

# maaps



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January 14, 2016

Thomas L. Weber, Commissioner  
Department of Early Education and Care  
51 Sleeper Street, 4<sup>th</sup> Floor  
Boston, MA 02210

## Northeast Region

Rita Gardner  
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Dear Commissioner Weber:

## Southeast Region

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On behalf of the Massachusetts Association of 766 Approved Private Schools (**maaps**), I thank you for the opportunity to offer testimony related to the Department of Early Education and Care's (EEC) Background and CORI Check Regulations as part of EEC's efforts to fulfill the goals of Executive Order 562.

## Central Region

Alan J. Klein  
Karen McCarthy  
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As you know, **maaps** represents 86 service provider organizations approved by the Department of Elementary and Secondary Education (ESE) under the provisions of Chapter 766 (C766) to provide special education and treatment services to students with special needs. **maaps** member organizations operate 150 C766 approved school programs and the Department of Early Education and Care (EEC) licenses approximately 50 group care facilities that are part of a C766 residential school. **maaps** members also employ over 9,000 teachers, clinicians and child care staff and our schools were active proponents of the new expanded national background check laws (*Chapter 77 of the Acts of 2013 and Chapter 234 of the Acts of 2014*) to strengthen student safety at schools across the state.

## Springfield Region

Jill Brewer  
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Diane Zink  
Justin Smith, *Alternate*

**maaps** should note at the outset that it greatly appreciates the efforts of EEC and various state agencies to implement the provisions of the new laws. We understand that many agencies have been handed a significant responsibility in these new initiatives without being provided many of the necessary resources. Both EEC and the Department of Elementary and Secondary Education (DESE) have worked tirelessly over the past two years to promulgate regulations (603 CMR 51.00 and 606 CMR 14) and put processes in place to implement its laws--and we have valued the partnership that **maaps** has had with you and your staff in these efforts. It is also helpful to note that the Department of Developmental Services (DDS) has been continuing its efforts around the implementation of *Chapter 234*, which took effect earlier this month.

## Berkshire Region

Bruce Bona  
Shaun Cusson

## Staff

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As EEC and state leaders continue efforts to coordinate and streamline these important new programs, **maaps** is pleased to offer the following recommendations:

-more-

## Massachusetts Association of 766 Approved Private Schools

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1.) **Ensure that background check regulations allow for centralized, coordinated processes and account for the broad array of services offered by the provider community**

When originally passed into law, the ESE and EEC background check mandates required two, duplicative background checks for the same employee of a provider organization working in both an ESE-approved and EEC-licensed residential program. **maaps** secured an legislative amendment to eliminate this duplicative arrangement in *Chapter 449 of the Acts of 2014*, but the challenge initially resulted in many burdensome and costly operational obstacles for the state, C766 schools, providers, employees, students and all involved.

In the coming months and years, it is very possible that we will hear worthy calls for expanded background checks for employees serving other vulnerable populations, like the elderly, which could cause many new unintended consequences like the example mentioned above. **maaps** believes that this prompts the need for the Commonwealth to develop a background check system that is efficient, simple, streamlined and coordinated. State public safety, education and human service agencies all have a role in the current background check process. Might it be able to be centralized into a single agency like the Executive Office of Public Safety and Security, for example, which already maintains the state's contract with MorphoTrust USA? We would be happy to work constructively with EEC, the Executive Office of Education (EOE) and the Baker Administration to consider potential solutions.

In the meantime, however, we urge the state agencies charged with implementing these new background check policies—EEC, ESE and DDS—to ensure their regulations do not operate independently from each other. **maaps** member C766 schools and a variety of provider organizations stand ready to work with you to continue carrying out these goals.

2.) **Continue streamlining the time to conduct thorough background checks to help schools/organizations hire personnel in a time-efficient manner**

Thanks to your leadership and efforts, EEC and ESE in recent months have gone to great lengths to continue streamlining the background check process to allow for time-efficient hiring practices by schools and organizations, but some provider organizations still report inconsistencies in the time it takes to receive background check findings under the new processes. Our members are reporting to us that they often lose promising job applicants to other employers due to delays in the background check process. These delays result in extended staff vacancies, which negatively impacts the quality of education and treatment for our students. As we indicated, **maaps** greatly appreciates the attention of EEC, ESE, EOPSS and related agencies to this issue, and we look forward to continue partnering with the state to build on that success as new background check laws are implemented.

3.) **Strengthen background check provisions by closing existing information gaps in current processes**

Under the current background check process, the Department of Children and Families (DCF) provides c.51A findings to our member schools in cases where there is a finding of abuse or neglect to children below the age of 18. However, there is a lack of availability of findings of abuse and neglect cases with clients ages 18 and above. Those reports are filed with the Disabled Persons Protection Commission (DPPC) according to MGL c.19C and under current practices hiring managers at our member schools are not provided those findings.

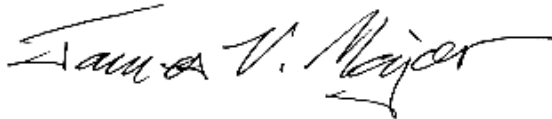
For example, under the current process, a school hiring manager is not be able to access any abuse or neglect findings through the DPPC on a prospective employee who has an abuse finding on a disabled adult.

The risks to students, schools and the general public caused by this information gap are very evident and **maaps** would appreciate the opportunity to work with the state to identify a manner within the background check process that would provide C766 schools the information on prospective employees where there has been abuse and neglect findings for both children and adults.

Commissioner Weber, I hope these comments are helpful to you and your staff as you examine background check regulations and processes in accordance with Executive Order 562. I thank you very much for your time and willingness to engage in and continue a dialogue with **maaps** member schools and provider organizations to create a system that continues to better-ensure the safety and security of the students they serve. We look forward to working with you as this process continues and I look forward to our continued partnership.

Please feel free to contact me if you have any questions. I can be reached at (781) 245-1220 ext. 205 or [jmajor@maaps.org](mailto:jmajor@maaps.org). Thank you very much for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "James V. Major". The signature is written in a cursive style with a long horizontal stroke at the end.

James V. Major, CAE  
Executive Director  
Massachusetts Association of 766 Approved Private Schools (**maaps**)