# Minutes of the Regular Meeting

**of the Massachusetts Board of Elementary and Secondary Education**

**Tuesday, April 28, 2020**

**9:03 a.m.– 11:18 a.m.**

**By Remote Participation Per Governor Baker's Emergency Order of March 12, 2020**

**Members of the Board of Elementary and Secondary Education Present:**

**Katherine Craven**,Chair,Brookline

**James Morton**, Vice-Chair, Boston

**Amanda Fernandez**,Belmont

**Matthew Hills**, Newton

**Michael Moriarty,** Holyoke

**James Peyser**,Secretary of Education

**Paymon Rouhanifard**, Brookline

**Mary Ann Stewart,** Lexington

**Matthew Tibbitts**, Student Advisory Council, Ludlow

**Martin West**, Newton

**Jeffrey C. Riley**,Commissioner of Elementary and Secondary Education

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Chair Craven convened the meeting of the Board of Elementary and Secondary Education (Board) at 9:03 a.m. Board members introduced themselves.

**Public Comment**

* Erin Truman, Falmouth, addressed the Board on Update on Covid-19 Action Steps to Support Schools, Students, and Families
* Courtney Edman, Framingham, addressed the Board on Update on Covid-19 Action Steps to Support Schools, Students, and Families
* Carolyn Fox, Malden, addressed the Board on Update on Covid-19 Action Steps to Support Schools, Students, and Families
* Monica Linden, Franklin, addressed the Board on Update on Covid-19 Action Steps to Support Schools, Students, and Families
* Gerry Mroz, Melrose, addressed the Board on Update on Covid-19 Action Steps to Support Schools, Students, and Families
* Anne Furtado, Lowell, addressed the Board on Update on Covid-19 Action Steps to Support Schools, Students, and Families
* Christine Spelman, Graduation Coach, Springfield High School of Science and Technology, addressed the Board on Proposed Modifications to the Competency Determination Requirement for Current High School Seniors During the Covid-19 Emergency
* Xiomara García, Boston Public Schools parent, addressed the Board on the Boston Public Schools district review and MOU
* Arelis Restrepo, Boston Public Schools parent, addressed the Board on the Boston Public Schools district review and MOU
* Tarina Harrison, Boston Public Schools parent, addressed the Board on the Boston Public Schools district review and MOU

**Comments from Chair Craven**

Chair Craven thanked all the speakers who addressed the Board and said one positive aspect of the current situation is that people from across the Commonwealth can present their comments without having to travel to Malden. Chair Craven noted that every family with children at home, including her own family, is dealing with many challenges, and getting students back to school safely is a priority that she shares with the Commissioner and Secretary. Chair Craven reported that the Board’s Committee on the Commissioner’s Performance Review met on April 13 and will meet again on May 4; these meetings are held remotely and are accessible to all Board members and the public.

**Comments from Commissioner Riley**

Commissioner Riley congratulated student Board member Matthew Tibbitts for being one of 11 Massachusetts public and private school students who have been named semifinalists in the U.S. Presidential Scholars Program. Mr. Tibbitt informed the Board he will be attending Harvard College in the fall.

**Comments from Secretary Peyser**

Secretary Peyser said the Governor's recent decision to extend emergency school closures through the end of the school year was driven by public health data. He added the extension enables schools to build on the momentum of remote learning efforts over the next two months and provides time to plan thoughtfully for summer programs and the coming school year.

**Update on Covid-19 Action Steps to Support Schools, Students, and Families**

Commissioner Riley reviewed actions the Department has taken over the last few weeks. He outlined the four phases of the state of emergency with respect to K-12 education. Phase 1 focused on the health and well-being of students. The Department worked with districts to set up over 1,300 feeding centers, issued guidance on instructional activities, partnered with WGBH to offer educational programming on television so students who might not have internet or computer access could continue learning, and encouraged districts to continue paying hourly staff and special education vendors to maintain essential system capacity.

In Phase 2, the Department produced more robust guidance on remote learning, which was endorsed by the statewide education associations and released on March 26 in tandem with the Governor’s school closure extension to May 4. The Commissioner noted that MIT rated our remote learning guidance #2 in the U.S. Commissioner Riley said the Department also sent out detailed guidance on supporting English Learners as well as special education students.

