



## **EEC Background Record Check and Field Operations Units**

### **POLICY STATEMENT: EEC Definition of Licensee in a Group and School Age Child Care Program**

**DATE: September 10, 2019**

**EEC BRC UNIT POLICY NUMBER: 19-002**

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#### **Definition of Licensee with a Group and School Age Child Care Program for Purposes of Licensing and Background Record Checks**

The licensing regulations of the Department of Early Education and Care (EEC) define a Licensee of a Group and School Age Child Care Program as, “Any person holding a license or approval issued by the Department”. 606 CMR 7.02. The regulations further state that the licensee, “bears ultimate responsibility for compliance with 606 CMR 7.00”. 606 CMR 7.03(1).

Licensees may submit corporate paperwork from the Secretary of the Commonwealth’s database as proof of ownership. If such documentation is not available, then a Licensee may be required to submit supplemental documentation.

An individual may delegate their authority as licensee to a third party who is present in Massachusetts and may take on the responsibilities of the licensee. This delegation of authority should be made in writing and approved by EEC Licensing and maintained in the Program’s documents library. Licensees must provide the name of the licensee on the designated administrator form.

EEC regulations require that an application for licensure or renewal include all evidence of the licensee’s authority to operate, including the names and addresses of all owners or officers. *See* 606 CMR 7.03(6). It is the policy of EEC that a group and school age license may be written to an individual, a program site, or a corporation; however, a program site or corporation must clearly identify at least one individual who will be the licensee. There may be more than one person identified as a licensee. The reason for this requirement is so EEC can identify the person whom is ultimately responsible for regulatory compliance at the program.

For purposes of licensing activities, the Licensee(s) must ensure regulatory compliance of the Group and School Age Child Care Program. The Licensee(s) may delegate these tasks to their staff and administrators who work in the classroom; however, if there are serious regulatory non-compliances or other significant health and safety concerns, the Licensee(s) will serve as the legal representative of the program and will be responsible for resolving the non-compliances. Specifically, they must ensure that the program is soundly administered; and appreciate and ensure that the program operates in compliance with EEC regulations. The Licensee(s) must attend any enforcement meetings held by the Department, and will be specifically named in any legal order issued by the Department pursuant to its enforcement regulations, including in sanctions, suspensions, and revocations. *See* 102 CMR 1.00 et seq.

Group and School Age Child Care Programs must ensure that the Licensing Education Analytic Database (“LEAD”) system identifies the correct individual(s) as the Licensee(s).

#### Background Record Checks:

A licensee is responsible for completing an EEC background record check (BRC). 606 CMR 14.05(3)(a) and 102 CMR 1.05(1)(a) and (b). Licensees may not work in a supervised provisional status because they do not have an appropriate person to supervise them. *See* 606 CMR 14.13(2)(e). The licensee is further responsible for ensuring compliance with EEC’s BRC regulations at 606 CMR 14.00 et seq. and requiring that all staff and non-staff with unsupervised access to children complete an EEC BRC consistent with the EEC BRC regulations.

A Licensee for the Group and School Age Child Care Program must be designated accurately in LEAD so the program may access EEC’s background record check (BRC) systems, including the new BRC Navigator. The BRC systems are used to process BRCs for employees, volunteers, interns, and affiliated individuals. The Licensee will be the first individual(s) provided with an account to EEC’s BRC systems and are responsible for ensuring that all required individuals complete an EEC BRC by receiving consent from such individuals and valid identification. They are also responsible for updating their staff rosters and/or delegating the BRC activities to a BRC Program Administrator.