**Board of Early Education and Care**

**May 9, 2023**

**1:00 PM – 4:00 PM**

**Department of Early Education and Care, Central Office**

**50 Milk Street, 5th Floor**

**Boston, MA 02110**

[https://www.youtube.com/c/EECMass](https://urldefense.com/v3/__https:/nam04.safelinks.protection.outlook.com/?url=https*3A*2F*2Furldefense.com*2Fv3*2F__https*3A*2Fwww.youtube.com*2Fc*2FEECMass__*3B!!CUhgQOZqV7M!mtJGkDA0V8yVgg2uKSG9uy90hzVOfMC6kxew8RLmPytYEKM5G63U2wNQX5lmit0oRma9LJJQvSy2Xg9khjIXdBkRMbjsJqM*24&data=05*7C01*7Cmike*40renvisioning.com*7Cfc2fcdfea44a4844760708da926316e2*7C804f5616b15149f0831435a91562ab97*7C0*7C0*7C637983251547746626*7CUnknown*7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0*3D*7C3000*7C*7C*7C&sdata=GfmZaBZpVTD29gjgCI6wqLvtPwwz9k3Ct84ytJS62uk*3D&reserved=0__;JSUlJSUlJSUlJSUlJSUlJSUlJSUlJSUlJSUl!!CUhgQOZqV7M!nAONvpYnuUFeIIGmPyWAYzixbXXP4opicM2oKiaL2PxTSq3vmDXa1fDb49UwAzr-myowXZhp4oTO75KqUO9_ZCMBwQ$)

**Members of the Board of Early Education and Care Present**

Paul Belsito, Chairperson

Dr. Patrick Tutwiler, Secretary of Education

Amy Kershaw, Acting Commissioner

Maria Gonzalez Moeller

George Atanasov

Carolyn Kain, J.D., Designee for HHS Secretary Kate Walsh

Mora Segal

Linda D. Sagor, M.D., M.P.H

Jamella Lee

Nikki Ruiz de Luzuriaga (via phone)

**Members of the Board of Early Education and Care Not Present**

Cheryl Travers

Stephanie Curenton, Ph.D.

**AGENDA:**

**Welcome and Comments from the Chair**

Chairperson Belsito called the May Board meeting to order. Chairperson Belsito shared that today’s meeting will welcome members of EEC’s residential and placement licensing team and thanked them for their time to inform and educate the Board regarding the work they do. Chairperson Belsito further stated that, during the meeting, the Commissioner will update the Board on the continued work to update the rate and reimbursement structure.

**Comments from the Secretary**

Secretary Tutwiler provided an update on the FY24 budget, stating that the recently released House budget included many important early education initiatives, including $490 million for C3 grants. Secretary Tutwiler stated that the Senate budget will be released later in the afternoon. Secretary Tutwiler highlighted that applications for the higher education early childhood educator scholarships are available and provided instructions on how to access the application to ensure that as many educators as possible apply. Secretary Tutwiler highlighted that the current week is Teacher Appreciation Week and Friday is designated Child Care Provider Day. Secretary Tutwiler expressed his deep appreciation for all early education educators and thanked them for their work.

**Comments from the Commissioner**

Commissioner Kershaw echoed Secretary Tutwiler’s appreciate for early educators. Commissioner Kershaw indicated that an update will be provided to the Board when the Senate releases their budget and expressed appreciation for the support from the Administration and the Legislature. After providing a personnel update, Commissioner Kershaw gave an update relating to the implementation of the financial assistance regulations, stating that policies and procedures are being drafted in partnership with stakeholders and the formal effective date will be September 1, 2023, which will enable new vendors to be trained in the policies and procedures. Commissioner Kershaw shared that information regarding the scholarship program can also be found on EEC’s website and clarified that the application is open until August 1, 2023. Commissioner Kershaw stated that the June Board meeting will be held in Boston.

**Statements from the Public**

Chairperson Belsito acknowledged that public comment was received by email and was distributed to the Board prior to the start of the meeting for review.

**Routine Business:**

* Approval of Minutes from April 11, 2023 Meeting – VOTE

Approved by unanimous vote.

**Items for Discussion and Action:**

* Residential & Placement Programs

Commissioner Kershaw welcomed Deputy Commissioner for Field Operations Andrew Rome, Supervisors for the Residential and Placement Unit, Kelly Buckley and Tim Keane, and Residential and Placement Licensors Yvonne Adobo-Piper, Carrie Murphy McCall, and Tracy Medeiros. Commissioner Kershaw discussed the important work undertaken by the residential and placement team and stated that today’s conversation is a continuation of the regulation reform process. Commissioner Kershaw stated that the relevant regulations have not been meaningfully updated since 1995 and discussed the importance of the regulations reflecting the current work of the agency.

