



The Commonwealth of Massachusetts

Department of Early Education and Care

Remote Learning Enrichment Policy	
Minimum Operating Requirements	Remote Learning Enrichment Programs
Effective Date: September 19, 2020	

On August 28, 2020, Governor Baker issued COVID-19 Executive Order No. 49, which provides three ways for communities to support expanded access to child care and supervision in response to the increased need from families with children enrolled in hybrid or remote learning.

The Executive Order makes possible the expansion of programs licensed by the Department of Early Education and Care (EEC) to serve school-aged children during remote learning hours. That option has many benefits, including that programs are already expert in serving children in this age group, are already subject to the oversight of a state authority, and have been operating under health and safety guidelines to great effect since summer; *This application is unnecessary* for programs licensed by EEC. Communities and municipalities may find and connect with EEC Licensed Programs through the [Consumer Education web site](#) that lists the names of all licensed providers by municipality.

Should existing EEC Licensed Programs not fully meet the needs of a local community, EEC has established a new category of license exemption, Remote Learning Enrichment Programs. Through this policy document, EEC sets forth minimum criteria for Remote Learning Enrichment Programs to operate, as well as the approval and monitoring role of Municipal Approving Authorities.

The Role of a Municipal Approving Authority

Acquiring an exemption requires approval by a Municipal Approving Authority, which must be designated by the municipality’s CEO. A municipality may have several offices involved in verifying the necessary information and has discretion to designate which department is responsible for each task depending upon each municipality’s capacity (i.e., the building inspector may conduct facility checks). However, only a Municipal Approving Authority can offer final approval of a program’s application. This approval involves creating and signing an approval letter and completing an Attestation Form, as described below.

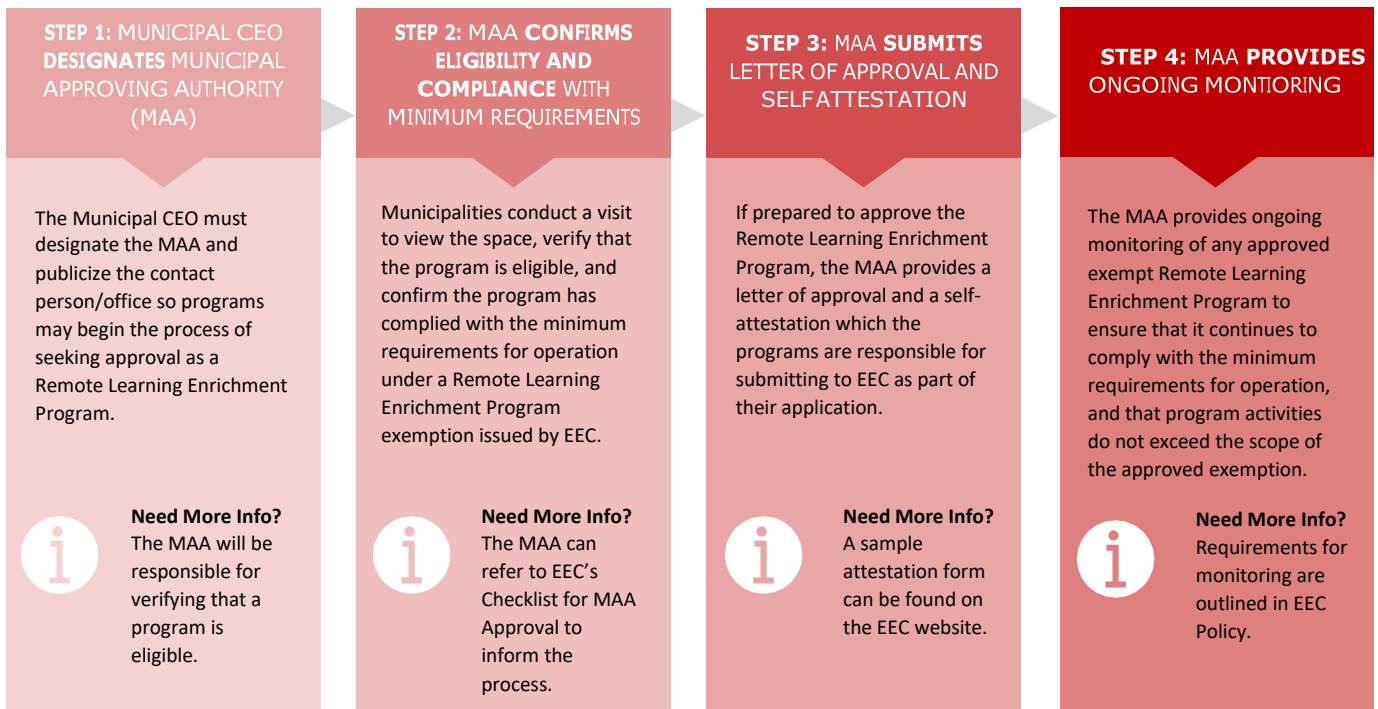
The approval process shall include, at a minimum:

