

○ GROUP DAY CARE and SCHOOL AGE CHILD CARE PROGRAMS

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[7.01: Introduction](#)

102 CMR 7.00 is adopted in accordance with M.G.L. c. 28A, amended July 10, 1997, which created the Office of Child Care Services, states the policy of state government to assure every child "a fair and full

opportunity to reach his full potential." In fulfilling its mandate as the agency responsible for licensing day care centers and school age child care programs, the Office has developed specific regulations to be met by these programs in order to provide this opportunity to the children they serve. It is the Office's belief that every aspect of a program's operation affects the children enrolled. The physical environment, the staff, the plan for activities, and the services provided all contribute to the child's experience. The program should maintain a maximum quality level which promotes healthy growth and development of children, encourages services which strengthen family life, and support families in their essential function of nurturing a child's development.

102 CMR 7.00 is organized in order to facilitate their understanding and use by licensees, staff and parents. Their combination and standardization was designed, in part, to help those agencies holding both group day care and school age child care licenses. 102 CMR 7.01 through 7.12 contains requirements that both group day care and school age child care programs must meet. 102 CMR 7.20 through 7.26 and 102 CMR 7.30 through 7.35 define the requirements specific to each program. In separating the requirements for the types of care, the Office recognizes that staffing and programmatic requirements must be adaptable to meet the needs of the growing and developing child.

7.02: Definitions

Definitions. As used in 102 CMR 7.00, the following words shall have the following meanings unless the context otherwise requires:

Applicant. The individual, designated by the person applying for program licensure or approval, who is responsible for the administration of such facility and who is designated as the chief administrative person and is a duly authorized agent of the person applying for licensure or approval.

Center. When used alone means a day care center.

Child. Any person at least one month of age and under seven years of age, or 16 years of age with special needs.

Children with Special Needs. Children at least one month of age and under 16 years of age, who, because of temporary or permanent disabilities arising from intellectual, sensory, emotional, physical or environmental factors, or other specific learning disabilities, are or would be unable to progress effectively in a regular school program.

Day. Shall mean calendar days unless otherwise specified in 102 CMR 7.00.

Day Care Center. Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre-school, or known under any other name which receives children, not of common parentage, under seven years of age, or under 16 years of age if such children have special needs, for non-residential custody and care during part or all of the day separate from their parent(s). Day care center shall not include: any part of a public school system; any part of a private organized educational system, unless the services of such a system are primarily limited to kindergarten, nursery or related pre-school services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

Group. Two or more children who participate in the same activities at the same time and are assigned to the same staff person for supervision, at the same time.

Half-day Programs: A program is considered a half-day program if it operates four or fewer hours per day, or if no child attends more than four hours per day.

Infant. A child who is under 15 months of age.

Licensed capacity. Determination by the Office of the number of children which a program can care for

at any one time under 102 CMR 7.00.

Preschooler. Any child two years and nine months but under seven years of age, not yet enrolled in first grade.

Program: Any day care center or school age child care program.

School Age Child. A child who is enrolled in kindergarten and is of sufficient age to enter first grade the following year; or an older child enrolled in a higher grade who is not more than 14 years of age. Special needs children shall qualify if under 16 years of age.

School Age Child Care Program. Any program or facility operated on a regular basis which provides supervised group care for school age children not of common parentage. Such a program may operate before and/or after school, and may also operate during school vacations and holidays. It provides a planned daily program of activities and is accountable for children for specifically identified blocks of time during the week, usually over a period of weeks or months. School age child care programs which relocate to a camp setting for the summer shall be subject to 102 CMR 7.00 while children are based at the primary program facility. School Age Child Care Program shall not include: any programs operated by a public school system; any part of a program operated by an organized educational system for the children enrolled in that particular system, unless the services of such system are primarily limited to a school age child care program; a Sunday school or classes for religious instruction conducted by a religious institution; a program or facility operated by a religious organization where the children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home or other private residence; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation.

Toddler. A child who is at least 15 months of age, but under 33 months of age.

7.03: Licensure and Approval

In order to provide every child "a fair and full opportunity to reach his full potential," the Office has developed specific requirements for programs to be licensed.

(1) Requirements for Provisional Licenses. If the Office finds that the applicant has not complied with, or is unable to comply with, all applicable regulations, or if the applicant seeks to operate a program which has not previously operated, the Office may issue a provisional license provided that care given in the program is adequate to protect the health and safety of the children and that the applicant provides the following documents:

- (a) A statement of purpose as required by 102 CMR 7.06(1).
- (b) A statement of the ownership of the program, including the names and addresses of all owners, or, in corporations, the officers as required by 102 CMR 7.06(2).
- (c) Financial documentation as required by 102 CMR 7.06(7).
- (d) Evidence of compliance with St. 1983, c. 233, Revenue Enforcement and Protection Program (REAP) on a tax certification form provided by the Office.
- (e) A copy of the program's personnel policies as required by 102 CMR 7.06(6).
- (f) A written plan for staff orientation as required by 102 CMR 7.08(4)(b) and a plan for staff meetings as required by 102 CMR 7.08(4)(c).
- (g) A copy of the health care policy as required by 102 CMR 7.05(1).
- (h) The applicant's CORI affidavit and evidence of compliance with the requirements of 102 CMR 1.05(1).

- (i) Evidence of ability to provide an administrative designee as required by 102 CMR 7.20 and/or 7.31.
- (j) Evidence of ability to provide appropriate staff supervision and ratios as required by 102 CMR 7.22(5) and/or 7.33.
- (k) Evidence that staff meet the qualifications as required by 102 CMR 7.21(2) and/or 7.32(2).
- (l) A program plan as required by 102 CMR 7.23(1) and/ or 7.34(1).
- (m) A copy of the information provided to parents as required by 102 CMR 7.04(2).
- (n) A plan for the referral of parents and children to appropriate social, mental health, educational and medical services as required by 102 CMR 7.05(7).
- (o) A statement defining rules, policies, and procedures for the behavior management of children as required by 102 CMR 7.10(1).
- (p) A plan for the transportation of children including parent/program responsibilities as required by 102 CMR 7.12.
- (q) Evidence that required inspections have been completed and are in compliance as required by 102 CMR 7.25(1) through (3) and/ or 7.35
- (r) A written plan, agreed to by the Office, for compliance with the requirements in 102 CMR 7.00.

(s) In Group Day Care Programs.

1. If the facility has not previously operated as a licensed day care center, certification from a local board of health, the Massachusetts Department of Public Health, or a private lead paint inspection service that the facility is free of all lead based paint which is peeling or chipping and that lead based paint has been completely removed from all interior and exterior surfaces accessible to children, as required by 102 CMR 7.25(3). Centers which have previously operated must obtain lead testing of the facility during the first period of provisional licensure and shall not obtain a regular license unless such certification is provided;
2. Children's records: Forms to record information required by 102 CMR 7.09(2)(a) and (b) and 7.09(5)(a).
3. A plan for diapering and toileting as required by 102 CMR 7.24(4).

(2) Terms of License. A regular license or approval is valid for two years from the date of issuance unless revoked, suspended, or made probationary. A provisional license is valid for no more than six months from the date of issuance unless revoked, suspended or made probationary. It may be renewed once for no more than six additional months. Following a period of regular licensure, a provisional license may be issued.

(3) Renewal. In preparing for renewal of the license, the licensee will review all the written plans and documents required in 102 CMR 7.00 and submit copies of :

- (a) any of the required written plans or documents if changes have been made during the licensing period; and
- (b) current inspection certificates; and
- (c) any document requested by the Office.

(4) Infant/Toddler License. The licensee shall admit infants or toddlers only if licensed or approved to do so. Upon request, the Office may amend an existing license issued under these standards to allow

admission of infants and/or toddlers, providing that the licensee demonstrates that the applicable standards can be met.

(5) Limited School Age Child Care License. A licensed group day care center may qualify for a limited school age child care license to care for no more than six children seven to nine and a half years of age. The limited license may be issued to day care centers which meet the requirements of 102 CMR 7.00 and which apply for the limited license pursuant to the conditions set by the Office. The same program cannot be licensed for both limited school age child care and school age child care concurrently.

(6) Pilot or Demonstration Projects and Variances.

(a) Proposals for pilot or demonstration projects for the innovative delivery of services related to a program will be considered by the Office upon written request. However, no project shall be implemented without prior written approval of the Office. The Office may require that specific proposals include an evaluation component to determine the effectiveness of the project and may also consider any other evidence relevant to the proposal prior to granting approval. Projects shall be implemented only on an experimental basis for a specified period not to exceed the term of the license. If the Office receives or finds evidence that the conditions of the approval have been violated, the project will be terminated.

(b) The Office may, upon written request, grant a variance of any regulation contained in 102 CMR 7.03 through 7.35 and allow an alternative method for compliance with such regulation if the applicant for the variance provides clear and convincing evidence, including, at the request of the Office, expert opinion which demonstrates to the satisfaction of the Office that the applicant's alternative method will comply with the intent of the regulation for which a variance is requested. The Office may consider any other evidence relevant to the request for a variance. Such variances shall be granted, in writing, for a specified period not to exceed the term of the license. If the Office receives or finds evidence that the conditions of the variance have been violated, the variance will be rescinded.

7.04: Parent Information, Rights and Responsibilities

The licensee must appropriately involve parents of children in care in visiting the program, meeting with the staff and receiving reports of their children's progress. The licensee shall accept and implement parental suggestions, where appropriate.

(1) Meeting with Parents.

(a) In Group Day Care Programs. The licensee shall ensure that the administrator or his designee shall meet with the parent(s) prior to admitting a child to the program. The licensee shall provide the opportunity for the parent(s) to visit the program's classrooms at the time of the meeting or prior to the enrollment of the child.

(b) In School Age Programs. The licensee shall provide the opportunity for the parent(s) and child to visit the program and meet the staff before the child's enrollment.

(2) Parent Information. The licensee shall provide to the parents upon admission of their child:

(a) the program's written statements of purpose, administrative organization and services, as in 102 CMR 7.06(1) and (3);

(b) the procedure for parent conferences and reports as in 102 CMR 7.04(3) and (6);

(c) the procedures for parent input as in 102 CMR 7.04(5);

(d) the policy for parent visits as in 102 CMR 7.04(4);

(e) the behavior management policy as in 102 CMR 7.10(1);

(f) the referral services policy as in 102 CMR 7.05(7);

- (g) the termination and suspension policy as in 102 CMR 7.05(8);
 - (h) a list of the types of nutritious foods that should be sent for snacks or meals;
 - (i) the policy and procedures for identifying and reporting child abuse and neglect as in 102 CMR 7.05(3);
 - (j) the procedures for emergency health care and illness exclusion policy as in 102 CMR 7.05(5);
 - (k) the transportation plan. as in 102 CMR 7.12(1);
 - (l) upon request, a copy of the full health care policy as in 102 CMR 7.05(1);
 - (m) the procedure for the administration of medication as in 102 CMR 7.05(2);
 - (n) a copy of the fee schedule as in 102 CMR 7.06(8);
 - (o) in group day care, the procedures relating to children's records as in 102 CMR 7.04(8) and (9);
 - (p) in school age child care, the procedures for on-going parent communication.
- (3) Parent Conferences. The licensee shall make the staff available for individual conferences with parents at parental request.
- (4) Parent Visits. The licensee shall permit and encourage unannounced visits by parents to the program and their child's room while their child is present.
- (5) Parent Input. The licensee shall have a procedure for allowing parental input in the development of program policy and programs.
- (6) Reports to Parents in Group Day Care Centers. The licensee shall, periodically but at least every six months, prepare a written progress report of the participation of each child in the center's program. This report shall be maintained in the child's records. The licensee shall provide a copy of each report to the parent(s) or meet with them at least every six months to discuss their child's activities and participation in the center. In addition:
- (a) for infants and children with disabilities, the licensee shall complete a written progress report of the child's development every three months, and provide it to the parent(s);
 - (b) the licensee shall bring special problems or significant developments, particularly as they regard infants, to the parent's attention as soon as they arise.
- (7) Notification of Injury. The licensee shall inform parents immediately of any injury which requires emergency care beyond minor first aid and shall inform parents in writing of any first aid administered to their child within 24 hours of the incident.
- (8) Confidentiality and Distribution of Records. Information contained in a child's record shall be privileged and confidential.
- (a) The licensee shall not distribute or release information in a child's record to anyone not directly related to implementing the program plan for the child without the written consent of the child's parent(s). The licensee shall notify the parent(s) if a child's record is subpoenaed.
 - (b) The child's parent(s) shall, upon request, have access to his child's record at reasonable times. In no event shall such access be delayed more than two business days after the initial request without the consent of the child's parent(s). Upon such request for access the child's entire record shall be made available regardless of the physical location of its parts.
 - (c) The licensee shall establish procedures governing access to, duplication of, and distribution of such information; and shall maintain a permanent, written log in each child's record indicating any time a child's record has been released.

1. Each time information is released or distributed from a child's record the following information shall be recorded: the name, signature, and position of the person releasing or distributing the information; the date; the portions of the record which were distributed or released; the purpose of such distribution or release; and the signature of the person to whom the information is distributed or released.
2. Such log shall be available only to the child's parent(s) and program personnel responsible for record maintenance.

(9) Amending the Child's Record.

- (a) A child's parent(s) shall have the right to add information, comments, data or any other relevant materials to the child's record;
- (b) A child's parent(s) shall have the right to request deletion or amendment of any information contained in the child's record.
 1. If the parent(s) is of the opinion that adding information is not sufficient to explain, clarify, or correct objectionable material in the child's record, the parent shall have the right to have a conference with the licensee to make his objections known.
 2. The licensee shall, within one week after the conference, render to the parent(s) a decision in writing stating the reason or reasons for the decision. If the decision is in favor of the parent(s), steps shall be taken immediately to put the decision into effect.

