



## NOTICE OF PUBLIC COMMENT PERIOD

In accordance with G.L. c. 30A, the Board of Early Education and Care (EEC) is proposing amendments to its regulations found at 606 CMR 15.00, pursuant to its authority under G.L. c. 15D §§ 3 and 18. The proposed regulation amendments are to the Early Education and Out of School Time (EEOST) Capital Fund Grant Program.

EEC has received feedback that administration of both large and small grant awards is needed to support the early education and out of school time field. As such, regulatory action is required to continue a hybrid approach that will permit EEC to administer smaller grants for this grant round, as well as the flexibility to administer both large and small grants on a permanent basis.

The proposed draft amendments propose to change the current regulations as follows:

- Allow the Commissioner to shorten the length of time of an EEOST grant to be less burdensome for the smaller grant awards. 606 CMR 15.04(2)(c).
- Allow the Commissioner to adjust grant recapture terms to reflect the shorter length of the grants, where applicable. 606 CMR 15.04(2)(d).
- Allow the Commissioner to waive the requirements for a recorded Mortgage Lien and Land Use Restriction against the property on which the capital improvements are being made for the smaller grant awardees. 606 CMR 15.04(2)(e) and (f).

The purpose of these amendments is to allow EEC-licensed early education and out of school time programs to finance capital improvements.

EEC will accept comments on the proposed regulations via e-mail to [christine.mcgrath@mass.gov](mailto:christine.mcgrath@mass.gov), or in writing to Department of Early Education and Care, 50 Milk Street, 14th Floor, Boston, MA 02109 ATTN: EEOST REGULATIONS: LEGAL **until 5:00 p.m. on December 15, 2023**. To obtain a copy of the proposed regulations, please visit EEC's website at [www.mass.gov/eec](http://www.mass.gov/eec).

## Small Business Impact Statement

*(As required by M.G.L. c. 30A §§ 2, 3 & 5)*

### CMR No: 606 CMR 15.00

Estimate of the Number of Small Businesses Impacted by the Regulation: approximately 300 over the next five years (the length of time the current EEOST Grant is funded), including potential applicants for an EEOST Grant as well as the construction, design, architectural, financial, legal, and development industries.

#### Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? There will be reports that the EEOST grant recipients will need to file regarding compliance with terms of the Grants.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? Grantees will have to keep detailed records of expenditures of grant funds and are subject to periodic audit to ensure funds are being spent properly.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? Grantees will have to provide administrative oversight of the expenditure of Grant funds and various associated reporting requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? Grantees may need to utilize extra staff to meet various reporting requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? Grantees will need to have a Development Team in place. Such team will consist of architects, construction manager, accountant, attorney, development consultant, and others as needed.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? These regulations concern a grant program where EEC licensed programs are awarded funding toward large capital expenditures for the repair, replacement improvement, rehabilitation, or purchase of child care facilities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) Design/operational standards are necessary into order to ensure that the project is proceeding according to specifications. These Grants funds projects where design and operations are key to success.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No other regulations duplicate or conflict with these regulations.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? Audits and inspections are a basic part of the monitoring to ensure that the Grant Terms and Guidelines are met.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? These regulations will not deter the formation of small businesses and will likely help increase their formation.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? Yes, by both increasing the need for the services of a number of small businesses and by increasing the number of affordable child care slots available.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?  Design/operational standards are necessary into order to ensure that the project is proceeding according to specifications. The EEOST Grant funds projects where design and operations are key to success.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?  There are no alternative regulatory methods that would minimize the adverse impact on small businesses.