# Minutes of the Special Meeting

# of the Massachusetts Board of Elementary and Secondary Education

# Department of Elementary and Secondary Education

**75 Pleasant Street, Malden MA**

**Monday, August 15, 2022, 12:05 p.m. – 2:25 p.m.**

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

**Katherine Craven,** Chair, Brookline

**Tricia Canavan,** South Hadley

**Matthew Hills,** Newton

**Darlene Lombos,** Boston

**Farzana Mohamed,** Newton

**Michael Moriarty,** Holyoke

**James Peyser,** Secretary of Education, Milton

**Eric Plankey,** Westford, Student Member

**Paymon Rouhanifard,** Brookline

**Mary Ann Stewart,** Lexington

**Martin West,** Newton

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

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Chair Craven called the meeting to order at 12:05 p.m., and members introduced themselves. Chair Craven noted that today’s Board meeting, like all open meetings of the Board, is being [live-streamed](https://livestream.com/accounts/22459134) and recorded.

**Statements from the Public**

* **Senator Joanne Comerford** addressed the Board on Item 1: Amendment to Competency Determination Regulations, 603 CMR 30.00: Establishment of New CD Standards for the Classes of 2026-2029 and Possible Amendment Proposed by Member West to Establish New CD Standards for the Classes of 2030 and Beyond
* **Representative James Hawkins** addressed the Board on Item 1: Amendment to Competency Determination Regulations, 603 CMR 30.00: Establishment of New CD Standards for the Classes of 2026-2029 and Possible Amendment Proposed by Member West to Establish New CD Standards for the Classes of 2030 and Beyond
* **Senator Pat Jehlen** addressed the Board on Item 1: Amendment to Competency Determination Regulations, 603 CMR 30.00: Establishment of New CD Standards for the Classes of 2026-2029 and Possible Amendment Proposed by Member West to Establish New CD Standards for the Classes of 2030 and Beyond
* **Max Page, President,** **Massachusetts Teachers Association,** addressed the Board on Item 1: Amendment to Competency Determination Regulations, 603 CMR 30.00: Establishment of New CD Standards for the Classes of 2026-2029 and Possible Amendment Proposed by Member West to Establish New CD Standards for the Classes of 2030 and Beyond
* **Deb McCarthy, Vice President, Massachusetts Teachers Association,** addressed the Board on Item 1: Amendment to Competency Determination Regulations, 603 CMR 30.00: Establishment of New CD Standards for the Classes of 2026-2029 and Possible Amendment Proposed by Member West to Establish New CD Standards for the Classes of 2030 and Beyond
* **Joe Herosy, reading comments on behalf of Barbara Rose****,** addressed the Board on Item 1: Amendment to Competency Determination Regulations, 603 CMR 30.00: Establishment of New CD Standards for the Classes of 2026-2029 and Possible Amendment Proposed by Member West to Establish New CD Standards for the Classes of 2030 and Beyond
* **Sarah Bol, special education teacher,** addressed the Board on Item 1: Amendment to Competency Determination Regulations, 603 CMR 30.00: Establishment of New CD Standards for the Classes of 2026-2029 and Possible Amendment Proposed by Member West to Establish New CD Standards for the Classes of 2030 and Beyond
* **Lisa Graf, Boston parent,** addressed the Board on Item 5: Education Budget Update

Chair Craven reminded the audience that the Board welcomes comments in writing and disruptions of the meeting are not permitted.

**Comments from the Chair**

Chair Craven welcomed three new Board members to their first meeting: Eric Plankey, who was elected as State Student Advisory Council Chair for 2022-2023; and newly appointed members Farzana Mohamed and Tricia Canavan. Chair Craven expressed appreciation to former members Amanda Fernández and James Morton for their years of dedicated service.

**Comments from the Secretary**

Secretary Peyser also welcomed the new Board members and thanked James Morton and Amanda Fernández for their service. The Secretary highlighted some recent legislation: language related to the Inclusive Concurrent Enrollment program in the FY2023 budget; new provisions to address mental health needs, including creation of an interagency team; and the general bond bill, which includes the skills capital grant program. He noted the economic development bill was not enacted; it contains provisions on early college and vocational-technical education among others, and he hopes the Legislature will revisit it later in the year.

**Comments from the Commissioner**

Commissioner Riley said he is looking forward to schools reopening with students fully engaged in learning and extracurricular activities and interacting with their peers and teachers. He said the Department of Elementary and Secondary Education (DESE) and Department of Public Health today sent a joint memo to superintendents with updated COVID information for the new school year. The Commissioner summarized key points in the memo, noting there is no statewide mask mandate for schools at this time other than in school health offices. He said anyone who wishes to continue to wear a mask should be supported in that choice. He added that the statewide COVID testing program concluded in the spring and schools and districts have information about purchasing testing kits and face masks if they choose to do so. The Commissioner said DESE’s Rapid Response Call-in Center will continue to support school districts throughout the year.