(10) Transfer of Records. When the child is no longer in care, upon written request of the parent(s), the licensee shall transfer the child's record to the parent(s), or any other person the parent(s) identifies,.

(11) Charge for Copies. The licensee shall not charge an unreasonable fee for copies of any information contained in the child's record.

(12) Research and Experimentation; Unusual Treatment. No licensee shall conduct research, experimentation, or unusual treatment involving children without the written, informed, consent of the affected child's parents or guardian, for each occurrence. In programs where observations of children (by other than parents of the children in the center) are common, a general parental consent may be obtained in writing. Observation shall mean that there is no interaction between the child and the observers and no identification of the individual child. In no case shall the licensee allow a child to be harmed during research, experimentation or unusual treatment. Research and experimentation shall not mean program evaluation or data collection for purposes of documenting services of the program which do not identify individual children.

(13) Unauthorized Activities. The licensee shall not allow children to participate in any activities unrelated to the direct care of children without the written, informed consent of the parent(s) or guardian. "Activities" shall mean, but not be limited to:

- (a) fund raising;
- (b) publicity, including photographs and participation in the mass media.

7.05: Required Policies

The licensee will have clear and consistent policies and procedures that protect the health and welfare of children. All staff will be trained in such procedures and all parents will receive copies where required.

(1) Health Care Policy.

- (a) The licensee shall have a written health care policy which shall address all health aspects of the program, including staff responsibilities for emergency and preventive health measures. Each staff member shall receive a copy of the policy and shall be trained in the program's implementation of the policy during staff orientation. The policy shall include:

1. The emergency telephone numbers as specified in 102 CMR 7.06(10)(b);
2. The procedures to be followed in case of illness or emergency, method of transportation, notification of parents, and procedures when parent(s) cannot be reached including procedures to be followed when on field trips;
3. The procedures for using and maintaining first aid supplies;
4. A plan for evacuation;
5. A plan for the care of mildly ill children at the program as in 102 CMR 7.24(3);
6. A plan for dispensing medication, as in 102 CMR 7.05(2);
7. A plan for meeting individual children's specific health care needs, including the procedure for identifying children with allergies and protecting children from exposure to foods, chemicals or other materials to which they are allergic;
8. The procedure for identifying and reporting suspected child abuse or neglect to the Department of Social Services and to the Office as in 102 CMR 7.05(3);
9. A plan for injury prevention as in 102 CMR 7.05(4);
10. A plan for the management of infectious diseases as in 102 CMR 7.05(5); and
11. A plan for the implementation and monitoring of compliance with the infection control procedures specified in 102 CMR 7.05(6).

(b) Health Care Consultant. The licensee shall designate a Massachusetts licensed physician, registered nurse, nurse practitioner or physician's assistant with pediatric or family health training and/or experience, as the program's health care consultant.

1. The consultant shall assist in the development of the program's health care policy, shall review and approve the policy initially and at least upon renewal of the regular license, and shall be available for consultation as needed.
2. The consultant shall approve any changes in the policy.
3. The consultant shall approve the first aid training for staff.

(2) Administration of Medication.

(a) In all programs:

1. The licensee shall provide to parents prior to admitting a child to the program, the program's policy on administering prescription and non-prescription medication.
2. The licensee shall not administer prescription or non-prescription medication to a child without written parental authorization which indicates that the medication is for the specified child.
3. The licensee shall not administer prescription medication to a child without a written order from a physician, which may include the label on the medication, which must indicate that the medicine is for the specific child and specify the dosage, number of times per day and number of days the medication is to be administered.
4. The licensee shall not administer any such medication contrary to the directions on the original container unless so authorized by a written order of the child's physician.
5. The licensee shall keep all medication labeled in its original container, with the child's name, the name of the drug and the directions for its administration and storage. This does not apply to topical non-prescription medications which are not applied to open wounds,

rashes, or broken skin.

6. The licensee shall maintain a written record of the administration of any medication, prescription or non-prescription, to each child which includes the time and date of each administration, the dosage, the name of the staff member administering the medication and the name of the child. The completed medication record shall be made part of the child's file. This does not apply to topical non-prescription medications which are not applied to open wounds, rashes, or broken skin.

7. The licensee shall store all medications out of the reach of children and under proper conditions for sanitation, preservation, security and safety except as provided in 102 CMR 7.05(2)(c)2. All unused medication shall be disposed of, or returned to the parent when no longer needed.

(b) In Group Day Care Programs:

1. Full-day centers shall plan to meet children's needs for medication ordered by a physician.

2. Medication shall be administered to children in accordance with the following requirements:

a. The licensee shall not administer non-prescription medication without a written order from a physician. The physician may give a standing order listing the medication(s), dosage and criteria for administration. This order will be valid for no more than a year from the date it was signed.

b. For non-prescription medications, the licensee may accept as the written parental authorization, a signed statement authorizing the center to administer non-prescription medication in accordance with the written order of the physician. This statement shall be valid for no more than one year from the date it was signed. If centers accept such a statement, an attempt will be made to contact the parent before the medication is administered, unless a child needs medication urgently or when contacting the parent will delay appropriate care unreasonably. The parents shall be notified in writing each time a non-prescription medication is administered to a child. This does not apply to topical non-prescription medication which are not applied to open wounds, rashes, or broken skin.

c. The licensee may accept a written parent authorization for specific non-prescription topical medications to be administered and the criteria for administration. This statement will be valid for no more than a year from the date it was signed.

i. Topical medications such as petroleum jelly, diaper rash ointments, and anti-bacterial ointments which are applied to wounds, rashes, or broken skin must be stored in the original container, labeled with the child's name, and used only for an individual child.

ii. Topical medications such as sunscreen, bug spray, and other ointments which are not applied to open wounds, rashes, or broken skin may be generally administered to children with written parental authorization.

(c) In School Age Programs:

1. All medication, except inhalers, shall be administered by a staff member, or upon written authorization of a parent, the child may be permitted to administer his/her own medication, under the supervision of a staff member.

2. The licensee may, with written parental consent and authorization of the physician,

permit children who have asthma to carry their own inhalers and use them as needed, without the direct supervision of a staff member. The licensee shall ensure that all staff are aware of individual children who have asthma and use their own inhalers as needed.

(3) Prevention of Abuse and Neglect.

(a) The licensee shall protect children from abuse and neglect while in the program's care and custody.

(b) The licensee shall develop and follow written procedures for the reporting of any suspected incidents of child abuse and neglect as required by M.G.L. c. 119, § 51A. The procedures shall include:

1. All staff are mandated reporters and shall report suspected child abuse or neglect. The report shall be made either to the Department of Social Services pursuant to M.G.L. c. 119, § 51A, or to the licensee's program administrator or designee.
2. The licensee's program administrator or designee shall immediately report suspected abuse or neglect to the Department of Social Services, pursuant to M.G.L. c. 119, § 51A.
3. The licensee's program administrator or designee shall notify the Office immediately after filing a 51A report, or learning that a 51A report has been filed, alleging abuse or neglect of a child while in the care of the program or during a program related activity.
4. The licensee shall cooperate in all investigations of abuse and neglect, including identifying parents of children currently or previously enrolled in the program; providing consent for disclosure to the Office of information from, and allowing the Office to disclose information to, any person and/or agency the Office may specify as necessary to the prompt investigation of allegations and protection of children. Failure to cooperate may be grounds for suspension, revocation, or refusal to issue or renew a license.
5. The licensee shall develop and maintain written procedures for addressing any suspected incident of child abuse or neglect, which includes but is not limited to ensuring that an allegedly abusive or neglectful staff member does not work directly with children until the Department of Social Services investigation is completed and for such further time as the Office requires.

(4) Injury Prevention Plan.

(a) The licensee shall monitor the environment daily to immediately remove or repair any hazard which may cause injury.

(b) The licensee shall not permit smoking in areas used by children during hours that children are in attendance.

(c) The licensee shall keep all toxic substances, poisonous plants, medications, sharp objects, matches, and other hazardous objects in a secured place and out of the reach of children.

(d) The licensee shall develop procedures for injury prevention and management of medical emergencies during field trips. The licensee shall ensure that a first aid kit and the list of emergency numbers for the children are available on any field trip.

(e) An injury report for any incident which requires first aid or emergency care shall be maintained in the child's file.

1. An injury report shall include, but not be limited to: name of child, date, time and location of accident or injury, description of injury and how it occurred, name(s) of witness(es), name(s) of person(s) who administered first aid or medical care and first aid or medical care required.

2. The licensee shall maintain a central log or file of all injuries which occur during program hours and shall periodically monitor the safety record of the program to identify problem areas.

(f) In School Age Programs: the licensee shall maintain a record of any unusual or serious incidents such as behavioral incidents, accidents, property destruction or emergencies. These reports shall be reviewed by the program administrator.

(5) Management of Infectious Diseases.

(a) The licensee shall follow exclusion policies for serious illnesses, contagious diseases and reportable diseases in conformance with regulations and recommendations set by the Division of Communicable Disease Control, Department of Public Health. Procedures shall include the notification of all parents in accordance with Department of Public Health recommendations when any communicable disease, such as measles or salmonella, has been introduced into the program and policies for when children who have been excluded from the program may return.

(b) In Group Day Care Programs: The licensee shall, with the assistance of the health care consultant, develop a comprehensive written plan for the management of infectious diseases. The plan shall include:

1. Policies regarding the care of mildly ill children including special precautions the center will require for the following types of infectious diseases: gastro-intestinal, respiratory and skin or direct contact infections.

2. Criteria regarding signs or symptoms of illness which will determine whether a child would be included or excluded from the center.

3. Policies for dealing with a child who has already been admitted to the center and manifests any of the symptoms requiring exclusion as specified in 102 CMR 7.05(5)(b)2. until:

a. He or she can be taken home or suitably cared for elsewhere; or

b. The child has been evaluated by a physician, physician's assistant or nurse practitioner and is considered to pose no serious health risk to himself or herself or to other children.

(6) Infection Control.

(a) Handwashing.

1. The licensee shall ensure that staff and children wash their hands with liquid soap and running water using friction. Hands shall be dried with individual or disposable towels. Staff and children shall wash their hands at least at the following times:

a. Before eating or handling food;

b. After toileting or diapering;

c. After coming into contact with body fluids and discharges;

d. After handling center animals or their equipment; and

e. After cleaning.

2. Facilities used for handwashing after diapering or toileting shall be separate from facilities and areas used for food preparation and food service.

(b) Sanitizing.

1. The licensee shall ensure that the specified equipment, items or surfaces are washed with soap and water and disinfected using guidelines prepared by the Office.
2. The disinfectant solution shall be either a self-made bleach solution or a commercially prepared disinfectant that has been registered by the Environmental Protection Agency (EPA) as a sanitizing solution (registration can be identified by reading the product label and using the disinfectant precisely as directed on the label.) Bleach solutions will be made using guidelines in TA-OFC-01.
3. The licensee shall provide disposable gloves to be used for the clean-up of blood spills and bodily fluids. The effected area shall be disinfected. Used gloves shall be thrown away in a lined, covered container. The licensee shall ensure that staff wash their hands thoroughly with soap and water after cleaning up the bloodied area. Bloody clothing shall be sealed in a plastic container or bag, labeled with the child's name and returned to the parent at the end of the day.
4. All cleaning supplies and disinfectants shall be stored in a secure place and out of the reach of children.

(c) Staff Training. All staff shall be trained in infection control procedures.

(7) Referral Services.

(a) Written Plan. The licensee shall have a written plan describing procedures for referring parents to appropriate social, mental health, educational and medical services, including but not limited to dental check-up, vision or hearing screening, for their child should the program staff feel that an assessment for such additional services would benefit the child. The written plan shall include but not be limited to the following:

1. staff responsibilities for informing the licensee of their concern;
2. procedures for observing and recording the child's behavior and reviewing the child's record prior to making a referral;
3. procedures for meeting with parents to notify them of the program's concern;
4. a current list of referral resources in the community for children in need of social, mental health, educational or medical services. This list shall include the contact person for St. 1972. c. 766 and Early Intervention Program referral

(b) Requirements for Referrals in All Programs.

1. The licensee shall provide to the parent a written statement including the reason for recommending a referral for additional services, a brief summary of the program's observations related to the referral and any efforts the program may have made to accommodate the child's needs.
2. The licensee shall offer assistance to the child's parents in making the referral and shall have written parental consent before any referral is made.
3. The licensee shall maintain a written record of any referrals, including the parent conference and results.

(c) Requirements in Group Day Care Centers.

1. If a child is at least 2½ years of age, the licensee shall inform the child's parent(s) of the availability of services and their rights, including the right to appeal, under St. 1972, c. 766.
2. If a child is under the age of three, the licensee shall inform the child's parents of the availability of services provided by Early Intervention Programs.

3. The licensee shall follow-up the referral, with parental permission and contact the agency or service provider who evaluated the child for consultation and assistance in meeting the child's needs at the center. If it is determined that the child is not in need of services from this agency, or is ineligible to receive services, the center shall review the child's progress at the center every three months to determine if another referral is necessary.

(8) Termination and Suspension. The licensee shall describe in writing, the center's procedures for terminating or suspending a child from the program, including the circumstances under which a child may be terminated or suspended, procedures for notifying parents and actions to be taken by the center prior to termination or suspension, including but not limited to providing written documentation of the reasons for termination or suspension to the child's parent(s).

(a) The licensee shall inform parents of the availability of information and referral for other services and shall provide this information upon the request of the parents.

