*****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:** | June 22, 2022 |
| **Subject:** | Briefing for the June 28, 2022 Regular Meeting of the Board of Elementary and Secondary Education – **Amended agenda as of 6/27/22** |

The next regular meeting of the Board of Elementary and Secondary Education will be on **Tuesday, June 28, 2022**, at the Department of Elementary and Secondary Education in Malden. The meeting will start at **9:00 a.m.** and should adjourn by **1:00 p.m.** The Board will meet in person, following the Commonwealth’s current health and safety guidelines, and the meeting will be live-streamed and recorded. Helene Bettencourt and Courtney Sullivan will assist with all arrangements; please email or call them if you have any questions.

**OVERVIEW**

I will update the Board on next steps with the Boston Public Schools and actions the Department has taken and is taking to support schools, students, and families across the Commonwealth. The Board will discuss and vote on amendments to two regulations that are presented this month for final adoption; they relate to educator licensure flexibilities and accountability system modifications. The Board will also discuss and vote on soliciting public comment on proposed amendments to regulations on dyslexia screening. We will have an update on education budget matters. Eleni Carris Livingston will present the State Student Advisory Council’s 2021-22 end-of-year report. The Board’s Committee on the Commissioner’s Performance Evaluation, chaired by Vice-Chair James Morton, will present its report and recommendation to the Board for a vote. The Board will also vote on the summer delegation of authority. Following these business items, the Board will conclude its meeting with an executive session to discuss strategy with respect to litigation.

**REGULAR MEETING**

**Comments from the Chair**

Chair Craven will report on current issues and activities.

**Comments from the Commissioner**

1. **Supporting students’ mental health and wellness.** Students’ mental health and wellness has been a priority for the Board and Department. As a reminder, last month’s Board package included a [memo](https://www.doe.mass.edu/bese/docs/fy2022/2022-05/item4.docx) on this topic. While there was not time at the May 24 meeting for the team to present, the memo provides information about some of the funding, professional development, guidance, and advisory groups that are available. It includes examples of support the Department is providing to help schools and districts strengthen their multi-tiered systems, focus on preventing problems and promoting mental health and wellbeing, and strengthen partnerships to meet students’ varied needs, especially in light of the effects of the pandemic. We will schedule a presentation to the Board at a future meeting. In the meantime, if members have specific questions or would like more information, please let me know.

**Comments from the Secretary**

Secretary Peyser will report on current issues and activities.

**Statements from the Public**

**Routine Business: Approval of the Minutes of the April 26, 2022 and May 24, 2022 Regular Meetings**

The Board will vote on approval of the minutes from the April and May regular meetings.

**ITEMS FOR DISCUSSION AND ACTION**

1. **Update on Boston Public Schools – Discussion**

The Department, Boston Public Schools, and the City of Boston were able to finalize the Systemic Improvement Plan on June 27, 2022, and therefore I will not ask the Board of Elementary and Secondary Education to vote to declare the district underperforming. Under this plan, BPS and the City of Boston will take immediate action to address longstanding deficiencies in the district.

**2. Update on Action Steps to Support Schools, Students, and Families – Discussion**

I will update the Board on the Department’s recent and ongoing actions to provide support for schools, students, and families across the Commonwealth.

**3. Amendment to Educator Licensure Regulations, 603 CMR 7.00 (Staffing**

**Flexibilities for 2022-2023) – Discussion and Vote**

In April 2022, the Board voted to solicit public comment on proposed amendments to the Educator Licensure regulations that would extend certain staffing flexibilities through the 2022-2023 school year. We received a limited number of comments regarding the proposed changes, which are summarized in the enclosed memorandum. In response to the public comment, I am recommending one further, minor amendment to the regulations. I recommend that the Board vote at the June 28 meeting to adopt these proposed amendments. Brian Devine, Director of Educator Licensure, and Lucy Wall of our legal staff will be available to answer questions.

**4. Amendment to Regulations on Accountability and Assistance for School Districts**

**and Schools, 603 CMR 2.00 (Modification due to COVID-19 Pandemic) – Discussion and Vote**

In March 2022, the Board voted to solicit public comment on a proposed amendment to the Accountability and Assistance regulations, 603 CMR 2.00, to allow a temporary suspension in reporting some components of our school and district accountability system this fall due to the COVID-19 pandemic. The enclosed memorandum includes a summary of the public comment the Department received and a summary of the discussion with the Board’s Accountability and Assistance Advisory Council. I recommend that the Board vote at the June 28 meeting to adopt the proposed amendment. Rob Curtin, our chief officer for data, assessment, and accountability, will be at the meeting to respond to questions.

