

May EEC Public Comment

Name, Organization	Topic: Comment
<p>Nadyia Abbas, Devereux Massachusetts & Rhode Island</p>	<p>Residential Regulations: Dear Commissioner Kershaw & Members of the Board of the Department of Early Education and Care:</p> <p>Please accept this testimony of the Massachusetts Association of Approved Private Special Education School (MAAPS) regarding Department Early Education and Care’s (EEC) proposed regulatory changes to 606 CMR 3.00 – <i>Standards for the Licensure of Residential Programs</i>. We commend EEC for reviewing these regulations and for focusing on the important work of residential placement providers. We appreciate the opportunity to provide these comments and look forward to working with you.</p> <p>A. MAAPS Residential Special Education Background</p> <p>MAAPS represents over 80 members, operating nearly 160 special education schools/programs, including 43 residential special education programs. The MAAPS member schools provide state-approved, regulated and licensed, highly specialized programs to meet the special education needs of approximately 7,000 public students, with more than 10,000 teaching and support staff. These specialized day and residential schools educate students ages 3-22, across a broad spectrum of disabilities, including but not limited to students with autism spectrum disorder, intellectual disabilities, language-based learning disabilities, trauma-based clinical needs, medical fragility, and hearing and visual impairments. The vast majority of the students who attend the approved special education schools are Massachusetts public school students, placed at approved special education schools through a public-private partnership that aids districts in meeting the federal and state</p>

mandate for a free and appropriate public education.

MAAPS's testimony is specifically on behalf of its residential special education school members. Residential special education students are often the most complex public special education students in the Commonwealth, requiring 24 hours and year-round educational services as dictated by their IEP. While complex, due to the nature of their disability, these are students that are in an educational setting. Their IEP dictates educational provisions all day long, outside a traditional school day, and that is why they are in a residential school setting. We understand that residential special education is a small percentage of the human service residential providers that EEC regulates. Given our complex regulatory oversight, residential special education has a unique and important voice.

B. Implementation Date

All schools, especially MAAPS member-schools, are committed to operating safe and exceptional schools for the students they serve. A regulatory scheme that is robust and fair is in the best interest of all. However, regulations must also be achievable. Without any indication of additional funding being provided to match the new regulatory changes, implementation of some changes will be very challenging and must be done over a period of time. We respectfully request a longer time than three (3) months to prepare for these new regulations to be effective.

An effective date for the regulations must allow programs/schools time to make the necessary adjustments and to train their staff. A date of implementation that is mere months away does not provide proper time to train and make improvements for the first major regulatory updates in thirty (30) years. DESE recently updated its regulation and provided more than twelve (12)

months for implementation. Additionally, as written the regulations propose holding programs accountable to policies that do not yet exist, which puts both regulator and program in a difficult position. Once EEC votes to approve these regulations, the EEC Boards' job may be done, but for providers and schools, their job is just beginning. They must update all policies (EEC must then review these updated policies), systems and trainings and implement those new trainings for all staff. It is not realistic, and honestly does not feel respectful, to programs to have such a short implementation timeline. A one (1) year implementation timeline is reasonable for programs and schools to update policies, systems and trainings.

C. Program – Regulator Partnership

MAAPS residential special education programs work together with their EEC and other regulators to operate safe educational programming for the students they serve. It is important to our members to have trusting relationships with our regulators, and to know that each regulator will apply the new regulations consistently. We urge EEC to train all EEC staff regarding their new regulations upon promulgation so that they apply them in a fair, consistent and effective way for shared success.

D. Conflicting, Over-Broad Regulatory Provisions

Schools are highly regulated environments. The Massachusetts Department of Elementary and Secondary Education (DESE) has primary regulatory authority over K-12 schools, including MAAPS-members, and the Department of Early Education and Care (EEC) has licensing authority over certain residential portions of schools. The Attorney General's office provides guidance and authority over non-profits and boards of directors. There are instances in the proposed

regulations where EEC is introducing new requirements that are in conflict with existing laws, regulations and best practices as already codified by DESE or other regulatory agencies. For example, under **section 3.04 (1)(g) –(h)**, a licensee is being required to have an overseeing body in place and the language is confusing as relates to our existing boards of directors. These sections must be removed. We urge EEC to amend the proposed regulatory language so that this advisory group only provides input to our boards of directors, cannot supersede them. Without statutory authority, EEC cannot write overreaching regulations granting itself broad power to regulate boards of non-profits.