(b) When any child is terminated from the program, initiated by the program or the parent(s), the licensee shall prepare the child for termination from the program in a manner consistent with the child's ability to understand.

7.06: Administration and Management of the Program

The licensee shall insure that the center is soundly administered by qualified persons designated specific administrative and program responsibilities. Sound business practices will be established to facilitate the continuity of care for the children and parents.

(1) Statement of Purpose. Each licensee shall keep and maintain a written statement identifying the program's philosophy; its goals and objectives; the characteristics of children served, including but not limited to age; its statement of non-discrimination; its intake procedures and the services provided. The licensee shall provide each child's parent(s) with a copy of this statement, shall make this statement available upon request to any person and shall keep such statement current.

(2) Evidence of Authority to Operate. Each licensee shall have documentary evidence of his source of authority to operate the program:

(a) A program operated by the Commonwealth or any political subdivision thereof shall keep and maintain documents that identify the statutory basis of its existence, and the administrative framework of the governmental department in which it operates;

(b) A private center shall keep and maintain documents that fully and completely identify its ownership. Corporations, partnerships, or associations shall identify their officers and maintain a file which shall include, where applicable, the charter, partnership agreement, constitution, articles of organization and by-laws. Where applicable, documents shall include, but not be limited to, copies of all papers filed with the Secretary of State of the Commonwealth and/or any political subdivision of the Commonwealth.

(3) Organizational Information. Information on the administrative organization of the program shall be provided to parents and staff, including identification of lines of authority and supervision and the identification of the Office of Child Care Services as the licensing authority.

(4) Business Management. The licensee shall establish a system of business management and staffing to ensure that the program maintains complete and accurate accounts, books and records, including required personnel and children's records.

(5) Maintenance of Records. The following records must be maintained for at least 5 years:

(a) children's records;

(b) personnel files;

(c) attendance records; and

(d) evacuation drill logs.

(6) Personnel Policies. In programs with four or more paid staff members, the licensee shall describe, in writing, the program's current personnel policies and practices and shall make them available to all employees and prospective employees at the program. Such personnel policies shall include, when appropriate, a description of:

- (a) criteria and procedures for hiring, promotion, probationary periods, disciplining, suspension, and dismissal of any staff person;
- (b) the procedure for handling staff complaints;
- (c) the procedure for when allegations of abuse or neglect are made against a staff member;
- (d) job descriptions for all paid staff positions;
- (e) the salary range covering all positions and shall provide each employee with information regarding the salary range for his position or the procedure for determining the salary for his position.

(7) Financial Documentation. The licensee shall have a projected one-year operating budget that estimates income and expenses and shall maintain an accurate record of receipts and expenditures. In addition, a program which has not previously operated shall demonstrate financial capability to carry out its program for at least a two month period.

(8) Fee Schedule. The licensee shall maintain a written fee schedule for the services provided. Such schedule shall be provided to parents and to any person upon request and shall be kept current.

(9) Attendance Records. The licensee shall keep and maintain daily attendance records which indicate each child's attendance and any unusual arrival or departure times. In addition, the licensee should have a method of knowing exactly who is present on the premises at any point in the day.

(10) Required Postings. The licensee shall post the following information:

- (a) Current license or approval;
- (b) The name, address and telephone number of the health care consultant, the telephone number of the fire department, police, ambulance, nearest emergency health care facility, Poison Control Center, telephone number and address of the program, including the location of the program in the facility, and if applicable, the adult designated to be called if there is only one staff member present at the program. This information shall be immediately visible at each telephone.
- (c) Allergies and/or other emergency medical information provided by the parent upon enrollment;
- (d) Emergency and evacuation procedures next to each exit;
- (e) Location of health care policy and first aid kit;
- (f) Weekly menus and/or snacks (not required if provided by parents); and
- (g) The current activity schedule.
- (h) In Group Day Care Programs the diapering and toileting policy and the behavior management policy must be posted.

7.07: Notifications to the Office

The licensee's notification to the Office of any serious injury, and any significant change in operating status, administration, or location will facilitate compliance with appropriate regulations.

(1) Notification of Death or Serious Injury. The licensee shall immediately report to the Office the following:

- (a) the death of any child which occurs while such child is in care;
- (b) any injury to, or illness of, any child which occurs during the hours while such child is enrolled in care and which requires hospitalization or emergency medical treatment.

(2) Notification of Legal Proceedings. The licensee shall report to the Office, in writing, within ten days, of the initiation of any legal proceedings brought against him or any person employed by the program if such proceeding arises out of circumstances related to the care of children in the center or to the continued operation of the program.

(3) Notification of Change of Ownership. The licensee shall provide prior notification, in writing, to the Office of any change in ownership of the program.

(4) Notification of Change in Chief Administration. The licensee shall provide prior notification, in writing, to the Office of any change in the person designated by the owner or the governing body as having responsibility for administration of the program.

(5) Notification of Change of Location. The licensee shall provide written notification to the Office at least 30 days prior to any change in the location of the program. Any change in location shall require a new application and issuance of a new license, after receipt of all necessary information and documentation of compliance with all applicable regulations.

(6) Notification of Change in Program Space. The licensee shall provide written notification to the Office where possible, at least 30 days prior to any change in the space used by the program. If the licensee is unable to provide 30 days notice, the licensee shall notify the Office immediately upon learning of the impending change and shall send a written report to the Office within 48 hours of notification.

7.08: Staff Requirements, Records, and Training

The licensee shall employ staff who meet basic requirements and keep records documenting their qualifications. Staff shall be encouraged to continue their education in their appropriate fields and maintain open and ongoing communication within the program to enhance the quality of care provided to the children.

(1) Health Requirements for Staff.

(a) Before employment of any staff member the licensee shall require the following certification from a physician:

- 1. Evidence of a physical examination within one year prior to employment;
- 2. Evidence of immunity to measles, mumps and rubella;
- 3. Negative Mantoux TB test in accordance with current Department of Public Health regulations;
- 4. Statement of physical limitations in working with children, if applicable.

(b) The examination shall be valid for two years from the date the staff member was examined and shall be repeated every two years thereafter.

(c) If, in the licensee's judgment, an employee's physical condition requires a current physical examination, the licensee may require that such employee provide documentation of a current physical examination and indication of any physical limitations in working with children.

(d) The licensee shall not require such certification of any person who states in writing that vaccination or immunization conflicts with his/her sincere religious beliefs or if medically

contra-indicated.

- (2) Evidence of Required Certification, Licensure or Registration. The licensee shall obtain, upon request of the Office, evidence that personnel are currently certified, licensed or registered where applicable laws require certification, licensure or registration.
- (3) Staff Personnel Records. The licensee shall maintain a personnel record for each staff member. The record shall include, but not be limited to:
- (a) Employee's resume or job application;
 - (b) Documentation that the employee, has the qualifications required under 102 CMR 7.21 and/or 7.32.
 - (c) Record of reference verification;
 - (d) Documentation of completed CORI evaluation as in 102 CMR 1.05(2);
 - (e) Health records as required by 102 CMR 7.08(1);
 - (f) Documentation of training as required by 102 CMR 7.08(4);
 - (g) Annual evaluations.
- (4) Staff Training.
- (a) First Aid.
 1. The licensee shall document that all staff who care for children are certified in basic first aid within six months of employment. The first aid course must be approved by the program's health care consultant.
 2. The licensee shall ensure that at least one staff member who is currently certified in first aid and cardiopulmonary resuscitation (CPR) is available on-site whenever children are present.
 - (b) Staff Orientation. The licensee shall provide orientation for all new employees. No new employee shall supervise staff or be solely responsible for children in care until s/he has received the minimum orientation described below.
 1. The licensee shall have a written plan for staff orientation which shall include:
 - a. the name and position of the staff person responsible for conducting the orientation;
 - b. the schedule and number of hours of the orientation; and
 - c. the content of the orientation which shall include, but not be limited to a review of the following: job description; personnel policy; statement of purpose; statement of non-discrimination; health care policy; information contained in the children's records and confidentiality policy; behavior management plan; termination and suspension policy; program plans; referral procedures; transportation plans; procedures for parent visits, input, conferences and communication; the identification of the Office of Child Care Services as the licensing authority; and the availability of 102 CMR 7.00 at the program site.
 2. Programs with four or fewer staff members are not required to develop the written plans for staff orientation unless:
 - a. The program is part of a multi-site agency with central administration; or
 - b. The Office determines a written plan is necessary.

(c) Staff Meetings. The licensee shall provide regular staff meetings to address program issues, meeting individual needs of children, policies, procedures, and parent communication.

1. For programs operating four or more hours per day, the licensee shall document a minimum of two hours of staff meeting time per month of program operation and the topics addressed.
2. For programs operating fewer than four hours per day and for school age programs, the licensee shall document a minimum of one hour of staff meeting time per month of program operation.

(d) Staff Supervision and Evaluation.

1. The licensee shall describe in writing the plan for regular, ongoing supervision to all staff, as appropriate to their positions.
2. The licensee shall conduct at least an annual written evaluation of the performance of each staff member. The licensee shall afford each staff member the opportunity to participate in the evaluation, read the completed evaluation, comment upon it in writing, and sign it.
3. In Group Day Care Programs, the plan shall include observation by and conferencing with at least a lead teacher qualified person, at least every two months.

(e) Staff In-Service Training. The licensee shall provide or make available training to increase the skills and competence of program staff. The licensee shall describe in writing the program's plan for staff training and document staff participation.

1. In Group Day Care Programs.

- a. At least 25% of the required training each year shall be in the area of children with disabilities.
- b. The licensee shall document a minimum of 20 hours of training, per calendar year.
- c. For programs operating fewer than 12 months per year, the 20 hours may be prorated based on 1.6 hours for each month that the program operates.
- d. For programs with staff working less than full time, the 20 hours may be prorated as follows:
 - i. where staff average fewer than 20 hours per week 12 hours of training per year must be documented;
 - ii. where staff average 20 to 30 hours per week 16 hours of training per year must be documented.
- e. The program director/licensee shall decide whether to prorate by months or hours, but the two methods may not be combined.

2. In School Age Programs.

- a. Program administrators and site coordinators shall be required to attend a minimum of ten hours of training per calendar year.
- b. Group leaders and assistant group leaders shall be required to attend a minimum of five hours of training per calendar year.

7.09: Enrollment

The licensee shall obtain the required information in order to provide the best possible care for the child both on a regular basis and in emergencies.

(1) Program Size. The licensee shall not admit or enroll, at any one time, more children than the licensed capacity of the program.

(2) Children's Enrollment Information. The licensee shall, in admitting a child, require the parent to provide the following information which shall be made part of the children's record:

(a) In All Programs. A face sheet or sheets, which identifies the child by the following information, where available:

1. the name, date of admission, date of birth, and primary language of the child and parent(s), if other than English;
2. the parent(s) name, home address(es), and telephone number(s);
3. the parent(s) business address(es) and telephone number(s);
4. the name, address and telephone number of person to contact in case of emergency when the parent is unavailable;
5. a physical description or a current photograph of the child;
6. the name, address, and phone number of the physician or source of health care; and
7. information on allergies and/or special diets.

(b) In Group Day Care. The licensee shall also obtain:

1. the child's daily schedule, developmental history, sleeping and play habits, favorite toys, accustomed mode of reassurance and comfort;
2. procedures for toilet training of the child, if appropriate; and
3. the child's eating schedule and eating preferences, where appropriate including for infants, a description of formula preparation.

(c) In School Age Programs. The licensee shall also obtain:

1. the name of the school the child attends;
2. any special limitations or concerns; and
3. any chronic health conditions.

(3) Parent Authorizations.

(a) In All Programs. The licensee shall obtain:

1. parental consents for emergency first aid and transportation to a specific hospital in emergencies;
2. a list of any person(s) authorized in writing by the parent to take the child from the center or receive the child at the end of the day;
3. general permission to take the child off the premises to a list of specified places (*i.e.* library, playground, museums); and
4. additional parental consent for any field trips not on the list above.

(b) In School Age Programs. The licensee shall obtain parental consent for the child to leave the program for any other reason that shall specify the activity, time, method of transportation and parental responsibility for the child once he/she leaves the program.

(4) Validity of Consents. A written consent provided under 102 CMR 7.09(3) shall be valid for one year

from the date of its execution unless such consent is withdrawn, in writing, prior to that time.

(5) Required Medical Examinations.

(a) In Group Day Care Programs:

1. The licensee shall admit a child only if provided with a written statement from a physician which indicates that the child has had a complete physical examination within one year prior to admission, or obtains one within one month of admission or obtains a written verification from the child's parent(s) that they object to such an examination on the grounds that it conflicts with their religious beliefs.

2. The physical examination required upon enrollment shall be valid for one year from the date the child was examined and shall be repeated annually. The licensee shall obtain evidence of each child's annual physical examination, updated immunizations and lead screening.

3. Pursuant to Department of Public Health regulations, all children, regardless of risk, shall be screened for lead poisoning at least once between the ages of nine and 12 months and annually thereafter until the age of 48 months. The licensee shall obtain within one month of admission of the child, a statement signed by a physician or an employee of a health care agency stating that the child has been screened for lead poisoning, or a written verification from the child's parent(s) that they object to such an examination on the grounds that it conflicts with their religious beliefs.

4. For all children admitted to care prior to twelve months of age, the licensee shall obtain before the child turns 13 months old, a statement signed by a physician or an employee of a health care agency stating that the child has been screened for lead poisoning or obtains a written verification from the child's parent(s) that they object to such an examination on the grounds that it conflicts with their religious beliefs.