**Amendment to Competency Determination (CD) Regulations, 603 CMR 30.00: Establishment of New CD Standards for the Classes of 2026-2029 and Possible Amendment Proposed by Member West to Establish New CD Standards for the Classes of 2030 and Beyond — Discussion and Vote**

Commissioner Riley asked Rob Curtin, Chief Officer for Data, Assessment, and Accountability,

Associate Commissioner Michol Stapel, and Lucy Wall of the Department’s legal staff to join the discussion. The Commissioner noted that the Board voted in April to solicit public comment on proposed amendments to the Competency Determination (CD) regulations to establish a new passing standard for the classes of 2026-2029. He said having carefully considered the comments that were submitted, he is recommending that the Board vote to adopt the amendments as presented.

Mr. Curtin provided a recap of the historical timeline of the CD and milestones and a summary of considerations from the CD Advisory Committee. He noted that students in the class of 2026 are entering ninth grade this fall and no CD standard has been set yet for their class or those that follow. Mr. Curtin reviewed the current and proposed CD levels and explained the Commissioner’s recommendation. He discussed the various opportunities for students to meet the standards and earn the CD through MCAS tests and retests as well as the appeals process, and additional pathways for students who arrive in Massachusetts schools after the final retest opportunity and for students in military families.

In response to a question from Ms. Stewart, Mr. Curtin said the MCAS appeals process has been in place for about 20 years and the Department will be strengthening communication about it so the process is well understood and used by all districts. In response to a question from Mr. Rouhanifard, Mr. Curtin reported that approximately 16,300 appeals have been filed since 2004 from about 280 districts, and approximately 70 percent of the appeals were granted.

Mr. Curtin described updates to the Educational Proficiency Plan (EPP), which under the regulations is designed to help a student move toward meeting grade level expectations in English language arts (ELA) and/or mathematics. Ms. Stewart and Ms. Canavan asked about communication with parents/guardians if a student does not meet the minimum standard on the grade 10 MCAS exams. Mr. Curtin said the report to parents/guardians includes information on how the student did on the exam, the CD and what it means, and options for continued learning. He noted that the proposed amendments to the regulations relating to the EPP would further strengthen schools’ communication with parents/guardians. In response to a question from Ms. Lombos, Mr. Curtin said the CD Advisory Committee included students who were nominated by the State Student Advisory Council.

Mr. Curtin summarized the public comment that DESE received on the proposed amendments.

To continue the discussion, Chair Craven called for a motion on the Commissioner’s proposal. Commissioner Riley’s proposal was moved and seconded.

MOVED: that the Board of Elementary and Secondary Education, in accordance with
M.G.L. c. 69, §§ 1B and 1D, and having solicited comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopts the amendments to the Competency Determination Regulations, 603 CMR 30.00, as presented by the Commissioner. The proposed amendments concern the Competency Determination standards for students in the classes of 2026 through 2029.

Chair Craven asked if members had questions about the proposal and the discussion continued. In response to questions from Ms. Stewart, Mr. Curtin described the certificate of attainment that school districts may award to students who are in their graduation year and have not yet earned the CD. He added that a student who has met all local graduation requirements but has not yet earned the CD may be a candidate for the appeals process.

Chair Craven asked Mr. Curtin, for the benefit of the new members, to summarize the report the Board received in April from Dr. John Papay, associate professor of education and economics at Brown University. Mr. Curtin said this ongoing study, based on nearly two decades of data on the CD in relation to long-term outcomes for students, shows that a high percentage of students who score at or near the 220-equivalent cut score on high school MCAS tests are not well prepared for postsecondary success in further education and the workforce.

Mr. Curtin noted that the MCAS is a test of learned material. He added that school committees have broad discretion to define their local standards for high school graduation beyond the CD, including non-academic standards.

Secretary Peyser read from the state statute on the competency determination, which was added by the 1993 Education Reform Act. He noted that the law requires students to earn the CD as a condition for high school graduation and requires the Board to adopt CD standards that are grounded in mastery of skills and competencies in core academic areas as measured by criterion-referenced assessments tied to the curriculum frameworks.

Chair Craven said members have received Member West’s memorandum proposing to amend the main motion by substituting the amended version of Section 30.03 he outlined in his memorandum. Dr. West made the motion, and it was seconded.