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	<p>and does not allow for technological options. For example, the need for “signature” reads as if a wet signature or a signature line is required. This is a dated concept and not how businesses operate today. We suggest EEC use more modern language options such as acknowledgement. Likewise, section 3.04 (3)(h)(8) requires signed statements by all staff who witnessed or were directly involved. If EEC could provide some more modern language options for “signed” statements, it would allow programs to utilize modern technology. We are still unclear how section 3.04(3)(j) will be implemented and next steps. The language in section 3.07 (7)(h)(23) is similarly unclear. Should residential special education schools, also subject to DESE’s requirements, track and hold separate meetings? It is also unclear who comes to meetings. We believe the intent is that if the weekly review has identified a resident who may need a new behavioral plan/intervention that the parent or guardian is involved, which we agree with, however, the language of this section is unclear. We urge EEC to clarify the written regulations in these sections in light of these comments.</p> <p style="text-align: center;">G. Conclusion</p> <p>On behalf of the entire MAAPS member residential special education school community, thank you for your time and attention to these important matters. We respectfully urge you to include the edited language as attached regarding residential programming in schools. Please do not hesitate to contact me with any questions or comments you might have.</p>
<p>Joshua Jackson, New England Center for Children</p>	<p>Residential Regulations: Dear Commissioner Kershaw and Members of the Board of the Department of Early Education and Care,</p> <p>The New England Center for Children (NECC) strongly supports the comments submitted by the Massachusetts Association of Approved Private</p>

	<p>Special Education Schools (MAAPS) regarding the proposed changes to 606 CMR 3.00 – Standards for the Licensure of Residential Programs.</p> <p>NECC shares MAAPS’ concerns regarding the proposed implementation timeline. Residential special education programs serve students with highly complex needs and require significant time to update policies, train staff, and implement operational changes responsibly. We strongly agree that a three-month implementation period is not sufficient for regulations of this scope and support MAAPS’ recommendation for a one-year implementation timeline.</p> <p>We are also concerned that some proposed regulations reference policies and expectations that have not yet been finalized, creating uncertainty for providers attempting to prepare for compliance. In addition, NECC shares concerns regarding regulatory provisions that may conflict with existing DESE requirements and nonprofit governance structures, creating unnecessary confusion and administrative burden for schools already operating under extensive oversight.</p> <p>NECC respectfully urges EEC to carefully consider the concerns raised by MAAPS and residential special education providers before final adoption of these regulations.</p> <p>Best regards, Josh</p>
<p>Maureen Kelly, New England Center for Children</p>	<p>Residential Regulations: Dear Commissioner Kershaw and Members of the Board of the Department of Early Education and Care:</p> <p>The New England Center for Children (NECC) strongly supports the comments submitted by the Massachusetts Association of Approved Private Special Education Schools (MAAPS) regarding the proposed changes to 606 CMR 3.00 – Standards for the Licensure of Residential Programs.</p>

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<p>Kevin S. Marques, The Whitney Academy, Inc.</p>	<p>Residential Regulations: Dear Commissioner Kershaw and Members of the Board, We have been following the proposed changes for some time and appreciate the revisions already made throughout this process. We also appreciate the opportunities to provide feedback regarding the proposed revisions for residential programs. As someone working directly within a residential special education setting, I understand the importance of strong oversight, student safety, accountability, and maintaining high standards of care. Ultimately, we all share the same goal of wanting these changes to be successful and beneficial for the students we serve. At the same time, I would encourage EEC to carefully consider</p>

the practical realities programs will face in implementing these changes.

Residential special education programs already operate within a highly regulated environment. In addition to EEC oversight, schools must comply with DESE requirements, special education law, staffing regulations, safety standards, clinical expectations, and extensive documentation obligations. Many of the students served in residential special education settings present with highly complex behavioral, emotional, developmental, and educational needs that require around-the-clock support.