5. The licensee of a center operating on a provisional license due to the detection of lead paint in the center shall ensure that each child has a blood test for lead paint poisoning by a physician or appropriate clinic or obtain written verification from the child's parent(s) that they object to such a test on the grounds that it conflicts with their religious beliefs or a physician's statement that such a procedure is contraindicated.

6. The licensee shall require, at admission, a physician's certificate that each child has been successfully immunized in accordance with the current Department of Public Health's recommended schedules against diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles and such other communicable diseases as may be specified from time to time by the Office. No child shall be required, under 102 CMR 7.00 to have any such immunization if his parent(s) objects thereto, in writing, on the grounds that it conflicts with their religious beliefs or if the child's physician submits documentation that such a procedure is contraindicated.

(b) In School Age Programs. The licensee shall admit a child only with documentation that immunizations and physical examination according to public school health requirements and lead poisoning screening according to public health requirements are on file with the child's school. The licensee may accept a written parental statement that the information is on file with the school or actual copies of the child's immunization and lead screening records.

(6) Children's Records. The licensee shall maintain a written record for each child which includes:

(a) In all programs:

1. All information obtained when the child was enrolled as required in 102 CMR 7.09(2)

7.09: continued

and (3);

2. Medical records obtained when the child was enrolled, where applicable;
3. A record of any prescribed medications administered to the child, as required in 102 CMR 7.05(2)(a)6.;
4. A record of any referrals made as required in 102 CMR 7.05(7)(b)3.; and

(b) In Group Day Care Programs:

1. Copies of periodic progress reports, as required in 102 CMR 7.04(6);
2. Individual program plans, and periodic review of such plans, for any special needs child, as required in 102 CMR 7.10(2);
3. All pertinent correspondence concerning the child, including referrals for social services, as required in 102 CMR 7.05(7)(b).

(c) In School Age Programs: A record of any unusual or serious incidents such as behavioral incidents, accidents, property destruction or emergencies.

(7) Maintenance of Records. The licensee shall maintain records which shall be legible, dated and signed by the individual making the entry. The licensee shall continually update all information in the children's record. The licensee shall retain records for at least five years after a child has left the program unless the record has been transferred to the parent, as provided for in 102 CMR 7.04(10).

7.10: Care of Children

The licensee shall ensure that policies and procedures promote the recognition of the individual and diverse developmental needs of each child.

(1) Behavior Management. The licensee shall have a written statement defining the rules, policies and procedures for the behavior management of children which are directed to the goal of maximizing the growth and development of the children and for protecting the group and individuals within it. The provider shall use behavior management in a consistent, reasonable and appropriate way based on an understanding of the individual needs and development of a child.

(a) The licensee shall use behavior management techniques such as setting reasonable and positive expectations, offering choices and providing children an opportunity to verbalize their feelings, which encourage children to develop self-control through understanding.

(b) The licensee shall prohibit:

1. spanking or other corporal punishment of children;
2. subjecting children to cruel or severe punishment such as humiliation, verbal or physical abuse, neglect, or abusive treatment ;
3. depriving children of meals or snacks;
4. force feeding children; and
5. disciplining a child for soiling, wetting, or not using the toilet; or forcing a child to remain in soiled clothing or forcing a child to remain on the toilet, or using any other unusual or excessive practices for toileting.

(c) Where appropriate and feasible, children shall participate in the establishment of such rules, policies and procedures.

(2) Children with Disabilities. The licensee shall accept applications for any child with a disability. In determining whether to accept or serve a child with a disability, the licensee shall, with parental consent

and as appropriate, request information related to the child's participation in the center's program from the Local Education Agency, Early Intervention Program or other health or service providers.

(a) Based upon available information the licensee shall, with the parent's input, identify in writing the specific accommodations, if any, required to meet the needs of the child at the program, including, but not limited to:

1. any change or modifications in the child's participation in regular center activities;
2. the size of the group to which the child may be assigned and the appropriate staff/child ratio; and
3. any special equipment, materials, ramps or aids.

(b) The licensee must provide written notification to the parent within 30 days of the receipt of the authorized and requested information, if, in the licensee's judgment, the accommodations required by 102 CMR 7.10(2)(a) to serve the child would cause an undue burden to the program. The licensee shall state the reasons for the decision. In addition, the notification shall inform the parent(s) that they may contact the Office and request that the Office determine if the licensee is in compliance with 102 CMR 1.03(1) and 7.10(2). The licensee shall maintain a copy of this notification in its records. The accommodations related to the toileting needs of a child with a disability who is not toilet trained shall not be considered an undue burden.

(c) In determining whether the accommodations required by 102 CMR 7.10(2)(a) are reasonable or would cause an undue burden to the program, the licensee shall consider the following factors which include but are not limited to:

1. the nature and cost of the accommodations needed to provide care for the child at the program;
2. ability to secure funding or services from other sources;
3. the overall financial resources of the licensee;
4. the number of persons employed by the licensee;
5. the effect on expenses and resources, or the impact otherwise of such action upon the licensee.

(d) The licensee shall, with parental permission, participate in the development and review of the child's program plan in cooperation with the LEA, Early Intervention Program and/or other health and service providers.

(e) The licensee shall, with parental permission, inform the appropriate administrator of special education, in writing, that the licensee is serving a child with a disability.

7.11: Food and Food Preparation

The licensee shall ensure that children receive nutritional snacks and meals prepared in a safe and sanitary manner.

(1) Written Menus. The licensee shall prepare written menus, including snacks, for each week. The licensee shall post menus weekly and keep previous menus on file.

(2) Meal Schedules. The licensee shall provide regular, nutritional mid-morning or mid-afternoon snacks for children in care for less than four hours, and shall regularly schedule meals, in addition to snacks, for children in care four hours or longer, and shall provide two meals and two snacks to any child in care over nine hours.

(3) The licensee shall ensure that children's nutritional needs are met in accordance with U.S.D.A. standards. The licensee or parent(s) may provide the meals and/or snacks for the children.

(4) Requirements for Feeding of Children. The licensee shall allow children to eat at a reasonable, leisurely rate and shall insure that each child receives an adequate amount and variety of food.

(a) No child shall be denied a meal for any reason other than written medical direction.

(b) The licensee shall encourage children to eat a well-balanced diet, but no child shall be forced or otherwise coerced to eat against his will.

(5) Requirements When Parents Send Meals. The licensee shall provide to parents, in writing, at the time of admission, a list of nutritious items which should go into a bag lunch when parents are required to provide meals. The licensee shall have a method for providing a nutritious meal, in accordance with 102 CMR 7.11(3), to a child whose parents fail to send a bag lunch.

(6) Requirements for Food Preparation and Service. The licensee shall store, prepare and serve all food and beverages in a manner that ensures that it is free from spoilage and safe for human consumption.

(a) The licensee shall provide refrigeration and storage for food at not less than 32° F, or more than 45° F for food requiring refrigeration.

(b) The licensee shall store all food in clean, covered containers.

(c) The licensee shall properly wash and sanitize all bottles, utensils, drinking utensils and dishes.

(d) The licensee shall provide eating and drinking utensils which are appropriate to the age and needs of the children, free from defects, cracks and chips.

(e) Disposable cups and plates may be used, but if plastic silverware is used, it shall be heavy duty and dishwasher proof.

(f) The licensee shall dispose of milk, formula or food unfinished by a child.

(g) The licensee shall prepare nutritious and tasteful meals in a manner which makes them appetizing.

(h) The licensee shall wash and disinfect the tables or high chair trays used by the children for eating before and after each meal.

(7) Drinking Water. The licensee shall provide a source of sanitary drinking water located in or convenient to rooms occupied by children.

(8) Special Diets. The licensee shall follow parental or physician's orders in preparation or feeding of special diets to children and shall follow the directions of the parents in regards to any food allergies of a child or where vitamin supplements are required.

7.12: Transportation

The licensee shall establish policies and procedures that keep children safe whenever they are being transported.

(1) Written Plan for Transportation.

(a) The licensee shall have a written plan for the transportation of children that includes transportation:

7.12: continued

1. to and from the program, including children who walk, where applicable;
2. in an emergency; and
3. on field trips.

(b) The plan shall identify how transportation is provided and who is responsible for the supervision of children prior to their arrival at the program.

(c) In School Age Programs: The licensee shall have written parental consent for each child's transportation plan.

(2) Vehicle and Driver Requirements.

(a) The licensee shall ensure that any vehicle used for transportation of more than eight children, at any one time, and the driver thereof shall conform to Massachusetts school bus requirements as contained in the pertinent sections of M.G.L. c. 90 and 540 CMR 7.00 (Minimum Standards for Construction and Equipment of School Buses).

(b) The licensee shall ensure that any program-owned, private or hired vehicles such as sedans, vans, or station wagons used for the transportation of eight or fewer persons, at any one time, and the driver thereof, conform to requirements as contained in M.G.L. c. 90, § 7(D). This is applicable whether or not the transportation is paid for directly or indirectly by the parent(s) of the child(ren),

(c) The operator of any vehicle transporting children shall be licensed in accordance with the laws of the state, and any vehicle used for transportation of children shall be registered and inspected in accordance with the laws of the state.

(3) Insurance. Any program-owned or staff member's vehicle used to transport children must have the following minimum amounts of liability insurance:

(a) injury per person: \$100,000;

(b) injury per accident: \$300,000;

(c) property damage: \$5,000.

(4) Transportation Safety. The licensee shall not allow the number of children riding in a program-owned, staff member's vehicle or hired vehicle for a program related activity, to exceed the number of seats therein at any time. All children must be seated when the vehicle is in operation.

(a) Suitable safety carriers, restraints or seat belts shall be provided for and used by each child, driver and attendant. All car restraints shall meet the U.S. Department of Transportation Federal Motor Vehicle Safety Standards guidelines and shall be crash tested and child approved.

(b) When more than eight children are being transported, an attendant other than the driver is required.

(c) Sharp, heavy or potentially dangerous objects shall be securely restrained when transporting children.

(d) The licensee shall identify and communicate to the driver of the vehicle any information that may assist him in transporting a child, including, but not limited to, any medical or behavioral problems.

(e) The driver of the vehicle shall release children only to persons designated by the parent(s) in a written authorization.

(f) Children shall not be regularly transported for periods longer than 45 minutes one way between their home and the location of the center.

(g) A first aid kit and emergency numbers for the children will be available in any vehicle.

7.20: Administration of the Group Day Care Center

The licensee shall insure that the center is soundly administered by qualified persons designated specific administrative and program responsibilities.

(1) Center Administration and Designation of Administrator. The licensee shall designate in writing at least one person who meets the administrator requirements of 102 CMR 7.20(2) and who is duly authorized to act as an agent for the licensee and who shall be responsible for the center administration as set forth in the administrative plan.

(a) The licensee shall establish a written administrative plan for the operation of the center including: business management and record keeping as required by 102 CMR 7.06(4); development and maintenance of the early childhood education program of the center, including, children with disabilities and if applicable, infants and/or toddlers; staff development, supervision and training; parent involvement and social services.

(b) If administrative duties are shared, the plan shall include the specific duties and hours of each person and will demonstrate that administrative duties are carried out by at least one person who is a full-time staff member on the premises and who meets the administrator requirements set forth in 102 CMR 7.20(2).

(c) The licensee shall not use staff to perform administrative duties when they are assigned teaching duties with groups of children.

(2) Requirements for Center Administration.

Reg. 102 CMR 7.20	Licensed capacity	Hours of operation/per day	Required non-teaching administrative time	Administrator Qualifications
(2)(a)	1-12	Any number of hours	none	Lead Teacher
(2)(b)	13-24	Four or fewer hours	none	Lead Teacher
(2)(c)	13-24	Four or more hours including programs with separate AM/PM sessions	none	Director I
(2)(d)	25-39	Four or fewer hours	none	Director I
(2)(e)	25-39	Four or more hours including programs with separate AM/PM session	50% of a full time position	Director I
(2)(f)	40-79	Any number of hours	100% of a full time position	Director I
(2)(g)	More than 79	Any number of hours	100% of a full time position	Director II

(h) The administrator in 102 CMR 7.20(a) through (d) may be assigned to a group of children and counted in the staff/child ratio and shall be full-time on the premises during hours of program operation;

(i) At least one staff member designated to carry out the duties as in 102 CMR 7.20(2)(e) through

(g) shall be full-time on the premises during the hours of program operation.

(3) Provisions for Temporary Absence of Administrator. The licensee shall inform all staff on duty as to who is responsible for administration of the center at any given time. In the event of the temporary absence of the administrator, the administrator must appoint a designee who shall be on the premises of the center while it is in operation. The designee shall meet the qualifications of a teacher, as required by 102 CMR 7.21(2)(b).

(4) Lead Teachers. The licensee shall provide a full-time staff member on the premises meeting lead teacher qualifications in 102 CMR 7.21(2)(c) or (d). This may be the same person as the administrator.

(a) In centers serving only preschoolers, the licensee shall provide a full-time staff member on the premises meeting lead teacher qualifications in 102 CMR 7.21(2)(d) to work with preschoolers.

(b) In centers serving only infant/toddlers, the licensee shall provide a full-time staff member on the premises meeting lead teacher qualifications in 102 CMR 7.21(2)(c) to work with infant/toddlers.

(c) In centers serving infant/toddlers and preschoolers, the licensee shall provide one full-time staff member on the premises meeting both preschool and infant/toddler lead teacher qualifications. If this responsibility is shared, the licensee shall demonstrate that at least one staff person is preschool lead teacher qualified, and at least one staff person is infant/toddler lead teacher qualified.

(d) In all centers with licensed capacities of more than 39 children, and for every increase in the licensed capacity of 40, the licensee shall provide one additional full-time person on the staff within the ratios who meets the qualifications for lead teacher.

