*****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:**  | April 17, 2020 |
| **Subject:** | Proposed Revisions to 603 CMR 50.00 Education Collaboratives Regulations –Discussion and Vote to Solicit Public Comment  |

In January 2019, Governor Baker signed into law [Chapter 437 of the Acts of 2018](file://ESE-FPS-MAL-001.doe.mass.edu/SHARED/FINANCE/Collaboratives/Legislation/Signed%20Ed%20Collaborative%20Bill%201_10_19.pdf), amending [M.G.L. c. 40, § 4E](https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter43/), the statute pertaining to education collaboratives. I recommend the Board of Elementary and Secondary Education (Board) vote to solicit public comment on proposed revisions to the Education Collaborative Regulations, [603 CMR 50.00](http://www.doe.mass.edu/lawsregs/603cmr50.html), that incorporate the new aspects of the law. I expect to bring the regulations back to the Board, with any changes resulting from the public comment, for final adoption at a meeting later in the year.

**Background Information about Education Collaboratives**

Education collaboratives have operated in Massachusetts for over 50 years. Education collaboratives are formed by school committees and charter boards under the provisions of Massachusetts General Law Chapter 40, Section 4E ([M.G.L. c. 40, § 4E](https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter43/)) and [Chapter 71B](https://malegislature.gov/laws/generallaws/partI/titleXII/chapter71b) for the purpose of supplementing and strengthening the programs and services of member school committees and charter boards, in a cost-effective manner. Originally formed to allow local school districts to supplement and strengthen educational programming, education collaboratives have grown into a valued component of the educational landscape across the Commonwealth.

In 2012, [M.G.L. c. 40, § 4E](https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter43/) was amended through *An Act Relative to Improving Accountability and Oversight of Education Collaboratives*, and in January 2013, the Board established new regulations that govern education collaboratives, [603 CMR 50.00](http://www.doe.mass.edu/lawsregs/603cmr50.html). Together, the statute and regulations provided for sweeping changes in the operation and accountability of education collaboratives; strengthening state oversight, fiscal accountability, and governance for education collaboratives and addressed serious problems and gaps that were identified by the Offices of the State Auditor and the Inspector General. In addition, the statute called for the establishment of a special commission to examine and to make recommendations on the future role for education collaboratives in the Commonwealth. The recommendations of the special commission were issued in the 2013 Report to the Legislature, [Special Commission on Education Collaboratives](file:///C%3A/Users/pxg/Desktop/SpecialCommissionReportToLegistature.pdf), many of which are included in the proposed 2020 statutory revisions to [M.G.L. c. 40, § 4E](https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter43/).

Currently, there are 25 approved education collaboratives in Massachusetts serving over 4000 students. These 25 educational collaboratives provide services to 265 member districts. The service area map below depicts the locations of the central offices of the 25 education collaboratives in blue and the member and non-member districts who benefit from at least one service offered by a collaborative are shaded yellow.

**Education Collaborative Service Area**

 Education Collaborative locations (central offices)

 Districts receiving services from at least one collaborative

**Recent Statutory Revisions**

In January 2019, Governor Baker signed into law [Chapter 437 of the Acts of 2018](file://ESE-FPS-MAL-001.doe.mass.edu/SHARED/FINANCE/Collaboratives/Legislation/Signed%20Ed%20Collaborative%20Bill%201_10_19.pdf), further amending [M.G.L. c. 40, § 4E](https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter43/). This action was the culmination of several years of effort by a variety of stakeholders to codify the recommendations of the in the 2013 Report to the Legislature, [Special Commission on Education Collaboratives.](file:///C%3A/Users/pxg/Desktop/SpecialCommissionReportToLegistature.pdf)

As amended, the statute provides the opportunity for education collaboratives to play a greater role in improving supports and services for all students throughout Massachusetts. In response the changes in statute, the Department is proposing limited revisions to the 603 CMR 50.00 to reflect the statutory changes.

Below is a summary of the proposed revisions, which include:

* Definitions (Education Collaborative Regions; Lead Collaborative; Regional Liaison);
* References to regional collaborative efforts in 50.04, consistent with the statute;
* Updating role of Commissioner’s appointee as a liaison rather than a voting member of the board of directors;
* Clarifications in language regarding programs and services required in the collaborative agreement, and supplemental documentation;
* Clarifications regarding segregation of duties of collaborative employees;
* Clarifications regarding annual reporting requirements;
* Addition of language about imposing conditions in relation to probationary status, suspension, and revocation;
* Amended waiver language; and
* Removing language that is no longer relevant.

Stakeholders including the Massachusetts Organization of Educational Collaboratives (MOEC); the Massachusetts Association of School Committees (MASC); and the Massachusetts Association of School Superintendents (MASS) have previewed the proposed revisions to the existing regulations and may provide additonal feedback during the public comment period.

Additional documents outlining proposed changes to the regulations are included as enclosures with this memorandum.

**Timeline and Process**

Department staff from the Center for Educational Options, the Legal Office, and MOEC representatives will be available to answer questions at the April 28, 2020 meeting. If the Board votes to authorize the solicitation of public comment on the proposed regulations, we expect to:

* Conduct outreach to a broad range of stakeholders, including the stakeholders listed above;
* Invite public comment;
* Review the comments and feedback we receive; and
* Revise the regulations as needed and bring them back to the Board for final action later in the year.

If you have any questions regarding this recommendation or require additional information, please contact Ruth Hersh at Ruth.E.Hersh@mass.gov.

**Enclosures:**

1. 603 CMR 50.00: Clean version of regulations with proposed amendments incorporated
2. 603 CMR 50.00: Strikethrough version of regulations showing proposed amendments
3. Summary of Proposed Changes
4. Motion to Solicit Public Comment