Heather Peske, Senior Associate Commissioner, provided an overview on steps being taken to support English Learners while schools are closed. She noted that about 11% of Massachusetts public school students are ELs and over two-thirds of them are in 20 school districts, which receive priority state support. Ms. Peske listed several of the Department’s actions, including publishing guidance on provisional identification of ELs so they will receive services without undue delay, providing webinars on the guidance for district and school leaders, and collaborating with the Massachusetts Association of Teachers of Speakers of Other Languages (MATSOL) on guidance in various languages for parents and families of English Learners.

Russell Johnston, Senior Associate Commissioner and State Director of Special Education, explained that the Department continues to provide updated information and resources to special education leaders on the remote provision of special education services. He highlighted a few items including a letter for parents explaining the Department’s expectations for remote special education services along with a family toolbox with resources and ideas for supporting students with disabilities at home. Mr. Johnston said the Department provides regular updates for special education administrators and others and has posted resource guides with ideas for supporting students with disabilities based on disability type and age group.

Commissioner Riley said Phase 3 started with Governor Baker’s announcement that school buildings will be closed for the rest of this school year. The Commissioner said on April 24, the Department published additional guidance on remote learning for May and June, with a focus on teaching the essential standards at each grade level to help prepare students to move on. He noted the guidance urges teachers and districts to connect with all students and families. Commissioner Riley said some students are disengaged or only intermittently engaged in remote learning, and we are asking districts to work with and reach out to families in a supportive way.

Commissioner Riley said Phase 4 involves preparing for school re-entry, and whether that happens in the summer or fall, we need to learn from other countries’ experience and map out a plan. He said he has convened a working group that includes health experts, members of the educational community, and others to think this through and offer recommendations.

Commissioner Riley reviewed other actions, including the Department’s work to match donors with districts in need of technology support; issuing guidance on mental health support for families; piloting translation services for parents in five districts; using his authority under the emergency regulation the Board adopted in March to modify some deadlines in state education regulations; and considering ways to recognize the graduating class of 2020. The Commissioner said the Department is determined to continuously improve the situation; he said the pandemic has given lemons to all of us in education and the Department is working hard with our school districts to make the best lemonade.

Ms. Fernandez asked about technology access to support English Learners and special education students and their families. Ms. Peske and Mr. Johnston said the Department’s guidance encourages districts to use low-tech methods as well as high-tech, including contacting students and families by telephone and providing resources that do not require internet access. Mr. Moriarty noted the unevenness of broadband access across the state and within communities, particularly for homeless students and families and for those in affordable housing. He urged Secretary Peyser to raise this issue of equity with his counterparts who oversee state housing policy and other community services. Mr. West asked about plans for diagnostic assessment of students in Phase 4. The Commissioner said he is discussing this with superintendents, and he would like to see all districts using data to address students’ current academic needs without devoting the first day of school solely to testing.

Commissioner Riley acknowledged Massachusetts vocational schools for donating medical supplies and personal protective equipment to hospitals early in the pandemic and for their current work delivering vocational education programs through remote learning.

**Proposed Modifications to the Competency Determination Requirement for Current High School Seniors During the COVID-19 Emergency**

Commissioner Riley said the Legislature has given this Board authority, upon the Commissioner’s recommendation, to modify or waive the requirements of the competency determination (CD) for high school graduation in order to address disruptions caused by the outbreak of Covid-19 or the state of emergency. He said that today we are talking only about high school seniors and other actively enrolled students on track to graduate this school year.

Commissioner Riley said for the limited number of these students statewide who would have taken MCAS tests this spring in order to earn their CD, he is recommending that the Board temporarily modify the CD requirement by authorizing an emergency process through which students can earn the competency determination through successful completion of a relevant high school course. He added this is not intended to be a permanent pathway to earning a competency determination, but rather a temporary measure needed in response to the extraordinary circumstances created by the pandemic. Associate Commissioner Rob Curtin responded to questions from Board members. Commissioner Riley noted the Department is continuing to consider what adjustments may be needed for students currently in grades 9-11 who were planning to take the science MCAS tests this spring.