(5) Designated Food Program Person. The licensee shall designate one person to be responsible for the food program of the center.

(6) Designation of Center Liaison. The licensee shall identify a staff member who is at least teacher qualified to serve as the center liaison for each child with a disability. The center liaison shall be responsible for coordinating care in the program and with service providers and communicating with the child's parents, service providers and center staff.

7.21: Staff Qualifications in Group Day Care Centers

The licensee shall insure that the center is staffed by appropriate numbers of persons with experience and/or education in the field of early childhood education.

(1) Definitions. For the purposes of staff qualifications in 102 CMR 7.21(2) the following definitions shall apply:

(a) Alternative Early Childhood Training Program. The successful completion of a post-secondary early childhood teacher training program, approved by the Office, which includes both academic study of the categories in 102 CMR 7.21(3) and at least one practicum as defined below.

(b) Early Childhood Continuing Education Unit. An Early Childhood Continuing Education Unit (CEU) is recognition for participation in an early childhood learning program designed for staff at day care centers. One CEU is granted for each 10 hours of instruction. CEUs must be approved by organizations designated by the Office.

(c) Practicum. The successful completion of a minimum of 150 hours, over at least an eight week period, of direct work with infants and toddlers or preschoolers, supervised by personnel from an institution of higher learning or an alternative early childhood training program, with at least three site visits, including conferencing, and placement with a lead teacher qualified staff member. Responsibilities of the student intern shall include program planning, parent relations, and

management of the whole group for a portion of the placement. The practicum must be with the appropriate chronological or developmental age to qualify staff to work with the corresponding age group. One practicum may substitute for nine months of work experience.

(d) Related Field of Study. A program at an accredited institution of higher learning which includes the study of caregiving, development, education, health care, or psychology of children, birth to eight years of age, or provision of direct services to children and their families.

(e) Work Experience. Experience in providing direct care and teaching during all types of program activities to a group of children, one month to seven years of age, or special needs children up to age 16, at least 12 hours per week, on a regular basis, in periods of at least four weeks in one program. Work experience of less than 12 hours per week may count as follows: 50 hours of consistent work at one program is equivalent to one month of work experience. Work experience, whether paid or unpaid, must meet the staff supervision requirements in 102 CMR 7.08(4)(d). Work experience must be in a licensed group day care center, family day care home or equivalent program accepted by the Office.

(2) Staff Qualifications. The licensee shall employ directors, lead teachers, teachers and assistant teachers who by prior education, training, experience and interest in fostering development and early childhood education are qualified to meet the needs of the children enrolled, and who meet the qualifications for their respective staff positions.

(a) Assistant Teacher. Must be at least 16 years of age or have a high school diploma or equivalent; must work at all times under the direct supervision of at least a teacher qualified staff person.

(b) Teacher.

1. Must be at least 21 years of age or have a high school diploma or equivalent and meet one of the following sets of requirements:

- a. Have successfully completed three credits in category Child Growth and Development and have nine months of work experience or one practicum; or
- b. Have a Child Development Associate (CDA) Credential; or
- c. Have graduated from a two-year high school vocational program in early childhood education, approved by the Office for both the education and experience requirements and have been evaluated and recommended by the program instructor.

2. The following education may substitute for a portion of the required work experience:

- a. An Associate's or Bachelor's degree in early childhood education or a related field of study may substitute for six months of the required experience.
- b. A Bachelor's degree in an unrelated field of study may substitute for three months of the required experience.
- c. For infant-toddler teachers, one continuing education unit (10 hours of instruction) in category Infant and Toddler Development, Care and/or Program Planning may substitute for three months of work experience.

3. To be qualified as a preschool teacher, three months of the required work experience must be in caregiving to preschool age children.

4. To be qualified as an infant/toddler teacher, three months of the required work experience must be in caregiving to infant/toddlers.

(c) Lead Teacher for Infants and Toddlers.

1. Must be at least 21 years of age and meet one of the following sets of requirements for education and experience. At least nine months of work experience or one practicum must be with infants and toddlers. If all work experience is with infants and toddlers, the total work experience required is reduced by _.

- a. High School diploma or equivalent; and
 - i. 12 credits in at least four categories of study except Day Care Administration including three credits in Child Growth and Development and three credits in Infant and Toddler Care; and
 - ii. 36 months of work experience.
- b. High School diploma or equivalent; Child Development Associate (CDA) Credential in Center-Based, Home Visitor or Family Day Care setting with infant/toddler endorsement; and
 - i. three credits in the category of study of Child Growth and Development; and
 - ii. 27 months of work experience.
- c. Associate's degree in Early Childhood Education or a related field of study; and
 - i. 12 credits in at least four categories of study except Day Care Administration including three credits in Child Growth and Development and three credits in Infant and Toddler Care; and
 - ii. 18 months of work experience.
- d. Bachelor's degree in an unrelated field of study; and
 - i. 12 credits in at least four categories of study except Day Care Administration including three credits in Child Growth and Development and three credits in Infant and Toddler Care; and
 - ii. 18 months of work experience.
- e. Bachelor's or advanced degree in Early Childhood Education or in a related field of study; and
 - i. 12 credits in at least four categories of study except Day Care Administration including three credits in Child Growth and Development and three credits in Infant and Toddler Care;
 - ii. and nine months of work experience.
- f. Alternative Early Childhood Training Program; and
 - i. 12 credits in at least four categories of study except Day Care Administration including three credits in Child Growth and Development and three credits in Infant and Toddler Care; and
 - ii. 27 months of work experience.
- g. Department of Public Health Early Intervention Specialist Certificate.

(d) Lead Teacher for Preschoolers.

1. Must be at least 21 years of age and meet one of the following sets of requirements for education and experience. At least nine months of work experience or one practicum must be with preschoolers.

- a. High School diploma or equivalent; and
 - i. 12 credits in at least four categories of study except Day Care Administration including three credits in Child Growth and Development, and two credits in Planning Programs, Curriculum or Classroom management; and
 - ii. 36 months of work experience.
- b. High School diploma or equivalent; Child Development Associate (CDA) Credential in Center Based, Home Visitor, or Family Day Care setting with a preschool endorsement; and
 - i. three credits in category Child Growth and Development; and
 - ii. 27 months of work experience.
- c. Associate's degree in Early Childhood Education or a related field of study; and
 - i. 12 credits in at least four categories of study except Day Care Administration including three credits in Child Growth and Development, and two credits in Planning Programs, Curriculum or Classroom management; and
 - ii. 18 months of work experience.
- d. Bachelor's degree in an unrelated field of study; and
 - i. 12 credits in at least four categories of study except Day Care Administration including three credits in Child Growth and Development, and two credits in Planning Programs, Curriculum or Classroom management; and
 - ii. 18 months of work experience.
- e. Bachelor's or advanced degree in Early Childhood Education, K-3, Teacher of Young Children with Special Needs Certification from the Department of Education, or in a related field of study; and
 - i. 12 credits in at least four categories of study except Day Care Administration including three credits in Child Growth and Development, and two credits in Planning Programs, Curriculum or Classroom management; and
 - ii. nine months of work experience.
- f. Alternative Early Childhood Training Program; and
 - i. 12 credits in at least four categories of study except Day Care Administration including three credits in Child Growth and Development, and two credits in Planning Programs, Curriculum or Classroom management; and
 - ii. 27 months of work experience.
- g. Department of Education Pre K-3 Early Childhood Teacher Certificate.

(e) Director I must meet the requirements of lead teacher; have six months of work experience after meeting lead teacher qualifications; have evidence of satisfactory completion of at least two credits or three CEUs in category Day Care Administration; and have evidence of satisfactory completion of at least two additional credits or three CEU's in any category 102 CMR 7.21(3)(a) through (k).

(f) Director II must meet all the requirements of Director I and have evidence of satisfactory completion of an additional two credits or three CEU's in any category 102 CMR 7.21(3)(f), or 102 CMR 7.21(3)(h) through (l).

(3) Categories of Study. The requirement for a category of study must be met with credits from an accredited institution of higher learning, alternative early childhood training program or with an Early Childhood Continuing Education Unit (CEU). Four CEUs are equal to three credits, three CEUs are equal to two credits. CEUs will not apply to Child Growth and Development. No more than three of the required 12 credits for lead teacher certification may be met with CEUs.

The study of Early Childhood Education shall be categorized as follows:

- (a) Child Growth and Development, Birth-Eight Years.
 - (b) Planning Programs and Environments for Young Children
 - (c) Curriculum for Early Childhood Settings
 - (d) Child and Classroom Management
 - (e) Advanced or Specialized Early Childhood Education or Development
 - (f) Children with Special Needs, Birth-16 years.
 - (g) Infant and Toddler Development, Care, and/or Program Planning
 - (h) Health and Safety in Early Childhood
 - (i) Families and Community
 - (j) Day Care Policy
 - (k) Supervision or Staff Development in Early Childhood Education
 - (l) Day Care Administration
- (4) Effective Date of Staff Requirements and Transition Process.
- (a) Administrative and teacher qualification requirements as specified in 102 CMR 7.20(2) and 7.21(1) through (3) became effective on October 16, 1996, and shall not affect any person who was issued a valid certificate for Teacher, Lead Teacher, Director I or Director II, issued by the Office of Child Care Services before December 4, 1995.
 - (b) Any person who was issued a valid certificate as a Teacher or Lead Teacher pursuant to 102 CMR 7.21(2)(b) through (d) as they existed between December 4, 1995 and October 16, 1996 shall remain validly registered. Any person who was issued a valid certificate as a Director pursuant to 102 CMR 7.21(2)(e) and (f) as it existed during the same period shall be considered to be certified as Director II.
 - (c) Applicants who submit evidence of meeting staff requirements for either Teacher, Lead Teacher or Director between October 16, 1996 and February 1, 1997, may be registered based upon whichever of the following qualification standards the applicant meets:
 - 1. Those requirements effective between December 4, 1995 and October 15, 1996; or
 - 2. Those requirements effective October 16, 1996.
- (5) Registration. Those who provide to the Office, in a form designated by the Office, sufficient evidence of meeting the requirements for a Teacher for Infants and Toddlers, a Teacher for Preschoolers, a Lead Teacher for Infants and Toddlers, a Lead Teacher for Preschoolers, and a Director I or II shall be registered by the Office. The Office will issue evidence of the registration which shall be permanent unless revoked or rescinded by the Office.
- (6) Volunteers or Student Interns.
- (a) Volunteers, including student teachers or interns, shall be chosen for their ability to meet the

needs of the children in care and shall be provided appropriate orientation, training, supervision, and staff development.

- (b) Each volunteer who has the potential for unsupervised contact with children shall have a background which, in the judgment of the licensee, is free of conduct which bears adversely upon his or her ability to provide for the safety and well being of children. For each such volunteer, the licensee shall have evidence of compliance with 102 CMR 1.05(2) and have conducted and documented at least one reference check.
- (c) In the event that the volunteer is a parent who has a child enrolled in the day care center and that parent is not included in the required staff/child ratio, then 102 CMR 1.05(2) is not applicable.
- (d) The licensee shall describe, in writing, any arrangements with any school or professional training program, including a description of student responsibilities and supervision of students by the school or training program and the day care center.

7.22: Staff/ Child Ratios and Supervision in Group Day Care Centers

The licensee shall insure the compliance with required staff/child ratios designed for the health, safety, and appropriate growth and development of each child.

- (1) Supervision. The licensee shall exercise supervision for the children in care that adequately ensures their health and safety.
 - (a) There shall be two adults trained in the center's health care and emergency procedures as specified in 102 CMR 7.05(1) on the premises at all times except as provided in 102 CMR 7.22(2)(b).
 - (b) The licensee shall, at no time, leave children unsupervised.
- (2) Supervision at the Beginning and End of the Day. During the first and last hour of program operation, the licensee may exceed the ratios pursuant to 102 CMR 7.23(5) if the following conditions are met.
 - (a) two adults, one of whom shall meet teacher qualifications, shall be on the premises performing teaching duties at all times when there are seven or more children present;
 - (b) if no more than six children are present, the center may operate with only one teacher qualified staff person performing teacher duties if :
 - 1. there are no more than two children under the age of two years and nine months in the group;
 - 2. the teacher is trained in the Health Care Policy 102 CMR 7.05(1);
 - 3. there is a neighbor or other adult available, promptly, for emergencies. The name, location, and telephone number of this person is posted.
 - (c) The groupings required by 102 CMR 7.22(5)(a) through (g) shall remain in effect during the beginning and end of the day except when there are no more than six children present including no more than two children under two years and nine months of age present.
- (3) Staff Schedules.
 - (a) The licensee shall establish a written schedule listing persons on duty. The schedule shall show compliance with the minimum staff ratios required by 102 CMR 7.00.
 - (b) The licensee shall keep the schedule current.
- (4) Staff to Be Included in Ratios.

(a) For purposes of calculating staff/child ratios under 102 CMR 7.00, staff shall include only those persons hired or assigned to supervise or teach children for specific hours of the day.

(b) In no case shall the licensee assign paid or volunteer staff persons under the age of 16 to meet required staff/child ratios.

(c) The licensee shall not assign teaching assistants, student interns or parents, who do not meet the qualifications for a teacher, to a group which does not also have a teacher assigned.

(d) Student interns and volunteers, other than parents of children in the center, shall not be included in staff/child ratios unless they are assigned to the center for at least three consecutive months.

