

By Mr. Stoddart of Natick, petition of Douglas W. Stoddart and another for legislation to further regulate day care. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT RELATIVE TO THE REGULATION OF DAY CARE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 9 of chapter 28A of the General Laws, as
2 appearing in the 1990 Official Edition, is hereby amended by
3 adding the following new definitions: —

4 “Certificate of registration”, the document to be issued by the
5 office to any family day care home defined in this section which
6 receives children not of common parentage under seven years of
7 age, or under sixteen years of age if such children have special
8 needs, for nonresidential custody and care during part or all of the
9 day separate from their parents but does not meet the minimum
10 standards for licensing of group day care established under 102
11 C.M.R. 7.00.

12 “License”, the document to be issued by the office to any day
13 care center or family day care home defined in this section, or to
14 any part of a public school system or municipal government or
15 any part of a private, organized educational system which receives
16 children not of common parentage under seven years of age, or
17 under sixteen years of age if such children have special needs, for
18 nonresidential custody and care during part or all of the day sepa-
19 rate from their parents and meets the minimum standards for
20 licensing or group day care established under 102 C.M.R. 7.00.

1 SECTION 2. Said section 9 of chapter 28A is hereby further
2 amended by striking out the definition of “Day care center,” and
3 inserting in place thereof the following:—

4 “Day care center,” any facility operated on a regular basis
5 whether known as a day nursery, nursery school, kindergarten,
6 child play school, progressive school, child development center,
7 or pre-school, or known under any other name, which receives
8 children not of common parentage under seven years of age, or
9 under sixteen years of age if such children have special needs, for
10 nonresidential custody and care during part or all of the day sepa-
11 rate from their parents. Day care center shall not include:
12 a Sunday school conducted by a religious institution; a facility
13 operated by a religious organization where children are cared for
14 during short periods of time while persons responsible for such
15 children are attending religious services; a family day care home;
16 an informal cooperative arrangement among neighbors with or
17 without compensation therefor.

1 SECTION 3. Section 10 of chapter 28A of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 striking paragraphs (a) through (d) and inserting in place thereof
4 the following new section:—

5 (a) The office shall issue and may renew a license or certificate
6 of registration to any person other than a department, agency, or
7 institution of the commonwealth or any political subdivision
8 thereof, who meets applicable standards and requirements to
9 establish and maintain a school age child care program, a day care
10 center, family care home which is not a part of a family day care
11 system, family day care system, family foster care which is not
12 supervised and approved by a placement agency, group care
13 facility, or temporary shelter facility. The office shall issue and
14 may renew a license or certificate of registration to any organiza-
15 tion incorporated under chapter one hundred and eighty which
16 meets applicable standards and requirements to establish and
17 maintain a placement agency. The office shall issue approval to a
18 department, agency, or institution of the commonwealth or any
19 political subdivision thereof which it deems meets such applicable
20 standards and requirements to establish and maintain a day care
21 center, family day care home which is not part of a family day
22 care system, family day care system, placement agency, group
23 care facility, or temporary shelter facility.

24 (b) The office may issue a provisional license or certificate of
25 registration for or may provisionally approve a school age child
26 care program, a day care center, family day care home which is
27 not part of a family day care system, family day care system,
28 family foster care which is not supervised and approved by a
29 placement agency, placement agency, group care facility, or
30 temporary shelter facility, any of which has not previously
31 operated or is temporarily unable to meet applicable standards
32 and requirements.

33 (c) The office shall, pursuant to the provisions of chapter
34 thirty A, and after consultation with the executive offices of edu-
35 cational affairs, economic affairs, public safety, communities and
36 development, and the departments of youth services, mental
37 health, mental retardation, public health and public welfare,
38 promulgate rules and regulations to carry out the purposes and
39 functions of sections nine to sixteen, inclusive. Such regulations,
40 as they relate to standards and requirements for licensure or regis-
41 tration and approval of school age child care programs, day care
42 centers, family day care homes which are not part of a family day
43 care system, family day care system, family foster care which is
44 not supervised and approved by a placement agency, placement
45 agencies, group care facilities, and temporary shelter facilities,
46 shall be appropriate for the protection of the health, well-being
47 and development of children and shall include, but need not be
48 limited to provisions regarding (1) admission policies and proce-
49 dures; (2) safe transport of children; (3) physical plant and equip-
50 ment; (4) the number and qualifications of staff; (5) the nature of
51 programs of care and treatment; (6) health and nutrition; (7) rights
52 and responsibilities of parents, children, and staff, (8) record-
53 keeping and other procedures relevant to evaluation; (9) organiza-
54 tion, financing and administration; and (10) the imposition of
55 civil fines and other sanctions. Fines authorized by this section
56 shall range from fifty dollars to one thousand dollars; provided,
57 however, that in no case shall a fine imposed on family day care
58 home or day care center, as defined in section nine, exceed a
59 maximum fine of two hundred and fifty dollars. In formulating
60 the regulations pertaining to family day care homes and family
61 foster care, the office shall give special attention to fire and safety
62 precautions. Each child care program licensed, registered or