MOVED: that the Board of Elementary and Secondary Education amend the Commissioner’s proposed final amendments to the Massachusetts Comprehensive Assessment System and Standards for Competency Determination regulations, 603 CMR 30.00, by substituting the section on Standards for Competency Determination, 603 CMR 30.03, with the version enclosed in Member West’s memorandum accompanying the Board materials for the meeting. The proposed amendment would (1) set the English Language Arts and Mathematics standard for the Class of 2030 at the 486 level (the mid-point of Partially Meeting Expectations); (2) for the Class of 2031 and after, set the English Language Arts and Mathematics standard at the Meeting Expectations level (500); and (3) remove the “sunset” date for the Science and Technology/Engineering standard, setting it at 470 beginning in the Class of 2026 and beyond. All other aspects of the Commissioner’s proposed final regulations are unaffected by this amendment.

Dr. West said he supports everything in the Commissioner’s proposal, but he would (1) alter the duration of time the proposed standard would be in place (extending it through the class of 2030 rather than 2029, to gather data on an additional year of student results) and (2) raise the standard for ELA and mathematics to Meeting Expectations for the class of 2031 and beyond. He said the Meeting Expectations standard is closer to the concept of mastery that is in the law, adding that the high school diploma is viewed as a statement that students are prepared. Dr. West said he endorses the Commissioner’s proposal to enhance the Educational Proficiency Plan, which will provide more support and additional pathways for students.

Board members discussed the proposed amendment. Ms. Stewart said she worries about the impact on students whose MCAS test performance is borderline or lower. Ms. Lombos suggested using the racial equity decision-making tool to assess possible changes. Mr. Plankey said he has seen his school district trying to engage students and enrich the high school experience with less “teaching to a test.” Mr. Rouhanifard said the EPP and its targeted support for students has great potential, adding that the MCAS appeals process seems underutilized. Mr. Hills commented that standards matter for students’ future life outcomes, and the proposal to raise the standard starting with the class of 2031 provides ample notice and time for schools to prepare students. Mr. Moriarty said families are deceived if students receive a diploma but do not have knowledge and skills in ELA, math, and science at a tenth-grade level. Dr. West said he favors schools and districts having broad discussions about student engagement and student success, and the CD standard does not compromise that. Ms. Canavan said based on her years of experience with thousands of entry-level employees, Dr. Papay’s research on student outcomes is on target.

Commissioner Riley said he made a measured proposal to increase the CD standard so that parents get a truthful picture of how well prepared their students are, and he included a sunset provision in order to assess the impact of the pandemic on students before raising the standard further. He said he believes the pandemic’s impact on students has been significant, socially and emotionally as well as academically. Commissioner Riley said the Department is building more innovative assessments and he is committed to this work. Chair Craven thanked the Commissioner and members and called for a vote on the pending motion.

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

**VOTED: that the Board of Elementary and Secondary Education amend the Commissioner’s proposed final amendments to the Massachusetts Comprehensive Assessment System and Standards for Competency Determination regulations, 603 CMR 30.00, by substituting the section on Standards for Competency Determination, 603 CMR 30.03, with the version enclosed in Member West’s memorandum accompanying the Board materials for the meeting. The proposed amendment would (1) set the English Language Arts and Mathematics standard for the Class of 2030 at the 486 level (the mid-point of Partially Meeting Expectations); (2) for the Class of 2031 and after, set the English Language Arts and Mathematics standard at the Meeting Expectations level (500); and (3) remove the “sunset” date for the Science and Technology/Engineering standard, setting it at 470 beginning in the Class of 2026 and beyond. All other aspects of the Commissioner’s proposed final regulations are unaffected by this amendment.**

The vote was 8-3. Ms. Lombos, Mr. Plankey, and Ms. Stewart voted in opposition.

Chair Craven then called for a vote on the underlying motion to approve all the regulation changes as amended, and the motion passed.

**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 1D, and having solicited comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopts the amendments to the Massachusetts Comprehensive Assessment System and Standards for Competency Determination regulations, 603 CMR 30.00, as presented by the Commissioner and as amended in Section 30.03 by Member West’s proposal.**

**The amendments incorporate changes proposed by the Commissioner including (1) enhancements to the Educational Proficiency Plan (EPP) process; (2) setting the minimum score for earning a Competency Determination (CD) in combination with an EPP at 470 in English Language Arts and Mathematics; (3) setting the minimum score for earning a CD without an EPP at 486 in English Language Arts and Mathematics for the Classes of 2026–2029; and (4) setting the minimum score for earning a CD without an EPP at 470 in Science and Technology/Engineering for the Classes of 2026–2029; the amendments further incorporate changes proposed by Member West to (1) set the English Language Arts and Mathematics standard for the Class of 2030 at the 486 level (the mid-point of Partially Meeting Expectations); (2) for the Class of 2031 and after, set the English Language Arts and Mathematics standard at the Meeting Expectations level (500); and (3) remove the “sunset” date for the Science and Technology/Engineering standard, setting it at 470 beginning in the Class of 2026 and beyond.**

The vote was 8-3. Ms. Lombos, Mr. Plankey, and Ms. Stewart voted in opposition.