One of our main concerns is the proposed implementation timeline. Some of these changes are significant and would require time to revise policies, retrain staff, adjust internal systems, and in some cases develop entirely new procedures. To do this successfully within only a few months is not realistic, especially since there is no additional funding or operational support attached to the new requirements. Similar to what DESE did with its recent regulatory updates, a longer implementation period, such as one year, would allow programs to make thoughtful and effective changes rather than rushing compliance efforts. I am also concerned about several sections that appear unclear or overly broad. Some provisions seem to overlap with or potentially conflict with existing DESE expectations and nonprofit governance structures. I understand a Q&A document may be coming, but clarity within the regulations themselves is especially important when programs are subject to multiple regulatory agencies. Ambiguous language can create inconsistent interpretation between providers and regulators, which ultimately does not benefit students or staff.

The sections related to reporting and documentation also raise practical concerns. Certain language appears outdated and does not reflect how organizations currently utilize technology and electronic systems for reporting, acknowledgements, and documentation. Some

	<p>sections appear to require traditional “wet signatures,” which is not how most organizations operate today. More flexible language, such as allowing electronic approvals or acknowledgements, would modernize the regulations while still maintaining accountability and proper documentation standards.</p> <p>Additionally, the drill requirements appear difficult to interpret as currently written. Safety drills are extremely important, and residential programs understand the need to properly prepare staff and students for emergencies. However, in residential special education settings, drills can also have a significant emotional and behavioral impact on students. Requiring a high volume of drills without clear guidance could unintentionally create unnecessary distress, trauma, or disruption for some students. Because of this, programs need very clear and practical guidance to ensure drills are being conducted appropriately, safely, and in a manner that takes student needs into consideration.</p> <p>I fully support efforts to strengthen residential programming and improve safety and accountability. My hope is simply that the final regulations balance those goals with operational realities and the unique needs of residential special education environments.</p> <p>Thank you for your time and consideration. Sincerely, Kevin</p>
<p>Lauren Himmighoefer, New England Center for Children</p>	<p>Residential Regulations: Dear Commissioner Kershaw and Members of the Board of the Department of Early Education and Care:</p> <p>The New England Center for Children (NECC) strongly supports the comments submitted by the Massachusetts Association of Approved Private Special Education Schools (MAAPS) regarding the proposed changes to 606 CMR 3.00 – Standards for the Licensure of Residential Programs.</p> <p>NECC shares MAAPS’ concerns regarding the proposed implementation timeline. Residential</p>

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<p>Kristen Sidman, New England Center for Children</p>	<p>Residential Regulations: Dear Commissioner Kershaw and Members of the Board of the Department of Early Education and Care:</p> <p>The New England Center for Children (NECC) strongly supports the comments submitted by the Massachusetts Association of Approved Private Special Education Schools (MAAPS) regarding the proposed changes to 606 CMR 3.00 – Standards for the Licensure of Residential Programs.</p> <p>NECC shares MAAPS’ concerns regarding the proposed implementation timeline. Residential special education programs serve students with highly complex needs and require significant time to update policies, train staff, and implement operational changes responsibly. We strongly</p>

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<p>Heather Morrison, New England Center for Children</p>	<p>Residential Regulations: Dear Commissioner Kershaw and Members of the Board of the Department of Early Education and Care:</p> <p>The New England Center for Children (NECC) as a member of the EEC Residential Regulations Working Group, strongly supports the comments submitted by the Massachusetts Association of Approved Private Special Education Schools (MAAPS) regarding the proposed changes to 606 CMR 3.00 – Standards for the Licensure of Residential Programs.</p> <p>NECC shares MAAPS' concerns regarding the proposed implementation timeline. Residential special education programs serve students with highly complex needs and require significant time to update policies, train staff, and implement operational changes responsibly. We strongly agree that a three-month implementation period is not sufficient for regulations of this scope and</p>

