Commonwealth of Massachusetts
Department of Early Education and Care

Board of Early Education & Care – October Meeting

October 11, 2023

Agenda

Routine Business

- Approval of Minutes from September 13, 2023 Meeting – VOTE
- FY24 Human Resources Division Management Salary Adjustments - VOTE

Items for Discussion and Action

- Child Care Licensing – Current Regulations Overview and Proposed Regulations Revision Process
  - Child Care and Out-of-School Time Educator Credentialing System Update
- Early Education and Out-of-School Time (EEOST) Proposed Regulation Revisions

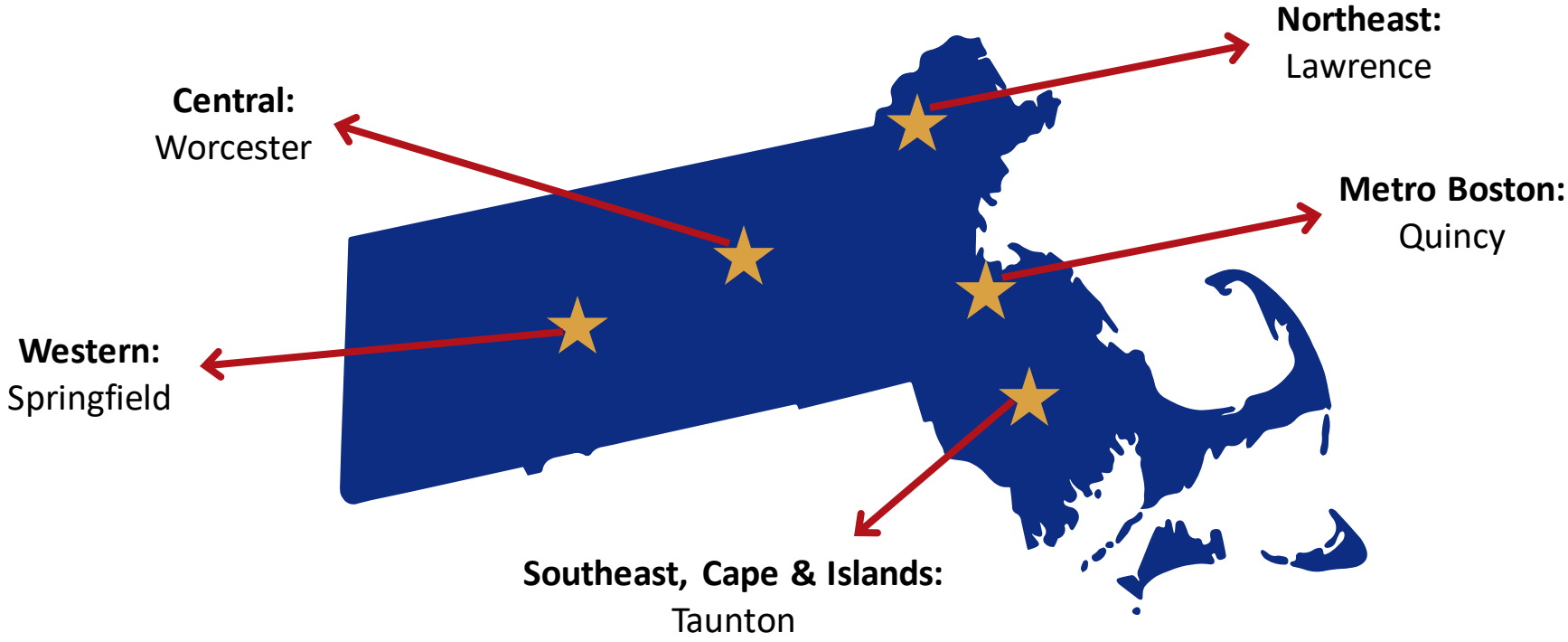


1 Child Care Licensing

EEC Licensing Staffing & Structure

The Licensing and Investigation teams make up the largest part of EEC staffing (over 52%) 127 staff across 5 regional offices.

The agency has been focused on increasing our bilingual licensing staff over the last 2 years and now has capacity to work in English, Spanish, Portuguese and Haitian Creole.



EEC Licensing: Current Regulations

EEC's statutory authority to license child care programs is outlined in G.L. Chapter 15D.
Specific regulations for Family Child Care Programs & Group and School Age Programs are in 606 CMR 7.00

7.01:	Introduction
7.02:	Definitions
7.03:	Licensure and Approval
7.04:	Administration
7.05:	Interactions Among Adults and Children
7.06:	Curriculum and Progress Reports
7.07:	Physical Facility Requirements
7.08:	Family Involvement
7.09:	Educator Qualifications and Professional Development
7.10:	Ratios, Group Sizes and Supervision of Children
7.11:	Health and Safety
7.12:	Nutrition and Food Service
7.13:	Transportation
7.14:	Applicability and Severability



EEC Licensing: Types of Programs/Licenses

Current Types of Licensed Programs

Family Child Care

Programs that are within a residence.

No more than ten children younger than 14 years old or children younger than 16 years old if such children have special needs.

Small Group & School Age Child Care

Programs within a commercial space.

Any program that receives on a regular basis ten or fewer children who are unrelated to their caregivers and are younger than 14 years old or children younger than 16 years old if such children have special needs.

Large Group & School Age Child Care

Programs within a commercial space.

More than ten children who are unrelated to their caregivers and are younger than 14 years old or children younger than 16 years old if such children have special needs. .

EEC Licensors work with programs across the Commonwealth to support them to obtain and maintain their license. Each licensed program receives at least one monitoring visit with their licensor annually.

Types of Licensing Visits

The EEC Licensing team works with programs throughout their journey to obtain and renew their license to operate.



Pre-Licensing

- First licensing visit for new applicants
- Announced visit
- Comprehensive review of regulations

Provisional License Monitoring

- After the first provisional license is issued
  - Within 90 days for FCC and 6 months for Center-based
- Unannounced visit
- Comprehensive review of regulations

Monitoring

- Annually (between renewal cycles)
  - FCC renew every 3 years
  - Center-based renew every 2 years
- Unannounced visit
- Focused or more comprehensive review

Renewal Monitoring

- 4 months prior to a license expiration
- Unannounced visit
- Focused or more comprehensive review

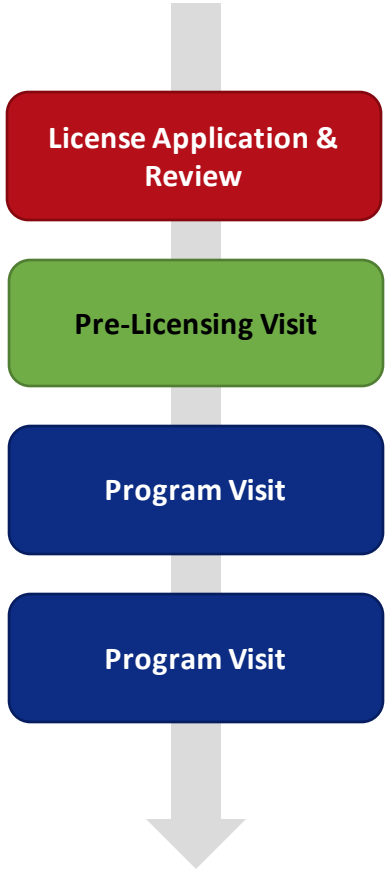
Investigations

EEC Licensors and Investigators conduct investigation visits based on reports about a program. Reports can be received online through EEC's licensing database (LEAD), email, calls or in person. Reports can be submitted by:

- Parents
- Program self-report
- Department of Children and Families (DCF) when a 51A is filed
- Any concerned parties (members of the public)

