*****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:**  | May 18, 2020 |
| **Subject:** | Student Opportunity Act Plan Regulations: 603 CMR 55.00  |

At the meeting of the Board of Elementary and Secondary Education (Board) on May 26, 2020, I will recommend that the Board vote to make the emergency regulations on the Student Opportunity Act Plans permanent. At the February 25, 2020 meeting, the Board voted to adopt these regulations on an emergency basis and to solicit public comment, as provided by G.L. c. 30A, § 3.[[1]](#footnote-2)

**Background Information about the Student Opportunity Act**

On November 26, 2019, Governor Baker signed into law the Student Opportunity Act (St. 2019, c.132) (SOA). To promote the use of funds in support of the SOA’s goals, each superintendent, in consultation with the local school committee, must develop a three-year, evidence-based plan to address persistent disparities in achievement among student subgroups. The Commissioner has authority to require a district to amend its plan to ensure the plan meets the requirements of the law. Annually, each district must report data to the Department of Elementary and Secondary Education (Department) reflecting progress it has made in addressing disparities in achievement among studentsubgroups.

The SOA provided that each district must submit its initial three-year plan to the Department by April 1, 2020. In order to address disruptions caused by the COVID-19 pandemic, Governor Baker recently signed legislation ([St. 2020, Ch. 56, § 9](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter56)) extending that deadline to May 15, 2020, or a later date that I may determine. In light of the need for districts to focus their efforts on support and instruction for students during this period, I have extended the deadline to Friday, June 19. (Charter schools will submit their SOA plans with their annual reports by Friday, July 31.) If needed, I may extend the deadline further as the timeline for the state budget becomes clearer.

**SOA Regulations**

The emergency regulations adopted by the Board on February 25 provide direction to school districts about the creation and submission of the plans, including the following:

* Each district will provide community stakeholders, including parents, educators, special education and English learner parent advisory councils, and school improvement councils, with the opportunity to give input and recommendations to the superintendent regarding the plan;
* Each district will identify in its plan specific evidence-based programs it intends to implement to effectively reduce disparities among student subgroups;
* The district will describe how Chapter 70 funds, as well as other local, state, and federal funds will be used to implement the plan, including information about school level spending and resources for selected student subgroups;
* Each district will establish at least three outcome metrics to measure the success of the district’s evidence-based programs in addressing persistent disparities in achievement among student subgroups;
* The district will describe its ongoing work to effectively engage families and measure family engagement efforts, including families of low-income students, English learners, and students with disabilities; and
* The school committee will have the opportunity to vote on the district’s plan.

**Public Comments and Recommendations**

We received one comment during the public comment period. The comment, from Representative Alice Peisch, House Chair of the Joint Committee on Education, expressed support for the regulations without any recommended changes, and is attached. The comment also reaffirmed the intention of the Student Opportunity Act to bridge persistent achievement gaps. With this in mind, I recommend that the Board vote to adopt as permanent the emergency regulations without changes.

**Update on Plan Submissions**

To date, almost 90 districts have submitted Student Opportunity Act plans, including at least 7 long-form plans (from districts receiving over $1.5 million in additional funding) and 78 short-form plans (from those receiving less than $1.5 million). Of course, many districts are focused now on efforts to respond to the COVID-19 pandemic.

At the May 26, 2020 meeting, Senior Associate Commissioner Russell Johnston, Associate Commissioner Dan Anderson, and Deputy General Counsel Deb Steenland will be available to answer your questions.

Enclosures: Letter of Comment from Rep. Alice Peisch, April 10, 2020

 Proposed Regulations on Student Opportunity Act District Plans, 603 CMR 55.00

 Motion

1. I recommended that the Board adopt these regulations on emergency basis so that they would be in effect prior to April 1, 2020, the original statutory deadline for each district to submit its plan. [↑](#footnote-ref-2)