- Verification by a Municipal Approving Authority that the program is eligible (as defined below) and has complied with the minimum requirements for operation of a Remote Learning Enrichment Program;
- Confirmation of a visit to determine the suitability of the program space for remote learning (may be virtual or in-person¹) by a Municipal Approving Authority;
- Signed Approval Letter from a Municipal Approving Authority consisting of:

¹ During the COVID-19 Emergency, in-person visits may only happen if **all** of the following conditions are met:

- All individuals agree to the in-person visit;
- All individuals wear face coverings and maintain a physical distance of at least 6 feet at all times;
- All individuals are in good health (not high-risk population), with no symptoms of illness; and
- All individuals can attest that they have not been in close contact with someone confirmed to have COVID-19.

- The name and contact information for the individual applying for the Remote Learning Enrichment Program exemption
 - The name and address of the Remote Learning Enrichment Program
 - A brief statement about the purpose of the Remote Learning Enrichment Program and the activities to be conducted during the program
 - The proposed group size and ratio for the Remote Learning Enrichment Program
 - A brief statement about the health and safety guidelines that the Remote Learning Enrichment Program will follow (EEC or DESE)
 - The frequency of monitoring visits planned by the Municipal Approving Authority
 - A statement of approval for the program’s application for the Remote Learning Enrichment Program exemption
- Signed [Attestation Form](#) from the same Municipal Approving Authority, using the template provided, attesting that:
 - The minimum requirements for operation have been verified (see below)
 - Municipal Approving Authority will determine whether the program continues to comply with the minimum requirements for operation, and that program activities do not exceed the scope of the Remote Learning Enrichment Program exemption criteria
 - Municipal Approving Authority will notify EEC of any non-compliance and/or Municipal Approving Authority enforcement resulting from any non-compliance with those minimum requirements for operation or activities exceeding that scope.



Minimum Requirements for Operation of a Remote Learning Enrichment Program

The following criteria must be confirmed by a Municipal Approving Authority to have been met before the program will be considered for an exemption by EEC.

Eligibility²	<ul style="list-style-type: none"> • The program attests that it is not currently licensed by EEC at any site or location. • The program attests that it will provide regular or drop-in care for children who are enrolled in a public or private school district.³ • The program attests that it understands that its license exemption only applies during the hours of a traditional in-person school day.⁴ • The program attests that all enrolled children are school age, which is defined as: enrolled in kindergarten or at least of sufficient age to enter first grade the following year, or an older child who is enrolled in school and not more than 14 years of age or not more than 16 years⁵ of age if the child has special needs.
Ratios, Group Sizes, and Age Groups	<ul style="list-style-type: none"> • Programs operating in a facility-based setting: The program attests that it will maintain a ratio of 1:13 staff members to children <i>and</i> may serve a maximum group size of 26 children, if physical distancing requirements can be maintained. • Programs operating in a private residence: The program attests that it will maintain a ratio of 1:8 adults to children and may serve a maximum group size of 8 children, if physical distancing requirements can be maintained.
Staffing	<ul style="list-style-type: none"> • The program provides documentation that all staff members, volunteers, household members over the age of 15 (only if operating out of a private residence), and any other adults who will be around children (supervised or unsupervised) in the Remote Learning Enrichment Program have completed a Background Record Check (BRC) and been found suitable and appropriate to work with children, prior to working in the program. <p><i>Notes about verification of Background Record Checks:</i> Prior to issuing any approval, a Municipal Approving Authority must confirm that all staff members, volunteers, household members age 15+ (if private residence), and any other adults who will be around children have completed a background record check consisting of a Criminal Offender Record Information (CORI) check and Sex Offender Registry Information (SORI) check. The BRC approval will also require each individual to complete a Department of Children and Families (DCF) child welfare attestation that the individual has never been identified by any child protection agency as a perpetrator of child abuse or neglect. The Municipal Approving Authority may elect for the BRC to be run by the program, the Municipal Approving Authority, or another municipal department, if the Municipal Approving Authority has confirmation of compliance for these standards for all staff BRCs. These checks should be similar to those that a school district runs for teachers and staff in public schools.</p>

