

HOUSE No. 558

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Poirier

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 relative to the licensure and regulation of au pair and nanny agencies by the Department of Early Education and Care.

PETITION OF:

NAME:

Elizabeth A. Poirier

DISTRICT/ADDRESS:

14th Bristol

HOUSE No. 558

By Mrs. Poirier of North Attleborough, a petition (accompanied by bill, House, No. 558) of Elizabeth A. Poirier relative to the licensure and regulation of au pair and nanny agencies by the Department of Early Education and Care. Education.

The Commonwealth of Massachusetts

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

An Act relative to the licensure and regulation of au pair and nanny agencies by the Department of Early Education and Care.

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

1 SECTION 1. Chapter 15D of the 2016 Mass. General Laws is hereby amended by
2 adding, after section 7C, the following new section:—

3 Section 7D. The Department of Early Education and Care, hereafter known as the
4 Department, is hereby authorized and directed to establish, implement, provide oversight to, and
5 promulgate regulations for, a licensure and approval process for employment and placement
6 agencies as defined in section two of this chapter, who are engaged in placing au pairs and
7 nannies, as defined in section two of this chapter, in a private residence for the purposes of
8 performing child care services and duties on a full time or regular basis.

9 Such agencies shall provide verification to the Department to the effect that each au pair
10 and nanny, prior to being placed in a private residence, and wherein stated during said
11 placement, has met the specific standards and criteria stated in this section, and shall develop

12 forms and procedures approved by the Department for such verification. No employment or
13 placement agency shall place any person defined in section two for the purposes of providing
14 child care services unless the standards approved by the Department and all other statutory and
15 regulatory obligations are fulfilled. The Commissioner of the Department, in conjunction with
16 the employment or placement agency, may exercise discretion and flexibility in the evaluation
17 and consideration of standards to be met and in determinations of substitute or alternative criteria
18 which would fulfill such requirements or their equivalent. The Commissioner may consider
19 documented training or experience in a child care program or school, a nursery, or other
20 acceptable participation in coursework or experience submitted by the au pair and nanny through
21 the employment or placement agency as equivalent criteria required to meet educational and
22 training standards. The Commissioner may accept as fulfillment of the requirements, and may
23 further approve of, programs of education and training in child care services, child development,
24 child welfare, or other, or certification or diplomas or degrees received by au pairs and nannies in
25 their home countries, as approved of and verified by, the placement or employment agency in its
26 submissions to the Department. The licensing of employment and placement agencies shall be
27 dependent upon the verification by the employment and placement agencies, of the following
28 requirements to be met by au pairs and nannies, which shall be fulfilled in addition to those set
29 forth in the federal regulations of the USIA, 514.31 Au Pairs, requiring a thirty-two hour training
30 period, and documented child care experiences constituting two hundred hours. However, if such
31 thirty-two hour training period becomes fully accredited by a college, university, or recognized
32 educational institute, such training hours may be applied by the Department as partial fulfillment
33 of requirements in education and training as stated in this section. The Commissioner may
34 ascertain and approve, in conjunction with the placement or employment agencies, that the

35 persons teaching child care training and educational requirements are qualified professionals.
36 The following standards and criteria shall be required of au pairs and nannies, subject to
37 conditions set forth in this section: (a) two formal standard courses, or six semester hours, in
38 early childhood education, or a certificate or vocational program in early childhood education, or
39 equivalent, either during secondary educational coursework, or during post-secondary
40 coursework in a recognized college, university other educational institution in child care training,
41 child development, child welfare, or other appropriate coursework, classes or training, including
42 substitutions in educational courses and/or work experience determined as acceptable by the
43 Commissioner; (b) participation in at least three days in-service training and education in early
44 childhood education, child development and child welfare and safety, or other such appropriate
45 child care services training, either midway through the year of the placement of the au air, or at
46 intervals during the year of placement, as approved by the Commissioner, in conjunction with
47 the employment or placement agency; (c) certification in CPR and Basic First Aid; (d) screening
48 and background checks for criminal and juvenile conduct including psychological assessments,
49 health and medical examinations, school records and attendance, which shall be provided by au
50 pairs and nannies or solicited by the employment or placement agencies through school records,
51 references from counselors, teachers, or other school personnel, police authorities, driving
52 records, or through other means available and as approved by the Commissioner. No au pair or
53 nanny as defined in section two of this chapter, who is eighteen or nineteen years of age, shall be
54 placed in a private residence for the purposes of providing child care to more than two children
55 who are each under the age of five years. The Commissioner shall provide notification to each
56 employment and placement agency to be licensed, that they and all personnel involved with the

57 au pair and nanny programs, are mandated reporters of child abuse and neglect, as stated in
58 chapter one hundred and nineteen, section fifty-one A of the Massachusetts General Laws.

59 The provisions of this chapter as applied to the licensing of placement or employment
60 agencies for au pairs and nannies, as defined in section two, shall take effect on June 30, 2019.