# Minutes of the Regular Meeting

# of the Massachusetts Board of Elementary and Secondary Education

# Department of Elementary and Secondary Education

# 75 Pleasant Street, Malden, MA 02148

# Tuesday, September 29, 2020

**9:10 a.m.– 12:04 p.m.**

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

**Katherine Craven**,Chair,Brookline

**James Morton**, Vice-Chair, Boston

**Amanda** **Fernández**,Belmont

**Matthew Hills**, Newton

**Darlene Lombos,** Boston

**Michael Moriarty,** Holyoke

**James Peyser**,Secretary of Education

**Paymon Rouhanifard**, Brookline

**Mary Ann Stewart,** Lexington (participating remotely via video conference)

**Martin West**, Newton (joined via video conference)

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

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Chair Craven convened the meeting of the Board of Elementary and Secondary Education (Board) at 9:10 a.m. Board members introduced themselves.

**Public Comment**

* Gerry Mroz, parent, addressed the Board on Update on COVID-19 Action Steps to Support Schools, Students, and Families
* Melissa Bello, parent, addressed the Board on School Reopening
* David and Melissa Goldstone, parents, addressed the Board on School Reopening
* Stephanie Sweet, parent, addressed the Board on School Reopening
* Patrick J. McQuillan, Ph.D., Boston College Associate Professor, Lynch School of Education & Human Development, addressed the Board on History, Social Science, and Civics education
* Corey Spaulding, parent, addressed the Board on issues relating to her child’s education and finances in Massachusetts public schools.

**Comments from Chair Craven**

Chair Craven welcomed everyone to the new school year which she noted is unlike any other. She said as the mother of four school-age children she can understand the angst. Chair Craven said the achievement gap will not be improved by this crisis and it defines our work for the year ahead, adding that a key initiative is the work of the Department and the Board’s committee under Ms. Fernández on educator diversification. Chair Craven confirmed the Board’s committee appointments which are as follows: Budget Committee – Matt Hills (Chair), Michael Moriarty, and Mary Ann Stewart; Educator Diversification Committee – Amanda Fernández (Chair), Paymon Rouhanifard, and Mary Ann Stewart; Early College Joint Committee – Katherine Craven and Matt Hills; and Marty West as the Board’s representative on the Interagency Data Committee. Chair Craven said she would contact Ms. Lombos, the Board’s newest member, about serving on a committee.

**Comments from Commissioner Riley**

Commissioner Riley reported on three significant federal education grants the Department of Elementary and Secondary Education (Department/DESE) has received to help support schools and districts in Science, Technology, Engineering and Mathematics (STEM), literacy, and assessment:

* The STEM Advanced Placement Access Expansion grant totals $9 million over five years. It will expand access for students, particularly students of color, English learners, and students with disabilities, to Advanced Placement coursework in STEM, particularly Computer Science. The goal is for more students to participate and succeed in rigorous courses, pursue postsecondary education, and be well prepared to enter STEM professions that are vital to the Commonwealth’s economy.
* The Comprehensive Literacy State Development grant totals $20 million over five years. In partnership with the Department of Early Education and Care, DESE will use this funding to improve literacy outcomes, particularly for Black and Hispanic students, economically disadvantaged students, English learners, and students with disabilities.
* The Department was awarded an Innovative Assessment grant for $2 million to pilot new ways to assess student performance in science. More information about the Innovative Assessment grant will be forthcoming.

Commissioner Riley thanked Department staff for their work in obtaining these grants.

Commissioner Riley said DESE will be applying for a waiver of certain restrictions on use of 21st Century Community Learning Center funds for this school year, to allow flexibility for the funded programs to provide academic enrichment and other allowable activities at times when school is in session and students are not receiving in-person instruction. He said DESE is updating districts about the calculation of equitable services allocations under federal CARES Act/ESSER grants, now that the U.S. Department of Education (USED) has confirmed it will not appeal a court decision that overturned USED’s previous regulation on this subject. Commissioner Riley recognized Stacey Ciprich, principal of the Abbott Lawrence Academy, for being named the 2020 Educator of the Year by the Massachusetts Association of Gifted Education.