² The following programs are outside the scope of this exemption and are *not* subject to the processes outlined above:

- Programs licensed by EEC
- Programs funded by EEC
- Programs working exclusively with students enrolled in high school
- Remote Learning Parent Cooperatives

³ Confirmation may be established through attendance records and/or Local School District coordination

⁴ Traditional school day hours can be determined from the scheduled school hours from the 2019-2020 school year.

	All individuals who will be around children in a Remote Learning Enrichment Program are subject to mandatory disqualifications if the results of the BRC includes findings of violent crimes, sexual crimes, or any crimes against children. The Municipal Approving Authority is responsible for confirming suitability ⁶ for all staff prior to employment or volunteering in a Remote Learning Enrichment Program.
Health and Safety	<ul style="list-style-type: none"> • The program attests that it will follow either Department of Elementary and Secondary Education (DESE) or EEC health and safety guidance, including masking, physical distancing, and hand hygiene requirements. • Programs operating in a facility-based setting: The facility to be used by the program has up-to-date fire, lead, and applicable building inspections.⁷ • Programs operating in a private residence: The home to be used by the program has working smoke detectors located throughout the home and on all floor levels and at least two separate exits to the outside.
	<i>Notes about verification of programs' adherence to health and safety guidance:</i> Prior to issuing any approval, the Municipal Approving Authority must obtain a signed Program Self Attestation Form confirming that the program understands and is prepared to implement all applicable health and safety requirements.

Additional Considerations for Municipal Approving Authorities

Municipalities should establish their own processes to work with interested entities, verify their eligibility, monitor their programs, and notify EEC of any non-compliance with any of the minimum requirements. A Municipal Approving Authority may impose requirements for operation of a Remote Learning Enrichment Program that exceed those issued by EEC. Municipalities may consider setting additional criteria for Remote Learning Enrichment Programs that may include, but are not limited to:

- Staff with CPR/First Aid certification (strongly encouraged)
- Reliable internet access
- Ensuring there are spaces available that are free of distraction for remote learning
- Additional learning activities and/or supports for remote learning, including those geared toward children who are academically at risk
- Supports for children with disabilities
- Supports for children with special needs, including English Language Learners and children with IEPs
- Enrichment activities, including those incorporating the arts, physical education, and/or STEM
- Plans for family engagement in students' remote learning success

⁶ Municipalities are strongly encouraged to review EEC and/or DESE BRC guidance for more information. Suggested links: <https://www.mass.gov/guides/eecs-background-record-check-process-new-requirements-starting-in-2018> and/or <http://www.doe.mass.edu/lawsregs/603cmr51.html?section=all>

⁷ Programs serving only school aged children may be classified under the Use Group A-3, Assembly category in the Commonwealth of Massachusetts Building Code and may submit a building certificate reflecting this code to demonstrate building code compliance. Programs who serve only school aged children may, however, choose to meet the stricter standard of Use Groups E or I-2/I-4 and submit a building certificate reflecting either of these codes to prove compliance with the building codes.

