



The Commonwealth of Massachusetts

Department of Early Education and Care

TEMPORARY POLICY	
Opening an Exempt Emergency Child Care Program during COVID-19 State of Emergency	Field Operations – Exempt Emergency Child Care Programs
Effective Date: April 1, 2020 Updated: April 21, 2020	

Purpose of Temporary Policy:

The Department of Early Education and Care (“EEC”) hereby sets forth its process for opening an Exempt Emergency Child Care Program (“EECCP”) during the COVID-19 State of Emergency.

Background:

To slow the spread of coronavirus (COVID-19), Governor Baker issued an emergency order on March 18, 2020 (subsequently amended) (“Temporary Closure and Emergency Child Care Order”), temporarily closing all early childhood education programs across the Commonwealth of Massachusetts and authorizing EEC to establish and oversee EECCPs. This closure applies to all center-based and family child care programs and will remain in effect until June 29, 2020 or longer, as needed.

The Commonwealth is mindful that child care is a critical service and is relied upon by essential workers who are needed to address the health, safety, and welfare of the Commonwealth’s residents. To prioritize public health and safety while maintaining this critical service, **EECCPs will be the only child care programs that are legally allowed to operate during the COVID-19 State of Emergency.** Priority access to EECCPs must be given to vulnerable children and the children of families who work to maintain the health, safety, and welfare of all Commonwealth residents, as further defined by Governor Baker’s emergency executive order on March 23, 2020, designating certain production and service sectors as “COVID-19 Essential Services” (“COVID-19 Essential Services Order”). In no priority order, these include but are not limited to health care workers, essential state and human service workers, grocery store and pharmacy employees, emergency response personnel, law enforcement, transportation and infrastructure workers, sanitation workers, DCF-involved families, and families living in shelters.

To support providers who are interested in providing these critical child care services, EEC is setting forth this procedure for the opening of EECCPs to serve children and families by providing emergency drop-in care for vulnerable children and children of these essential workers. All proposed EECCPs are required to go through this process, even if the proposed program is currently licensed by EEC, as all licensed child care services are suspended, per the Temporary Closure and Emergency Child Care Order.

Temporary Policy Statement:

Programs must follow this process in order to open an EECCP:

Step 1: Complete Exempt Emergency Child Care Inquiry Form for Programs

Any program or provider that is interested and believes they are prepared to open and operate an EECCP

must complete an online Exempt Emergency Child Care Inquiry Form for Programs, which can be located here: <https://forms.gle/5H3nx7HTgmRXi6gP8>.

A proposed EECCP can be either:

- A currently licensed child care program that is closed due to the Temporary Closure and Emergency Child Care Order, or
- A new site that has never held an EEC license and is targeted to an employer of COVID-19 Essential Services under the COVID-19 Essential Services Order (such as a location within or near a medical facility).

Step 2: Contact by EEC

Once the form has been submitted, you will be contacted by an EEC staff member, typically within twenty-four hours. During this communication, you should be prepared to discuss the following with the EEC staff member:

- The licensed program's most recent EEC visit and any open complaints, if applicable;
- Licensed capacity and intended EECCP capacity;
- How you will staff your EECCP, including having a sufficient number of staff who have completed EEC's background record check ("BRC") process or who will be approved through the conditional¹ BRC process being offered by EEC during the duration of the State of Emergency;
- What age groups your EECCP intends to serve;
- What days of the week and hours your EECCP intends to operate; and
- How the EECCP will adhere to state and federal guidelines to ensure the health and safety of children during child care hours, including but not limited to preventing the spread of illness, maintaining consistent hand hygiene practices, and identifying and isolating children and staff who may become sick during child care hours.

Step 3: EEC Staff Visit to Program, If Needed

EEC Field Operations Staff will evaluate the request to operate an EECCP using all available information to ensure that the proposed site is an appropriate candidate. EEC may require a site visit to the location to ensure that the site is safe for child care.

