*****Massachusetts Department of***

***Elementary and Secondary Education***

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| Jeffrey C. Riley*Commissioner* |  |

# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:**  | Jeffrey C. Riley, Commissioner |
| **Date:**  | March 26, 2020 – **UPDATED March 30, 2020** |
| **Subject:** | Briefing for the March 31, 2020 Regular Meeting of the Board of Elementary and Secondary Education (Meeting by Remote Participation)  |

The next regular meeting of the Board of Elementary and Secondary Education will be on **Tuesday, March 31, 2020**. Members will be participating remotely, in light of the ongoing Covid-19 pandemic and Governor Baker’s emergency [order](https://41g41s33vxdd2vc05w415s1e-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/OpenMtgLaw_ExecOrder_Mar32020.pdf) of March 12, 2020, modifying the Open Meeting Law. The meeting will start at **9:00 a.m.** and should adjourn by **11:00 a.m.** Helene Bettencourt and Courtney Sullivan will assist with all arrangements for our virtual meeting; please email or call them if you have any questions.

**OVERVIEW**

Because of the urgent issues that we at the Department of Elementary and Secondary Education – and all of you – are dealing with right now, Chair Craven suggested that we limit the March 31 agenda to the Covid-19/education update and any other time-sensitive matters. We have deferred informational and less urgent items to a future meeting.

**REGULAR MEETING**

**Comments from the Chair**

**Comments from the Commissioner**

**Comments from the Secretary**

**Statements from the Public**

**Approval of the Minutes of the February 25, 2020 Regular Meeting**

**ITEMS FOR DISCUSSION AND ACTION**

1. **Update on Covid-19 Action Steps to Support Schools, Students, and Families – Discussion**

The Covid-19 public health emergency has dominated our lives for the past several weeks. The Department of Elementary and Secondary Education has been working energetically with the Administration, the Legislature, and education stakeholders to support schools, students, and families through this crisis. Under Tab 1 are some of the guidance documents and resources that we have produced and disseminated widely. At our meeting on May 31, I will review the actions we have taken and our plans for the coming weeks and answer your questions.

1. **Proposed Regulation Addressing Regulatory Timelines Due to Covid-19 State of Emergency, 603 CMR 56.00, for Emergency Adoption – Discussion and Vote**

This item is a late addition to the March 31 agenda because we are all working hard to keep up with the cascade of issues affecting students and schools in the current crisis, and doing our best to address the issues and provide help in real time.

I recommend that the Board adopt a regulation at the March 31 meeting authorizing the Commissioner, for good cause arising from the current state of emergency and the closure of schools, to suspend, extend, or waive any timeline or due date in the Board’s regulations to the extent permitted by state and federal law. I would take such action only with prior written notice to the Board. This authorization would permit me to act in a timely and efficient manner to adjust regulatory timelines and due dates that students, educators, and school districts cannot reasonably meet in the current state of emergency.

The memo under Tab 2 provides further details and examples. As the memo notes, any timeline or due date that arises from state or federal law would remain unchanged. For example, timelines for special education evaluations that are set by the federal Individuals with Disabilities Education Act or by Massachusetts statute would not be subject to this regulation. Any change to statutory timelines would require legislative action.

I am recommending that the Board adopt this regulation on an emergency basis, as provided by the Massachusetts Administrative Procedure Act. The emergency regulation would be in effect for no more than three months, during which time the Department will solicit and review public comment. Following the public comment period, I expect to bring the regulation back to the Board for final adoption at the June meeting.

General Counsel Rhoda Schneider and I would be pleased to answer your questions.

1. **Education Collaboratives: Delegation of Certain Matters to Commissioner Per Statute – Discussion and Vote**

At a future Board meeting, the Department will present an overview on education collaboratives and changes resulting from the 2019 amendments to the state law. Meanwhile, two provisions of the amended statute, relating to the organization and leadership of collaborative regions around the state, take effect in early April. Given that timing, I recommend that the Board vote on March 31 to delegate to the Commissioner the decision-making around these two provisions. The memo under Tab 3 provides details.

If you have questions about any agenda items, please call me. I look forward to meeting with you – virtually – on March 31.