(5) Staff/Child Ratios. The licensee shall maintain the following staff/child ratios:

REGULATION NUMBER	AGE GROUP/ FULL OR HALF DAY PROGRAM	MAXIMUM GROUP SIZE	TEACHER/CHILD RATIO	TEACHER QUALIFICATIONS
(5)(a)	INFANTS (1 mo-15 mo) FULL/HALF	no larger than 7	1 to 3 1 additional teacher or assistant for 4-7 infants	Infant/Toddler Teacher Qualified
(5)(b)	TODDLERS (15 mo-2.9 years) FULL/HALF	no larger than 9	1 to 4 1 additional teacher or assistant for 5-9 toddlers	Infant/Toddler Teacher Qualified
(5)(c)	INFANTS AND TODDLERS (1 mo-2.9 years) FULL/HALF	no larger than 9; no more than 3 infants	1 to 3 1 additional teacher or assistant for 4-9 infants and toddlers	Infant/Toddler Teacher Qualified
(5)(d)	TODDLERS/ PRESCHOOLERS (15 mos - 7 years) FULL/HALF	no larger than 9 At least one preschooler in group	1 to 5 1 additional teacher or assistant for 6-9 children	Infant/Toddler AND Preschool Teacher Qualified
(5)(e)	PRESCHOOLERS (2.9 - 7 years) FULL	no larger than 20	1 to 10 1 additional teacher or assistant for 11-20 children	Preschool Teacher Qualified
(5)(f)	PRESCHOOLERS 2.9 to 7 years HALF	no larger than 24	1 to 12 1 additional teacher or assistant for 13-24 children	Preschool Teacher Qualified

(5)(g)	KINDERGARTEN (4.9 - 7 years) FULL/HALF	no larger than 30	1 to 15 1 additional teacher or assistant for 16-30 children	Preschool Teacher Qualified
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7.23: Curriculum, Activities, and Equipment in Group Day Care Programs

The licensee shall provide a well-rounded variety of age-appropriate activities, toys, and equipment for children designed to promote their individual growth and development.

(1) Required Plan. The licensee shall establish a written plan describing the various activities of the center for a typical week which shall be posted in a place which can be easily viewed by staff and visitors. Such plan shall indicate time for the following activities, for all children, infants and/or toddlers:

- (a) snacks and meals;
- (b) rest, sleep or quiet activity;
- (c) toileting;
- (d) outdoor play;
- (e) indoor activities;
- (f) field trips, if any.

(2) Requirements for Activities. The licensee shall provide a well-balanced plan of activities that supports the developmental needs of all children served. The licensee shall provide the following:

- (a) reasonable regularity in routine, with sufficient flexibility to respond to the needs of individual children;
- (b) opportunity for a child to have a free choice among a variety of activities or to play alone or with one or several chosen peers if desired for at least two periods a day, for full day centers; and one period a day, for half day centers;
- (c) daily indoor and outdoor time periods, weather permitting, which include both small and large muscle activities;
- (d) opportunities for the child to participate in a variety of creative activities, such as art, music, literature, dramatic play and science;
- (e) provision for privacy through arranging a small, quiet area that is inviting to children and is easily accessible to the child who seeks or needs time alone;
- (f) experiences which are in harmony with the life style and cultural background of the children enrolled. Cultural diversity shall be reflected through the incorporation of different language, foods, celebrations and activities where appropriate;
- (g) opportunities for all children to learn self-help skills such as dressing and undressing, buttoning, tying shoes and using eating utensils appropriately.

(3) Varieties of Equipment. The licensee shall have sufficient play materials, equipment and furnishings for the children enrolled at any one time. The licensee shall provide an adequate variety of play materials and equipment which shall be representative of each category listed below:

- (a) art supplies: paint (tempera, poster, finger), easel, crayons, blunt scissors, paste, clay, and collage materials;
- (b) blocks and accessories: large and small blocks, boats, cars, planes, trains, figures of people,

and animals of various sizes;

(c) books and posters: picture and story books, flannel boards;

(d) dramatic play area: beds, dolls, telephones, toy stoves, sink, refrigerator, cabinets, table, chairs, dishes, pots, pans, ironing board, iron, cleaning equipment, broom, dress-up clothes (both men's and women's), large mirror placed at child's level, puppets, and materials for costumes;

(e) large muscle equipment: boxes, boards, saw horses, barrels, climbers, ladders, workbench, sand, water, wheel toys, swings, slides, balls;

(f) manipulative toys: pegs, beads, lotto, puzzles, pounding boards, small building sets;

(g) musical equipment: piano, recorded music, and audio equipment, drums, cymbals, bells, rhythm sticks;

(h) science materials: aquarium with fish, non-poisonous seeds and flower pots, growing plants, gardening tools, dry batteries, magnets, compass, thermometer, rope and pulleys, magnifying glass and computers;

(4) Requirements for Equipment. The licensee shall only use equipment, materials, furnishings, toys, and games which are appropriate to the needs and developmental level of the child. They must be sturdy, safely constructed, flame retardant, easily cleaned, free from lead paint, protruding nails, rust, and other hazards which may be dangerous to children.

(a) The licensee shall not use any equipment, materials, furnishings, toys, or games identified by the U.S. Consumer Safety Commission as being hazardous.

(b) The licensee shall keep all equipment, materials, furnishings, toys, and games clean and in a safe, workable condition.

(c) Some materials and equipment shall be visible and readily accessible to the children in care and shall be arranged so that children may select, remove and replace the materials either independently or with minimum assistance.

(d) The licensee shall provide equipment which reflects the racial and ethnic composition of the children enrolled.

(6) Dining Furniture. The licensee shall provide tables and seats for use by children while dining which are of a type, size and design appropriate to the ages and needs of the children.

(7) Requirements for Pets.

(a) The licensee shall select pets for the center that are developmentally appropriate for the children in care. Before introducing a pet to the center, the licensee shall consider the effect on the children's health and safety.

(b) If pets are kept at the center, the licensee shall:

1. ensure that animals, regardless of ownership, are free from disease and licensed and/or vaccinated as prescribed by law;
2. not allow children to take part in the cleaning of the animal's cage;
3. keep pets in a safe and sanitary manner.

7.24: Care of Children in Group Day Care Programs

The licensee will provide for the physical and emotional needs of the children. Infants and toddlers will have special attention paid to their age-specific requirements.

(1) Personal Hygiene.

(a) The licensee shall ensure that when each child's face is washed, an individual, labeled washcloth or disposable material is used. If non-disposable washcloths are used they shall be stored open to air, without touching each other.

(b) The licensee shall have available extra clean and dry indoor and outdoor clothing to change a child's clothing when wet or soiled.

1. For children who are under two years and nine months of age and/or not toilet trained, the licensee shall, in addition, ensure that a change of clothing is provided for each child.

2. For clothing soiled with fecal matter, the stool shall be emptied into the toilet.

3. Soiled clothing shall be placed in a sealed plastic container or bag, labeled with the child's name and returned to the child's parent at the end of the day.

(c) Licensees that encourage children to brush their teeth while at the center shall use individual, labeled toothbrushes and shall store them open to air without touching each other.

(2) Emergency Preparedness.

(a) First Aid Materials: The licensee shall maintain adequate first aid supplies, including, but not limited to: adhesive tape, bandaids, gauze pads, gauze roller bandage, disposable latex gloves, instant cold pack, syrup of ipecac, scissors, tweezers and thermometer.

(b) Evacuation Procedures: The licensee shall hold practice evacuation drills with all groups of children and all staff at least every other month. The drills shall be held at different times of the program day. The licensee shall document the date, time, and effectiveness of each drill. The Licensee will develop specific procedures to be followed for evacuating children with disabilities, and for infants and toddlers as required in 102 CMR 7.24(6)(g).

(c) Emergency Situations: The licensee shall develop specific written contingency plans and procedures to deal with fire, natural disasters, loss of power, heat, or water.

(3) Care of Mildly Ill Children. The licensee shall have a plan for the care of mildly ill children. The plan shall include, but not be limited to, meeting individual needs for food, drink, rest, play materials, comfort and appropriate indoor activity.

(a) The center shall provide a quiet area for mildly ill children.

(b) In centers where mildly ill children are cared for in a separate space or room, the licensee shall be permitted to care for mixed age groups of children, provided that the staff ratio for the youngest child in the group is met at all times.

(c) Staff assigned to care for mildly ill children in a separate space or room shall at least meet teacher qualifications of 102 CMR 7.21(2)(b) and shall have been trained in the following areas:

1. general practices and procedures for the care and comforting of ill children;

2. recognition and documentation of symptoms of illness;

3. taking children's temperature.

(4) Toileting and Diapering.

(a) The licensee shall have a written plan describing procedures for regular toileting, and if applicable, toilet training and diapering of children; and for disposal or cleaning of soiled clothing, linen, blankets and diapers. This plan shall be posted in toileting and diapering areas.

(b) The licensee shall toilet train children in accordance with the requests of their parents and consistent with the child's physical and emotional abilities.

(5) Sleep, Rest and Quiet Activity.

(a) Rest or Quiet Activity Period. The licensee shall provide for a mid-session rest or quiet activity period in a program where children are in care for less than four hours. The length of the rest or quiet activity period shall be appropriate to the needs of the children.

(b) Extended Rest, Quiet Activity or Sleep Period. The licensee shall, in addition to the mid-session rest or quiet activity period, provide for extended rest, quiet activity or sleep to children in care for longer than four hours. The length of this period shall be appropriate to the needs of the children, but in no case shall it be less than 45 minutes. Children shall be allowed the amount of rest, quiet activity or sleep needed.

(c) Requirement for Extended Rest or Sleep Periods. The licensee shall provide the following during rest or sleep periods:

1. an area which is designed to minimize noise and disturbance;
2. a separate mat, cot or bed, and blanket for each child;
3. no use of restraints on children while sleeping, but use of hospital crib nets is permitted;
4. cots, mats, blankets and sheets used must be individually marked and in good repair and clean.
5. The licensee shall ensure that blankets and bed linens are stored in a safe and sanitary manner.

(d) Space and Sleeping or Rest Area. The licensee shall arrange a sleeping or rest area which is large enough to maintain a minimum of two feet between each crib, bed, cot or mat on all sides except where in contact with a wall or partition. The licensee shall arrange the sleeping area in such a way that children are easily accessible during an emergency.

(6) Additional Requirements for Infants and Toddlers.

(a) Age Restriction. The licensee shall not admit a child under one month of age.

(b) Infant/Toddler License. The licensee shall admit infants or toddlers only if licensed or approved to do so. Upon request, the Office may amend an existing license issued under these standards to allow admissions of infants and/or toddlers, providing that the licensee demonstrates that they can meet applicable standards.

(c) Feeding. Infants and toddlers shall be fed according to their individual feeding schedules or needs.

1. When not mature enough to sit in an eating table or high chair, infants shall be held while fed.
2. When not mature enough to sit at a table, infants and toddlers shall be fed in high chairs or eating tables.
3. When feeding tables or high chairs are used, they shall be designed to prevent children from falling or slipping.
4. The licensee shall prepare formulas at the center according to the written plan of each child's parent(s), or if there is no plan, they shall use prepared, pre-sterilized formulas.

(d) Diapering and toileting: The licensee shall ensure that:

1. Diapering areas shall be separate from facilities and areas used for food preparation and food service;

2. A supply of clean, dry diapers adequate to meet the needs of the children is maintained;
3. Each child's diaper is changed when wet or soiled;
4. A common changing table or diapering surface shall not be used for any other purpose;
5. The changing surface shall be smooth, intact, impervious to water and easily cleaned.
6. A disposable covering is used on the changing surface which shall be:
 - a. of adequate size to prevent the child from coming in contact with the changing surface;
 - b. changed after each child has been diapered and disposed of in a closed container;
7. The changing surface is washed and disinfected, as specified in 102 CMR 7.05(6)(b), after each child has been diapered;
8. Running water shall be next to the diapering area for handwashing;
9. Staff wash their hands with liquid soap and running water using friction after diapering a child. Hands shall be dried with individual or disposable towels;
10. Each child is washed and dried with individual washing materials during each diaper change. After changing, the child's hands shall be washed with liquid soap and running water. Hands shall be dried with individual or disposable towels;
11. Soiled disposable diapers are placed in a closed container that is lined with a leakproof disposable lining. These diapers shall be removed from the center daily or more frequently as necessary;
12. Soiled non-disposable diapers are placed in a sealed plastic container labeled with the child's name and returned to child's parents at the end of the day.

(e) Sleeping and napping.

1. A crib shall be available for every child under 12 months.
2. Pillows should not be given to infants.

(f) Activities and Equipment.

1. For centers accepting infants, the licensee shall provide developmentally appropriate toys and materials.
2. There will be an opportunity for infants and toddlers to crawl freely for the major part of the day, with certain times specified for individual talking to, handling, and playing with by the assigned teacher.
3. The daily schedule will include time in and out of the crib for infants, individual feeding, sleeping and washing schedules.

(g) Evacuation Procedures. The Licensee will develop specific procedures to be followed to evacuate the center in the event of fire or other emergency, including the specific procedures to be followed for evacuating infants and toddlers who may need additional assistance during an evacuation from the center. Cribs used for evacuation shall be of adequate construction to meet this purpose, easily movable and of a size to fit through exit doors to the outside.

7.25: Physical Facility Requirements in Group Day Care Centers

The licensee shall ensure that the physical facilities are safe, clean, comfortable, and free from hazards.