**Proposed Amendment to Regulations on Notification of Bullying or Retaliation, 603 CMR 49.00 (Technical Update Per Statute) — Initial Discussion and Vote to Solicit Public Comment**

Commissioner Riley noted this a technical change to align the definition in the regulation with the updated definition in the state statute and also change some formatting and numbering. He asked the Board to invite public comment on the proposed amendment, as required by the Administrative Procedure Act.

**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. 71, § 37O, hereby authorizes the Commissioner to proceed in accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3, to solicit public comment on the proposed amendment to the Regulations on Notification of Bullying or Retaliation, 603 CMR 49.00, as presented by the Commissioner. The proposed amendment would conform the regulatory definition of bullying to the statutory definition and also make non-substantive changes in formatting and numbering.**

The vote was unanimous.

**District and School Accountability System for 2022: Changes to Align with Regulatory Amendments — Discussion and Vote**

Commissioner Riley said during the pandemic, there have been changes to MCAS testing and to accountability requirements at the federal level. He introduced Rob Curtin to present the proposed district and school accountability system, which would reset the baseline for future accountability determinations.

Rob Curtin, Chief Officer for Data, Assessment, and Accountability, provided background information, reviewed the federal and state accountability requirements, and summarized the proposed plan for 2022 reporting. He explained the Department would publish the data in 2022 but suspend setting targets; 2022 would be the year to reset the baseline. He noted the changes align with the regulatory amendments the Board adopted in June. Mr. Curtin said there are no changes to the statutory authority of the Commissioner or Board, and the decision to name new and/or exit existing underperforming or chronically underperforming schools or chronically underperforming districts would not be affected by these changes. Mr. Curtin summarized the public comment that the Department received and added that based on the comments, the Department has adjusted the chronic absenteeism metric. Mr. Curtin concluded by answering questions from the members.

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

**VOTED:**  **that the Board of Elementary and Secondary Education, in accordance with Mass. General Laws c. 69, §§ 1A, 1B, and 1I, hereby approves the changes to the district and school accountability system for 2022 as recommended by the Commissioner. The changes align with the approved addendum to the ESEA Consolidated State Plan, which grants temporary flexibility around certain federal accountability reporting requirements for the 2021-2022 school year, and also align with the amendments to the accountability regulations, 603 CMR 2.00, that the Board approved in June 2022.**

The vote was unanimous.

**Delegation of Authority to Commissioner to Approve Contracts Proposed by Four Charter Schools — Discussion and Vote**

Commissioner Riley explained that this proposed delegation vote is similar to those the Board has taken in other situations involving review of charter school management contracts.

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

**VOTED: that the Board of Elementary and Secondary Education authorizes the Commissioner, in accordance with General Laws c. 15, § 1F, paragraph 3, to act on behalf of the Board in approving the management contracts for Community Day Charter Public School, Dudley Street Neighborhood Charter School, Excel Academy Charter School, and Old Sturbridge Academy Charter Public School as required by General Laws c. 71, § 89(k)(5), and 603 CMR 1.00. Such approval will follow a legal and technical review of each proposed contract and a vote by the charter school’s board of trustees to approve such contract and to submit a request to amend its charter accordingly. Any such approval by the Commissioner shall also operate to amend the charters granted to Community Day Charter Public School, Dudley Street Neighborhood Charter School, Excel Academy Charter School, and Old Sturbridge Academy Charter Public School to include the approved management contract.**

The vote was unanimous.

**Education Budget Update — Discussion**

Senior Associate Commissioner/CFO Bill Bell provided an update on state and federal funding, focusing on the FY2023 state budget and federal Elementary and Secondary School Emergency Relief (ESSER) funding. With respect to state support, he noted that the Governor and Legislature have prioritized K-12 education funding, allocating $6 billion in state aid through Chapter 70 plus an additional $1.18 billion through circuit breaker special education reimbursement and other programs. Mr. Bell added that the Legislature has also fully funded the universal free school lunch program.

Chair Craven said the next meeting of the Board will be on Tuesday, September 20, 2022.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 2:25 p.m., subject to the call of the Chair.**

The vote was unanimous.

Respectfully submitted,

Jeffrey C. Riley

Commissioner of Elementary and Secondary Education

and Secretary to the Board