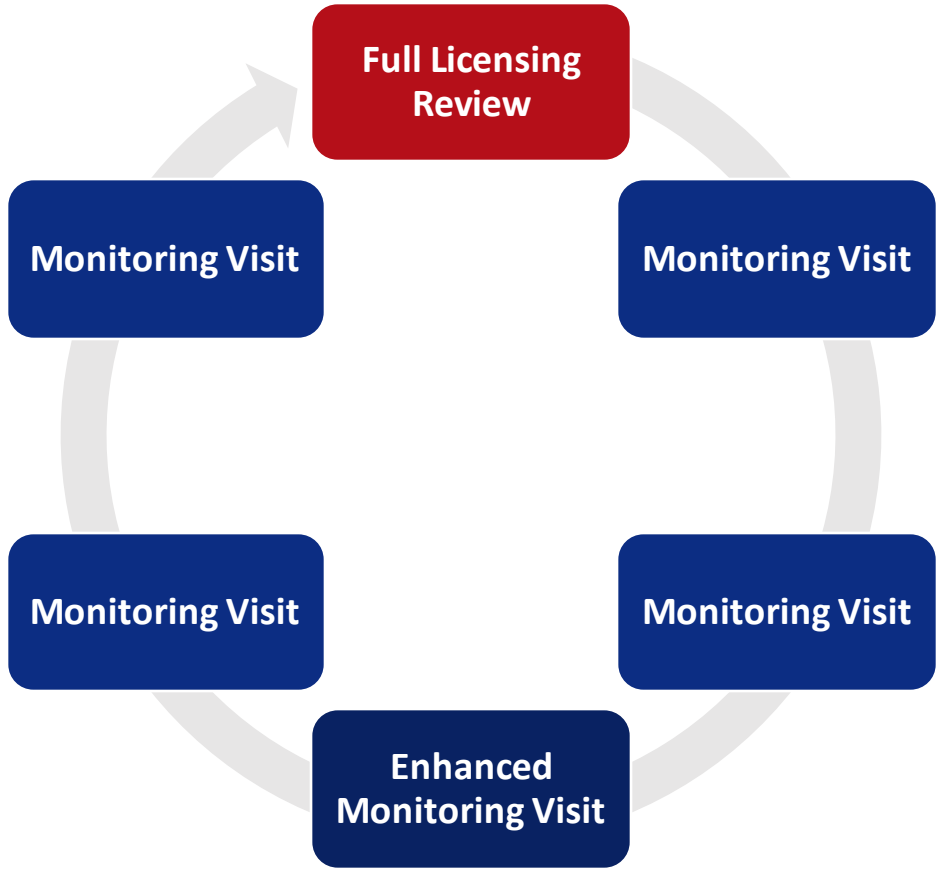
Licensing User Journey: Family Child Care

New Licensee



Annual Licensing Cycle

3 year cycle



Licensing User Journey: Center-based

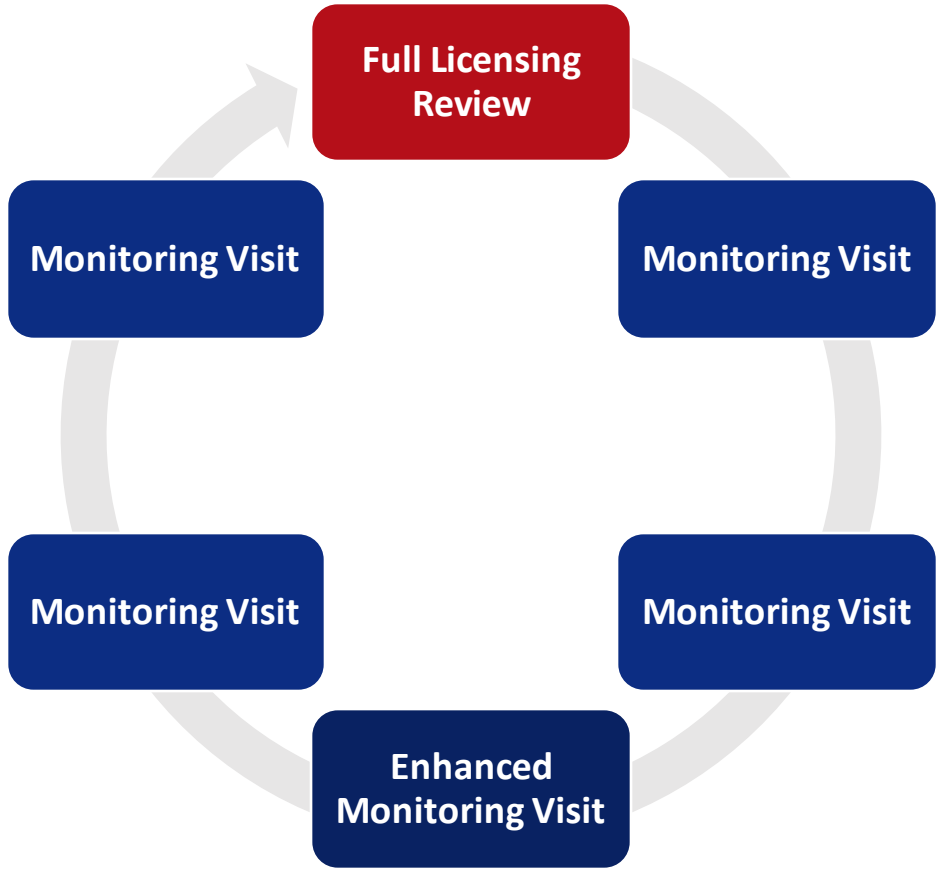
New Licensee

License Application & Review
6 month provisional license

Provisional Licensing Visit
90 day monitoring visit

Annual Licensing Cycle

2 year cycle



Additional Oversight

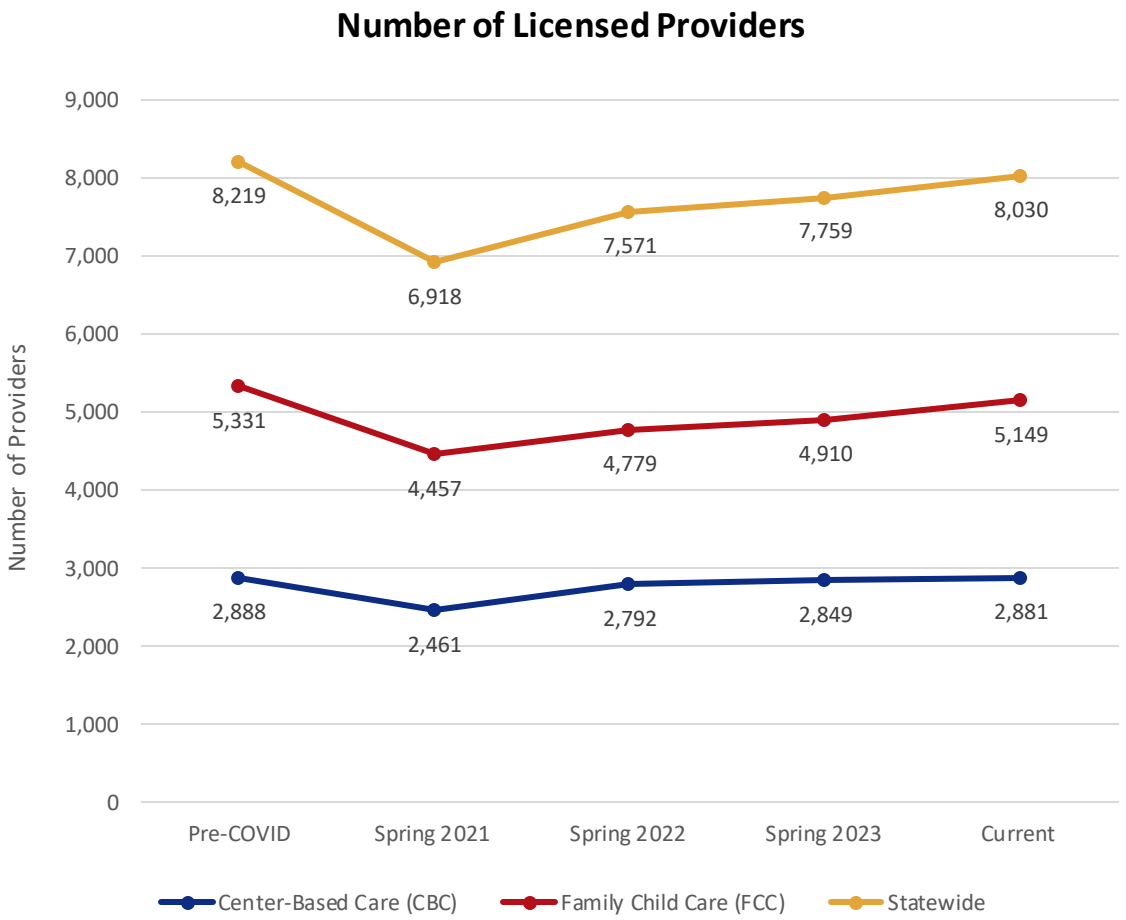
In addition to the EEC Licensing process, programs are required to work with other state and/or local agencies to complete permits, inspections and other processes in order to operate. The list below shows some of the additional requirements and oversight agencies programs and EEC may be required to work or comply with to be licensed.