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<p>Meaghan Reidy, New England Center for Children</p>	<p>Residential Regulations: Dear Commissioner Kershaw and Members of the Board of the Department of Early Education and Care:</p> <p>The New England Center for Children (NECC) as a member of the EEC Residential Regulations Working Group, strongly supports the comments submitted by the Massachusetts Association of Approved Private Special Education Schools (MAAPS) regarding the proposed changes to 606 CMR 3.00 – Standards for the Licensure of Residential Programs.</p> <p>NECC shares MAAPS’ concerns regarding the proposed implementation timeline. Residential special education programs serve students with highly complex needs and require significant time to update policies, train staff, and implement operational changes responsibly. We strongly agree that a three-month implementation period is not sufficient for regulations of this scope and support MAAPS’ recommendation for a one-year implementation timeline.</p>

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<p>Holly Wiggins, New England Center for Children</p>	<p>Residential Regulations: Dear Commissioner Kershaw and Members of the Board of the Department of Early Education and Care:</p> <p>The New England Center for Children (NECC) strongly supports the comments submitted by the Massachusetts Association of Approved Private Special Education Schools (MAAPS) regarding the proposed changes to 606 CMR 3.00 – Standards for the Licensure of Residential Programs.</p> <p>NECC shares MAAPS’ concerns regarding the proposed implementation timeline. Residential special education programs serve students with highly complex needs and require significant time to update policies, train staff, and implement operational changes responsibly. We strongly agree that a three-month implementation period is not sufficient for regulations of this scope and support MAAPS’ recommendation for a one-year implementation timeline.</p> <p>We are also concerned that some proposed regulations reference policies and expectations that have not yet been finalized, creating</p>

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<p>Phil Leonard, New England Center for Children</p>	<p>Residential Regulations: Dear Commissioner Kershaw and Members of the Board of the Department of Early Education and Care: As a member of the EEC Residential Regulations Working Group, The New England Center for Children (NECC) strongly supports the comments submitted by the Massachusetts Association of Approved Private Special Education Schools (MAAPS) regarding the proposed changes to 606 CMR 3.00 – <i>Standards for the Licensure of Residential Programs</i>.</p> <p>NECC shares MAAPS’ concerns regarding the proposed implementation timeline. Residential special education programs serve students with highly complex needs and require significant time to update policies, train staff, and implement operational changes responsibly. We strongly agree that a three-month implementation period is not sufficient for regulations of this scope and support MAAPS’ recommendation for a one-year implementation timeline.</p> <p>Additionally, we are concerned that some proposed regulations reference policies and expectations that have not yet been finalized. This creates uncertainty for providers attempting to prepare for compliance. NECC also shares concerns regarding provisions that may conflict</p>

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<p>Cheryl White, League School for Autism</p>	<p>Residential Regulations: On behalf of the League School for Autism, thank you for the opportunity to provide testimony regarding the Department of Early Education and Care's (EEC) proposed regulatory changes to 606 CMR 3.00. We appreciate EEC's commitment to strengthening residential program standards and share your dedication to ensuring safe, high-quality environments for the students entrusted to our care.</p> <p>The League School for Autism is an approved, licensed program that provides specialized residential education for autistic students ages 3-22. These students are placed through public-private partnerships to fulfill obligations under the free appropriate public education mandate. Residential students are among the most complex learners, requiring 24-hour educational and clinical support as outlined in their Individualized Education Programs (IEPs). While they have intensive needs, they remain students in an educational setting, and their IEPs guide educational provisions. We understand that residential special education programs are a small segment of EEC-licensed providers, and we aim to ensure the final regulations are achievable and align with existing laws.</p> <p>Implementation Date</p>

The League School for Autism is committed to operating a safe, compliant, and exceptional program. We support a robust, clear, and fair regulatory framework. However, the proposed three-month implementation timeline is not feasible given the scope of the changes and the absence of additional funding to support compliance.

DESE's most recent regulatory overhaul provided more than twelve months for implementation. Given that these are the first major EEC regulatory updates in thirty years, a one-year implementation timeline is both reasonable and necessary to ensure high-quality, sustainable compliance.

Program-Regulator Partnership

We value our partnership with EEC and rely on consistent, fair, and transparent regulatory oversight. To support successful implementation, we strongly encourage EEC to provide comprehensive training for all licensing staff so that the new regulations are applied uniformly across programs. Consistency is essential for shared success and for maintaining trust between providers and regulators.

