**Massachusetts Board of Early Education and Care**

**Amended June 13, 2023**

**By-Laws for the Organization of the Board**

**ARTICLE I. Organization and Function of the Board of Early Education and Care**

**Section 1. Composition and Function of the Board**

The composition, duties, functions, powers and responsibilities of the Board of Early Education and Care (the “Board”) shall be as provided and authorized by the General Laws and the Acts of the General Court (“General Laws”). *See* G.L. c. 15D, § 1 *et. seq*.

**Section 2. Officers of the Board**

The officers of the Board (“Officers”) shall be a Chairperson who is appointed by the Governor, a Vice-Chairperson who is elected by the Board, and who shall hold office until removed by the Board or a qualified successor is elected, and a Secretary of the Board who is the Commissioner of the Department of Early Education and Care (“Commissioner”), appointed by the Secretary of Education in accordance with the General Laws. Each officer shall have duties, functions, powers, and responsibilities of their office as prescribed by the laws of the Commonwealth, by these By-laws, and parliamentary custom.

**Section 3. Duties of the Chairperson of the Board**

The Chairperson of the Board shall have the following duties:

1. To preside at all meetings of the Board at which they are present;
2. To call special meetings of the Board;
3. To serve *ex officio* as a voting member of all standing or designated committees of the Board; and
4. To appoint and remove committees and to take such other action as is consistent with the By-Laws or the General Laws.

**Section 4. Duties of the Vice-Chairperson of the Board**

The Vice-Chairperson of the Board shall have the following duties:

1. To perform the duties of the Chairperson in the event of their absence or illness; and
2. To assist in the preparation and conduct of general business under the direction of the Chairperson.

**Section 5. Duties of the Secretary of the Board**

The Secretary of the Board shall have the following duties:

1. To give written notice of all regular and special meetings, executive sessions and strategic planning sessions of the Board, and of standing and designated committees of the Board, and to compile and distribute the agenda for each such meeting. Notification by email shall constitute valid written notice;
2. To prepare minutes of all regular and special meetings, executive sessions and strategic planning sessions of the Board, and of all standing and designated committees of the Board, and to record the proceedings thereof;
3. To preserve all documents, papers, and records of the Board determined by the Secretary of the Board to be a part of its official records or necessary to the performance of its duties;
4. To conduct correspondence as directed by the Board and to certify official documents and proceedings;
5. To schedule any strategic planning retreats for the Board; and
6. To carry out all statutory responsibilities.

The Secretary of the Board, with the approval of the Chairperson, may designate one or more employees of the Department of Early Education and Care to carry out the duties set forth above in Subsections (a) through (f) under the direction of the Secretary of the Board. During the absence or incapacity of the Commissioner to act as Secretary of the Board, the duties of Secretary shall be performed by such designee(s) and, in the absence of such designee(s), by such other person(s) as may be designated by the Chairperson.

**ARTICLE II. Meetings of the Board**

**Section 1. Regular Meetings**

Regular meetings shall be held ten (10) times a year within the Commonwealth in accordance with state law. The time and place of all regular meetings may be fixed by the Board or the Chairperson. All regular meetings on which a quorum of the Board may make a decision or recommendation shall be subject to the open meeting law requirements as set forth in the General Laws and the Attorney General’s regulations (*see* G.L. c. 30A, §§ 18-25; 940 Code Mass. Regs. 29.00), and may be held virtually and in a format set by the Chairperson.

**Section 1A. Meeting Attendance**

Members of the Board of Early Education and Care shall make reasonable efforts to attend all meetings. Pursuant to G.L. c. 15D, § 3, if an appointed member is absent from any four (4) regularly scheduled meetings, exclusive of July and August, in any calendar year, the Chairperson shall declare their seat vacant. Attendance at special meetings, scheduled pursuant to Section 2 of this Article, shall not count towards a member’s attendance.

Upon declaring a vacancy, the Chairperson shall provide written notice of the vacancy to the Secretary of the Board and the Secretary of Education. Thereafter, the Secretary of Education shall provide written notice of vacancy to the Governor. Notification by email shall constitute valid written notice of vacancy.

If, at any point, a member accrues three (3) absences during a calendar year, the Secretary of the Board, or their designee, shall provide written notice, which may include notice by email, to the member stating they are at risk of vacating their seat and must attend all future regular meetings for the remainder of the calendar year in order to maintain current status on the Board.