The Commissioner said he expects the state will administer MCAS tests in spring 2021. He noted that USED has signaled it is unlikely to grant waivers from required testing. Commissioner Riley said he has advised superintendents that the Department expects to administer MCAS tests in the spring and he wants to be sure the Board is aware of this as well. The Commissioner added that the makeup tests usually given in the fall will likely be scheduled for January 2021 instead of this fall.

Mr. Hills commented that while some people are advocating canceling MCAS testing for 2020-2021, this year is different from last spring when due to the emergency, there was no reasonable way to administer the MCAS. He said it is essential to have a common statewide assessment for the sake of the students, and it would be bad policy to go two years in a row without being able to determine through a common assessment how students are doing. He recommended that the Commissioner update the Board periodically on contingency plans for MCAS testing this school year in light of various possible scenarios. Chair Craven thanked Mr. Hills for his comments.

**Comments from Secretary Peyser**

Secretary Peyser thanked the Commissioner and his team for continuing to move forward on major initiatives and policies while also issuing extensive guidance in coordination with the public health community and medical professionals to help schools reopen safely. He thanked educators who are serving their students while managing personal challenges during the pandemic. He thanked superintendents and school committees who are working to maximize in-person learning for their students. The Secretary thanked Vice-Chair Morton, Ms. Fernández, and Mr. Moriarty, as well as other leaders of community-based organizations and nonprofits that are stepping up to fill gaps that students are facing.

Secretary Peyser thanked Governor Baker for his leadership in managing the pandemic overall and for the work he has done to ensure that K-12 education remains a priority through Chapter 70 funding, COVID relief funds and other grants, and rapid response testing. The Secretary congratulated Mr. Moriarty on his reappointment to the Board for a second term and commended Mr. Moriarty for his dedication as a Board member and his leadership on early literacy and the state’s role in school districts that are struggling.

**Election of Board Vice-Chair**

Chair Craven called for nominations. Mr. Moriarty said the Board works with a high degree of professionalism, civility, and effectiveness. He added this has a lot to do with Board leadership, and Vice-Chair Morton is an exemplary leader. Mr. Moriarty nominated Mr. Morton to continue as Vice-Chair. The motion was seconded. There were no further nominations.

Mr. Morton said it is an honor to do this work in partnership with all members. Chair Craven said she is glad Mr. Morton is willing to continue as Vice-Chair because he is an amazing partner to her and an amazing community member.

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

**VOTED: that the Board of Elementary and Secondary Education elect James Morton to serve as Vice-Chair of the Board, in accordance with Article I of the By-Laws.**

The vote was unanimous.

Member Mary Ann Stewart joined the meeting via video conference at 10:05 a.m.

**Update on COVID-19 Action Steps to Support Schools, Students, and Families**

Commissioner Riley provided an overview of the Department’s actions since the Board last met in June. The Commissioner expressed appreciation for continued engagement from public health and medical experts, the Return-to-School Working Group, and many stakeholders who provided their perspectives to help shape the Department’s guidance. Commissioner Riley noted the Department has released 25 guidance documents to help district and school leaders plan for school reopening.

Commissioner Riley said the Department asked districts in June to plan for three learning models: in- person, hybrid, and fully remote. He added that based on the advice of medical professionals, the Department outlined health and safety measures that would help prevent the spread of COVID-19 and urged districts to bring back as many students as possible to safe in-person learning. He thanked the Legislature and the Governor for level funding the budget this year for schools and districts and noted the additional state and federal funding that has been made available for safety supplies, transportation, staffing, and other necessities for schools and students.

