

# **Joint Guidance from the Department of Early Education and Care and the Department of Elementary and Secondary Education: Care Options for Hybrid and Remote Learning Models**

August 28, 2020

## **Introduction**

In anticipation of reopening schools, districts have developed plans for in-person, hybrid, and remote learning models. Communities returning to school with hybrid or fully remote learning models face increased need for supplemental care and supervision for school-aged children during the school day.

Access to these programs and services is particularly important for families and students whose needs may not be fully met by remote learning options, or who are otherwise vulnerable - including students with disabilities, students with special needs, students of color, students involved with the Department of Children and Families (DCF), students experiencing homelessness, low-income students, and English learners.

The Department of Early Education and Care (EEC) and the Department of Elementary and Secondary Education (DESE) have collaborated on the following policies in support of expanded access to child care and supervision in response to the increased need in districts implementing fully remote or hybrid learning models.

Governor Baker has recently issued COVID-19 Executive Order No. 49, which provides three paths for communities to expand safe, in-person supervision and supplemental care options for families with children enrolled in hybrid or remote learning during the school day.

This document seeks to provide families, educators, communities, and childcare providers with information on:

- Expansion of EEC licensed providers serving school aged children
- Implementation of the *Remote Learning Enrichment Programs* exemption
- Remote Learning Parent Cooperatives
- Considerations for collaboration between districts, schools, and childcare providers

## **Expansion of EEC licensed providers serving school-aged children**

### *Overview of expanded EEC school age program licensure*

By statute, EEC licensed providers are ordinarily not permitted to serve school-aged children (ages 6-14 or 16 if a child has special needs) while attending school. However, in response to the hybrid and remote instructional models adopted by many districts, some EEC licensed providers have indicated a willingness to expand their services to provide important care and education functions for children and families engaged in remote learning offered through their districts and schools.

COVID-19 Executive Order No. 49 permits EEC licensed providers to operate during the school day and for EEC to permit providers to increase program space to meet the need of families with children engaged in remote learning.

EEC is expediting approvals for EEC licensed providers to expand capacity, as necessary, to serve children participating in remote learning during the regular school day.

### *Qualifying for expanded EEC school age licensure*

Expanded licensure may include additional hours of operation, obtaining additional space, or converting existing space (e.g., a gym) into program space. An expedited EEC approval process for additional space will occur for programs who meet the following criteria:

- Currently licensed by EEC and in good standing<sup>1</sup>
- Operating under the EEC Minimum Health and Safety Requirements
- Subject to EEC regulations and monitoring
- Submission of appropriate licensing approvals and virtual site visit

EEC licensed providers interested in an expanded school-aged license should speak with their licenser and apply through their LEAD portal. New programs (except those run by a school district) must apply for EEC licensure or qualify for an exemption category.

### **Creation of the *Remote Learning Enrichment Programs* exemption**

#### *Overview of Remote Learning Enrichment Programs exemption*

In response to the recent change in family need for child care and supervision during school hours, COVID-19 Executive Order No. 49 establishes a new category of license exemption: *Remote Learning Enrichment Programs*.<sup>2</sup> Programs can apply to EEC for this license exemption if they are not already licensed by EEC and seek to provide supervision, care, and educational support to school age children only during school hours.<sup>3</sup> Programs run by a school district are already exempt from EEC licensure and do not need to apply for this exemption.<sup>4</sup>

Upon receiving the exemption, the entity will be able to:

- Provide non-custodial (non-parental) regular and drop-in care during school hours only
- Care for children who are enrolled in a public or private school district in kindergarten and are of sufficient age to enter first grade the following year, or children who are enrolled in school and not more than 14 years of age (or not more than 16 years of age if they have special needs).<sup>5</sup>
- Provide care **only during the hours of a traditional in-person school day**.<sup>6</sup> Programs that seek to serve children during before-school or after-school hours or children not enrolled in school programming must apply to be licensed by EEC.

---

<sup>1</sup> EEC programs are in good standing if they have no open investigations and no current or pending legal orders.

<sup>2</sup> In a typical operating environment, EEC maintains several license exemption categories, including public preschools, instructional lessons or activities that are short term in nature (i.e., dance lessons), informal neighbor or relative care, occasional care (i.e., babysitting), and recreational camps. Entities that qualify for these exemptions do not need to abide by EEC licensure requirements. These programs must still abide by any other applicable regulations from other agencies, such as the Department of Public Health, Executive Office of Energy and Environmental Affairs, or DESE.

<sup>3</sup> Federal funding requirements state that programs operating under this exemption will not be eligible to receive payment for enrolled children receiving EEC subsidies.