**Section 1B. Meeting Schedule**

At the final meeting of the Board of a state fiscal year, the Board shall set the regular meeting schedule for the next fiscal year. The meeting schedule shall include the proposed date and time of each regular meeting. Meetings may be held at the Department of Early Education and Care’s central office or at an alternative location as determined by the Board. The location of a meeting will be publicly noticed in accordance with the open meeting law requirements as set forth in the General Laws and the Attorney General’s regulations (*see* G.L. c. 30A, §§ 18-25; 940 Code Mass. Regs. 29.00). To the extent practicable, the location of the next scheduled meeting will be announced at the previous month’s meeting. Once finalized, the regular meeting schedule shall be posted online.

**Section 2. Special Meetings**

Special meetings of the Board may be held at any time and at any place within the Commonwealth. Special meetings may be called by the Chairperson or by a majority of the members then serving on the Board by written notice to the Secretary of the Board in which the time, place, and purpose of the meeting are set forth therein. Notification by email shall constitute valid written notice.

To the extent consistent with the open meeting law requirements as set forth in the General Laws and the Attorney General’s regulations (*see* G.L. c. 30A, §§ 18-25; 940 Code Mass. Regs. 29.00), special meetings of the Board may be held virtually and in a format set by the Chairperson.

**Section 3.** **Strategic Planning Retreat**

In consultation with the Chairperson and the Secretary of Education, the Secretary of the Board may arrange an in-person or remote strategic planning retreat for the Board. This may be considered a regular meeting of the Board for the purpose of Section 1A of this Article. The Secretary of the Board, in scheduling the retreat, should seek to ensure it occurs during the months of July or August, but may suggest another time after consulting with the Chairperson and Secretary of Education.

**Section 4. Executive Sessions**

The Board reserves the right to enter an executive session for any of the reasons set forth in the Massachusetts open meeting law requirements. *See* G.L. c. 30A, §§ 18-25; 940 Code Mass. Regs. 29.00. Executive sessions shall be called by the Chairperson of the Board and approved by an affirmative vote of two-thirds of the members present and voting. Executive sessions shall be closed to the public and press. If the executive session results in some official action, such action shall be taken and recorded in the minutes of the meeting during which the executive session was held. Executive session minutes may be kept separately and confidentially so long as their publication would defeat the purpose of the executive session.

**Section 5. Notice of Regular and Special Meetings, Executive Sessions, and Strategic Planning Retreats**

Written notice of each regular meeting, special meeting, executive session, and strategic planning retreat shall be sent to each member no less than forty-eight (48) hours prior to the date of the meeting. Notification by email shall constitute valid written notice.

If the matter is considered an emergency as set forth in the Massachusetts open meeting law requirements, *see* G.L. c. 30A, §§ 18-25; 940 Code Mass. Regs. 29.00, the above cited notice requirements shall be waived, and the Board shall provide notice as soon as reasonably possible prior to the hearing.

The notice for all meetings shall be written in an easily understandable format and shall state the date, time, and location of the meeting, and, in the case of special meetings, executive sessions, and strategic planning retreats, the purpose for which the meeting has been called.

**Section 6. Agenda of Regular and Special Meetings, Executive Sessions, and Strategic Planning Retreats**

A written agenda of matters to be considered at each regular meeting and strategic planning retreat shall be proposed by the Secretary of the Board, subject to the Chairperson’s approval, and given to each Board member no less than forty-eight (48) hours prior to the date fixed for the meeting. In the case of a special meeting or executive session, or if the matter is considered an emergency as set forth in the Massachusetts open meeting law requirements, the Secretary of the Board shall provide the agenda to each Board member as soon as reasonably possible prior to the meeting.

For executive sessions, the agenda shall state the purpose for the session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called.

Additional items to be included in the agenda for each regular meeting shall be submitted to the Secretary of the Board in writing containing a title and/or description of the agenda items no less than seven (7) days prior to the date fixed for the meeting by:

1. A recommendation of a standing or other designated committee of the Board relating to its reports; or
2. Any member of the Board.