The Commissioner noted that Massachusetts is in the “green zone” nationally for school reopening and he explained the weekly color-coded metric for Massachusetts community data on COVID-19. Commissioner Riley said we are guided by what the medical experts are saying on safe reopening of schools. He noted that he has requested information from 16 school districts that despite their favorable metrics are not yet providing in-person instruction. Commissioner Riley said we expect districts’ learning models will follow the color-coded metric unless there are extenuating circumstances identified after consultation with local boards of health, such as whether cases are increasing or decreasing, the local test positivity rate, and other contextual factors.

Commissioner Riley said the Department has pivoted from issuing guidance to providing implementation support to school and district leaders. He said the Department did an expedited technology order on behalf of districts that were facing supply-chain problems, ordered 22,000+ Chromebooks for over 50 districts, and the devices should all be delivered by the end of the week. He said DESE and the Department of Public Health have announced that local school officials, in consultation with public health authorities, will be able to request a state-sponsored mobile rapid response unit to test a group of students and/or staff when a potential cluster of COVID-19 cases has been identified and transmission appears to have occurred within the school.

Commissioner Riley reported on an RFR for diagnostic assessments that school districts could use, and on the Department’s work with the Learning Heroes organization to foster effective school-family communications. Responding to a question from Mr. Rouhanifard, the Commissioner said districts will report student enrollment data to the Department on October 1 as required by statute. Secretary Peyser noted the October 1 report does not affect current year funding (FY21), and may not affect FY22 either because of the hold-harmless provision in Chapter 70. Responding to other questions from members, the Commissioner said the Department will be monitoring remote learning to assess gaps that need to be addressed. In response to Vice-Chair Morton’s question about how the Board can support the Department’s work this year, Commissioner Riley said he appreciates the Board’s support on diversity, equity, and inclusion and on expectations for student learning time and remote learning. Responding to a question from Chair Craven, the Commissioner said he expects to present more information about districts’ remote learning programs to the Board in November.

Member Martin West joined the meeting via video conference at 10:15 a.m. Chair Craven announced that votes would be taken by roll call.

**Quincy Public Schools: Presentation on Summer 2020 Education Program**

Commissioner Riley introduced Senior Associate Commissioner Russell Johnston, Quincy Public Schools Interim Superintendent Kevin Mulvey, and Quincy Public Schools Assistant Superintendent Erin Perkins. Mr. Johnston said 3000 students across the state were served in 90 districts and schools this summer and Quincy Public Schools was an exemplar; the district provided an in-person summer education program at two locations for nearly 150 students and also provided remote instruction for over 2,000 students to prevent summer learning loss, in a synchronous model for all grade levels.

Asst. Supt. Perkins explained the district received feedback from parents that the spring 2020 remote learning model was not ideal and students with disabilities were particularly affected and at risk of regression. She said the leadership team decided to reach as many students as possible in the summer while also preparing staff, families, and students for in-person instruction in the new school year. She said the district was committed to creating a safe, in-person model for the most vulnerable students; providing a remote alternative for families that were not yet ready to send their children back in person; reaching as many students district-wide as possible with a high-quality synchronous summer program focused on the prerequisite standards; and developing a teaching staff ready to tackle the challenges of both in-person and remote learning. Asst. Supt. Perkins said as a result, Quincy was able to provide an in-person summer program for 136 students with the support of 50 dedicated staff and a remote learning summer program for 2,300 students instructed by 122 staff, and 2,074 students started the school year with in-person instruction (hybrid or full in-person).

Asst. Supt. Perkins described what the in-person and remote summer learning entailed and how the team planned and prepared for the new school year. Interim Supt. Kevin Mulvey provided an overview of funding sources and acknowledged the support of Mayor Thomas Koch and the Quincy School Committee. He added that after the district was told their original purchase of 7000 Chromebooks in March would not be delivered until mid- to late November, he reached out to Commissioner Riley and Senior Associate Commissioner Johnston for assistance with an additional procurement, and the district received 2500 Chromebooks yesterday. Interim Supt. Mulvey thanked the Commissioner and the Board for assisting with the procurement. The two presenters responded to questions from Board members. Chair Craven commended them for their work and thanked them for their presentation.