Mr. Moriarty said he supports the Commissioner’s recommendation as a thoughtful and balanced approach that does not diminish the CD because it looks specifically at the cohort of students who would have taken MCAS tests this spring had the tests not been cancelled.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Elementary and Secondary Education, in accordance with**

**St. 2020, c. 56, § 6, and as recommended by the Commissioner, temporarily modifies the competency determination requirement by authorizing an emergency process through which current high school seniors, as well as other actively enrolled students who were on track to graduate in the 2019-2020 school year, shall earn the competency determination through successful completion of a relevant high school course, as follows:**

* **For ELA and mathematics – upon district certification that the student earned credit this year for a course aligned to the curriculum frameworks in the relevant subject matter, and has demonstrated competency in that subject. For students that were not enrolled in a course in the needed subject area during this school year, the Department will examine relevant coursework the district identifies for which the student received credit in previous school years.**
* **For science and technology/engineering –upon district certification that the student earned credit for a course aligned to the curriculum frameworks in the relevant subject matter, and has demonstrated competency in one of the four tested disciplines (biology, chemistry, introductory physics, technology/engineering) in either the current school year or a prior school year.**

**This action is not intended to be a permanent pathway to earning a competency determination, but rather a temporary measure needed in response to the extraordinary circumstances created by the COVID-19 pandemic. This emergency process will be implemented when information about students’ course completion is available. This will allow eligible students to be awarded the CD over the summer, on the same timeline that would have been in place had they been able to take part in the spring testing opportunities. The Commissioner shall report to the Board and the public on the results of this emergency process.**

The vote, by roll call, was 10-0.

**Update on Education Budget Matters**

Senior Associate Commissioner/CFO Bill Bell updated the Board on the budget, noting the Department is continuing to provide funding, including all state aid and reimbursement accounts, based on authorized spending levels in the current year (FY20) budget, as well as federal grants. He said state leaders are working to identify the spending and revenue impact of the pandemic and do not anticipate FY20 spending reductions at this time. Mr. Bell said the federal CARES Act will supply additional funding to support schools, and the federal funds will be available to use through September 30, 2022.

Mr. Bell said the FY21 state budget will likely be delayed and the state might operate on a 1/12 budget in the interim. He said municipal and regional districts are seeking guidance on expected state aid and required local contributions, adding that if budgets are not in place by July 1, the Department of Revenue can set a 1/12 budget for municipal districts and the Commissioner can set a 1/12 budget for regional school districts. Chair Craven called the budget report sobering.

**Education Collaboratives: Proposed Amendments to Regulations, 603 CMR 50.00**

Commissioner Riley said he is recommending that the Board solicit public comment on proposed revisions to the Education Collaborative Regulations, 603 CMR 50.00. The proposed amendments incorporate new aspects of the statute on education collaboratives, M.G.L. c. 40, § 4E, as amended by Chapter 437 of the Acts of 2018. Commissioner Riley introduced Ruth Hersh, School Redesign and Education Collaborative Manager, to answer questions. Board members had no questions.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Elementary and Secondary Education, in accordance with**

**M.G.L. c. 69, § 1B, and c. 40, § 4E, as amended by Chapter 437 of the Acts of 2018, authorizes the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, to solicit public comment on the proposed amendments to the Regulations on Education Collaboratives, 603 CMR 50.00, as presented by the Commissioner. The proposed amendments update the regulations on education collaboratives to implement the revised statutory provisions consistently and effectively.**

The vote, by roll call, was 10-0.

**Approval of Minutes**

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Elementary and Secondary Education approve the minutes of the March 31, 2020 Regular Meeting**

The vote, by roll call, was 10-0.

Mr. Hills noted the informational reports on chronically underperforming schools and asked if the MOU with Boston Public Schools would have any impact on UP Academy Holland and Dever School in Boston. The Commissioner said not at this time, although the situation is fluid.

Chair Craven thanked Board members and the Commissioner and Department staff for their reports and all their good work.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 11:18 a.m. subject to the call of the Chair.**

The vote, by roll call, was 10-0.

Respectfully submitted,

Jeffrey C. Riley

Commissioner of Elementary and Secondary Education

and Secretary to the Board