Conflicting or Over-Broad Regulatory Provisions

As a school, we operate under multiple regulatory authorities, including DESE, EEC, and the Attorney General's Office. Several proposed provisions introduce requirements that conflict with existing laws or established governance structures. For example, **sections 3.04(1)(g)-(h)** introduce language regarding an "overseeing body" that conflicts with the statutory authority and fiduciary responsibilities of nonprofit boards of directors. EEC does not have statutory authority to regulate or supersede nonprofit governance structures. We respectfully request that these sections be removed or revised so that any advisory group is clearly positioned as advisory only, without authority over the board.

Drills

Section **3.08(2)(e)** is unclear regarding the number and type of drills required. For autistic and neurodiverse students, drills can be highly impactful and must be carefully planned to avoid unnecessary trauma or disruption. While we understand that EEC intends to issue an FAQ, the regulatory language itself must be clearer to prevent misinterpretation and ensure appropriate implementation.

Reporting Requirements

Several new reporting provisions require clarification:

- **Section 3.04(d)(5)** grants EEC discretionary authority to require video recording. Without objective standards, funding mechanisms, or clear criteria, this creates inconsistent application and unpredictable compliance burdens. We request that this section be removed.
- **Section 3.04(3)(h)** appears to require wet signatures, which is outdated and incompatible with modern electronic documentation systems. We recommend replacing “signature” with “acknowledgment” or similar language that allows for secure digital processes.
- **Section 3.04(3)(h)(8)** similarly requires “signed statements” from all involved staff. Modernizing this language would support efficient and accurate reporting.
- **Section 3.04(3)(j)** and **section 3.07(7)(h)(23)** require additional clarification regarding expectations for meetings, participants, and alignment with DESE requirements. Residential special education programs should not be required to duplicate processes already mandated by DESE.

We urge EEC to revise these sections to ensure clarity, feasibility, and alignment with existing regulatory frameworks.

	<p>Thank you for your attention to these important matters and for your commitment to strengthening residential program standards. The League School for Autism respectfully requests that EEC incorporate the edits and clarifications outlined above to ensure that the final regulations are clear, achievable, and aligned with existing statutory and regulatory requirements.</p>
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May 9, 2026

VIA ELECTRONIC MAIL

ATTN: Residential Regulations – Legal
Department of Early Education and Care
50 Milk Street, 14th Floor, Boston, MA 02109
Reg.Testimony@mass.gov
Office.commissioners@mass.gov
Eugenia.Soiles@mass.gov

RE: 606 CMR 3.00 –Standards for the Licensure of Residential Programs - Proposed
Regulatory Changes

Dear Commissioner Kershaw & Members of the Board of the Department of Early Education and Care:

Please accept this testimony of the Massachusetts Association of Approved Private Special Education School (MAAPS) regarding Department Early Education and Care’s (EEC) proposed regulatory changes to 606 CMR 3.00 –*Standards for the Licensure of Residential Programs*. We commend EEC for reviewing these regulations and for focusing on the important work of residential placement providers. We appreciate the opportunity to provide these comments and look forward to working with you.

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G. Conclusion

On behalf of the entire MAAPS member residential special education school community, thank you for your time and attention to these important matters. We respectfully urge you to include the edited language as attached regarding residential programming in schools. Please do not hesitate to contact me with any questions or comments you might have.

Sincerely,

A handwritten signature in blue ink that reads 'Elizabeth Dello Russo Becker'.

Elizabeth Dello Russo Becker, Esq.
Executive Director

CC: Janine Brown-Smith, Esquire

May 11, 2026

Paul Belsito, Chair, Massachusetts Board of Early Education and Care

Amy Kershaw, Commissioner of Department of Early Education and Care

Dear Chair Belsito and Board:

The Children's League of Massachusetts (CLM) writes today on behalf of 60 children and family services provider members across Massachusetts. Our common objective is protect the thousands of children, youth and families across the Commonwealth that rely on programmatic support and services for safety and stability.