<sup>4</sup> DESE will be issuing a guidance document relating to remote learning programs run by schools and districts.

<sup>5</sup> Under existing state law, programs that care for children over 14 (16 with special needs) are not subject to EEC licensure. EEC's guidance addresses programs that want to care for children both under and over this limit.

<sup>6</sup> Traditional school day hours can be determined from the scheduled school hours as implemented at the beginning of the 2019-2020 school year.

### *Qualifying for Remote Learning Enrichment Programs exemption*

To qualify for a *Remote Learning Enrichment Programs* licensure exemption, programs must first be approved by a municipal authority and then apply to EEC for the exemption.

Entities that provide supervision and care of children during school hours without an EEC license or EEC license exemption will be subject to investigation, closure, and fines by EEC pursuant to its statutory obligation to investigate unlicensed child care programs.

The process for obtaining a *Remote Learning Enrichment Programs* licensure exemption is outlined below.

**1. Municipality approval:** Municipalities will establish their own processes to work with interested entities, verify their eligibility, monitor their programs on an on-going basis, and notify EEC of any non-compliance with the below minimum criteria. Municipalities are required to attest in writing to the following minimum criteria when approving the Remote Learning Enrichment Programs (although municipalities may also impose additional requirements):

- Confirmation that the entity will maintain a ratio of 1:13 staff members to children, including a maximum group size of 26, as defined in early childhood program guidance, if physical distance requirements can be maintained.<sup>7</sup>
- Confirmation that the municipality has completed a background record check consisting of a Criminal Offender Record Information (CORI) check, Sex Offender Registry Information (SORI) check, and Department of Children and Families (DCF) child welfare check for all staff members, volunteers, and any other adults who will be around children, and will continue to do so for any new individual involved in the program
- Confirmation that the facility has received an up-to-date fire, lead paint, and any applicable building inspection.<sup>8</sup>
- Confirmation that children attending are enrolled in public or private school, in kindergarten or above.
- That they have received a self-attestation from the entity that it will follow EEC or DESE health and safety guidance,<sup>9</sup> including masking, physical distancing, and hand hygiene requirements.

**2. Development of application:** In addition to an approval letter and signed attestation from the local municipal authority verifying compliance with the above requirements, the entity must also submit a completed exemption application to EEC. The application can be completed and the municipal approval letter and required attestation can be uploaded through the [EEC web site](#) starting the week of August 31st.

**3. Issuance of exemption:** Upon receipt and review, EEC will issue an exemption letter to the entity and the approving municipal authority, indicating that the program may now operate under the *Remote*

---

<sup>7</sup> If the site is a residence, then it must maintain a ratio of 1:8 staff members to children, including a maximum group size of 8 children, as defined in early childhood program guidance, if physical distance requirements can be maintained.

<sup>8</sup> If site is a residence, then it must have working smoke detectors throughout the home and on all floor levels, and at least two separate exits to the outside.

<sup>9</sup> Sites may fall within the authority of EEC as well as local school districts. If a site is run by a community-based program, it must be licensed by EEC or qualify for an EEC licensure exemption and abide by EEC health and safety requirements.

*Learning Enrichment Programs* exemption. An entity may not begin operations until it has received an exemption letter from EEC.

### **Remote Learning Parent Cooperatives**

In response to hybrid or remote learning models, some families may seek to set up remote learning parent cooperatives, where parents or guardians share supervision of remote learning activities during the school week. These remote learning parent cooperatives are not subject to EEC licensure, approval, or exemption if they abide by the conditions outlined below.

- A maximum of 5 participating families are involved.
- Children in the remote learning parent cooperatives are enrolled in school.
- A parent or guardian is on site at all times.<sup>10</sup>
- No parent is compensated for the time spent caring for children or supporting their education. Any exchange of funds must be directly related to materials, food, or supplies needed to support the remote learning parent cooperatives.

If a remote learning parent cooperative does not abide by the above conditions, it is subject to regulation by EEC or may require advance approval of the local school district. For example,

- If a remote learning parent cooperative includes more than 5 families or employs a teacher or supervisory staff member without a parent or guardian on site, they must obtain licensure or a license exemption from EEC prior to operating. More information on EEC licensure or exemption can be [found here](#).
- If a remote learning parent cooperative includes children age 6-16 who are not enrolled in private or public school, they must request advance approval from the local school committee as a home school or a private school. Contact the school district where you live for more information.

These remote learning parent cooperatives are strongly encouraged to follow EEC or DESE health and safety guidelines to the extent feasible. At a minimum, they must abide by the [Third Revised Order Regulating Gatherings Throughout the Commonwealth](#), released on August 7, 2020. This order includes the following requirements.