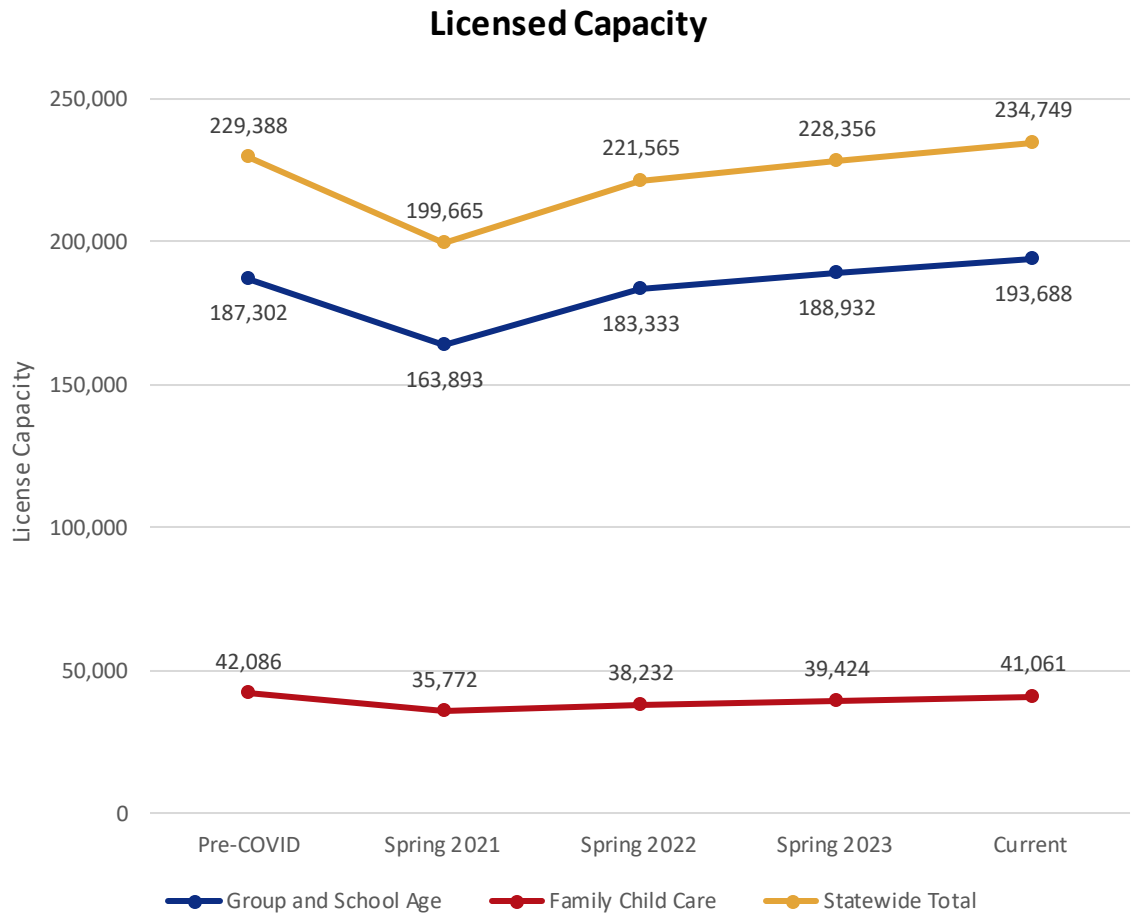
	Permits	Inspections	Process
City/ Local	Zoning Permits Public Health Departments	Building Inspections Fire Inspections Health Inspections	School Districts
State	Department of Public Health (DPH)	Department of Agricultural Resources	Department of Elementary and Secondary Education (DESE) Secretary of State Office (Corporation filings) Department of Revenue (DOR)



