



The Commonwealth of Massachusetts Department of Early Education and Care

EEC Inspections and Visits	Field Operations Policy – All Programs
Updated: April 4, 2020	

POLICY STATEMENT

In 2014, the Federal Child Care Development Block Grant (CCDBG) Reauthorization Act became law. This law reauthorized Federal funding of the Child Care and Development Fund (CCDF), which is used primarily to provide States, Territories, and Tribes with funding for subsidized child care for low income families. The CCDBG Reauthorization included multiple changes to various requirements regarding the provision of child care. These changes were required in order to ensure that children are receiving care in the safest and highest quality environment possible.

In order to ensure timely adoption of certain changes, the Department of Early Education and Care (EEC) is issuing new policies to clarify and explain these changes. **This policy describes how EEC will fulfill the new Federal requirements regarding inspections and visits to all licensed and funded license-exempt child care programs.**

EEC Authority

102 CMR 1.06(1) and (2) set forth EEC’s authority to visit a program at *any time* and to conduct complaint investigations. According to 102 CMR 1.06(1)(a), any employee of EEC may visit an EEC licensed or approved program at any reasonable time to ensure that the program is in compliance with the law and with EEC regulations. This authorization for compliance visits is broad and does not set forth any specific regulatory provisions regarding how these visits should be conducted. 102 CMR 1.06(2)(a-c) addresses EEC’s ability to conduct visits for the purposes of complaint investigation.

Under Federal regulations adopted pursuant to the CCDBG reauthorization, much more detail is given about the conducting and frequency of these visits. The visits, conducted pursuant to the Federal requirements found at 45 CFR 98.42, not only apply to programs licensed or approved by EEC, but also to any Funded Programs receiving money from the Child Care Development Fund (CCDF). Such programs include all programs receiving CCDF funding to care for children eligible for and receiving subsidy, such as public school programs, private educational institutions, and non-relative caregivers caring for a child in the child’s own home.

Applicable Requirements

For programs and providers licensed by EEC (45 CFR 98.42(2)(a)(i)):

In order to comply with the requirements set forth in 45 CMR 98.42, EEC uses differential monitoring to determine the specific content of each annual inspection visit for all licensed programs, according to the following schedule:

- At least one pre-licensing visit, and more if needed, to determine, at a minimum, compliance with health, safety, and fire standards;
- At least one annual unannounced visit, and more if needed, to ensure compliance with all EEC regulations, including health, safety, and fire standards.

For programs and providers that are not required to be licensed by EEC but receive CCDF funds (Funded Programs) (45 CFR 98.42(2)(a)(ii)):

In order to comply with the requirements set forth in 45 CMR 98.42, as of October 1, 2019, EEC will require the following:

- At least one annual visit, and more if needed, to ensure compliance with all EEC Compliance Requirements. Whether the visit is announced or unannounced is within the discretion of EEC. **EEC has determined that initial visits will be announced and scheduled.**
- The requirement for annual visits also applies to care being provided by non-relatives in the child's own home. EEC will obtain advanced written parental permission for such visits to take place. Such permission must be renewed annually.

The items covered during each monitoring visit will be representative of the full complement of health and safety requirements as required in 45 CFR 98.41. These requirements are as follows:

1. The prevention and control of infectious diseases, including immunizations;
2. Prevention of sudden infant death syndrome and use of safe sleeping practices;
3. Administration of medication, consistent with standards for parental consent;
4. Prevention and response to emergencies due to food and allergic reactions;
5. The requirement to report any and all serious injuries or death of children that occurred while in child care;
6. Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic;
7. Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
8. Emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event;
 - a. These shall include procedures for evacuation, relocation, shelter-in-place and lock-down, staff and volunteer emergency preparedness training and practice drills, communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions.
9. Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;
10. Appropriate precautions in transporting children (if applicable to the program);
11. Pediatric first aid and cardiopulmonary resuscitation (CPR); and
12. Recognition and reporting of child abuse and neglect.