department of Children and Families have supported allegations of abuse or neglect against an educator will not be reported, as this information is protected by state statute. *See* G.L. c. 119, §§ 51A – 51F. EEC will only be reporting when EEC itself substantiates child abuse or neglect. In instances where both EEC and DCF substantiate an allegation of child abuse or neglect, the EEC determination will be reported.