Child Care Licensing by the Numbers

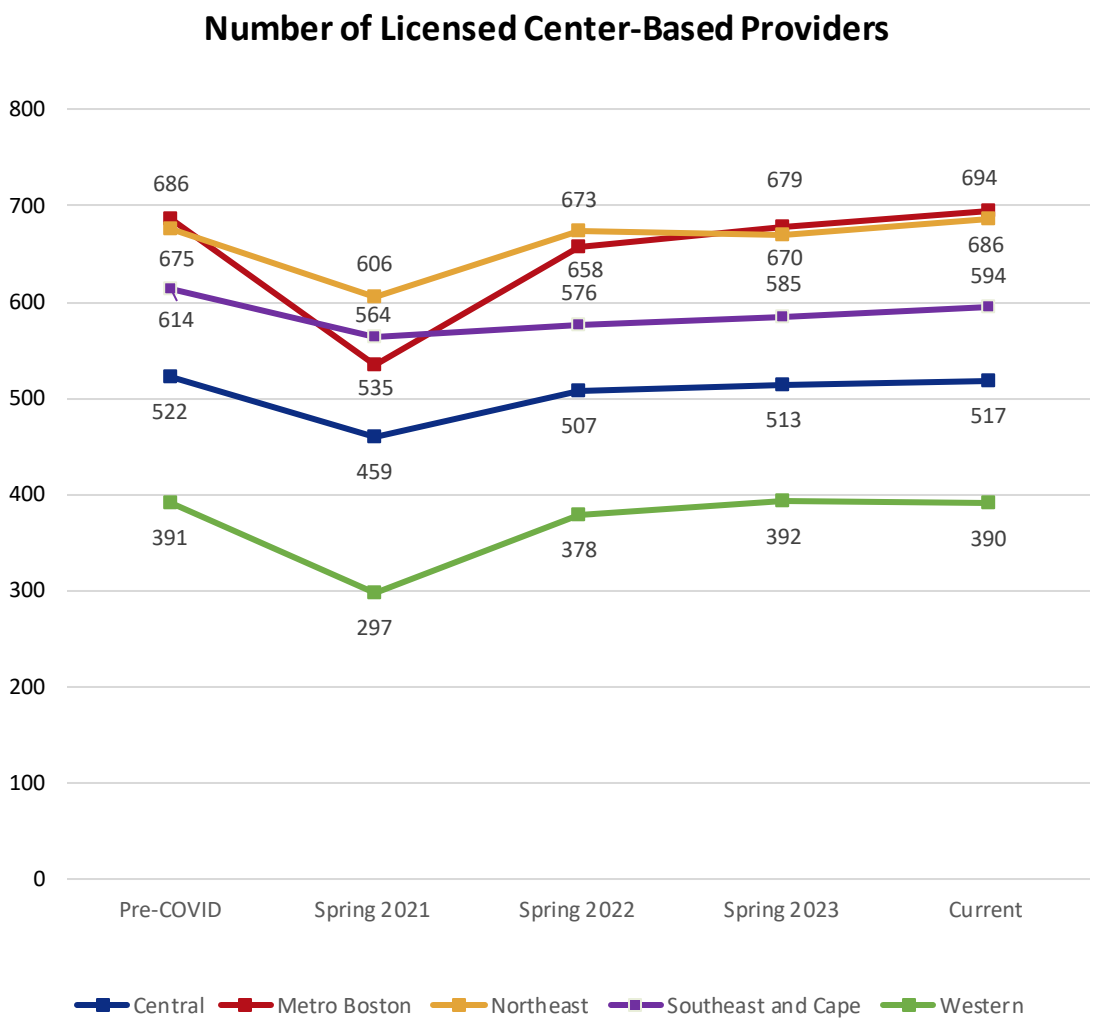
Licensed Providers & Capacity Over Time

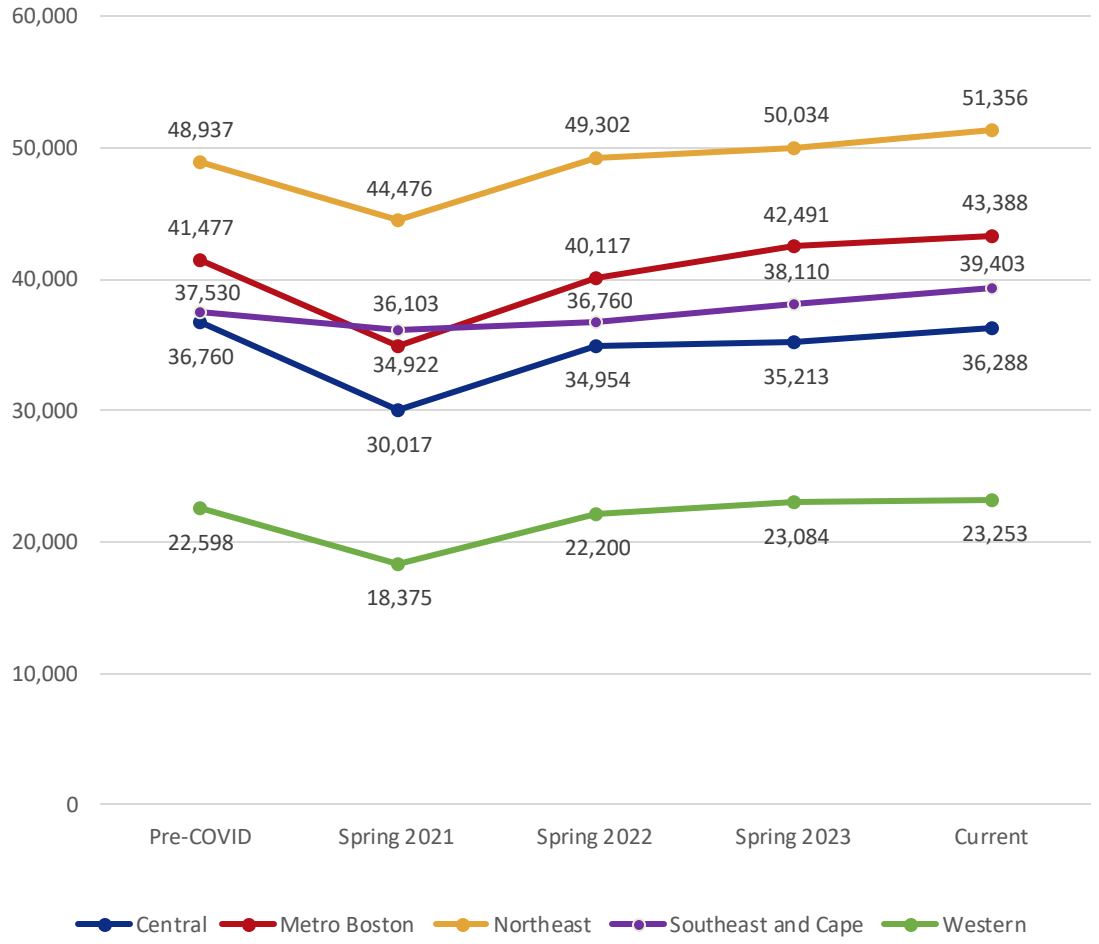




Data as of 9/24/23

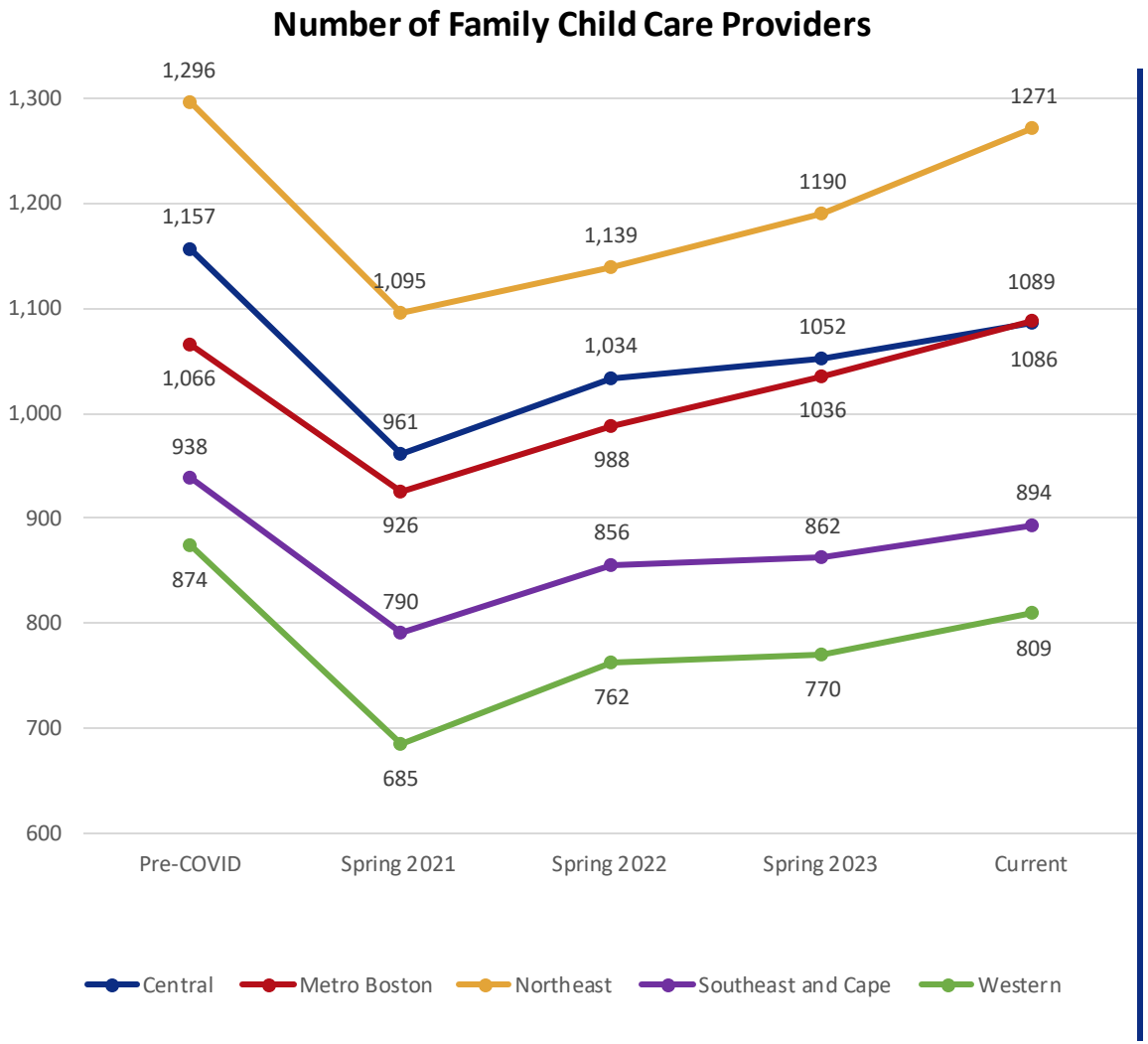