63 otherwise approved by the office shall include a requirement that
64 each provider obtain from a parent or guardian of a child in care
65 under the age of six years, but not less than two years of age, a
66 statement, signed by a physician or an employee of a health care
67 agency, that said child has been screened for lead poisoning. Said
68 statement shall be obtained upon the child's enrollment if said
69 child is two years of age or older or at the time the child reaches
70 two years of age. Such regulations may establish classifications
71 for licensure, registration, or approval as are necessary to achieve
72 the purposes of section nine to sixteen, inclusive; provided, that
73 the standards and requirements for licensure, registration, or
74 approval of a day care center, family day care home which is not
75 part of a family day care system, family day care system, place-
76 ment agency, group care facility, or temporary shelter facility,
77 operated by a department, agency or institution of the common-
78 wealth or any political subdivision thereof shall be the same as or
79 higher than those applicable to the licensure or registration of
80 comparable facilities or services. Such regulations shall establish
81 reasonable license and certificate of registration fees and appro-
82 priate terms for all licenses and certificates of registration granted
83 under the provisions of this section. No such license, certificate,
84 or approval shall be transferrable. A provisional license, certifi-
85 cate, or approval shall be issued for a period not to exceed six
86 months and in no case shall a person operate under a provisional
87 license, provisional certificate of registration, provisional
88 approval, or renewal thereof for more than twelve consecutive
89 months. Any rule or regulation involving medical treatment shall
90 include appropriate exemptions for children whose parents object
91 thereto on the ground that it conflicts with the tenets and practice
92 of a recognized church or religious denomination of which the
93 parents or child is an adherent or member. The office shall con-
94 duct a comprehensive review of rules and regulations established
95 under this section at least every five years.

1 SECTION 4. Paragraph (d) of section 10 of chapter 28A of the
2 General Laws, as appearing in the 1990 Official Edition, is hereby
3 amended by inserting after the word "licensure" the words: — or
4 registration.

1 SECTION 5. Paragraph (a) of section 10 of chapter 28A of the
2 General Laws, as appearing in the 1990 Official Edition, is
3 hereby amended by inserting after the word “licensure” the
4 words: — or registration.

1 SECTION 6. Paragraph (f) of section 10 of chapter 28A of the
2 General Laws, as appearing in the 1990 Official Edition, is
3 hereby amended by inserting after the word “licensure” the
4 words: — or registration.

1 SECTION 7. Section 12 of chapter 28A of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 inserting after the word “licenses” the words: — and certificates
4 of registration.

1 SECTION 8. Said section 12 of chapter 28A is hereby further
2 amended by inserting after the word “licensure” the words: — or
3 registration.

1 SECTION 9. Section 13 of chapter 28A of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 inserting after the word “license” the words: — or certificate of
4 registration.

1 SECTION 10. Section 14 of chapter 28A of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 inserting after the word “licensed” the words: — or registered.

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REPORT ON THE PROGRESS OF THE WORK DURING THE YEAR 1900

The following report contains a summary of the work done during the year 1900. It is divided into two parts, the first of which deals with the general progress of the work, and the second with the results of the various investigations.

GENERAL PROGRESS OF THE WORK

The work during the year 1900 has been carried out in accordance with the programme of work laid down in the report for the year 1899. The principal objects of the work have been to complete the investigations of the various points mentioned in the programme, and to publish the results of the work.

The work has been carried out in a systematic and methodical manner, and the results of the various investigations have been published in a series of papers.

The results of the work during the year 1900 are summarized in the following table:

Investigation	Progress
1. Investigation of the properties of the various points mentioned in the programme.	Completed.
2. Investigation of the results of the various investigations.	Completed.
3. Publication of the results of the work.	Completed.