Provider Process to Apply to Become a Remote Learning Enrichment Program

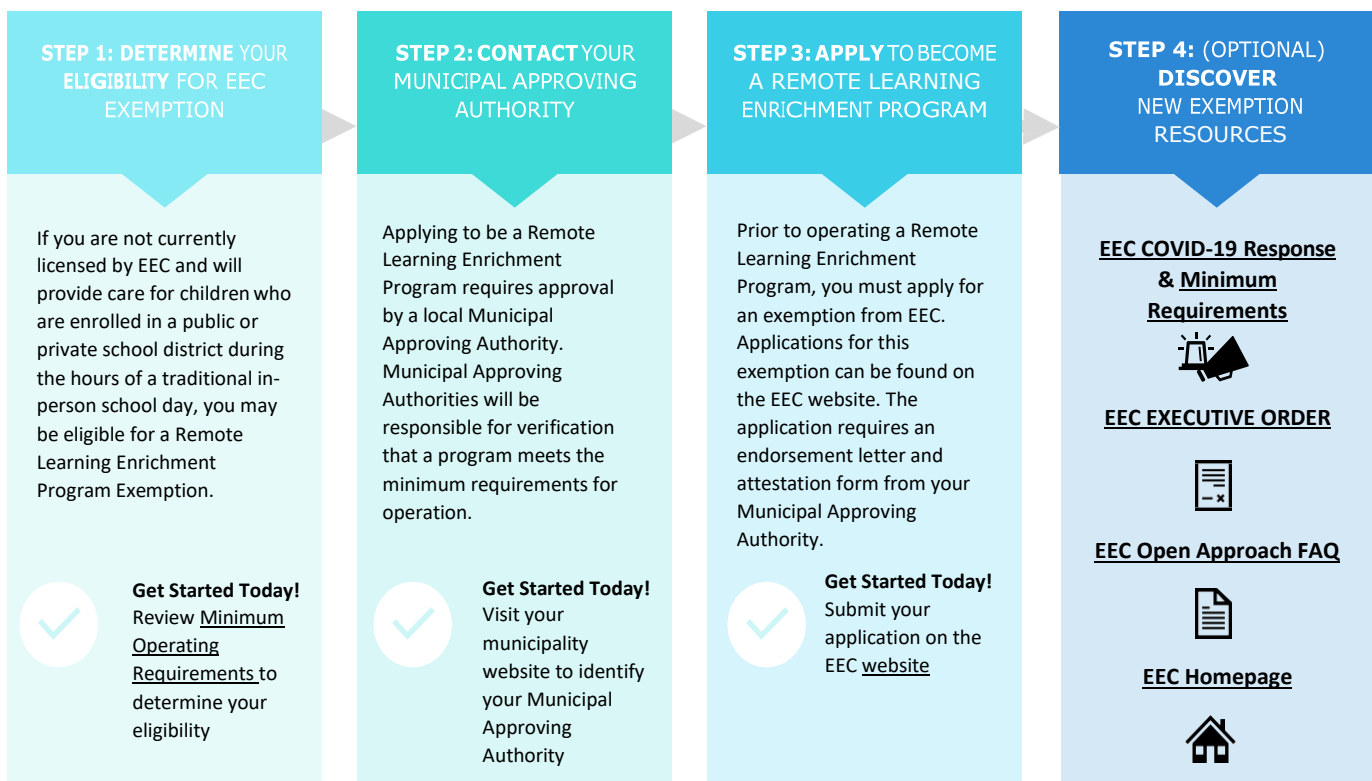
Individuals or entities interested in an exemption to operate as a Remote Learning Enrichment Program may apply through the [EEC website](#).

The application asks essential questions related to program operations. Programs will also upload the following corroborating documents from the Municipal Approving Authority:

- Approval Letter
- [Attestation Form](#)

Note: as part of the verification process, applicants will complete a [Self-Attestation](#) that they will meet Minimum Health and Safety standards. This is collected by the Municipal Approving Authority, but it is not required to be submitted to EEC.

EEC will issue an exemption for those Remote Learning Enrichment Programs whose applications are complete, submitted with the appropriate approvals and supporting documentation, deemed to be in compliance with these Minimum Operating Requirements, and have no cause for further review.