Center-Based Providers -- by Region

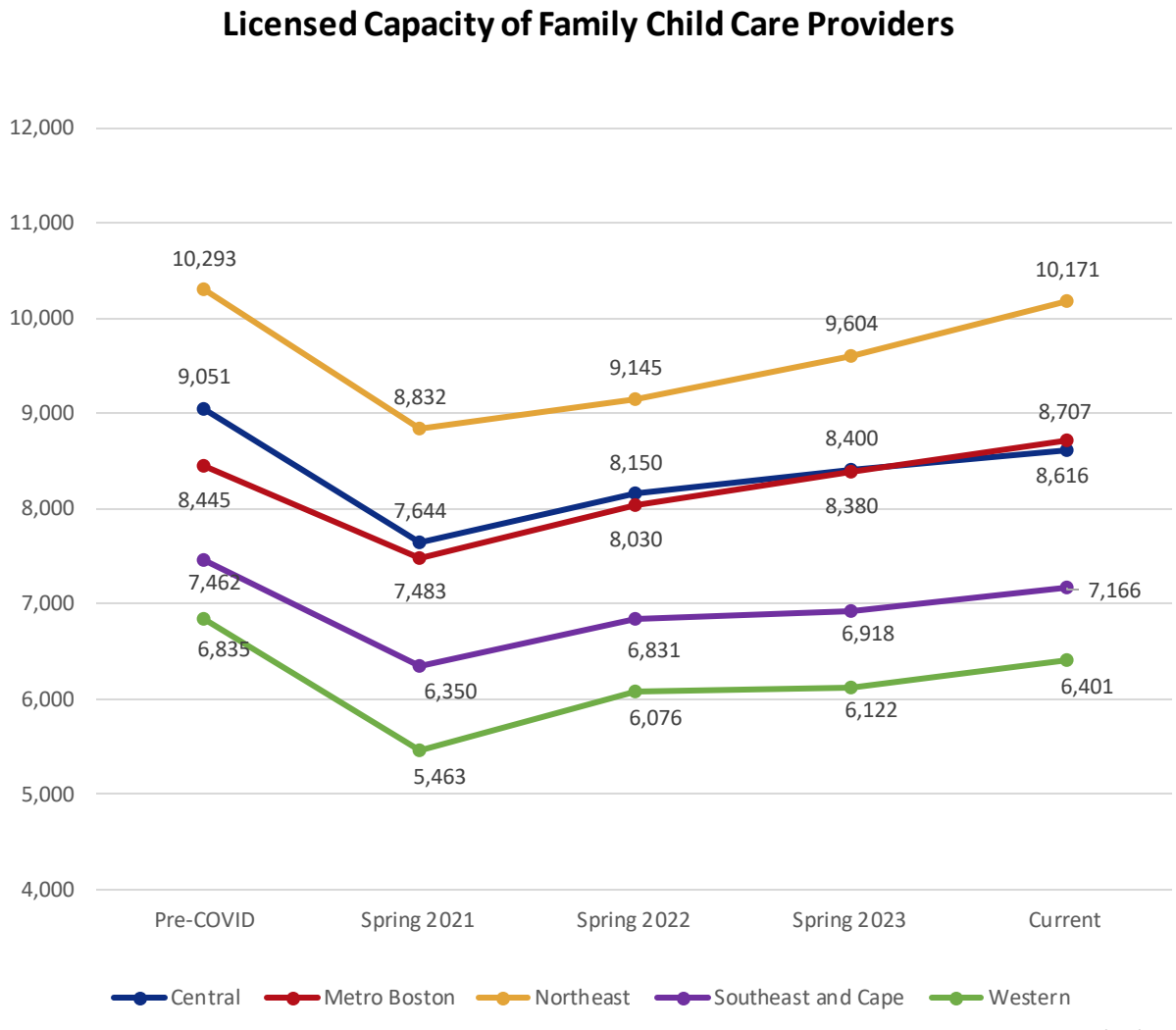




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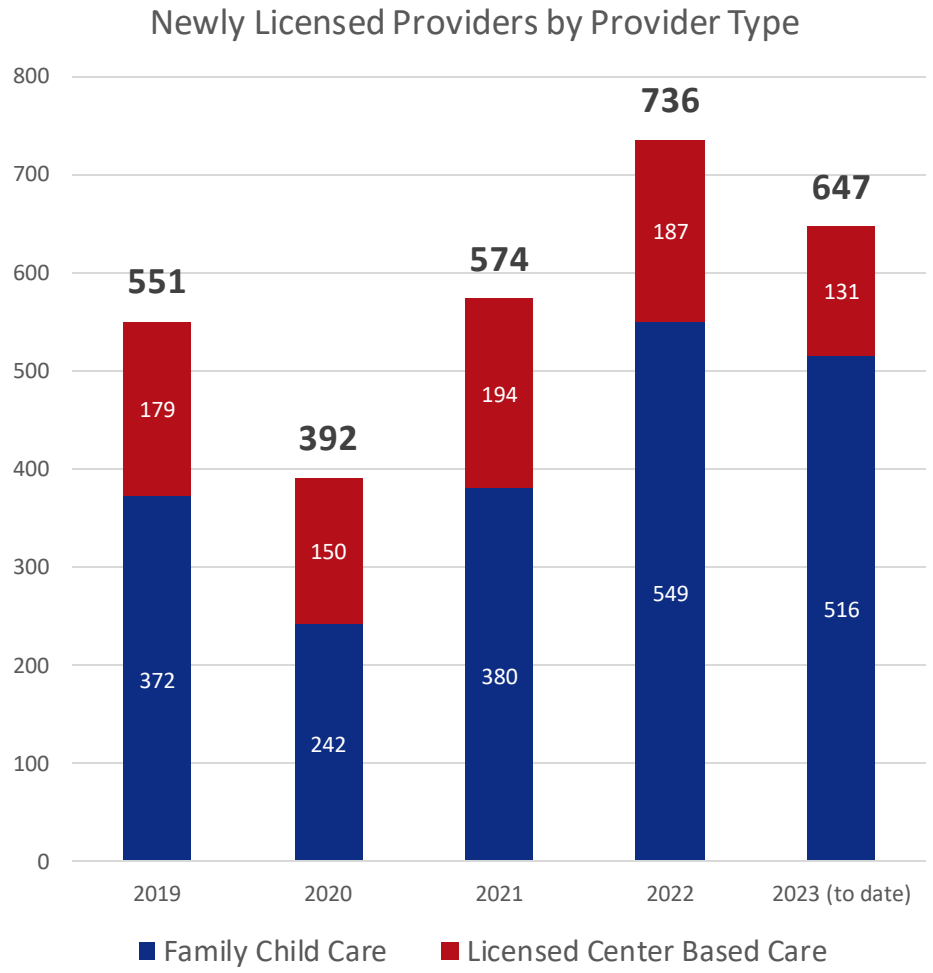
Family Child Care -- by Region