**Amendments to Student Learning Time Regulations, 603 CMR 27.00, Re: Health and Safety**

**Standards During a Declared State of Emergency or Other Exigent Circumstances**

Commissioner Riley introduced Deputy General Counsel Deb Steenland and Senior Associate Commissioner Russell Johnston to discuss the proposed amendments to 603 CMR 27.00 to establish health and safety standards for providing structured learning time to students during a declared state of emergency or other exigent circumstances that adversely affect the safe environment of schools. The Commissioner said that on June 30, 2020, the Board voted to adopt the amendments on an emergency basis, as provided by the Administrative Procedure Act. He said he is recommending several modifications to the amendments based on the public comment the Department received. Commissioner Riley asked the Board to vote on final adoption of the regulations as presented. Ms. Steenland provided background on the amendments, reviewed the public comments, and explained the reasons for the recommended changes.

Mr. Hills said he understands why the Commissioner waived 10 days of student learning time for this year to allow more time to plan for school reopening. He suggested the Board might want to be involved in any further modifications to the student learning time requirements. Mr. Hills also asked if the regulations should be more specific as to expectations for remote learning. After discussion among members, Vice-Chair Morton clarified that the original motion and proposed amendments would stand as presented by the Commissioner. The Vice-Chair suggested the Board add to the November 2020 agenda an update from the Commissioner on student learning time and remote learning. Chair Craven and Commissioner Riley agreed.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L. c. 69, §§ 1B and 1G, hereby adopts the amendments to Student Learning Time regulations, 603 CMR 27.00, as presented by the Commissioner.**

The vote, by roll call, was unanimous.

**Approval of the Minutes**

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

**VOTED: that the Board of Elementary and Secondary Education approve the minutes of**

**the June 30, 2020 Regular Meeting and Executive Session.**

The vote, by roll call, was unanimous.

**Amendments to Education Collaboratives Regulations, 603 CMR 50.00**

Commissioner Riley presented a brief overview and said the Department solicited and reviewed public comment on the proposed amendments to the Regulations on Education Collaboratives, 603 CMR 50.00, in accordance with the Administrative Procedure Act. He recommended that the Board adopt the amendments as presented. Senior Associate Commissioner Russell Johnston and Ruth Hersh, School Redesign and Education Collaborative Manager, were available to answer questions.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with**

**G.L. c. 69, § 1B, and G.L. c. 40, §4E, as amended by Chapter 437 of the Acts of 2018, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, hereby adopts the amendments to the Regulations on Education Collaboratives, 603 CMR 50.00, as presented by the Commissioner.**

The vote, by roll call, was unanimous. (Member Matt Hills had stepped out of the meeting and was not present for the vote.)

**Update on Education Budget Matters**

Senior Associate Commissioner/CFO Bill Bell stated that the Legislature has not yet finalized the FY21 budget and the Commonwealth has spending authority until the end of October based on a $16 billion budget act that was passed in the summer. Mr. Bell said there is a revenue hearing on October 6 and the Legislature may finalize a budget by the end of October. He reported that most districts are using CARES Act funds to cover extraordinary costs relating to the pandemic. Chair Craven noted there are still many unknowns about the FY21 budget. Mr. Bell said the Commonwealth was able to close the FY20 budget without having to dip into the rainy-day fund. He added that the state is working with providers on technology infrastructure gaps. Vice-Chair Morton had a question on a particular grant and Mr. Bell said he would follow up on it with him.

In closing, Commissioner Riley called attention to the informational items under Tabs 7 and 8. He thanked the Board, Department staff, educators, and families for all the work they are doing to help reopen schools and support students. He said the Department will continue to address issues that arise and he will keep the Board informed. Chair Craven said our focus on closing the achievement gap becomes more acute in this environment and the Board is committed to the goal.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:04 p.m. subject to the call of the Chair.**

The vote, by roll call, was unanimous.

Respectfully submitted,

Jeffrey C. Riley

Commissioner of Elementary and Secondary Education

and Secretary to the Board