



NOTICE OF PUBLIC COMMENT

Pursuant to its authority under M.G.L. c. 69, §1B, and c. 71B, and in accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3, the Massachusetts Board of Elementary and Secondary Education (Board) is soliciting public comment on proposed amendments to 603 CMR 28.00, Special Education regulations.

The proposed amendments reflect the recent change to M.G.L. c. 71B, § 3, made by section 30 of Chapter 14 of the Acts of 2025.

SECTION 30. The ninth paragraph of said section 3 of said chapter 71B, as so appearing, is hereby amended by adding the following sentence:- The department shall promulgate regulations to continue in effect and enforce the provisions of 20 U.S.C. 1415(k) in effect on January 1, 2025.

The proposed amendments relate to the definition of “Individualized Education Program” and discipline procedures for students with disabilities.

Copies of the proposed amendments are available on the Department’s website at <https://www.doe.mass.edu/bese/regs-comments/default.html>, or at <http://www.doe.mass.edu/lawsregs/>, or by calling 781-338-3375. Public comments may be submitted online by completing this form <https://survey.alchemer.com/s3/8706085/Public-Comment-about-Proposed-Amendments-to-Regulations-on-Special-Education-603-CMR-28-00>, or by email to BESERegulationComments@mass.gov or by mail to: Regulations Public Comment, c/o Commissioner’s Office, Department of Elementary and Secondary Education, 135 Santilli Highway, Everett, MA 02149. The deadline to submit public comment is **Friday, April 24, 2026, at 5:00 pm**. The Board is expected to vote on the proposed amendments at its regular monthly meeting in **June 2026**.

Small Business Impact Statement Pursuant to M.G.L. c. 30A, §2

This statement accompanies the filing by the Department of Elementary and Secondary Education of the proposed amendments to 603 CMR 28.00, Special Education Regulations.

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1. The proposed amendments do not affect small businesses.
2. Since the proposed amendments do not affect small businesses, the following considerations are not applicable:
 - a. Reporting, record keeping or other administrative costs required of small businesses for compliance associated with the amendments.
 - b. Appropriateness of performance standards vs. design standards.
 - c. Regulations of this agency or any other state agency, which may duplicate or conflict with the proposed amendments.
 - d. Analysis of whether the proposed amendments are likely to deter or encourage the formation of new business in the state.

Submitted by:



Rhoda E. Schneider, on behalf of the Department of Elementary and Secondary Education

Date: 3/2/2026