**Board of Early Education and Care Motion 2022-09**

**Approval of Proposed Amendments to Financial Assistance for Subsidized Care Regulations (606 CMR §§ 10.10 and 10.11) and Authorization to Solicit Public Comment on the Proposed Regulatory Changes**

Pursuant to G.L. c. 15D, § 3, the Board of Early Education and Care (“Board”) shall set policies and establish regulations related to early education and care programs and services. In order to increase the availability of continued subsidized care during the review and Informal Hearing process that follows the termination of care or denial of care at reauthorization, and streamline the review and hearing process for families, the Department of Early Education and Care (“Department”) recommends that the Board approve the following proposed amendments to the regulations governing early education and care financial assistance appeals:

* Amend 606 C.M.R. § 10.10(3) to enhance notice requirements so that families are better notified of their right to appeal and that, if they do appeal, care will be extended during the appeal process.
* Strike the language of 606 C.M.R. § 10.10(4) (Continuation of Care) and 606 C.M.R. § 10.10(5) (Continuation of Subsidized Child Care Services) and replace these regulations with consolidated language that permits continuation of child care subsidies pending appeal when a Parent is denied care at reauthorization, or when care is terminated, and outlines the Parent’s responsibilities in order to maintain care pending the outcome of the department appeals process.
* Amend 606 C.M.R. § 10.11(7) and (8) to establish clearer timeframes to adjudicate appeals during the request for review and Informal Hearing process to allow families to obtain decisions in a more efficient and timely manner and to require prioritization of decisions for appeals of cases where care was denied at initial authorization.
* Amend 606 C.M.R. § 10.11(8) to allow Informal Hearings to take place via a virtual platform to increase accessibility and reduce the need for travel for those who do not wish to do so.

Before the amended regulations may become effective, the public must be provided with an opportunity to comment on them pursuant to the requirements of the Administrative Procedure Act, G.L. c. 30A. Accordingly, the Department recommends that the Board authorize the Acting Commissioner of Early Education and Care to solicit public comment, pursuant to G.L. c. 30A on the proposed amendments to the regulations that govern early education and care financial assistance appeals.

**MOVED**: that the Board of Early Education and Care hereby approves the Department’s proposed amendments to the regulations governing early education and care financial assistance appeals; and

the Board also authorizes the Acting Commissioner of Early Education and Care to solicit public comment, in accordance with G.L. c. 30A, on the proposed amendments to these regulations, subject to approval of the final regulations by the Board.