

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, December 15, 1994.

The committee on Human Services and Elderly Affairs, to whom were referred the petition (accompanied by bill, Senate, No. 591) of Charles E. Shannon for legislation to limit the number of children cared for by licensed day care providers in certain requirements, the petition (accompanied by bill, House, No. 1503) of David B. Cohen for legislation to regulate family child day care services, and the petition (accompanied by bill, House, No. 4368) of Kathleen Bourdon for legislation to increase the number of children a family day care home may receive for temporary custody and care, reports recommending that the accompanying bill (House, No. 5576) ought to pass. [Representative Parente of Milford dissenting.]

For the committee,

PAUL KOLLIOS.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE PROVISION OF FAMILY CHILD 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 2 of chapter 28A of the General Laws is
2 hereby amended by inserting in line 17 after the words “family day
3 care homes” the following words: — large family day care homes.

1 SECTION 2. Section 4 of chapter 28A is hereby amended by
2 inserting in lines 8 and 37 after the word “homes” the following
3 words: — or large family day care homes, and inserting in line 37
4 after the word “homes” the following words: — large family day
5 care homes.

1 SECTION 3. Section 9 of chapter 28A is hereby amended by
2 inserting the following new language after line 38: —
3 “Large family day care home”, any private residence which, on a
4 regular basis, receives for temporary custody and care during part
5 or all of the day, children under seven years of age or children
6 under sixteen years of age if such children have special needs, and
7 receives for temporary custody and care for a limited number of
8 hours, children of school age in accordance with regulations pro-
9 mulgated by the office; provided, that the number of children under
10 the age of sixteen in a large family day care home shall not exceed
11 ten, including participating children living in the residence. A large
12 family day care home shall have at least one approved assistant
13 when the total number of children participating in care exceeds six.
14 Large family day care home shall not mean a private residence used
15 for an informal cooperative arrangement among neighbors or rela-
16 tives, or the occasional care of children with or without compensa-
17 tion therefor.

1 SECTION 4. Section 9 of chapter 28A is hereby amended by
2 inserting after the word “home” in line 103 the words: — except as
3 provided under large family day care home.

1 SECTION 5. Section 10 of chapter 28A is hereby amended by
2 inserting after the word “home” in lines 6, 16, 21, 50 and 65 the
3 words “or large family day care home” and by inserting after the
4 word “homes” in lines 35 and 53 the words “or large family day
5 care homes”. The section is further amended by inserting after the
6 word “sanctions”. in line 48 the following new sentence: —

7 Such regulations, as they relate to standards and requirements for
8 licensure and approval of large family day care homes shall also
9 include, but not be limited to, appropriate standards for one or more
10 approved assistants as provided in section nine, additional floor
11 space, staff/child ratios for multiple age and size groupings includ-
12 ing limitations on the number of infants in care at one time, the
13 hours of school age care, the number and age of school age children
14 cared for, a prerequisite that a provider have at least three years of
15 experience in licensed family child care, and requirements for com-
16 pletion of at least five hours of specialized training prior to licen-
17 sure as a large family day care provider and at least ten hours of
18 training each subsequent year.

1 SECTION 6. Section 11 of chapter 28A is hereby amended by
2 inserting after the word “home” in line 2 the following words: —
3 large family day care home, and inserting after the word “home” in
4 line 5 the following words: — or large family day care home.

1 SECTION 7. Section 12 of chapter 28A is hereby amended by
2 inserting after the word “homes” in line 6 the following words: —
3 or large family day care homes.

1 SECTION 8. Section 14 of chapter 28A is hereby amended by
2 inserting after the words “family day care” in line 5 the following
3 words: — large family day care.

1 SECTION 9. The office for children shall promulgate regula-
2 tions licensing large family day care homes no later than six months
3 after the passage of this legislation. The office is authorized and

8 directed to establish a pilot program to evaluate the advisability of
9 exempting large family day care homes with eight or fewer chil-
10 dren, at least two of whom are school age and in care for a limited
11 number of hours, from certain provisions of large family day care
12 regulations. The office is authorized to issue provisional licenses to
13 family day care homes participating in the pilot program. The office
14 is directed to design the pilot in consultation with representatives of
15 the family day care and school age child care community, parents of
16 children in family day care, and a representative of the academic
17 community with expertise in early care and education policy and
18 issues. The office is further directed to engage the assistance of aca-
19 demics with expertise in early care and education and program eval-
20 uation in the evaluation of the pilot. The office shall report the
21 results of the pilot along with drafts of any proposed legislation to
22 the Legislature's Committee on Human Services and Elderly
23 Affairs no later than September 30, 1996.