Thank you for the opportunity to comment on the proposed regulations updating the Standards for the Licensure of Residential Programs. We deeply appreciate the partnership with the Early Education and Care Residential & Placement team, who engaged in months of conversation with direct service providers to understand how the regulations intersect with operations. We are confident that the updated regulations succeed in improving inclusivity and clarity, driving toward better outcomes for youth, enhancing alignment for services that cross over multiple agencies, and better support the children's services workforce, while sustaining a high level of safety and care for children.

We write today to ask for an extension to the proposed implementation date. Given that the regulations have not previously been updated for three decades, we respectfully suggest that 12 months is a reasonable time frame to implement the updated regulations. Residential and Placement programs serve residents from ages 0 up to age 18 (or 22, for certain children living with disabilities). Many of the residents at these programs have complex behavioral health and or social-emotional needs or are otherwise in need of additional complex support. These providers work on behalf of the Commonwealth to provide care and housing for residents in a group care setting outside of their family home. They operate under regulations and contracts from multiple state agencies beyond EEC. All of these factors contribute to the complexity of services and the regulatory environment under which programs operate. We submit that 3 months is not enough time for providers to adequately digest, prepare for, and implement the extensive regulatory updates that will be adopted.



CHILDREN'S
LEAGUE
OF MASSACHUSETTS

PROMOTING THE WELFARE OF CHILDREN AND THEIR FAMILIES THROUGH PUBLIC POLICY

We appreciate the opportunity to comment and CLM remains available to you as a resource in support of your efforts.

Sincerely,

Rachel Gwaltney
Executive Director
Children's League of Massachusetts



Mission First. Every Individual, Every Day.

May 11, 2026

VIA ELECTRONIC AND U.S. MAIL

ATTN: Residential Regulations – Legal
Department of Early Education and Care
50 Milk Street, 14th Floor, Boston, MA 02109
Reg.Testimony@mass.gov
Office.commissioners@mass.gov
Eugenia.Soiles@mass.gov

RE: 606 CMR 3.00 –Standards for the Licensure of Residential Programs - Proposed
Regulatory Changes

Dear Commissioner Kershaw & Members of the Board of the Department of Early Education and Care:

Please accept this testimony of Melmark New England regarding Department Early Education and Care’s (EEC) proposed regulatory changes to 606 CMR 3.00 –*Standards for the Licensure of Residential Programs*. We commend EEC for reviewing these regulations and for focusing on the important work of residential placement providers. We appreciate the opportunity to provide these comments and look forward to working with you.

A. Melmark New England School Residential Special Education Background

Melmark New England day schools are currently located in Andover and Stoughton, Massachusetts. Our DESE licensed program provides special educational, residential and rehabilitative services for children, adolescents and adults ages 3-22 diagnosed with autism spectrum disorder, intellectual and developmental disabilities. Our educational staff adhere to evidence-based intervention in special education framed by Applied Behavior Analysis (ABA) and child development. Our individualized curriculum allows the student’s educational team to integrate the goals and objectives into lesson plans and daily activities, resulting in a rich, meaningful learning experience for each student. Each classroom has a lead special education teacher, specially designed classrooms, sophisticated clinical services and extensive use of technology to facilitate learning and communication. Melmark offers a vocational training program for adolescent students. Melmark’s highly skilled workforce ensures each student reaches their maximum potential.

B. Implementation Date, Funding and Staffing

All schools, especially MAAPS member-schools, are committed to operating safe and exceptional schools for the students they serve. A regulatory scheme that is robust and fair is in the best interest of all. However, regulations must also be achievable. Without any indication of additional funding being provided to match the new regulatory changes, implementation of some changes will be very

New England

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challenging and must be done over a period of time. We respectfully request a longer time than three (3) months to prepare for these new regulations to be effective.

