*****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 19, 2020  |
| **Subject:** | Briefing for the June 30, 2020 Regular Meeting of the Board of Elementary and Secondary Education (Meeting by Remote Participation)  |

The next regular meeting of the Board of Elementary and Secondary Education will be on **Tuesday, June 30, 2020**. Members will be participating remotely, in light of the ongoing pandemic and Governor Baker’s emergency [order](https://41g41s33vxdd2vc05w415s1e-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/OpenMtgLaw_ExecOrder_Mar32020.pdf) of March 12, 2020, modifying the Open Meeting Law. The meeting will start at **9:00 a.m.** and should adjourn by **1:00 p.m.** Helene Bettencourt and Courtney Sullivan will assist with all arrangements for our virtual meeting; please email or call them if you have any questions.

**OVERVIEW**

Our agenda leads off with an update on actions the Department of Elementary and Secondary Education is taking to support schools, students, and families during the current state of emergency. Following that, we will discuss the Department’s early literacy initiative, and Matt Tibbitts will present the State Student Advisory Council’s annual report. The Board will get an update on the FY2021 state education budget; take final action on the regulation authorizing the Commissioner to suspend, extend, or waive regulatory timelines due to the COVID-19 emergency; and vote on the summer delegation authority, several charter school matters, and the proposed FY2021 meeting schedule. 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. After we conclude these business items, the Board will go into executive session to discuss strategy with respect to litigation.

**REGULAR MEETING**

**Statements from the Public**

**Comments from the Chair**

Chair Craven will report on current issues and activities. Also, this is the final meeting for Matthew Tibbitts as the elected student member of the Board for 2019-20. We are grateful for Matt’s service to the students of the Commonwealth and to this Board and wish him all the best in the future.

**Comments from the Commissioner**

In December 2019, Dr. Stephen Zrike announced that he would step down from his role as receiver/superintendent of Holyoke Public Schools at the end of June. After considering input on the qualities and characteristics the Holyoke community would like to see in the next leader, I appointed Dr. Alberto Vázquez Matos as the next receiver/superintendent for the Holyoke Public Schools, effective July 1, 2020. Both leaders will join us via Zoom at the June 30 Board meeting.

Dr. Zrike has done a commendable job of leading the Holyoke Public Schools in each of the five years of receivership. Many more students are engaged in and completing high school; the graduation rate has increased 10 points to 72.2 percent and the dropout rate has declined to 3.6 percent. Many more students have access to unique pathways through high school redesign, preschool expansion, and dual language expansion. Dr. Zrike and his team have strengthened structures and leadership at the district and school level, and the dedicated staff of Holyoke Public Schools is increasingly more representative of the community of students they serve. These efforts will continue to benefit Holyoke in the years to come.

Dr. Vázquez Matos is currently deputy superintendent of the Hartford Public Schools. Born in Puerto Rico, Dr. Vázquez Matos relocated at a young age to New York, where he grew up and was educated. He began his career in education immediately after graduating from college and has served as a teacher, academic dean, assistant principal, adjunct professor, associate superintendent, superintendent, and chief of staff in various communities in New York and Florida. In those roles, he developed district-wide strategic plans, led transformation work, and developed school and district policies and systems.

I look forward to thanking Dr. Zrike and introducing you to Dr. Vázquez Matos at our June 30 meeting.

**Comments from the Secretary**

Secretary Peyser will report on current issues and activities.

**Routine Business: Approval of the Minutes of the May 26, 2020 Regular Meeting**

The Board will vote on approval of the minutes of last month’s meeting.

**ITEMS FOR DISCUSSION AND ACTION**

1. **Update on COVID-19 Action Steps to Support Schools, Students, and Families – Discussion**

The public health emergency continues to dominate our lives and our work. The Department is continuing to work energetically with the Administration, the Legislature, and education stakeholders to support schools, students, and families through this crisis. Under Tab 1 are some of the guidance documents and resources that we have produced and disseminated widely in the past several weeks. At our meeting on June 30, I will review key actions the Department has taken, update you on new information, and answer your questions. Other members of our senior leadership team will join the discussion.

