*****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:** | February 14, 2020 |
| **Subject:** | Student Opportunity Act and District Plans to Close Gaps in Opportunity and Achievement: Proposed Regulations, 603 CMR 55.00, for Emergency Adoption |

At the meeting of the Board of Elementary and Secondary Education (Board) on February 25, 2020, I will present an overview of work the Department of Elementary and Secondary Education (Department) is doing to implement the Student Opportunity Act, particularly in relation to district plans to close gaps in opportunity and achievement. I recommend that the Board adopt emergency regulations relating to the three-year plans that school districts are required to submit by April 1, 2020. As described in more detail below, following the adoption of the regulations, the Department will solicit public comment. I expect to bring the regulations back to the Board, with any changes resulting from the public comment, for final adoption at your meeting on May 19, 2020.

**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). This landmark legislation is based on the recommendations of the 2015 Foundation Budget Review Commission. When fully implemented over the next seven years, it will provide a significant infusion of new funds to the public schools. It gives districts the opportunity to make progress in closing persistent achievement gaps and to provide all students with the opportunity to succeed.

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. Each district must submit its initial three-year plan to the Department by April 1, 2020. 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 reflecting progress it has made in addressing disparities in achievement among studentsubgroups.

**Proposed Regulations**

The proposed regulations 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 provide 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.

**Rationale for Emergency Regulations**

I am recommending that the Board adopt these regulations on emergency basis, as provided by the Massachusetts Administrative Procedure Act. These regulations are necessary to implement or interpret the requirements set forth in the SOA relating to districts’ plans. The regulations provide essential direction to districts regarding the plans so that the additional funds are used for appropriate educational purposes in accordance with the SOA – and they must take effect prior to April 1, 2020, the statutory deadline for each district to submit its plan. For that reason, emergency adoption is appropriate. Under the Administrative Procedure Act, emergency regulations remain in effect for no more than three months. During that period, the Department will give notice and invite interested persons to present data, views, or arguments. At the Board meeting on May 19, 2020, I will present a summary of the public comment and any changes we are recommending, and ask the Board to adopt the final regulations.

**District Guidance and Assistance**

Over the past month I have released several guidance documents to support districts as they prepare the SOA plans that are due on April 1. Approximately 200 superintendents and district staff joined me for one of two webinar meetings. Based on the questions we have received, the Department has issued a frequently asked questions document that will be updated periodically.

At the February 25 meeting, Senior Associate Commissioner Russell Johnston, Associate Commissioner Rob Curtin, and Deputy General Counsel Deb Steenland will be available to answer your questions.

Enclosures: On the Desktop message February 3, 2020

Student Opportunity Plans – Short Form Guidance

Student Opportunity Plans – Long Form Guidance

On the Desktop message February 13, 2020

SOA Frequently Asked Questions

Evidence-Based Program Examples

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

Motion