* + Overview

Deputy Commissioner Rome provided an overview of the residential and placement unit (“R&P”), stating that these programs provide housing and clinical supports for youth. Deputy Commissioner Rome defined the two types of residential programs, which are group care and temporary shelter, and the two types of placement agencies, which are foster care placement agencies and adoption agencies.

Ms. Buckley discussed the regulations that apply to residential and placement programs. She outlined the different types of residential programs licensed by EEC and discussed the populations that are served, highlighting that 311 licensed programs serve over 5,000 youth across the Commonwealth. Ms. Buckley noted that, due to workforce and retention issues, capacity is lower than licensing allows at most programs. Ms. Buckley discussed the types of placement agencies licensed by EEC and explained the types of contracts utilized by foster care and adoption agencies.

Deputy Commissioner Rome discussed residential education schools which are overseen in collaboration with DESE and stressed the importance of open communication between the agencies to ensure the health and safety of the children who reside and receive education at the programs. He shared that 47% programs are residential education. Deputy Commissioner Rome clarified that EEC is not the funding source for these programs and solely handles regulatory oversight and licensing and clarified the roles other partners, such as DCF and DMH, have in the residential placement programs and how EEC collaborates with these partners. Commissioner Kershaw noted that EEC’s role in early childhood education is broader than its role with R&P programs. She clarified that the funding agencies set treatment goals and standards for services provided, so our collaboration with the funding agencies is essential.

Licensor Kerry Murphy McCall discussed how licensors support group care and temporary shelter programs. She provided an overview of the services these programs provide and discussed the needs of the children who receive the services. Ms. McCall shared that a large responsibility of licensors is to conduct annual visits with providers through renewal and monitoring visits and she discussed the process for these visits and how information is gathered and shared with the programs. Ms. McCall stated that licensors also conduct investigations, with the most serious handled by the investigation unit with monitoring and enforcement handled by licensors.

Yvonne Adobo-Piper discussed the milieu of the residential programs, the staffing structure, and typical daily occurrences for staff and residents. Ms. Adobo-Piper discussed the role of parents and how the agency supports residents and their families.

Tracy Medeiros discussed the role of EEC in licensing foster care and adoption agencies. Ms. Medeiros made the distinction that EEC licenses the agency, not the families proving the care. Ms. Medeiros discussed the regulations specific to foster care and adoption agencies. She shared that the biggest challenge currently is the recruitment and retention of foster parents. Commissioner Kershaw commented that the goal of placement is to provide children with the least restrictive setting.

* + Framework for Regulatory Revisions

Commissioner Kershaw discussed challenges facing licensors and the need to update the regulations. Tim Keane discussed the current state of the regulations and stated there is a need to update the regulations to work collaboratively with the programs. Mr. Keane outlined the purpose and goals of the regulatory revisions. He shared that, in 2015 there were revisions to the regulations to address behavioral supports by eliminating prone, chemical, and mechanical restraints and move towards a trauma informed environment. Mr. Keane discussed the areas of reform needed to update and streamline the regulations while centering the experience of the youth and families who are served by the programs.

Ms. Buckley stated that regulations for placement agencies were updated in 2018 after extensive consultation with stakeholders and provider groups and stated that the goal of these revisions is to streamline the regulations after meeting with providers to gain feedback on the 2018 changes.

Deputy Commissioner Rome detailed the planned stakeholder engagement to ensure that the revisions facilitate better programs for youth and families. Deputy Commissioner Rome shared that a working group is being formed to collaborate for providers and public comment will be welcomed and shared with the Board. Deputy Commissioner Rome discussed next steps and provided a timeline for the regulation revisions. He stated that the goal is for regulations to be promulgated in Spring 2024.

Commissioner Kershaw thanked the R&P team for the work and their connection to the children and programs they serve. She stated that it is EEC’s intention to continue regulation revisions and the group and school age and family childcare regulations will also be revised.

Board member Dr. Linda Sagor inquired if EEC should have a role in setting quality standards to ensure uniformity. Commissioner Kershaw stated that the regulations do address quality standards for care. Deputy Commissioner Rome clarified that EEC does include thresholds for quality, for example around training and education requirements and service plans for youth, but stated that the referral sources have the oversight on the specific needs as they have the contracts and are providing funding. Commissioner Kershaw clarified that DCF is the purchaser of the services and tracks outcomes. Board member Kain asked for clarification on the bifurcation of the licensing and the oversight of the quality. Commissioner Kershaw stated that EEC’s predecessor agency, the Office of Child Care Services, was primarily a regulatory agency and had already established the regulatory expertise. Commissioner Kershaw acknowledged that, although this work may appear to fall outside of the essential mission of the agency, it is an essential part of the agency because it ensures the health and safety of our most vulnerable residents.