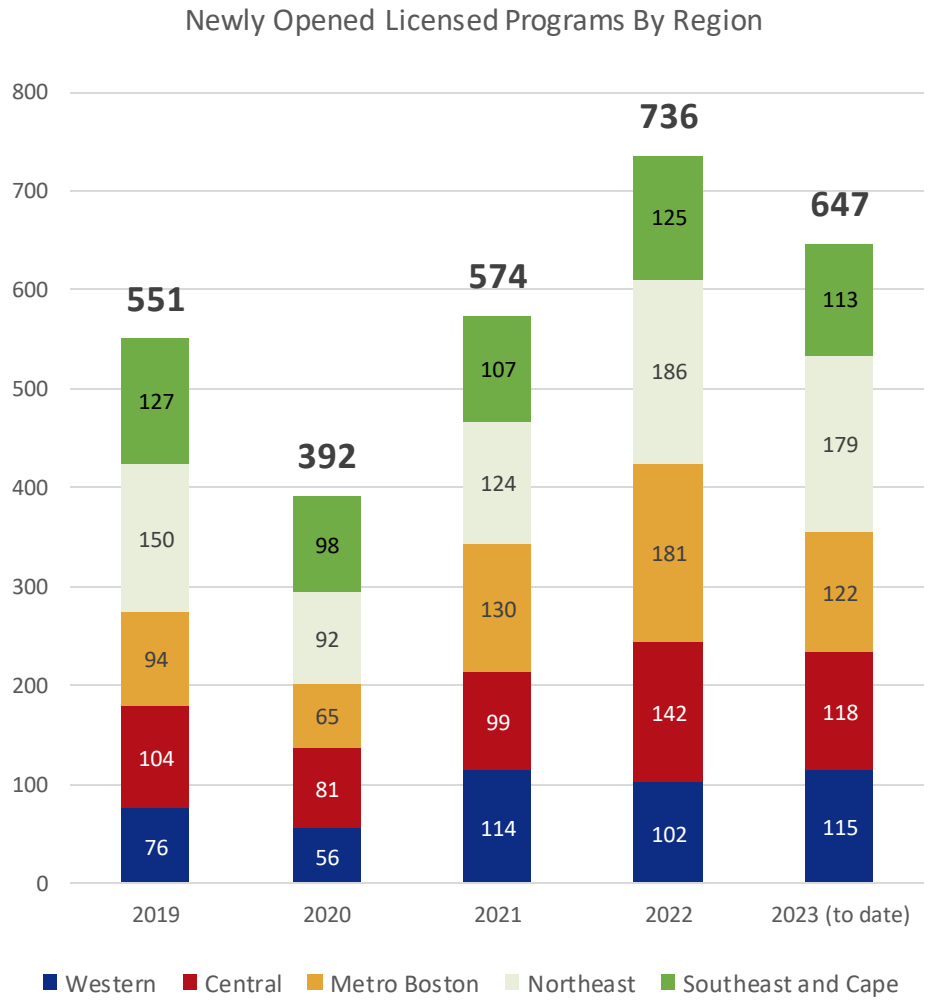




Data as of 9/24/23

Newly Licensed Programs Over Time





Data as of 9/25/23



Framework for Regulatory Revisions

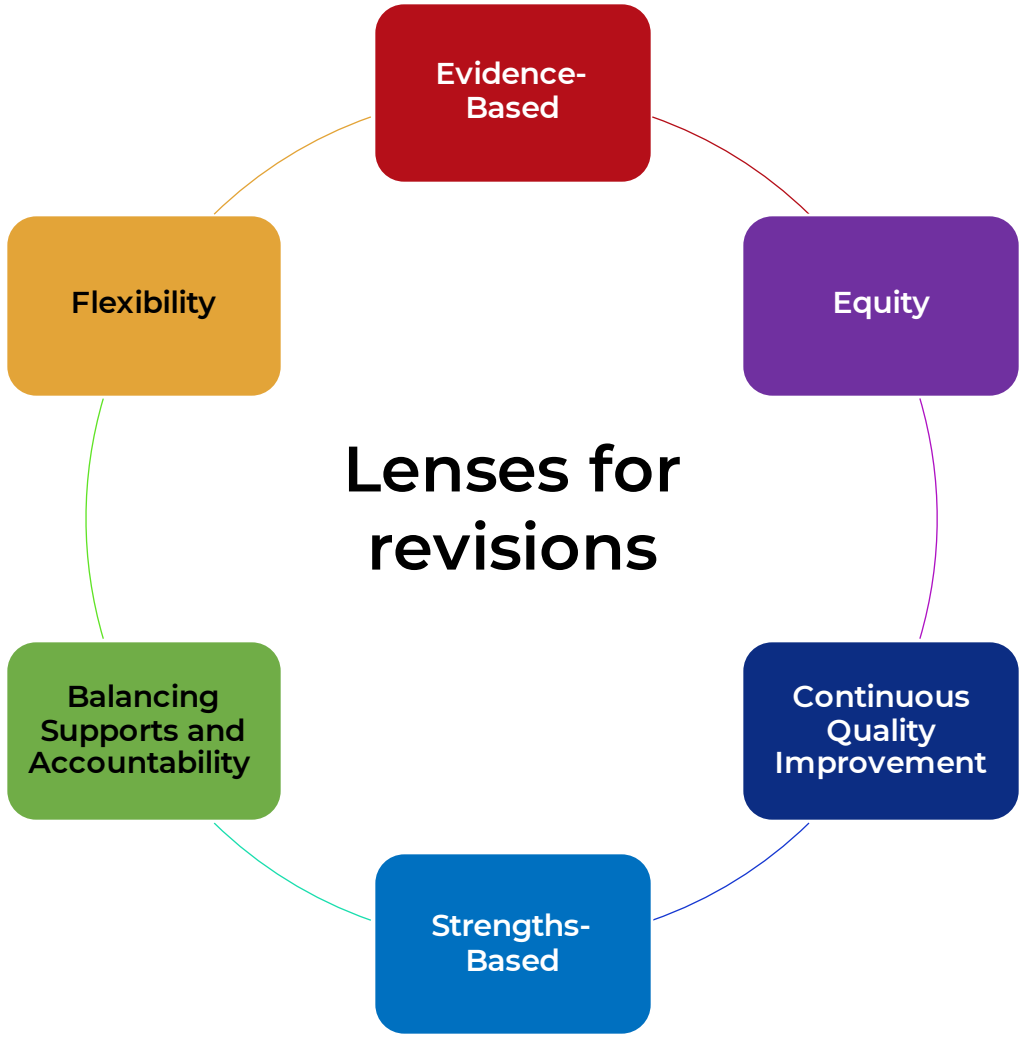
Purpose of Regulatory Revisions

606 CMR 7.00 governs EEC's oversight and licensing of early education and out-of-school time programs. These regulations have not seen a comprehensive revision since **2010**.

- The agency began receiving feedback for revisions in 2021. That processed was paused and is being relaunched to reengage partners.

Goals

1. Ensure room for innovation to support **the future needs of programs** and families
2. Update to enable use of **new technology**
3. **Reduce bureaucratic burden** to ensure a focus on activities that drive child and family outcomes
4. **Align across EEC regulatory frameworks** and across other regulatory bodies
5. Ensure resources are available in **multiple languages**



Areas of Reform: Child Care Licensing



Separate regulations for Family Child Care and Center-based Child Care to be responsive to the locations used for each care type and ensure customized approaches for unique environments, age-groups and settings (e.g., out-of-school time programs operating in public buildings or other shared spaces)



Ensure regulations are **observable, measurable, & verifiable;** remove ambiguities; ensure language is easy to understand and articulates clear, transparent expectations



Consider new and alternative program models to ensure accessible and clear pathways to licensure for all programs (outdoor/nature-based preschools, Reggio Emilia, Montessori, extended hours and weekend programs)



Clarify teacher qualification requirements and align with educator credentialing and supports



Promote quality and ongoing improvement by incorporating a greater focus on technical assistance and continuous quality improvement planning into the licensure and monitoring process



Simplify regulatory standards with supportive details in easy to use and accessible policies and procedures with a focus on technical assistance and collaboration with partners.

Planned Stakeholder Engagement – Launch October 2023



Work With the EEC Team

The EEC Licensors, Investigators, Workforce support teams will restart the process of regulation review.

Starting October 2023



Build Out Working Groups

Bring in programs and educators who work in EEC licensed programs to collaborate on regulation review.

Starting November 2023



Engage With Partners

Host sessions open to all interested EEC licensed programs, families and other partners to get feedback on early progress.