Additionally, Massachusetts is still facing an overall staffing crisis in schools, particularly in the overnight staffing at residential schools. The organizational demand for qualified employees is increasing but many factors are intervening, to name a few: (1) federal changes such as to the H-1B visas program and other visas; (2) challenges and delays in the state's regulatory approval processes; (3) high turnover and staff burnout; (4) the high cost of living and public funding constraints; and, (4) the limited talent interest in the positions/pipeline. An implementation date that is months away does not provide us with ample time to properly train and make updates for the first major regulatory updates in thirty (30) years. DESE recently updated its regulation and provided more than twelve (12) months for implementation. Additionally, as written the regulations propose holding programs accountable to policies that do not yet exist, which puts both regulator and program in a difficult position. Once EEC votes to approve these regulations, the EEC Boards' job may be done, but for providers and schools, their job is just beginning. They must update all policies (EEC must then review these updated policies), systems and trainings and implement those new trainings for all staff. It is not realistic, and honestly does not feel respectful, to programs to have such a short implementation timeline. A one (1) year implementation timeline is reasonable for programs and schools to update policies, systems and trainings.

C. Conflicting, Over-Broad Regulatory Provisions

Schools are highly regulated environments. The Massachusetts Department of Elementary and Secondary Education (DESE) has primary regulatory authority over K-12 schools, including MAAPS-members, and the Department of Early Education and Care (EEC) has licensing authority over certain residential portions of schools. There are instances in the proposed regulations where EEC is introducing new requirements that are in conflict with existing laws, regulations and best practices as already codified by DESE or other regulatory agencies. For example, under **section 3.04 (1)(g) –(h)**, a licensee is being required to have an overseeing body in place and the language is confusing as relates to our existing boards of directors. These sections must be removed. We urge EEC to amend the proposed regulatory language so that this advisory group only provides input to our boards of directors, cannot supersede them. Without statutory authority, EEC cannot write overreaching regulations granting itself broad power to regulate boards of non-profits.

D. Program – Regulator Partnership

Melmark New England works together with their EEC and other regulators to operate safe and educational programming for the students they serve. It is important to our members to have trusting relationships with our regulators, and to know that each regulator will apply the new regulations consistently. We urge EEC to train all staff of their new regulations upon promulgation so that they apply them in a fair, consistent and effective way for shared success.

E. Drills

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The number of safety drills EEC is requiring is written in a way that is not clear. **Section 3.08(2)(e)** is confusing programs as to the number of various drills. We understand that EEC is going to offer a Frequently Asked Questions (FAQ) to provide further guidance. We suggest that EEC should have more clear language in the regulations. For many students at residential special education schools, drills are deeply impactful. We do not want to operate too many or too few drills because the regulations were unclear, even with an FAQ.

F. Reporting

There are a few specific new regulatory provisions regarding reporting that lack clarity, and we urge EEC to clarify the language in the regulations before publication. For example, **section 3.04 (d)(5)**, has very problematic language about requiring video recording. Granting the EEC discretionary authority to impose this requirement for video surveillance without a funding mechanism is inappropriate, as it lacks objective standards, creates inconsistent application, and exposes programs to unpredictable and potentially disproportionate compliance obligations. Please strike this section. Likewise, **section 3.04 (3)(h)** has very specific requirements on how to report and does not allow for technological options. For example, the need for “signature” reads as if a wet signature or a signature line is required. This is a dated concept and not how businesses operate today. We suggest EEC use more modern language options such as acknowledgement. Likewise, **section 3.04 (3)(h)(8)** requires signed statements by all staff who witnessed or were directly involved. If EEC could provide some more modern language options for “signed” statements, it would allow programs to utilize modern technology. We are still unclear how **section 3.04(3)(j)** will be implemented and next steps. The language in **section 3.07 (7)(h)(23)** is similarly unclear. Should residential special education schools also subject to DESE’s requirements, track and hold separate meetings? It is also unclear who comes to meetings. We believe the intent is that if the weekly review has identified a resident who may need a new behavioral plan/intervention that the parent or guardian is involved, which we agree with, however, the language of this section is unclear. We urge EEC to clarify the written regulations in these sections in light of these comments.

G. Conclusion

On behalf of the entire Melmark New England community, thank you for your time and attention to these important matters. Please do not hesitate to contact me with any questions or comments you might have.