Board member Segal thanked the team for building the Board’s awareness and asked if EEC had the authority to get involved in recruitment and retention work for foster care families and Ms. Medeiros clarified that EEC licenses the agencies, who are then responsible for recruiting and training. Commissioner Kershaw stated that traditionally DCF has been responsible for marketing and raising awareness and Deputy Commissioner Rome stated that EEC has worked closely with DCF under Federal guidance to modify regulations and requirements in relation to kinship placements and confirmed EEC’s commitment to supporting the agencies efforts.

Chairperson Belsito expressed appreciation for EEC’s efforts to modernize their processes and revise the regulations to ensure that children and families are at the center of the work. He appreciated the education provided by the R&P licensing team and encouraged public comment. Board member Kain raised the issue of accepting out of state placements and the effect on capacity and asked for that to be considered when revising the regulations. Board member Ruiz de Luzuriaga commented that it is important to engage the youth being served in these programs in a thoughtful way and the plan should include an intentional outreach to youth who have had a variety of different experiences in the programs.

* Child Care Financial Assistance

Commissioner Kershaw welcomed Senior Associate Commissioner for Research and Policy Amy Checkoway and Chief Operating Officer Norfleet to provide an update on childcare financial assistance costs and rates.

* + Reimbursement Rates & Rate Structure Update

Senior Associate Commissioner Checkoway provided an update regarding rates and next steps for the rate structure. Commissioner Kershaw stated that, since the last update to the Board, the federal oversight agency has made a change. Senior Associate Checkoway provided a review of the Market Rate Survey and the preliminary cost analysis that EEC oversaw in FY22 in order to gain insight into current market rates and costs and incorporated the findings into the a state plan that was submitted to the federal government. Senior Associate Commissioner Checkoway and Mr. Norfleet provided a recap of the 2022 Market Rate Survey findings that were presented to the Board in September. Mr. Norfleet commented that the Board issued a historic rate increase as a result of the market rate survey findings. Mr. Norfleet advised that at the time of the rate increase to 30% OCC did not provide a threshold, but OCC has now advised that the threshold is 50%. Mr. Norfleet stated EEC is confident that, with line items in the budget, all rates will be raised to meet the 50% threshold. Commissioner Kershaw stated that the federal government and OCC is acting in a supportive role. Commissioner Kershaw stated that it is important to come into compliance with the threshold while using the cost data to inform next steps. Commissioner Kershaw discussed rate increases included in the Governor, House, and Senate budgets and stated that strategy and timeline will be determined by the final budget outcome. Board member Kain inquired if the federal government provided a grace period or timeline to come into compliance and Commissioner Kershaw stated they have indicated they are willing to work with EEC and recognized the work being done to make progress towards compliance. Deputy Commissioner Kershaw discussed the strategy for FY24 to comply with federal requirements, ensure equity and simplify the rate structure. Commissioner Kershaw stated that EEC will be submitting the proposal for an alternative methodology to the Federal government this summer to consider both rates and costs to inform the structure. Commissioner Kershaw acknowledged that rates and tuition alone will not ensure a stable, equitable early education and care system. Commissioner Kershaw stated that the overall strategy remains to reform the rate structure using the cost information and continue to understand the role of operational grants for programs’ financing. Commissioner Kershaw stated that further information from the budget is needed to assess the fiscal impact of the 50% threshold and to determine what can be achieved in FY24. Board member Segal commented that it is complicated to bridge the inequity between the regions and the federal government’s expectations and Chairperson Belsito affirmed that reconciliation would happen upon completion of the budget process. Commissioner Kershaw commented that the agency is committed to come into compliance and address inequity issues regardless of the level of funding. Board member Segal asked about timeline to utilize the alternative methodology and Senior Associate Commissioner Checkoway stated that the plan is to have the proposal submitted to OCC this summer and, once the methodology is approved, research and data collection will resume. Commissioner Kershaw clarified that it is a two-step process – the first is to submit the alternative methodology for approval and then, once approved, use the methodology to collect information for the next three-year state plan. Commissioner Kershaw stated that the current cost data is sufficient to inform the reforms to the cost structure. Board member Lee asked if EEC’s external partners are assisting with the alternative methodology and Senior Commissioner Checkoway clarified that EEC is creating the proposal and, once approved, an external partner would be engaged to conduct the methodology.

Chairperson Belsito thanked the team for the information and stated that he looks forward to the continued conversations. He thanked the residential and placement team and Commissioner Kershaw for their help in providing greater understanding of the agency’s oversight. Chairperson Belsito thanked the EEC team for coordinating the Board meetings.

Meeting adjourned at 2:45PM.