The Board may reserve one-half hour (thirty minutes) on the agenda of its regular meetings for public comment. Individuals seeking to speak to the Board should so inform the office of the Secretary of the Board in writing, which may include notice by email or by written intent upon arrival at the meeting, setting forth their full name and the purpose for which they seek to speak. The Chairperson shall determine whether said individuals shall be permitted to speak, and if so, for how long they may speak on the designated topic. A brief summary of this rule shall be included in the posted notice preceding each meeting. Notwithstanding the above provision, the Chairperson may exercise discretion to waive the notice of requirement set forth above and invite any individual(s) present at the meeting to address the Board.

The Board shall accept written comments from members of the public at each meeting. The Secretary of the Board shall collect all comments received and distribute to the Board within five (5) business days of receipt.

**Section 7. Quorum**

Six (6) members shall constitute a quorum for the transaction of business, and the affirmative vote of six (6) members shall be necessary for any action taken by the Board. A lesser number may adjourn any meeting, and the meeting may be considered as adjourned without further notice.

**Section 8. Order of Business**

All meetings of the Board shall be conducted in accordance with commonly used parliamentary procedure, and the order of business at meetings shall be determined by the Chairperson.

**Section 9. Remote Participation**

1. Board members are strongly encouraged to be physically present at meetings;
2. To the extent consistent with the open meeting law requirements as set forth in the General Laws and the Attorney General’s regulations (*see* G.L. c. 30A, §§ 18-25; 940 Code Mass. Regs. 29.00), a Board member, including the Chairperson, may participate remotely in any regular or special meeting, or executive session, and will be counted as in attendance at the meeting. All such requests are subject to approval by the Chairperson, provided that any such request from the Chairperson is subject to approval by the Secretary of Education. If the Chairperson is participating remotely, the Vice Chair or a member designated by the Chairperson shall preside over the meeting;
3. Any member who wishes to participate remotely must, as soon as reasonably possible prior to a meeting, notify the Chairperson and the Secretary of the Board of the member’s desire to do so and the reason for the request;
4. Permissible reasons for participating remotely are limited to the following: (i) personal illness; (ii) personal disability; (iii) emergency, including, but not limited to, inclement weather; (iv) military service; (v) geographic distance, provided that the member is outside of Massachusetts on the scheduled meeting date; or (vi) other extenuating circumstances as determined by the Chairperson in their sole discretion; and
5. Remote participation depends on enabling technology being available and working at the meeting site and at the location from which the member is participating.

**Section 10. Meeting Livestream**

Meetings of the Board of Early Education and Care may be made available to the public via online livestream to the extent the meeting site allows.

**ARTICLE III. Committees of the Board**

**Section 1. Practice of the Board**

The Board shall act upon matters considered, and upon recommendations made, by all standing or designated committees of the Board, but any member may present matters to the Board for consideration without prior reference to a committee.

**Section 2. Committees**

1. The Chairperson may appoint such committees of the Board as may be deemed necessary, provided that each such committee shall be automatically discharged upon completion of its assignment or as the Chairperson may designate;
2. The Chairperson, the Secretary of Education or their designee, and the Secretary of the Board shall serve *ex officio* as members of each committee. Any member of the Board may attend any meeting of any committee of the Board;
3. To the extent permissible under the General Laws, committee meetings may be held virtually so long as all those present can hear each other at all times during the meeting;
4. Temporary work assignments of a functional or project nature may be made by the Chairperson of the Board to individual members of the Board. Each such assignment shall terminate automatically upon the report to, and final action by, the Board on such project;
5. Notice of all committee meetings shall be given to all members of the Board. Such notice shall be no less than the minimum possible notice required under the General Laws; and
6. A written agenda of matters to be considered at each standing or designated committee meeting shall be given to each committee member no less than forty-eight (48) hours prior to the date fixed for the meeting.

**ARTICLE IV. Rules and Regulations Amendment**

**Section 1**

These By-Laws are a part of the rules and regulations which the Board is authorized to adopt.

**Section 2**

These By-Laws may be amended, revised, or repealed by a vote of two-thirds of the entire number of the members present at any meeting, but in no event less than six (6); provided, however, that the text of any amendment, revision, or repeal as originally proposed shall be sent to each member no less than fifteen (15) days before the meeting at which such action is to take place. The Board commits to regularly evaluating these By-Laws at least once every five years to determine their effectiveness.