**5. Proposed Amendment to Special Education Regulations, 603 CMR 28.03, on**

**Dyslexia Screening – Initial Discussion and Vote to Solicit Public Comment**

Secretary Peyser has asked to present a proposed regulation to the Board for discussion and a vote to solicit public comment. The proposed regulation, which would amend the special education regulation relating to school district administration and personnel, would require all elementary schools to assess each student’s reading abilities and foundational skills at least twice per year from kindergarten through at least third grade using a screening instrument approved by the Department. If a screening determines that a student is significantly behind relevant benchmarks, the proposed regulation would require a further assessment to determine whether the student needs additional reading supports or an evaluation for a specific learning disability. It would also require the school to timely notify the student’s parents or guardians of the assessment results. With the Board’s approval, the Department will invite public comment on the proposed amendment and then bring it back to the Board for final action in September.

**6. Education Budget Update – Discussion**

Senior Associate Commissioner/CFO Bill Bell, Senior Associate Commissioner Komal Bhasin, and Simone Lynch, Federal Grant Programs Director, will brief the Board on the latest information we have about federal and state funding for K-12 education in the Commonwealth.

**7. State Student Advisory Council End of Year Report for 2021-2022 – Discussion**

Eleni Carris Livingston has served with distinction as the elected chair of the State Student Advisory Council and as a member of this Board. She will present the SSAC’s 2021-2022 end-of-year report. (This item is carried over from the May 24 meeting.)

**8. Delegation of Authority to Commissioner to take Necessary Action between Board**

**Meetings – Discussion and Vote**

Because we have a three-month hiatus until the next regular meeting of the Board, I recommend that the Board vote to authorize the Commissioner to act on your behalf in approving any matters that are not otherwise covered by the Board’s previous delegations of authority and that require action before the next regular meeting in September 2022. By the terms of the suggested motion, I will consult with the Board Chair in advance of any such action and report to the Board on any matters that have been so approved. In addition, I recommend that the Board vote to authorize the Commissioner to approve contracts that three charter schools have proposed with educational management organizations, upon satisfactory completion of my review. In similar situations involving other charter schools, the Board has delegated the contract approval to the Commissioner. The enclosed memorandum provides details.

1. **Annual Performance Evaluation of the Commissioner – Discussion and Vote**

Board Vice-Chair James Morton, on behalf of the Board’s Committee on the Commissioner’s Performance Evaluation, will present the committee’s report and recommend a motion on the Commissioner’s evaluation.

**OTHER ITEMS FOR INFORMATION**

**10. Report on Grants Approved by the Commissioner**

Enclosed is information on grants that I have approved since our last meeting, under the authority the Board has delegated to the Commissioner.

1. **Annual Report on Non-Operating School Districts Approved by the Commissioner**

By statute, towns that do not operate their own public schools (generally because the town is small and is not a member of a regional school district) must request and receive approval annually from the Board to tuition their students to public schools in other towns. In June 2009, the Board voted to delegate this approval authority to the Commissioner. Enclosed is a memorandum reporting on the approvals I have granted.

**12. Notification of Commissioner Approval of Loans Beyond Charter Duration**

Under the charter school statute, a charter school may incur temporary debt in anticipation of receipt of funds. The charter school must receive approval from the Board if it wishes to agree to a term of repayment that exceeds the duration of the school’s charter. In October 2008, the Board voted to delegate to the Commissioner the authority to approve such loan requests. The enclosed memorandum informs the Board of such approvals I have granted during the past 12 months.

**13. Chronically Underperforming Schools Quarter 4 Report**

Enclosed are the FY2022 End-of-Year Reports on the chronically underperforming schools: UP Academy Holland and Dever Elementary School in Boston, Morgan Full-Service Community School in Holyoke, and Parker Elementary School in New Bedford.

**EXECUTIVE SESSION**

**14. Executive Session to Discuss Litigation Strategy**

At the conclusion of the business agenda, Chair Craven will ask for a vote to go into executive session to discuss strategy with respect to pending litigation. The Board will adjourn the meeting following the executive session.

If you have questions about any agenda items, please call me. I look forward to meeting with you on June 28.