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| **The Commonwealth of Massachusetts Samantha L. Aigner-Treworgy, Commissioner** |

**Board of Early Education and Care Motion FY2022-03**

**Motion to Approve Amendments to 606 Code Mass. Regs. 7.00**

Pursuant to G.L. c. 15D, § 3, the Board of Early Education and Care (“Board”) shall set policies and establish regulations related to early education and care programs and services.

The Department of Early Education and Care (“the Department”) is responsible for licensing all child care programs in Massachusetts, including family child care homes, child care centers, school age child care programs, residential programs for children, and adoption and foster care placement agencies. Further, pursuant to G.L. c. 15D, § 8, the Board shall establish regulations “appropriate for the protection of the health, well-being and development of children.” The regulations shall include provisions relative to “safe transport of children;” “physical plant and equipment;” “the number and qualifications of staff;” “the nature of programs of care or treatment;” “behavior management and child guidance policies and procedure;” “health care and nutrition;” and “rights and responsibilities of parents, children and staff.” *See also* G.L. c. 15D, § 5 (related to workforce development planning). The Department’s regulations at 606 Code Mass. Regs. 7.00 *et seq.* establish the standards for the licensure or approval of family child care, small group and school age, and large group and school age child care programs. The mission of the Department of Early Education and Care is to provide the foundation that supports all children in their development as lifelong learners and contributing members of the community, and to support families in their essential work as parents and caregivers. In fulfilling this mission, EEC has developed these specific regulations to be met by all providers of early care and education services in the Commonwealth, whether home, school or center-based.

As a result of the COVID-19 pandemic and the surge of positive cases due to the Delta variant, EEC has an increasing need to protect the health and safety of children and staff of EEC licensed, approved, or funded programs. To achieve that need, on August 31, 2021, the Board voted to adopt Emergency Regulations that amended certain parts of 606 Code Mass. Regs. 7.00. Specifically, the Board voted to authorize the Department to create a mask mandate in early child care programs, with limited exceptions. The Board also voted to further allow EEC to create policies that have more flexibility for early education and out of school time programs to recruit, hire, and retain staff with the goal of addressing the workforce shortage in EEC licensed programs through more streamlined and less burdensome workforce requirements and process while maintaining the health and safety of children.

The approved Emergency Regulations provided that:

* The Department may issue policies and requirements pertaining to the prevention of serious illnesses, contagious diseases, and reportable diseases, including a requirement for personal protective equipment. All EEC licensed, approved, or funded programs must follow all such policies and requirements.
* The Commissioner of the Department shall have the authority to implement the educator qualifications and professional development requirements of subsections 606 CMR 7.04 and 7.09 in a way that reduces the administrative burden on programs and educators. The Commissioner shall also have the authority to temporarily modify any educator qualifications and professional development requirements under subsections 606 CMR 7.04 and 7.09 if such modifications improve the ability of programs to hire qualified educators while maintaining the health and safety of children. The Commissioner of the Department shall notify the chair of the Board of Early Education and Care before implementing any modifications pursuant to this section and shall state the duration of such modification.
* CPR training must be renewed prior to the expiration date listed on the CPR certificate instead of annually.

Following Board approval on August 31, 2021, these changes became effective as Emergency Regulations. At the same time, the Board also voted to seek Public Comment on these regulations as required by G.L. c. 30A. The Public Comment period ran until September 30, 2021. Based upon the Public Comment received, the Department determined that no changes were necessary to the regulations as originally adopted by the Board. In order to make the unchanged Emergency Regulations permanent, the Department must file a Notice of Compliance with the Secretary of State’s Office by November 30, 2021.

Accordingly, the Commissioner and the Department seek the Board’s approval to make the language of the Emergency Regulations permanent.

**MOVED: that the Board of Early Education and Care, having solicited and reviewed public comment in accordance with G.L. c. 30A, hereby adopt the proposed revisions to 606 CMR 7.00, as presented by the Commissioner.**