Monitoring and Enforcement of the Remote Learning Enrichment Program

The Municipal Approving Authority is responsible for the ongoing monitoring of any exempt Remote Learning Enrichment Program to ensure that the program continues to comply with the minimum requirements for operation, and that program activities do not exceed the scope of the approved exemption.

Examples of program activities that exceed the scope include:

- A child in the program is not enrolled in public or private school
- Caring for children during hours outside of the regular school day (ex. before or after school or weekends)
- Caring for more children than are permitted by EEC as criteria for this exemption
- Caring for children who are younger than school age, (ex. preschool)
- Not abiding by the health and safety requirements
- Employing staff that have not completed a BRC according to the guidelines established by the Municipal Approving Authority
- Operating in a manner that compromises the health, safety, or well-being of children

A Municipal Approving Authority may investigate a Remote Learning Enrichment Program, and may revoke approval for a program, for a program's failure to comply with EEC's minimum standards for operation or the scope of EEC's license exemption, for a program's failure to comply with a Municipal Approving Authority's standards for operation, or any time when a determination is made that the program is operating in a manner that presents a danger to public health, safety, or welfare.

If a Municipal Approving Authority intends to revoke its approval, it must notify EEC within 48 hours of the issuance of revocation. Notification may be issued by email to: **EECExemptions@mass.gov**.

In accordance with 102 CMR 1.00, Enforcement Standards and Definitions for Licensure and Approval, EEC may investigate any Remote Learning Enrichment Program and revoke or withhold approval of any exemption issued, including those operating within the parameters of compliance, if EEC deems necessary. EEC's authority to revoke or withhold approval is regardless of any decision made by the Municipal Approving Authority. EEC will respond to all reports or allegations of serious abuse, neglect, or if a program poses a danger to public health, safety, or welfare, in collaboration with the Municipal Approving Authority.

Any questions related to these policies may be addressed to: **EECExemptions@mass.gov**

Appendix: Checklist for Municipal Approving Authority Approval

To support the Municipal Approving Authority in approving the entities to apply for an exemption, EEC has developed the following checklist that aligns with the policies outlined in this document.

REQUIREMENTS FOR ELIGIBILITY

- The program is not currently licensed by EEC to operate a child care program.
- The program will provide regular or drop-in care for children who are enrolled in public or private school district.
- The program will operate only during the hours of a traditional in-person school day.
- Enrolled children are enrolled in Kindergarten or older grades up to age 14 years or not more than 16 years of age if the child has special needs.

REQUIREMENTS FOR STAFFING

- Confirmation that all staff members, volunteers, household members 15 and older (if private residence), and any other adults who will be around children have completed a background check consisting of Criminal Offender Record Information (CORI) check and Sex Offender Registry Information (SORI) check. The background check also requires each individual to complete a Department of Children and Families (DCF) child welfare attestation that the individual has never been identified by any child protection agency as a perpetrator of child abuse or neglect.
- Note: The MAA may elect for the BRC to be run by the program, the MAA, or another municipal department, if the Municipal Approving Authority has confirmation of compliance for these standards for all staff BRCs.

REQUIREMENTS FOR RATIOS AND GROUP SIZE

- Programs operating in a facility-based setting will maintain a ratio of 1:13 staff members to children and will serve a maximum group size of 26 children, provided that physical distancing requirements can be maintained.
- Programs operating in a private residence will maintain a ratio of 1:8 adults to children and will serve a maximum group size of 8 children, provided that physical distancing requirements can be maintained.

REQUIREMENTS FOR HEALTH AND SAFETY

- The program will follow either Department of Elementary and Secondary Education (DESE) or EEC health and safety guidance, including masking, physical distancing, and hand hygiene requirements.
- Programs operating in a facility-based setting:* The facility to be used by the program has up to date fire, lead, and applicable building inspections .
- Programs operating in a private residence:* The home to be used by the program has working smoke detectors located throughout the home and on all floor levels and at least two separate exits to the outside.
- The visit should include the collection of the signed Attestation Form from the program leader that the program leadership understands and is prepared to implement all applicable health and safety requirements.