



# The Commonwealth of Massachusetts

## Department of Early Education and Care

Internal Policy	
<b>Licensure of Outdoor/Nature-Based Programs</b>	<b>Field Operations – Child Care Licensing</b>
<b>Effective Date: September 8, 2021</b>	

While all new licensure is to be conducted following the internal Procedure for New Licensure policy, there are some additional checkpoints to be considered when licensing an outdoor/nature-based programs. To promote consistent identification and licensure of outdoor/nature-based programs, EEC sets forth the following internal policy.

**“Outdoor/nature-based program” shall mean a program operated primarily (at least 50% of the program’s operating hours) outdoors.**

Licensed outdoor/nature-based program space must be located:

- (a) On a site free from known environmental hazards, not including hazards characteristic of the natural physical features of the outdoors; *and*
- (b) In an area served by emergency fire, medical, and police during the hours the outdoor/nature-based program provides care to children.

Licensed outdoor/nature-based programs must have:

- (a) Access to an EEC-approved indoor center-based or indoor home-based space that is accessible to the provider and children during program operating hours and must meet all applicable licensing requirements; *or*
- (b) Access to toilets and handwashing stations for use during program operating hours; *and*
- (c) Access to an approved outdoor emergency covered location for use only during emergencies.

The following clarifications are offered to licensed outdoor/nature-based programs:

- **Bathrooms.** Licensed outdoor/nature-based programs must provide at least one of the following bathroom options, and may use a combination of toileting options to ensure children and staff are able to meet their toileting needs:
  - 1.** An indoor bathroom<sup>1</sup> that meets the licensing requirements for an approved indoor bathroom space.
  - 2.** A portable toilet, with individual liners that allow for sanitary disposal after each use, and with surfaces cleaned daily, and as needed in accordance with 606 CMR 7.11(10)(i).<sup>2</sup>

<sup>1</sup> Toileting facilities in a public park or nature center must be checked for cleanliness and safety prior to children’s use and the toilet seats, sinks, or other surfaces that children touch must be cleaned and disinfected at least daily. In accordance with 606 CMR 7.10(8)(a), educators must accompany children to the bathroom whenever toilet facilities used by the children in care are also available to the public.

<sup>2</sup> In accordance with 606 CMR 7.11(10)(i), toilets and toilet seats must be monitored for cleanliness and washed and disinfected at least daily.

**3.** A water conserving toilet, such as a composting toilet, that meets the requirements for health and sanitation.

- **Indoor/outdoor space sketches detailing requested licensed space.** In accordance with Department policy, an applicant for licensure of a GSA program must submit a floor plan of all indoor/outdoor space, including use of proposed licensed and unlicensed spaces. For outdoor/nature-based programs, this must include emergency covered locations, with identified emergency exits and emergency exit routes.
- **Square footage of Emergency Covered Location.** For outdoor/nature-based programs using an approved outdoor emergency covered location, EEC will waive enforcement of 606 CMR 7.07(16)(c)1 for the emergency covered location only. To ensure physical safety and freedom of movement, the emergency covered location must have enough space for all children present to be sheltered comfortably at any time.
- **Emergency Contingency Plan.** Emergency covered locations must be included in the program's [Emergency Contingency Plan](#) [see 606 CMR 7.11(7)(f)]. Emergency Contingency Plan must include a procedure for safe and healthy handwashing and toileting within the emergency covered location.
- **Required postings.** In accordance with 606 CMR 7.14, required postings must be in an area easily visible to parents, educators, and visitors. To maintain compliance with this requirement, licensed outdoor/nature-based programs may keep this information in a binder that is accessible to program staff at all times.
- **Evidence of a building permit or certificate of occupancy issued by the local building, planning, or zoning department for emergency use.** In accordance with 606 CMR 7.07(2), Every program that is not located in a residence and every program that has a licensed capacity of more than ten children must provide a certificate of inspection from the Department of Public Safety or the local building inspector certifying that the facility complies with the applicable 780 CMR: The State Building Code. Before EEC will issue a license to an outdoor/nature-based program that plans on using a structure as their outdoor emergency covered location, such as a cabin or a yurt, the outdoor/nature-based program must obtain and submit evidence of a building permit or certificate of occupancy issued by the local building, planning, or zoning department. If a program uses a permanent structure for emergency use, but is unable to attain a building permit or certificate of occupancy, it must provide evidence of a report from a structural engineer certifying that the space is safe for occupancy. Programs seeking to make changes to program space or capacity must provide evidence of a new building permit or certificate of occupancy prior to getting EEC approval for those changes.

Certain outdoor/nature-based programs may be eligible to apply for an exemption from licensure, pursuant to [Department policy](#). If an outdoor/nature-based program is exempt from licensure, the program should submit an [Application for Child Care Licensing Exemption](#) to the Department for review and approval.