1. **Early Literacy Initiative – Discussion**

At our June 30 meeting, Senior Associate Commissioner Heather Peske and Director of Literacy and Humanities Katherine Tarca will do a brief presentation on a new early literacy initiative that the Department has underway.

1. **State Student Advisory Council End-of-Year Report for 2019-2020 – Presentation and Discussion**

Matt Tibbitts has served with distinction as the elected chair of the State Student Advisory Council and as a member of this Board. On June 30 he will present the SSAC’s end-of-year report for 2019-2020.

1. **Update on FY 2021 State Education Budget – Discussion**

Senior Associate Commissioner/CFO Bill Bell will update the Board on the latest information we have about federal and state funding for K-12 education in the Commonwealth.

1. **Addressing Regulatory Timelines Due to COVID-19 State of Emergency, 603 CMR 56.00 – Discussion and Vote to Adopt Permanent Regulations**

In March 2020, the Board voted to adopt a regulation authorizing the Commissioner, for good cause arising from the current state of emergency and the closure of schools, to suspend, extend, or waive any timeline or due date in the Board’s regulations to the extent permitted by state and federal law. The Board adopted the regulation on an emergency basis, as provided by the Massachusetts Administrative Procedure Act. I have exercised the authority to address several deadlines that were problematic for students, educators, and school districts, and it has been very helpful. We received no adverse comments during the public comment period. I recommend that the Board vote on June 30 to make the regulation permanent. General Counsel Rhoda Schneider will be available to answer your questions.

1. **Delegation of Authority to Commissioner to take Necessary Action between Board Meetings and to Approve Proposed Contracts with Education Management Organizations for Holyoke Community Charter School and SABIS International Charter School – Discussion and Vote**

Because we have a three-month hiatus until the next regular meeting of the Board, I recommend that you 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 Board action before the next regular meeting in September. 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 the management contracts of two charter schools. Both schools are developing or revising their education services contracts and each school plans to complete that work over the summer. In similar situations involving other charter schools, the Board has delegated the contract approval to the Commissioner.

1. **Modification of Academic Conditions for Charter Schools Operating in Probationary Status: City on a Hill Public Charter School and Paulo Freire Social Justice Charter School – Discussion and Vote**

Because of the cancellation of this spring’s regular administration of MCAS tests for students in grades 3-10, I recommend that the Board vote to modify the conditions on the charters of two charter schools that are on probationary status, to grant them an additional year to demonstrate significant and sustained academic improvement. Details are in the enclosed memo.

1. **Schedule for Regular Board Meetings through June 2021 – Discussion and Vote**

After checking with members, we have prepared a proposed schedule for regular Board meetings through June 2021. With the Board’s approval, we will post the schedule on our website.

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

Vice-Chair James Morton, who chairs 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**

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 memo reporting on the approvals I have granted.

1. **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 of the Board if it wishes to agree to a repayment term longer than the duration of the school’s charter. In October 2008, the Board voted to delegate to the Commissioner the authority to approve such requests. I am informing the Board of six such approvals within the past twelve months. As is explained in the memo, these approvals do not reflect or affect either the accountability status or the potential outcome regarding charter renewal for these charter schools, and the Commonwealth has no liability for any portion of these loans.

1. **Chronically Underperforming Schools Quarter 4/Final Reports**

Enclosed are the FY2020 End-of-Year Reports from the four chronically underperforming schools: John P. Holland Elementary School (UP Academy Holland) and Paul A. Dever Elementary School (Dever) in Boston, Morgan Full Service Community School (Morgan) in Holyoke, and John Avery Parker Elementary School (Parker) in New Bedford.

**EXECUTIVE SESSION**

1. **Executive Session to Discuss Litigation Strategy (*PLESH v. DESE et al.*)**

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 (*PLESH v. DESE et al*.). The Board will return to open session only to adjourn the meeting.

If you have questions about any agenda items, please call me. I look forward to meeting with you – virtually – on June 30.