



# Department of Early Education and Care

THE COMMONWEALTH OF MASSACHUSETTS

## EEC Licensing

### **POLICY STATEMENT: Freezing or Reducing Enrollment**

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When EEC finds that a program or facility is not in compliance with regulations governing the licensure of such program or facility, in order to ensure that the program is soundly administered, EEC may impose a variety of remedial requirements, including prohibiting the enrollment of new children and reducing the number of children a program is licensed to serve. (*See* 606 CMR 7.04)(1) and 102 CMR 3.04(1)(a)).

The Department may require a residential and placement program, small group, large group, school age, or family child care program to freeze or reduce its enrollment when there is evidence of one or more of the following:

1. the program is found to be poorly administered, thus being unable to meet the physical, social, emotional, and educational needs of the children enrolled or, if a residential program, the program is not providing children with services that meet their immediate and basic needs and are not fostering the optimal growth and individual development of the residents in its care;
2. insufficient numbers of staff, unqualified staff or unqualified foster or adoptive parents;
3. enrollment in excess of the licensed capacity; or
4. the facility or program has enrolled more children than allowed by the program's building certificate.

### **Freezing or Reducing Enrollment**

A program may voluntarily freeze or reduce its own enrollment only if the program initiates such action immediately upon finding that it is unable to comply with the EEC regulations as set forth above. A voluntary freeze shall be documented in writing by the program and submitted to EEC for review and approval. Notwithstanding any voluntary freeze, EEC retains the authority to approve or disapprove the terms or timelines of any voluntary freeze. Furthermore, EEC may impose an enrollment freeze or reduction at any time when there is evidence that a risk to children, as set forth above, continues to exist.

Regardless of whether the freeze or reduction is voluntary or imposed by EEC, EEC will inform the program of an enrollment freeze or reduction in writing. EEC will document the

circumstances that led to the freeze or reduction and will specify the terms of such freeze or reduction. The enrollment freeze or capacity reduction will be noted in the EEC licensing database and will become part of the program's licensing history. The enrollment freeze or capacity reduction will also be reflected in the current EEC licensed program listing on the EEC website and in information given to callers requesting child care information from EEC Regional Offices. An enrollment freeze or reduction does not represent a change in the status of a license.

During any enrollment freeze, no new children unless otherwise approved by EEC may be enrolled; no previously terminated children may be re-enrolled; and no vacancies resulting from a child who is graduating, terminating or otherwise leaving the program may be filled. When EEC requires that the enrollment of a program be reduced, EEC will specify the capacity level to which the program must reduce its enrollment and shall allow a reasonable time for children to be transferred to another appropriate placement. In addition, EEC will specify the type of remedial action and monitoring that is required in order for the freeze/reduction to be modified or lifted. EEC will send copies of enrollment freeze/reduction notices to the program's Executive Director, President of the Board of Directors, additional Board of Directors members as deemed appropriate, child referral sources and agencies, and FCC System administrators as appropriate.

Immediately upon receipt of an enrollment freeze or reduction notice, the program must submit a list of all the currently enrolled children in the program or the children in placement along with their dates of birth, dates of admission, names and telephone numbers of parents or legal guardians, referral sources, and placements, if applicable. If the program has accepted registration fees and guaranteed future enrollment to families then the program must identify these children and submit evidence of registration forms and fees collected for enrollment. EEC will review this information and notify the program with a decision on whether these children would be allowed to enroll given the regulatory circumstances and the needs of the children. The program must submit a corrective action plan addressing the findings outlined in the enrollment freeze or reduction notice within 14 days of receipt of the notice or as otherwise specified by EEC. EEC may consider modifying an enrollment freeze or reduction to allow for the planned intake of a specified number of children or of children with particular presenting circumstances only after the immediate health and safety concerns have been addressed. EEC will notify a program in writing of any such modification of an enrollment freeze/reduction.

When EEC has determined that all of the conditions that led to a freeze or reduction have been corrected, EEC will notify the program's Executive Director, President of the Board of Directors, other Board of Director members as appropriate, referral sources, FCC System administrators as appropriate, when the enrollment restrictions are lifted. EEC may issue a license with a reduced capacity if there is evidence that the program will be unable to continue to serve the number of children for which it had been previously licensed. EEC will update the licensing database and the EEC website program listing to reflect the current status of the program, including any capacity changes and the removal of the enrollment freeze.