Target Start January 2024

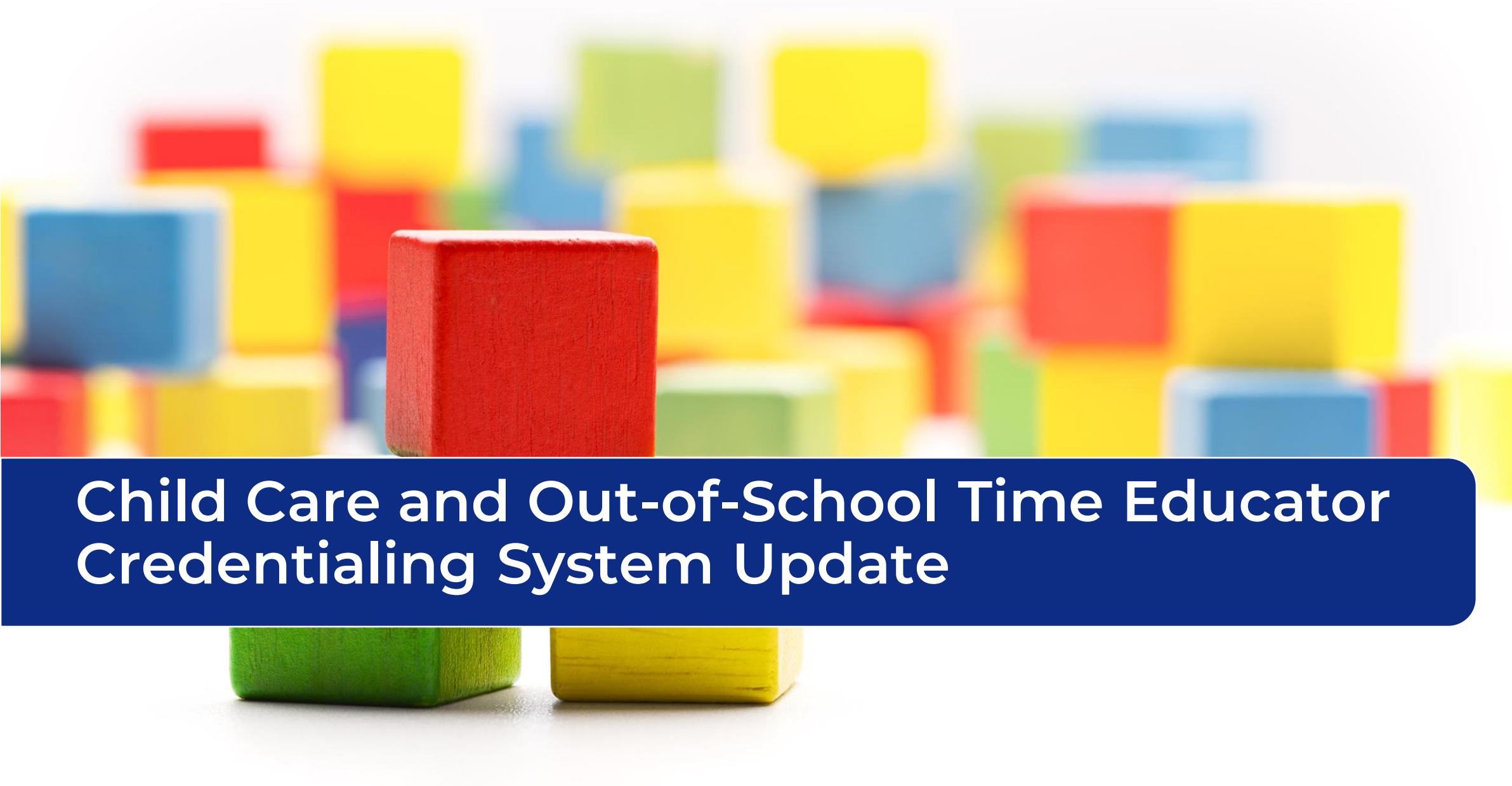


Open for Public Comment

Publicly share proposed regulations and open up for public comment.

Target Start October 2024

Regulatory development will take place over the next year and will be followed by continued stakeholder engagement, public comment, training opportunities and implementation support.



Child Care and Out-of-School Time Educator Credentialing System Update

Educator Credentialing System

Credentialing system for licensed child care and out-of-school time programs.

Current State

- Licensing regulations set different requirements by program type
- All requirements defined in detail in regulations
- Primarily focused on years of experience and isolated courses
- Certifications and degrees only substitute for work experience
- Defines minimum requirements for different roles only
- Sets limited options for program staffing
- Educators receive a “certificate” by role (currently partially suspended)

Future State

- One credential system for all program types
- Move verification processes/requirements details to policy
- Value educator investment in degrees and ongoing professional learning while working
- Provide flexible pathways to advancement including recognition of prior certification
- Define professional skills for novice to expert roles
- Support flexible program staffing
- Educators will receive documentation of a credential level

Current Licensing Requirements for Educators

Requirements for educators outline how to hire for different educator positions in child care and out-of-school time programs. It includes:

- Qualifications for each position/role
- Teacher-child ratios and staffing requirements
- Who can be left alone with children

Staffing Requirements

Group and School Age

- Adult-child ratios require 2 "qualified" staff at all times
  - Range from 1:3, maximum 7 children (infants)
  - To 1:13, maximum 26 children (school age)
- Qualified teacher or group leader required in every classroom
  - Infant/ toddler classrooms require teachers qualified for that age group
  - Larger programs need more lead teachers
- Director or site coordinator/ administrator required on site at each full time program with more than 13 children
  - Type of director certification varies by program size

Family Child Care

- 1 educator with up to 8 children, maximum of 10 with 2 educators
- Licensed FCC or certified assistant always on site
- Regular assistant counts in ratio but must be supervised

Current Teacher Certification Levels
Center based Early Education Programs

- All roles must take Essentials health and safety trainings
- Background Record Check required to be left alone with children
- Many require CPR/ First Aid

- **Ongoing Professional Development**
  - Ranges from 5 to 20 hours/ year, depending on hours worked/ week
  - 1/3 of professional learning hours must address diverse learners

Assistant Teacher

- 16 or HS diploma
- Minimal requirements
- Completed or enrolled in Chapter 74 ECE program
- Must work under supervision of a teacher

Teacher

- 21 or HS diploma
- Child growth and development plus experience OR
- CDA or Early Ed HS diploma
- Degrees may substitute for experience
- Manages classroom
- Supervises any assistant teachers

Lead Teacher

- At least 21
- Specifies infant-toddler or preschool
- Multiple college or CEU bearing courses across categories plus experience
- Many potential combinations
- Functions similarly to a teacher
- Required number per licensed capacity

Director

- Lead teacher, plus administration course and additional coursework and experience
- Supervises all teachers
- Two levels of director certification
- Number of children in program determine requirements

Current Teacher Certification Levels Center based Afterschool

- All roles must take Essentials health and safety trainings
- Background Record Check required to be left alone with children
- Many require CPR/ First Aid

- **Ongoing Professional Development**
  - Ranges from 5 to 20 hours/ year, depending on hours worked/ week
  - 1/3 of professional learning hours must address diverse learners

Assistant Group Leader

- 16 and in high school program or have diploma or 18
- Must work under supervision of a group leader

Group Leader

- 18 and at least HS diploma with experience (additional degrees substitute for experience)
- Manages the group
- Supervises any assistant group leaders

Site Coordinator

- 20 and at least HS diploma with experience (degrees substitute for experience)
- Works with children in the program
- Supervises group leaders
- Responsible for some administrative work

Site Administrator

- 21, qualified as site coordinator and administrative experience or degree
- Often administrator at umbrella agency

Current Teacher Certification Levels Family Child Care

- All roles must take Essentials health and safety trainings
- Background Record Check required to be left alone with children
- Many require CPR/ First Aid

- **Ongoing Professional Development**
  - Ranges from 5 to 10 hours/ year depending on hours worked/ week
  - 1/3 of professional learning hours must address diverse learners

Regular Assistant

- Must work under supervision of licensee
- May be alone with up to 6 children for limited time periods

Certified Assistant

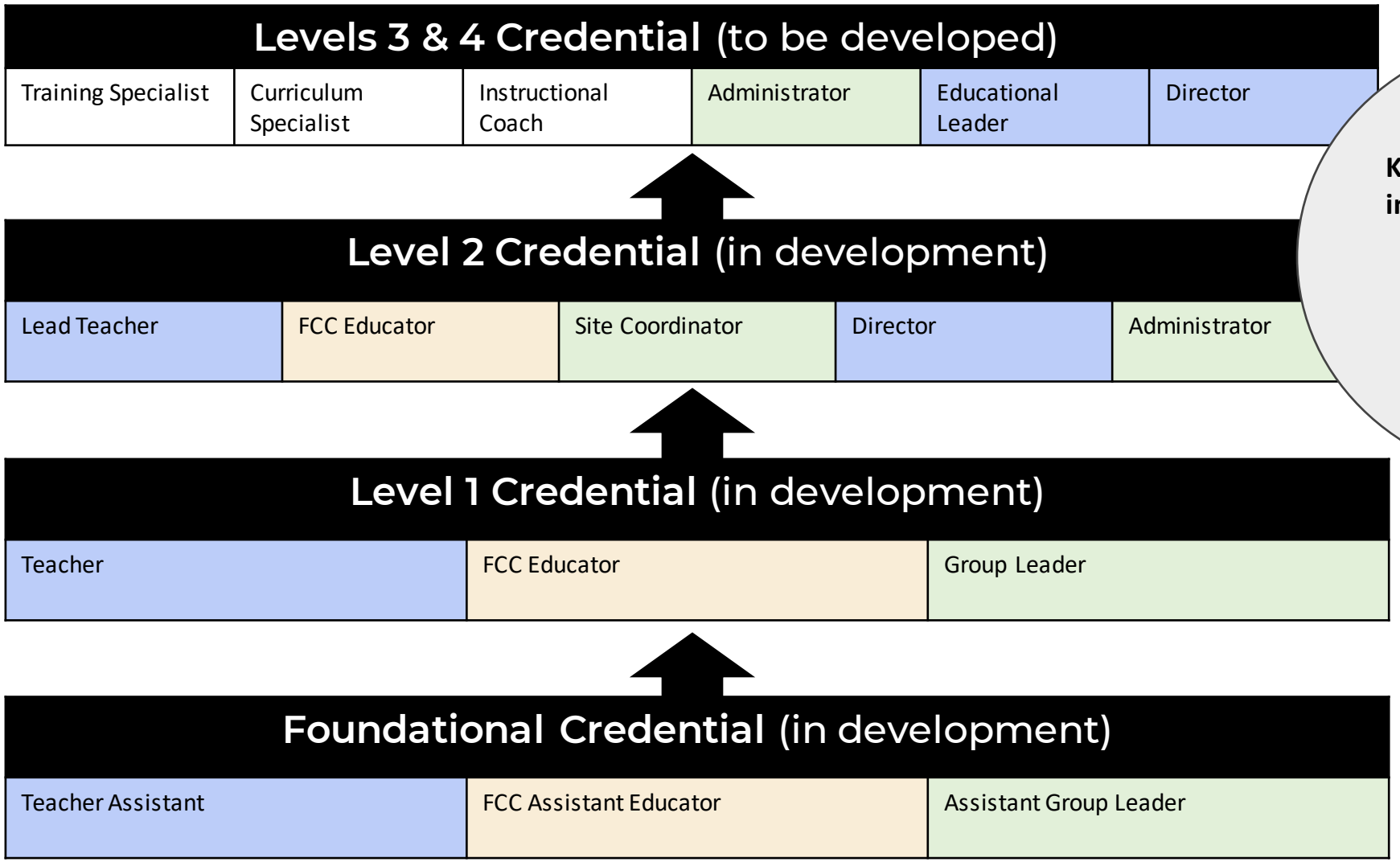
- Has same qualifications as licensee
- Can run the program in the licensees absence

