

HOUSE No. 129

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Higgins, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act clarifying the definitions of child care centers and school-aged child care programs in the Commonwealth.

PETITION OF:

NAME:

Kevin Bliss

DISTRICT/ADDRESS:

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HOUSE No. 129

By Ms. Higgins of Leominster (by request), a petition (accompanied by bill, House, No. 129) of Kevin Bliss relative to definitions of child care centers and school-aged child care programs. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act clarifying the definitions of child care centers and school-aged child care programs in the Commonwealth.

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

1 SECTION 1. The definition of “Child care center” under Section 1A of Chapter 15D of
2 the General Laws is hereby amended to:- “a facility operated on a regular basis whether known
3 as a child nursery, nursery school, kindergarten, child play school, progressive school, child
4 development center, or preschool. Child care center shall not include: any part of a public school
5 system; any part of a private, organized educational system, unless the services of that system are
6 primarily limited to kindergarten, nursery or related preschool services; a Sunday school
7 conducted by a religious institution; a facility operated by a religious organization in which
8 children are cared for during short periods of time while persons responsible for the children are
9 attending religious services; a family child care home; an informal cooperative arrangement
10 among neighbors or relatives; or the occasional care of children with or without compensation.
11 An exemption shall exist for non-government funded private businesses, whether a marital arts
12 center, dance center, art center, or a person supervising children with the parents’ authority

13 during an after school program associated with the business plan of the establishment for any
14 part of the day of the week, including nannies, or any choice of the legal parents to hire a source
15 to supervise their children.”

16 SECTION 2. The definition of “School-aged child care program” under Section 1A of
17 Chapter 15D of the General Laws is hereby amended to:- “a program or facility operated on a
18 regular basis which provides supervised group care for children not of common parentage who
19 are enrolled in kindergarten and are of sufficient age to enter first grade the following year, or an
20 older child who is not more than 14 years of age, or not more than 16 years of age if the child has
21 special needs. Such a program may operate before and after school and may also operate during
22 school vacation and holidays. It shall provide a planned daily program of activities that is
23 attended by children for specifically identified blocks of time during the week, usually over a
24 period of weeks or months. A school-aged child care program shall not include: a program
25 operated by a public school system; a part of a private, organized educational system, unless the
26 services of that system are primarily limited to a school-aged child care program; a Sunday
27 school or classes for religious instruction conducted by a religious organization where the
28 children are cared for during short periods of time while persons responsible for those children
29 are attending religious services; a family child care home, except as provided under large family
30 child care home; an informal cooperative arrangement among neighbors or relatives; or the
31 occasional care of children with or without compensation. An exemption shall exist for non-
32 government funded private businesses, whether a marital arts center, dance center, art center, or a
33 person supervising children with the parents’ authority during an after school program associated
34 with the business plan of the establishment for any part of the day of the week, including
35 nannies, or any choice of the legal parents to hire a source to supervise their children.”

36 SECTION 3. Section 6(a) of Chapter 15D of the General Laws is hereby amendment by
37 adding at the end thereof the following:- “An exemption shall exist for non-government funded
38 private businesses, whether a marital arts center, dance center, art center, or a person supervising
39 children with the parents’ authority during an after school program associated with the business
40 plan of the establishment for any part of the day of the week, including nannies, or any choice of
41 the legal parents to hire a source to supervise their children.”

42 SECTION 4. Section 6(e) of Chapter 15D of the General Laws is hereby amendment by
43 adding at the end thereof the following:- “An exemption shall exist for non-government funded
44 private businesses, whether a marital arts center, dance center, art center, or a person supervising
45 children with the parents’ authority during an after school program associated with the business
46 plan of the establishment for any part of the day of the week, including nannies, or any choice of
47 the legal parents to hire a source to supervise their children.”

48 SECTION 5. Section 6 of Chapter 15D is hereby amended by inserting after subsection
49 (e) the following:- “(f) Homework assistance, tutoring, snacks or other nutritional supports
50 required by the child and is authorized by the legal parent or guardian and is provided by the
51 business or is provided by the parent for any active activity during the afterschool program is
52 exempt, and the program shall not need authorization by the Department of Early Education and
53 Care.”