(1) Safety Inspection. The licensee shall have a certificate of inspection from the Department of Public

Safety or the local building inspector certifying that the day care center complies with the State Building Code (780 CMR 633.0). The licensee shall provide a copy of such certificate to the Office. The certificate shall indicate that:

- (a) Each center caring for children less than two years and nine months in age meets the building code applicable to use group I-2.
 - (b) Each center caring for children more than two years and nine months in age meets the building code applicable to use group E.
- (2) Health Inspection.
 - (a) The licensee shall provide evidence of inspection from the local health department and compliance with Chapter X of the State Sanitary Code (105 CMR 590.000), if the center provides hot meals for 13 or more children.
 - (b) The licensee shall provide evidence that any private well or water source has been inspected and approved by the local board of health, health department, or private laboratory. This evidence will be updated upon renewal of a regular license.
- (3) Lead Paint Requirement and Lead Paint Inspection. The licensee shall ensure that paint used in the center is lead free.
 - (a) The licensee shall provide evidence of a lead paint inspection from the local board of health, or the Massachusetts Department of Public Health, or a private lead paint inspection service and compliance with 105 CMR 460.000 (Department Of Public Health Prevention and Control of Lead Poisoning regulations).
 - (b) A licensee that obtained evidence of a lead paint inspection and compliance with 105 CMR 460.000 from the local board of health or the Massachusetts Department of Public Health, or a private lead paint inspection service prior to July 1, 1988, will not be required to comply with additional deleading requirements unless so ordered by the local board of health or the Massachusetts Department of Public Health to remain in compliance with 105 CMR 460.000, or when expanding to space not previously approved by the Office.
 - (c) The licensee shall, in addition, remove and cover any chipping, flaking or otherwise loose paint or plaster found to contain lead according to current Department of Public Health requirements.
- (4) Outdoor Space. The licensee shall maintain, or have access to, an outdoor play area of at least 75 square feet per child using it at any one time.
 - (a) The average width of such a play area shall not be less than eight feet.
 - (b) The outdoor play area shall be accessible to both direct sunlight and shade.
 - (c) The outdoor play area shall be free from hazards including but not limited to: a busy street, poisonous plants, water hazards, debris, broken glass, and dangerous machinery or tools, or location on a porch. Any such hazard shall be fenced by a sturdy, permanently installed barrier which is at least four feet high or otherwise protected or removed, as appropriate.
 - (d) If the outdoor play space is located on a roof, it shall be protected by a non-climbable barrier at least seven feet high.
 - (e) The outdoor play space shall not be covered with a dangerously harsh, abrasive, or toxic material.
 - (f) The ground area and fall zones under swings, slides, and climbing structures shall be covered with an adequate depth of an impact absorbing material.

- (g) In programs serving infants and toddlers, pea gravel and wood chip nuggets shall not be used.
- (5) Indoor Space. The licensee shall have a minimum of 35 square feet of activity space per child, exclusive of hallways, lockers, wash and toilet rooms, isolation rooms, kitchens, closets, offices or areas regularly used for other purposes.
- (6) Floors. Floors of rooms used by children shall be clean, unslippery, smooth and free from cracks, splinters and sharp or protruding objects and other safety hazards;
- (7) Ceilings and walls. Ceilings and walls shall be maintained in good repair, and shall be clean and free from sharp or protruding objects and other safety hazards.
- (8) Heating sources. All steam and hot water pipes and radiators shall be protected by permanent screens, guards, insulations or any other suitable device which prevents children from coming in contact with them.
- (9) Electrical outlets. All electrical outlets, within the reach of children, shall be made inaccessible by use of a safety device or covering that bars access to the receptacle openings. If the covering is a shock stop, it shall be of adequate size to prevent a choking hazard.
- (10) Room temperature. Room temperature in rooms occupied by children shall be maintained at not less than 65° F at 0° F outside; and at not more than the outside temperature when the outside temperature is above 80° F.
- (11) Office space. There shall be designated space, separate from children's play or rest areas, for administrative duties and staff or parent(s) conferences.
- (12) Personal space. There shall be sufficient space, accessible to children, for each child to store clothing and other personal items.
- (13) Pest elimination. The interior of the building shall be clean and maintained free from rodents and/or insects. Safe and effective means of eliminating insects and/or rodents shall be provided. All extensive extermination shall be carried out by a licensed exterminator.
- (14) Windows. The licensee shall provide suitable guards across the inside of any windows that are accessible to children and present a hazard. The licensee shall provide suitable guards across the outside of basement windows abutting outdoor play areas.
- (15) Stairwells. Guards shall be placed at the top and bottom of stair wells opening into areas used by children. Pressure gates may not be used at the top of stairs.
- (16) Telephone. The licensee shall provide at least one non-coin-operated telephone on the premises of the center for center use. The telephone numbers of the health care consultant, fire department, police, ambulance, nearest emergency health care facility, Poison Control Center, telephone number and address of the program, including the location of the program in the facility and, if applicable, the adult designated to be called in emergencies if the program is staffed by only one person, shall be immediately visible at each telephone.
- (17) Prohibition of General Housekeeping Activities. Routine, major house-keeping activities such as vacuuming, washing floors and windows shall not be carried on in any room while it is occupied by the children.
- (18) Toilets and Washbasins. The licensee shall maintain one toilet and washbasin for every 20 children in one or more well ventilated bathrooms.
- (a) When adult toilets and wash basins are used, the licensee shall provide non-tippable stairs to permit access by those children who are able to use them.
- (b) In addition to toilets, portable "potty chairs" may be used in the bathroom or separate room for children unable to use toilets.

- (c) Special handrails or other aids shall be provided if required by special needs children.
- (19) Water Temperature. The licensee shall provide both hot and cold running water in wash basins and for water used by children. There shall be a temperature control to maintain a hot water temperature at no more than 120° F.
- (20) Required Barrier to Kitchen. The licensee shall provide a barrier, such as a door or gate, which prevents children's access to the kitchen while unsupervised.
- (21) Required Maintenance. The kitchen shall be maintained in a sanitary condition and garbage receptacles used in the kitchen shall be emptied and cleaned daily.
- (22) Dining Room or Areas. The licensee shall maintain dining rooms or areas which are sufficiently large to fit tables and seats for persons eating in an uncrowded manner, and shall be clean, well lit and ventilated.

7.26: Physical Access

- (1) Effective Dates. The licensee shall ensure access for persons with disabilities either by compliance with the design standards in 521 CMR (Architectural Access Board) or by compliance with the requirements of 102 CMR 7.26.
- (a) Group day care centers licensed as of September 8, 1992 and which have continued to be licensed shall be exempt from the requirements of 102 CMR 7.26.
- (b) Group day care centers licensed as of September 8, 1992 and which have continued to be licensed, although subsequently changing ownership or licensee shall be exempt from the requirements of 102 CMR 7.26.
- (c) Group day care centers licensed as of September 8, 1992 and which have continued to be licensed, but subsequently change location may be exempt from some or all of the requirements of 102 CMR 7.26 if the Office determines that circumstances exist which adversely affect a center's ability to comply with 102 CMR 7.26. Such circumstances include, but are not limited to: reason for relocation, availability of accessible space, effect on expenses and resources, or the impact otherwise of this action upon the licensee.
- (d) Notwithstanding the exemptions in 102 CMR 7.26, group day care centers that renovate or remodel their existing sites shall be in compliance with 780 CMR (the State Building Code) and the 521 CMR (the Architectural Access Board), as required by state or local building authorities.
- (2) Access to Care and Activities. The level or story which can be reached by the accessible entrance shall provide access to the full range of activities provided by the program, including but not limited to: access to at least one group for each age grouping cared for and access to the space or room used for the activities as required by the written plan pursuant to 102 CMR 7.23(1).
- (3) Site Access. A clear path of travel, a minimum of 36 inches wide, shall be provided from the sidewalk, parking area and passenger loading area to the accessible entrance. This path of travel shall have a continuous evenly paved or hard-packed surface, with no changes in level greater than ½ inch and a slope not to exceed 1:20.
- (a) If the slope is greater than 1:20, then the path shall comply with the requirements 102 CMR 7.26(4).
- (b) If curbcuts are provided as part of the path of travel they shall comply as follows:
1. Width minimum 36 inches excluding sloped sides;
 2. Slope of curb cut shall not exceed 1:12;
 3. Lip at road edge maximum ½ inch high.

4. Sides of curb cuts shall extend no less than 24 inches at the curb.

(4) Ramps. All ramps shall comply with the following:

- (a) A slope no greater than 1:12;
- (b) A minimum width of 48 inches between the handrails;
- (c) Handrails set on both sides at a height of 19 inches and 34 inches, extending 12 inches beyond the top and bottom of the ramp. The handgrip portion shall be round or oval with a diameter 1¼ to two inches;
- (d) Level platforms a minimum of 48 inches long at the bottom, the top, every 32 feet and where the ramp changes direction;
- (e) A non-slip surface.

(5) Entrance. At least one entrance to the building shall be accessible to persons with disabilities. If the main entrance is not accessible, a sign with the international symbol of accessibility shall be posted directing persons from the ordinary path of travel to the accessible entrance. The approach to the accessible entrance shall be a complying walk or ramp with a level area 60 inches by 60 inches exterior of the doorway.

(6) Doorways. Interior and exterior doors shall meet the following requirements:

- (a) Doors shall have a minimum width of 36 inches. Pivoted and balanced hardware doors and other non-hinged doors shall provide a minimum clear opening of not less than 32 inches measured at 90° .
- (b) Thresholds maximum ½ inch high, beveled on both sides;
- (c) Door hardware operable with a closed fist including but not limited to levers, push plates, pull bars, panic hardware or automatic door openers, but not including conventionally operating door knobs or thumb latch devices;
- (d) An 18 inch clear level floor area beyond the latch, pull side of the doorway;
- (e) Door pressure no greater than 15 pounds for exterior doors and eight pounds for interior doors, door closing speed minimum six seconds;
- (f) If applicable, a vestibule with a length a minimum of 48 inches plus the width of the door opening into the space.

(7) Elevators. If an elevator is used as part of the path of travel or to provide access to full program activities, it shall comply with the following:

- (a) Self leveling, within ½ inch of the floor;
- (b) Middle of button panel at landing a maximum of 42 inches high;
- (c) Minimum of 32 inch wide door opening;
- (d) Reopening device activated when cab door is obstructed;
- (e) Audible signals in elevator cab and at landings;
- (f) Raised floor numbers, letters or symbols;
- (g) Cab size a minimum of 54 inches by 54 inches measured from wall-to-wall and wall-to-door;
- (h) Top of control panel a maximum of 54 inches high;
- (i) At least one handrail in the car.

- (8) Wheelchair Lifts. If a wheelchair lift is used as part of the path of travel or to provide access to full program activities, it shall comply with 524 CMR (Board of Elevator Regulations) and receive a variance from the Architectural Access Board.
- (9) Stairs. All interior and exterior stairs shall comply with the following:
- (a) No open risers;
 - (b) Nosings not projecting and not damaged;
 - (c) Double handrails on both sides of the stairs: the upper rail set between 30 inches and 33 inches measured vertically above the nosing of the treads and the lower rail set at approximately 20 inches measured vertically at the face of the rise. The top handrail shall extend at least 12 inches beyond the top and bottom of the stairs.
 - (d) A round or oval handgrip with a diameter between 1¼ inches and two inches.
- (10) Restrooms. At least one unisex restroom or one each male and female restrooms shall be provided that comply with the following:
- (a) A doorway that meets the requirements of 102 CMR 7.26(6);
 - (b) A five foot turning radius measured 12 inches above the floor;
 - (c) If the restroom contains stalls, at least one stall shall measure five feet by six feet.
- (11) Outdoor Space. An outdoor play area shall be accessible by an entrance and doorway that meet the requirements of 102 CMR 7.26(3) and (4). A hard-packed or paved, unobstructed path of travel with no abrupt changes in level greater than ½ inch shall be provided from the doorway to the area.

7.30: Licensure and Approvals of School Age Programs

In order to provide every child "a fair and full opportunity to reach his full potential," the Office has developed specific requirements for programs to be licensed.

- (1) School Age Child Care Programs Which Operate During the Summer Months. A program which operates exclusively from the licensed facility during the summer months is issued a year-round license; a program which partially relocates to a summer camp setting is subject to 102 CMR 7.00 during the hours that children are based at the licensed facility; a program which operates exclusively from the licensed facility year-round but considers itself a summer camp may be issued a school-year-only license but is required to provide to the Office a copy of a current camp permit for the summer program which is issued by the local health department.
- (2) Program Size. The licensee shall not admit or enroll, at any one time, more children than the licensed capacity of the program.

7.31 Administration of School Age Child Care

The licensee shall ensure that the program is soundly administered by qualified persons designated specific administrative and program responsibilities.

- (1) Program Administration and Designation of Administrator.
- (a) The licensee shall designate in writing a person or persons who shall function as:
 1. A program administrator who shall have overall responsibility for the operation of the program and who shall be authorized to act as the licensee's agent; and
 2. An on-site coordinator for each site.
 - (b) All employees on duty shall know who is responsible for administrative supervision of the

school age child care program at all times.

(c) The licensee shall operate a program which is soundly administered. The licensee shall establish, in writing, an administrative plan for the operation of the program including: business management and record keeping as required by 102 CMR 7.06(4); development and maintenance of the school age child care program, including if applicable, kindergarten, older school age children and/or children with disabilities; daily activities; equipment; and staff supervision and training. The administrative plan shall specify how administrative functions and responsibilities are carried out. If administrative functions are carried out by more than one person, the plan shall detail, in writing, how the administrative duties shall be carried out by designated individuals.

(d) Each licensee shall establish a system of business management and staffing to ensure that the school age child care program maintains complete and accurate accounts, books and records, including required financial, personnel and children's records.

(e) The licensee shall not use staff to perform administrative duties when they are responsible for a group of children.

(2) Requirements for Program Administration.

(a) Single Site Programs. The program administrator for a single site program may serve as the site coordinator. The program administrator shall meet the requirements of 102 CMR 7.32(2)(a).