- All participants in indoor and outdoor gatherings must maintain at least 6 feet of physical distance from every other participant in the gathering aside from participants who are members of the same household.
- Outdoor gatherings are limited to 25% of the maximum permitted occupancy of the space. If there is no capacity limitation, it is limited to 8 persons per 1,000 square feet, and no more than 50 persons in a single outdoor space.
- Indoor gatherings are limited to 8 persons per 1,000 square feet of accessible space, with no more than 25 persons in a single enclosed space.
- For gatherings of more than 10 people, all persons over the age of two must wear a face covering when they attend indoor and outdoor gatherings where participants other than those in the same household will be in attendance, unless they are prevented from wearing a face covering by a medical or disabling condition.

---

<sup>10</sup> A remote learning parent cooperative may employ a non-custodial individual, such as a tutor, to support remote instruction only during the school day and if they have a parent or guardian on site at all times.

Providers operating outside the defined criteria of having an EEC license or an EEC license exemption of any type will be subject to investigation, closure, and fines by EEC, pursuant to EEC's statutory obligation to investigate unlicensed child care programs.

### **Considerations for districts, schools, and families**

The coming school year will present new and unique challenges to districts, schools, families, and childcare providers. It will require close coordination among all stakeholders working to support students, educators, and families. Districts that are implementing hybrid or remote learning models for the fall should expect that some of their families will choose to participate in one of the programs outlined in this guidance and are strongly encouraged to collaborate with families to ensure adherence to health and safety practices to minimize the risk of transmission of COVID-19 and support out of school learning experiences. Informed by conversations with public school and community-based early childhood and out-of-school time programs, DESE and EEC offer additional considerations for districts and families, outlined below.

#### *Operational considerations:*

- **Enable consistent student cohorts:** A core principle of reducing transmission of COVID-19 is to limit the intermingling of different groups. DESE guidance encourages the creation of student cohorts within school, whenever possible, to limit exposure and potential transmission, and EEC requires stable cohorts of children as a component of their health and safety requirements. Districts, schools, childcare providers, and remote learning parent cooperatives are strongly encouraged to work together to create consistent cohorts across in-school and supplemental child care and supervision arrangements, when feasible. This is most important when students are enrolled in learning models where they will spend part of their week learning in-person at school and the rest of the week in remote learning in other programs.
- **Prioritize partnerships:** Sufficient community-based options may not be available for families without proactive coordination and collaboration. Districts are strongly encouraged to prioritize partnership development with EEC-licensed or exempt community organizations to increase access to safe child care and supervision options in hybrid or fully remote learning models. These partnerships could include supporting remote learning components of school plans, especially for the most vulnerable students.
- **Consider blended funding options:** Districts are encouraged to consider shared funding models between districts and programs providing child care and supervision to support organizations in meeting the needs of families in their district and schools.
- **Consider school-based operations:** School buildings, if not being used for full-time, in-person school, can provide safe spaces for programs providing supplemental child care and supervision, as long as spaces are cleaned between use. School-based operations could also minimize potential of mixed cohorts or exposure during transitions or transportation.
- **Register childcare arrangements with district:** Districts should ask families to register their child care or supervision arrangements for school hours with the district and are encouraged to update such information regularly. In turn, the district is strongly encouraged to develop consistent student cohorts across in-person school and out of school care and supervision, when feasible.
- **Consider community spaces:** Districts and community-based programs should collaborate to identify spaces where programs can be established to supplement existing childcare and in-school programming. Consider community organizations, recreational centers, libraries, museums,

campgrounds, or other event spaces that may be available. Municipal authorities can play an important role in identifying or obtaining alternative spaces for EEC licensed or license exempt entities to operate additional capacity.

- **Maintain consistent communication:** As the year progresses, districts, schools, and families may adjust their learning plans. Families may opt to have their children in or out of in-person learning, and districts and schools may shift their learning models in response to changing COVID-19 circumstances. This will affect community need for childcare. Proactive communication between districts, schools, and childcare providers will enable a smoother transition for all students. Districts, schools, and providers are encouraged to identify a point of contact and establish regular communication channels.

If you have questions on the information in this document, you may contact DESE or EEC for more information.

DESE Contact Information:

**Cliff Chuang**, Senior Associate Commissioner, [Cliff.Chuang@mass.gov](mailto:Cliff.Chuang@mass.gov), 781-605-5573

EEC Contact Information:

**The Commissioner's Office:** [office.commissioners@mass.gov](mailto:office.commissioners@mass.gov), 617-988-6600