- For a currently licensed program that intends to operate in the licensed space as an EECCP with the same capacity and age groups as the licensed program, and the program has received an EEC monitoring visit in the last six months and the license is in good standing², a site visit from an EEC staff member *will not* be required.
- For a currently licensed program that intends to operate in the licensed space as an EECCP with a different model than was operated by the licensed program, or if the program has not received an EEC visit in the last six months to confirm that the license is in good standing, a site visit from an EEC staff member *will* be required unless waived by the Regional Director with justification.
- For a currently licensed program that intends to operate as an EECCP in a physical site that has

¹ The conditional BRC process is a modified version of EEC's full BRC process, and approval is good only for the duration of the COVID-19 State of Emergency. Individuals wishing to remain in the field after the State of Emergency will need to complete the full BRC process.

² Whether a license is in good standing shall be determined, at the discretion of the Regional Director, based upon the program's history of non-compliances and any open complaint(s) involving the program.

- not been licensed for child care by EEC, a site visit from an EEC staff member *will* be required.
- Any new program that intends to operate as an EECCP will require a visit from an EEC staff member to ensure that minimum standards are met.

Step 4: Determination of Suitability to Provide Exempt Emergency Child Care

In determining the suitability of the site as an EECCP, EEC will consider all information gathered through inquiry and follow-up communications, and will apply a set of standards³ separate and apart from EEC's licensing regulations at 606 C.M.R. 7.00.

When a program is recommended for approval as an EECCP, an approval letter acknowledging that the program has legal authority to operate an EECCP during the COVID-19 State of Emergency and an associated packet of required documents will be issued via email to the program's point of contact. The letter will include:

- Name of the program;
- Location and street address of the program;
- The program's designated point of contact;
- Maximum child care capacity of the program; and
- Any conditions or restrictions on the program.

The designated point of contact is responsible for returning the completed packet to EEC. Once the approval letter is received and the required packet has been completed and returned to EEC, the program is approved to operate as an EECCP during, and only during, the current State of Emergency. Once the EECCP is issued an approval letter, EEC staff has the discretion to conduct follow-up visits to the site to ensure the health and safety of children, to provide support and resources to the program, and to help field questions. Frequency of follow-up visits will depend on the program's licensing status, history of visits, and the duration of the State of Emergency.

Step 5: Funding

EEC is allocating funding to defray the operational costs for EECCPs that will be administered by the Child Care Resource and Referral Agency ("CCR") assigned to their region. EECCPs will be required to submit a request for funding to EEC in a method to be set forth by EEC in a separate policy. Maximum funding levels will be set by EEC based on available funding and provided in guidance documents for providers.

Home-based EECCPs will be eligible and funded to provide care for up to eight children, regardless of age. Center-based EECCPs will be eligible and funded to provide care for up to 40 children, with up to two classrooms of no more than 20 children and at least two staff per classroom. While additional capacity or space can be authorized by EEC, funding will be capped at a maximum of two classrooms. EEC encourages programs with adequate space to open additional classrooms to meet the ideal ratios and program space to promote effective social distancing; however, EEC is unable to compensate programs beyond two classrooms. Additional space may only be used with prior EEC authorization, even if the additional space is not funded by EEC. Please contact your EEC Regional Office Representative for approval of additional space.

Child care services provided by any EECCP shall be available to essential workers and vulnerable

³ These standards will be issued pursuant to a separate policy statement.

families without discrimination on the basis of sex, race, color, creed, disability, sexual orientation, national origin or ancestry.

If you are not sure whether you are prepared to begin the process of opening an EECCP, please contact eec.emergency.childcare@mass.gov to connect with an EEC staff member who can assist and answer questions.

Please note: While we work to support the specific needs of Commonwealth communities, we encourage you to contact your EEC Regional Office if there is an alternative model you would like to propose that meets the requirements set forth in the Temporary Closure and Emergency Child Care Order. We will consider proposals by individual providers or local community coalitions on a case-by-case basis. Such alternative models will be subject to the approval process set forth in this policy.

All participation, either as provider or utilizer of EECCP services, is at EEC's sole discretion for the duration of the State of Emergency. EEC's determinations with respect to participation in this emergency program are final and not subject to judicial review.