Licensee

- Qualified to run the program independently
- 18 and one year of experience as a parent to serve 6 children
- Training hours, college courses and teacher certification can substitute for experience and allow for more children

Proposed Future Credential Levels – Preliminary Draft

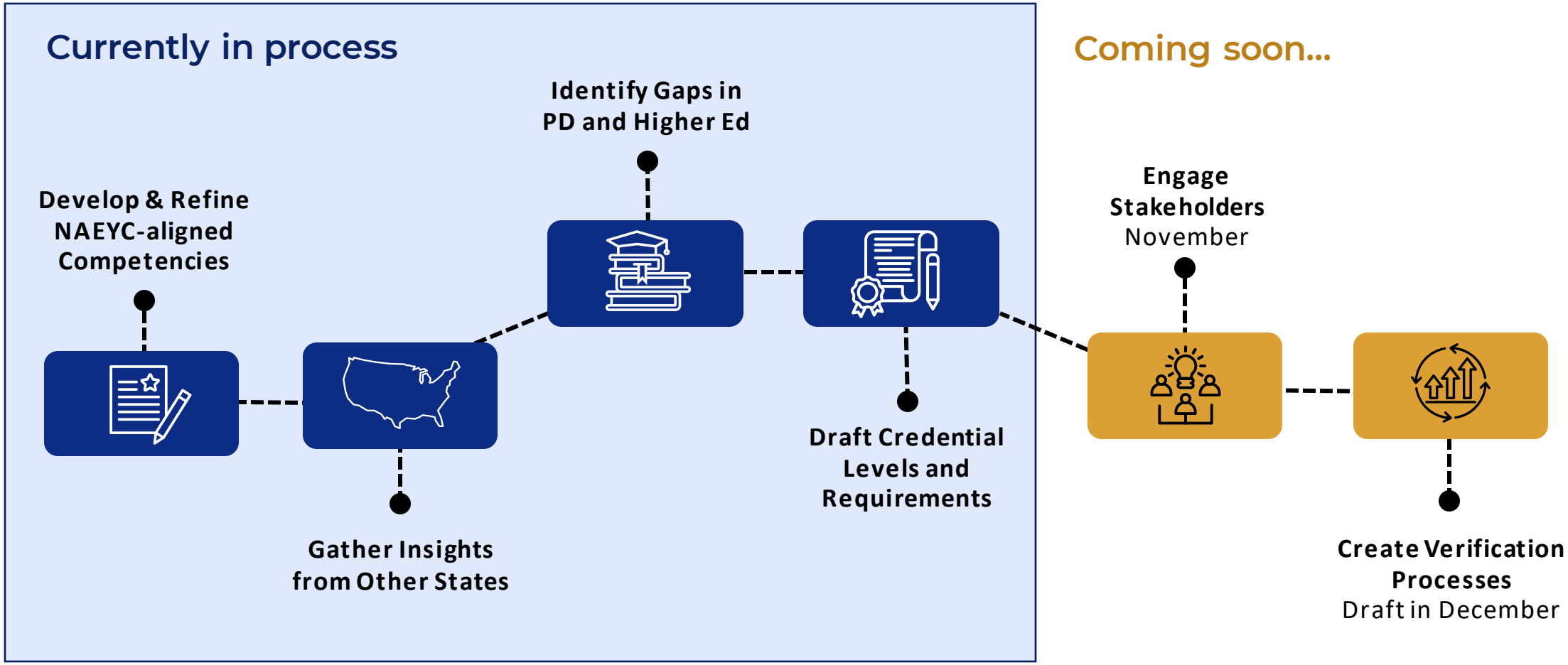
Draft: For discussion purposes only



Key areas for stakeholder input: how to account for specializations by age, program type, & administrative roles at each level

Credentialing System Development

Working with consulting support from American Institutes for Research (AIR) to identify steps to move to future state by compiling research, past feedback and working with stakeholders.





2 Early Education and Out-of-School Time Capital Grant Program Proposed Regulation Revisions

EEOST Program Background and Overview

The Early Education and Out-of-School Time (EEOST) Capital Fund was created by *An Act Financing the Production and Preservation of Housing for Low and Moderate Income Residents* in November 2013 and reauthorized in May 2018.

- EEC is authorized to administer up to $45 million in funds for grants to develop eligible facilities for use as licensed Large Group and School Age Child Care Programs.
- The EEOST Capital Fund provides grants to develop and/or rehabilitate eligible facilities in which at least 50% of the slots in the facility shall serve low-income families who are eligible for public subsidy.
- Funding can be used for a variety of purposes including but not limited to playground upgrades, HVAC upgrades and new additions to increase capacity.
- Since 2013, the EEOST grant program has awarded $50M to help fund 110 projects in total.
- $10.8 million in grant funding has been allocated for the FY24 EEOST Capital Fund Grant Program. The Healey-Driscoll administration has increased annual capital authorization by $4 million per year for the next 4 years.



EEOST Program Changes Over Time

In FY21 - FY23, EEC amended our regulations to allow for smaller EEOST grants in the $100,000-$500,000 range to allow more programs to receive funding to make health and safety improvements.

This included outdoor play spaces and HVAC systems, roof replacement, new windows, touch-free sinks, and indoor space reconfiguration. All were particularly critical during COVID-19 pandemic recovery efforts.

Over the past 3 years, the EEOST grants have successfully supported these smaller projects

- In FY21, 36 programs received a total of $7,500,000 in grant awards
- In FY22, 17 programs received a total of $3,900,000 in grant awards.
- In FY23, 20 programs received a total of $8,500,000 in grant awards



Planning for FY24

EEC has received feedback that both the **small and large grants** are important to support programs.

Smaller Grants

Continued interest in small grants to support security upgrades and other smaller facility improvement projects

Larger Grants

Desire to return to funding to support larger projects

For the FY24 grant ground and going forward, EEC is proposing a hybrid approach -- supporting both small and large projects

Smaller grants,
ranging from $200,000 to $500,000

Larger grants,
ranging from $500,000 - $1,000,000

A hybrid approach requires amendment to EEC's EEOST regulations, and action by the Board to send regulation revisions out for public comment, and then for promulgation.

Early Education and Out-of-School Time (EEOST) Proposed Regulatory Revisions & Board Action Timeline

Proposed Regulatory Adjustments to Support Hybrid Grant Awards

Regulatory action is required to continue to administer the smaller grants for this grant round, as well as the flexibility to administer both large and small grants on a permanent basis.

In November, EEC will seek Board approval on regulatory amendments that:

- Allow the Commissioner to shorten the length of time of an EEOST grant to be less burdensome for the smaller grant awards. 606 CMR 15.04(2)(c)
- Allow the Commissioner to adjust grant recapture terms to reflect the shorter length of the grants, where applicable. 606 CMR 15.04(2)(d)
- Allow the Commissioner to waive the requirements for a recorded Mortgage Lien and Land Use Restriction against the property on which the capital improvements are being made for the smaller grant awardees. 606 CMR 15.04(2)(e) and (f)

Regulatory Revision Timeline

November 8	Present draft regulatory revisions for Board approval and public comment
November 9 – December 5	Public Comment Period
December 13	Present final regulatory language for Board approval and final promulgation