1. For a single site program with a licensed capacity of 52 or fewer children, the program administrator/site coordinator may be counted in the staff to child ratio and assigned to a group of children.

2. For a single site program with a licensed capacity of 53 or more children, the program administrator may not be counted in the staff to child ratio.

(b) Multi-site Programs. The program administrator of a multi-site program shall be available during all hours of program operation and may not serve as a site coordinator, regardless of the licensed capacity of the programs. The program administrator shall meet the requirements of 102 CMR 7.32(2)(a). The program administrator shall designate a person to serve in his/her absence. The designee shall at least meet the requirements of 102 CMR 7.32(2)(b) (site coordinator) and may not be counted in the staff/child ratio.

(c) All Programs. A site coordinator shall be on the premises during all hours of program operation except as allowed by 102 CMR 7.33(2)(c). The site coordinator shall meet the requirements of 102 CMR 7.32 (2)(b).

1. In programs with a licensed capacity of 52 or fewer children the site coordinator may be counted full-time in the staff/child ratio and assigned to a group of children.

2. In programs with a licensed capacity of 53 or more children, the site coordinator may not be counted in the staff/child ratio.

(3) Designation of Kindergarten Coordinator. The licensee shall designate a staff person who meets the requirements of kindergarten coordinator as required by 102 CMR 7.32(2)(d) who shall be responsible for developing and overseeing implementation of the kindergarten plan as required by 102 CMR 7.34(1)(a). The kindergarten coordinator shall observe the kindergarten program in operation at least monthly and provide ongoing evaluation of the program for kindergarten children.

7.32: Staff Qualifications in School Age Programs

The licensee shall employ staff who are meet basic requirements and keep records documenting their qualifications. Staff shall be encouraged to continue their education in their appropriate fields and maintain open and ongoing communication within the program to enhance the quality of care provided to the children.

(1) General Requirements. The licensee shall have employees and volunteers who, by prior education, training, experience and interest in school age children and their families, are appropriate to their staff positions and who meet the needs of the children in their care.

(2) Staff Qualifications.

(a) Program Administrator. A program administrator shall be at least 21 years of age and meet one of the following sets of requirements:

1. Have a minimum of a Bachelor's Degree in Child Development, Early Childhood Education, Elementary Education, Child Guidance, Human Services, Nursing, Psychology, Physical Education, Recreation, Child Psychology, the Arts, Social Work, Sociology or Child Care; and have six months experience working with school age children; and have six months of administrative experience or evidence of satisfactory completion of at least nine credits in management or administration subject areas from an accredited institution of higher education; or
2. Have a Bachelor's Degree in any field or an Associate's Degree in any of the fields of study listed in 102 CMR 7.32(2)(a)1.; and have 18 months of experience working with school age children; and have six months administrative experience or have evidence of satisfactory completion of a least nine credits in management or administration subject areas from an accredited institution of higher education; or
3. Have a high school diploma or equivalent; and have four years of experience working with children, 2/3 of which is with school age children; and have one year of administrative experience or have evidence of satisfactory completion of nine credits in management or administrative subject areas from an accredited institution of higher education.

(b) Site Coordinator. A site coordinator shall be at least 20 years of age and meet one of the following sets of requirements:

1. Have a minimum of a Bachelor's Degree in Child Development, Early Childhood Education, Elementary Education, Child Guidance, Human Services, Nursing, Psychology, Physical Education, Recreation, Child Psychology, the Arts, Social Work, Sociology, or Child Care; and have six months of experience working with school age children; or
2. Have a Bachelor's Degree in any field or an Associate Degree in any field of study listed in 102 CMR 7.32 (2)(b)1. and have nine months of experience working with school age children; or
3. Have a high school diploma or equivalent; and have one year of experience working with school age children.

(c) Group Leader. A group leader shall be at least 18 years of age and meet one of the following sets of requirements:

1. Have a Bachelor's Degree or an Associate's Degree; and have three months of experience working with school age children; or
2. Have a high school diploma or equivalent; and have six months experience working with school age children including three months supervised experience at a school age child care program; or
3. Have nine months experience with school age children including three months supervised experience at a school age child care program.

(d) Kindergarten Coordinator. A kindergarten coordinator shall be at least group leader qualified as required by 102 CMR 7.32(2)(c) and shall meet the following requirements for experience and education:

1. Three months of the required experience shall be with preschool and/or kindergarten-age children.
2. Successful completion of one course in child growth and development offered by an institution of higher education.

(e) Assistant Leader. An assistant leader assists the group leader in carrying out his/her responsibilities and works under the guidance of the group leader. Assistant leaders under the age of 18 must work under the direct supervision of the group leader. An assistant leader shall meet one of the following sets of requirements:

1. be at least 16 years of age and have a high school diploma or equivalent; or
2. be at least 16 years of age and be currently enrolled in a high school program or equivalent; or
3. be 18 years of age or over.

(f) Volunteers: If volunteers are used, the licensee shall describe, in writing, its plan for using volunteers. The licensee shall have evidence of each volunteer's compliance with 102 CMR 1.05(2). At least one reference check shall be conducted and documented on each volunteer.

1. Volunteers shall possess qualifications in accordance with the services they provide.
2. The licensee shall provide volunteers with appropriate orientation, supervision and training.
3. The licensee shall maintain a record for each volunteer which shall include the volunteer's resume or application; documentation of education, employment history and completed CORI evaluation as required by 102 CMR 1.05(2) and record of reference verification.
4. For volunteers who will be counted in the staff/child ratio, the licensee shall require evidence of compliance with 102 CMR 7.08(1).
5. The licensee shall document the date, hours of service and responsibilities of each volunteer used by the program.

7.33: Staff/Child Ratios and Supervision in School Age Programs

The licensee shall insure the compliance with required staff/child ratios designed for the health, safety, and appropriate growth and development of each child.

(1) Supervision. The licensee shall supervise children at all times while in the care of the program to ensure their health and safety. Supervision shall include awareness of and responsibility for the ongoing activity of each child.

(a) Children may, with staff permission, be permitted to participate in activities within the building. A child may, with staff permission, go to the bathroom, independently. Adult guidance shall be available when requested or needed and staff shall regularly monitor the activity of each child.

(b) No child or group of children shall be outside without direct adult supervision except as allowed by 102 CMR 7.09(3)(b).

(c) There shall be sufficient staff available as appropriate for each activity and to assure the health and safety of the children participating in the activity.

(2) Staff Ratios.

(a) The minimum required staff to child ratio is 1 staff person to each 13 children.

1. While the overall staff to child ratio of 1:13 must be maintained for the program, staff assignment may vary according to activity and needs of the children.
 2. Staff persons may be counted in the required ratio only for the time they are directly responsible for children.
- (b) Assistant leaders under the age of 18 shall not be counted in the staff to child ratios unless:
1. Supervised by a group leader who is not also responsible for his or her own group of children, or
 2. Supervised by a group leader who is responsible for his or her own group of children and who supervises only one assistant leader.
- (c) When more than eight children are present a second staff person shall be available in the building. When eight or fewer children are present, the staff person responsible shall be at least group leader qualified and a second staff person or designated adult shall be immediately available. When there are no more than 13 children present, at the beginning and end of the day, for no more than one hour at a time, the staff person responsible shall be at least group leader qualified and there shall be a second staff person or designated adult immediately available.
- (d) When more than ten children are taken off the premises, they shall be accompanied by a staff person who is at least group leader qualified and certified in first aid and CPR and a second staff person or designated adult. When ten or fewer children are taken off the premises the accompanying staff person shall be at least group leader qualified and certified in first aid.

7.34: Curriculum, Activities, and Equipment

The licensee shall provide a well-rounded variety of age-appropriate activities, toys, and equipment for children which promotes their growth and development.

(1) Activity Plan. The licensee shall have an activity plan describing the various activities of the program which promote the child's physical, intellectual, emotional and social well being and growth. The activities shall meet the child's needs for recreation, cultural enrichment understanding diversity and allow for individual choice. The plan shall be made available upon request.

- (a) Programs which serve kindergarten children shall have a written plan for program development, daily activities, equipment, staff supervision and training to meet the needs of kindergarten children in the program.
- (b) Programs which serve older children shall have a written plan for program development, daily activities, equipment, staff supervision and training to meet the needs of older children in the program.
 1. In developing the plan, the licensee shall consider the program's indoor and outdoor facilities, the curriculum and program schedule, the developmental age and needs of the children.
 2. The plan shall allow for and foster the development of independence and responsibility in children as they grow older by encouraging opportunities for decision-making, choices and independent time, as appropriate and with parent's consent as required by 102 CMR 7.09(3)(b).
 3. Where appropriate and feasible, children shall participate in the development of these individual and group activities.

(2) Requirements for Activities. The licensee shall provide a well-balanced program that supports the developmental needs of all children served. A current schedule shall be posted in a place that can be easily viewed by staff and visitors.

(3) Requirements for Rest and Napping.

- (a) The licensee shall ensure that space and napping materials are available for any child who rests or takes a nap.
- (b) The licensee shall ensure that napping materials are stored and maintained in a safe and sanitary manner.

(4) Requirements for Evacuation Drills.

- (a) The licensee shall have a written plan detailing procedures for meeting potential emergencies, including the evacuation of children from the program in the event of a fire, natural disaster, loss of power, heat, or water, or other emergency.
- (b) The licensee shall hold practice evacuation drills with all groups of children and all staff at least quarterly. The licensee shall document the date, time, and effectiveness of each drill.

(5) Use of Off-Site Facilities.

- (a) The licensee shall have a written plan for the use of off-site facilities which shall include but not be limited to:
 1. procedures for injury prevention, availability of first aid supplies and the management of medical and/or other emergencies;
 2. emergency transportation plans in the event of a vehicle breakdown.
- (b) The plan shall include, where applicable, procedures for the use of public transportation and procedures to ensure the children's safety at swimming pools, beaches and other public facilities.
- (c) The licensee shall require written parental consent for a child to participate in off-site activities. Programs may require written parental consent for a child to participate in specific activities or may require a general consent for participation. If general consents are used, programs shall notify parents in writing prior to the child's participation in the activity. Programs that regularly use off-site facilities such as libraries, playgrounds, museums may accept a signed statement from the parent authorizing their child's participation in any of these regularly scheduled on-going activities. The consent form shall list these activities and shall be valid for one year unless withdrawn in writing, prior to that time.

(6) Equipment.

- (a) The licensee shall have age-appropriate materials, indoor and outdoor equipment and furnishings accessible and sufficient to carry out the program plan and provide an adequate variety of activities for each child throughout the day.
- (b) Materials and equipment shall be stored in a safe and secure manner.
- (c) All materials, except those used for special projects, shall be non-toxic. Potentially hazardous materials may be used by children only for special projects and only with direct adult supervision.
- (d) Equipment shall be sturdy, safely constructed and available and accessible to children.

7.35: Physical Facility of School Age Programs

The licensee shall ensure that the physical facilities are safe, clean, comfortable, and free from hazards.

- (1) Inspections. The licensee shall ensure that the school age child care program is in compliance with applicable building, health and fire codes.
- (2) Required Documentation. The licensee shall submit evidence to the Office prior to licensure that all required inspections have been completed and are in compliance.

(3) Space Requirements.

(a) General. If the school age child care program is part of a facility that has functions other than school age child care, the school age group shall have space of its own, apart from other groups, during the time that it operates.

(b) Indoor Space. The licensee shall have access to a minimum of 35 square feet of usable space per child exclusive of wash and toilet rooms, closets, offices, or areas regularly used for other purposes. Measurable space includes all space used for program activities, including gymnasium, special activity areas, cafeteria rooms, pools, and other space designated for regular use by children in the program. If a swimming area is counted in the above space, there must be other available space (at the minimum of 35 square feet per child) to accommodate at least ½ the total enrollment. Adequate space shall be provided for each child to keep his or her clothing and personal belongings in a safe and sanitary manner.

(c) Outdoor Space. The licensee shall maintain, or have access to, an outdoor play area of at least 75 square feet per child at the time of use, with sufficient area to accommodate at least _ of the licensed capacity at one time.

(4) Safety Requirements.

(a) Safe and Clean. The buildings and equipment shall be maintained in good repair and in a sanitary condition and free from sharp or protruding objects and other health and safety hazards.

(b) Hazardous Materials. The licensee shall keep all toxic substances, poisonous plants, medications, sharp objects, matches, and other hazardous objects or substances in a secure place and out of the reach of children.

(c) Outdoor Space. The outdoor play space shall be free from hazards. Any hazard shall be fenced, protected or removed, as appropriate; or the licensee shall demonstrate how children are protected from outdoor hazards in areas where such hazards exist.

5) Toilets and Washbasins.

(a) The licensee shall provide at least one toilet and washbasin for every 20 children.

(b) Toilet facilities shall afford adequate privacy. The facilities shall not be available to the public at such times they are used by the children, unless children are accompanied by a staff person.

(6) Water. The water supply shall be from a municipal source or from a source approved by the appropriate state authority or subdivision. The licensee shall provide running water in washbasins used by the children. There shall be a temperature control mechanism to ensure that hot water temperatures do not exceed 120° F.

(7) Room Temperature. Temperature in rooms occupied by children shall be maintained at not less than 65° F and at not more than the outside temperature when the outside temperature is above 80° F.

(8) Telephone. The licensee shall have access to a non-pay telephone during all hours of program operation for the purpose of receiving and making phone calls.

7.36: Effective Date

The effective date of 102 CMR 7.00 *et seq.* is May 1, 1997.

REGULATORY AUTHORITY

102 CMR 7.00: M.G.L. c. 28A, §§ 9 through 13.