Warm Regards,



Rita Gardner, M.P.H., LABA, BCBA, CDE®
President and CEO
Melmark New England

cc: Kimberly Duhanyan, Executive Director, Melmark New England

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Lydia Conley PRESIDENT / CEO
Lesli Suggs, LICSW CHAIR

ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

By E-Mail

May 11, 2026

Board of Early Education and Care
Department of Early Education and Care
50 Milk Street, 14th Floor
Boston, MA 02109

Re: 606 CMR 3.00: Standards for the Licensure of Residential Programs Serving Children and Young Parents

Dear EEC Board Members:

The Association for Behavioral Healthcare (ABH) is a statewide association representing eighty community-based mental health and addiction treatment provider organizations. ABH's members are the primary providers of publicly funded behavioral healthcare services, serving approximately 81,000 Massachusetts residents daily, 1.5 million residents annually, and employing over 46,500 people. ABH represents all of the contracted Department of Mental Health (DMH) Intensive Community Services providers and almost one-third of the contracted Department of Children and Families (DCF) Congregate Care Network providers. Our members that contract with DMH and DCF for these services are also licensed by the Department of Early Education (EEC).

ABH members appreciate EEC's review and revisions to the residential regulations, particularly the Department's intentional engagement of licensees and stakeholders in this process. Nevertheless, our members are concerned by the proposed August 17, 2026 implementation date for the new regulations. As EEC noted in their April 8th presentation to the Board, the new regulations will require enhanced systems and support to ensure successful implementation. This is also true for licensees who will require time to digest the new regulations, develop and operationalize new policies, and design and schedule applicable staff training. An implementation date of August 17th provides licensees with less than three months for meaningful system change. ABH members recommend a twelve-month implementation period in order to provide the time necessary to ensure regulatory compliance.

Thank you for your consideration of this request. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Lydia Conley'.

Lydia Conley
President & CEO

CARE THAT WORKS

Families And Providers United For Child Care



My name is **Nacaira Tse Greenaway** and I am speaking on behalf of the Care That Works coalition. We are a diverse group of unions and community organizations representing paid and unpaid caregivers, parents, relatives and child care providers. For the past couple of years we have been working with EEC in an effort to uplift informal care providers, who we refer to Family, Friend and Neighbor providers, or FFN

We are encouraged by this important step forward and excited to see the fruit of our labor reflected in the increase of daily rates for FFN providers. This progress represents an acknowledgement of the critical role caregivers play in sustaining families, communities, and the broader economy. One of Care That Works' goals is to ensure that voucher reimbursement rates for FFN providers are equivalent to the state minimum wage. Currently, the rates are as low as \$2.08 per hour. These low rates hurt parents by limiting their choice of FFN providers. And they hurt the informal FFN workforce--which is 97 percent female and 50 percent people of color--by undervaluing their time and labor, contributing to persistent racial and gender inequality.

Today, the Board will be asked to take action on a proposal to raise the reimbursement rates for FFN care providers. The Care That Works Coalition urges you to vote yes on this proposal, as an important step toward achieving a decent living for FFN providers. Your yes vote will adjust the voucher formula to bring parity to providers caring for children in their own homes with those providing care in the children's home. It will raise reimbursement rates by 13% for most providers, and by even more for some. This is an important step in properly valuing the labor of FFN providers, and we thank the EEC Commissioner and staff for listening to FFN providers and other Care That Works coalition members and proposing the increase you will vote on today.

However, the rates proposed today still fall far short of the Massachusetts hourly minimum wage of \$15/hour. We hope you will join us in considering today's vote as a first step in increasing FFN reimbursement rates, ensuring that all care jobs are good jobs.

Thank you for your efforts, and we look forward to the future.

Care That Works (CTW)

The Care That Works coalition is a multiracial, multicultural, multigenerational, feminist, working-class coalition of unions and community groups organizing paid and unpaid child caregivers: parents, relatives and friends, domestic workers, family child care providers, and center-based workers.

Our work is to reimagine, realign, and grow our care ecosystem as a public good to ensure that all care jobs are good jobs and that all forms of care are abundant for all communities.

For more information:
Visit our website at carethatworks.org



Campaign Steering Committee

- Community Labor United
- La Colaborativa
- Brockton Workers Alliance
- Brookview House
- New England Community Project
- Service Employees International Union Local 509

