



The Commonwealth of Massachusetts

Department of Early Education and Care

Posting Visits and Investigations to the Consumer Education Website	Field Operations Policy
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- ❖ **Applicable to: Family Child Care, Group and School Age Child Care, Funded Programs**
- ❖ **Effective date: October 1, 2019**
- ❖ **Supersedes: New Policy**

Overview:

Pursuant to the Child Care Development Block Grant Act of 2014 and subsequent federal regulations, EEC is required to post the results of “monitoring and inspection reports” for all child care programs in Massachusetts to a consumer education website (EEC’s “Child Care Search”). This policy sets forth the requirements and expectations for child care providers in Massachusetts.

Regulations Impacted: 45 CFR § 98.33

The Lead Agency shall:

(a) Certify that it will collect and disseminate consumer education information to parents of eligible children, the general public, and providers through a consumer-friendly and easily accessible Web site that ensures the widest possible access to services for families who speak languages other than English and persons with disabilities, including:

(4) Results of monitoring and inspection reports for all eligible and licensed child care providers (other than an individual who is related to all children for whom child care services are provided), including those required at § 98.42 and those due to major substantiated complaints about failure to comply with provisions at § 98.41 and Lead Agency child care policies. Lead Agencies shall post in a timely manner full monitoring and inspection reports, either in plain language or with a plain language summary, for parents and child care providers to understand, and shall establish a process for correcting inaccuracies in the reports. Such results shall include:

- (i) Information on the date of such inspection;
- (ii) Information on corrective action taken by the State and child care provider, where applicable;

- (iii) Any health and safety violations, including any fatalities and serious injuries occurring at the provider, prominently displayed on the report or summary; and
- (iv) A minimum of 3 years of results where available.

Scope:

EEC will begin posting the results of visits and investigations to the Child Care Search starting on **October 1, 2019**, pursuant to the following criteria:

Any licensing or monitoring visit¹ that occurs on or after October 1, 2019 will be posted to the Child Care Search, once the visit has been completely closed, all corrective action plans provided by the program have been accepted by EEC and reviewed by EEC for personally identifiable information.

Any investigation that is opened on or after October 1, 2019 will be posted to the Child Care Search, once the investigation has been completely closed, all corrective action plans provided by the program have been accepted by EEC and reviewed by EEC for personally identifiable information.

EEC will not post any visit or investigation information for visits that occurred prior to October 1, 2019 or investigations that were opened prior to October 1, 2019.

Information That Will Be Posted for Visits:

The following information will be posted, once a monitoring visit has been completed, any regulatory non-compliances have been issued, any corrective action plans have been accepted by the licensor, and the visit has been reviewed by EEC for personally identifiable information:

- The number of visit items that were found compliant and the number of visit items observed overall, and for each domain category (e.g. physical facility, care of children).
- All visit items observed during the visit. Visit items that are “not assessed” or “not applicable” will not be displayed.
- For each visit item, the relevant regulation(s) will be displayed and whether the visit item was compliant or non-compliant.
- For all visit items determined to be non-compliant, the statement of non-compliance, and corrective action plan will be displayed.

Information That Will Be Posted for Investigations:

¹ Pre-licensing visits will not be published to the Child Care Search since these visits occur before care is actually occurring and are intended to support providers in obtaining licensure.

The following information will be posted, once an investigations has been completed, any regulatory non-compliances have been issued, any corrective action plans have been accepted by the licenser, and the investigation has been reviewed by EEC for personally identifiable information:

- The number of regulatory non-compliances identified during the investigation.
- All statements of non-compliance determined during the investigation will be displayed, along with the relevant regulation(s) and corrective action plans.
- If a death, serious injury, or substantiated child abuse was determined during the investigation, and if the non-compliance(s) identified were tied to the death, serious injury, or child abuse, an indicator will be prominently displayed on the investigation indicating that a death, serious injury, or child abuse was determined to have occurred.
- If no regulatory non-compliances were identified during the investigation, the posting will state that no regulatory non-compliances were determined during the investigation.

Timeline for Posting of Information:

All visits and investigations that have no regulatory non-compliances identified will be posted to the Child Care Search immediately after the close of the visit or investigation.

Visits and investigations that have one or more regulatory non-compliance will undergo a review process to ensure that no personally identifiable information is posted. Visit and investigation information will be published to the Child Care Search no later than 90 days after the close of the visit or investigation. Visits and investigations are closed once all regulatory non-compliances are issued and all corrective action plans are approved and accepted by the licenser.

Submitting Corrective Action Plans:

Since all corrective action plans submitted by the program will be posted to the Child Care Search, programs are required to submit corrective action plans pursuant to the following guidelines:

- All corrective action plans must be submitted in English.²
- All corrective action plans must be submitted without the following information:
 - Names and identifying information of minor children.
 - Medical information about an individual.

² Although EEC understands and appreciates the diverse language backgrounds of all EEC early education providers, it is important that corrective action plans are submitted in English so the entire public can access the reports. The EEC child care search page has a language translation feature which can translate the English text into other languages.

- Information about an investigation conducted by the Department of Children and Families.
- All corrective action plans must be clear and specifically respond in detail to the specific regulatory non-compliance identified.
- All corrective action plans must be submitted within fourteen (14) days of the regulatory non-compliances being provided to the program. Otherwise, the program may forfeit their right to provide corrective action plans prior to the statements of non-compliance being published to the Child Care Search.

Corrective action plans that fail to meet the above criteria will be rejected by the licensor and must be re-written and re-submitted by the program.

Length of Time for Visit and Investigation Information to Remain on the Child Care Search and How Reports Will Be Removed:

Starting on October 1, 2019 and going forward, EEC will maintain five (5) years of visit and investigation information on the Child Care Search. Information will be automatically removed from the Child Care Search five years after it has been posted.