# 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, December 15, 2020

# 9:05 a.m. – 1:00 p.m.

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

**Katherine Craven**,Chair,Brookline

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

**Jasper Coughlin**, Student Member, Billerica

**Amanda** **Fernández**,Belmont

**Matthew Hills**, Newton

**Darlene Lombos,** Boston

**Michael Moriarty,** Holyoke

**James Peyser**,Secretary of Education

**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 convened the meeting of the Board of Elementary and Secondary Education (Board) at 9:05 a.m. Board members introduced themselves.

**Public Comment**

* **Dianne K. Kelly,** Superintendent, Revere Public Schools, addressed the Board on Proposed Amendments to Student Learning Time Regulations, 603 CMR 27.00 (Standards for Remote Learning and Hybrid Learning).
* **Tim Piwowar,** Superintendent, Billerica Public Schools, and MASS President–Elect, addressed the Board on Proposed Amendments to Student Learning Time Regulations, 603 CMR 27.00 (Standards for Remote Learning and Hybrid Learning).
* **Bob Baldwin**, Superintendent, Fairhaven Public Schools, and MASS President, addressed the Board on Proposed Amendments to Student Learning Time Regulations, 603 CMR 27.00 (Standards for Remote Learning and Hybrid Learning).
* **Gerry Mroz,** Parent**,** addressed the Board on Proposed Amendments to Student Learning Time Regulations, 603 CMR 27.00 (Standards for Remote Learning and Hybrid Learning).
* **Deb Gesualdo**, M.Ed., President, Malden Education Association, NCUEA East Region Director, addressed the Board on Update on COVID-19 Action Steps to Support Schools, Students, and Families.
* **Anthony J. Parolisi**, President, Haverhill Education Association, addressed the Board on Update on COVID-19 Action Steps to Support Schools, Students, and Families.
* **Roger Nugent**, President, Educational Association of Worcester, addressed the Board on Update on COVID-19 Action Steps to Support Schools, Students, and Families.
* **Jon Evans,** Superintendent, J.P. Keefe Regional Vocational-Technical High School, Framingham, addressed the Board on Career and Vocational Technical Education Update.
* **Elvio Ferreira**, Superintendent, Diman Regional Vocational-Technical High School, Fall River, addressed the Board on Career and Vocational Technical Education Update.
* **Luis Lopes**, Superintendent, Southeastern Regional Vocational-Technical High School, South Easton, addressed the Board on Career and Vocational Technical Education Update.

**Comments from Chair Craven**

Chair Craven asked Ms. Fernández to provide an update on the recent meeting of the Board’s Educator Diversification Committee. Ms. Fernández said the committee, which includes members Stewart, Lombos, and Rouhanifard, met on December 10 and heard from the Department of Elementary and Secondary Education (Department or DESE) about diversity initiatives under the leadership of Ventura Rodriguez. Ms. Fernández said the progress report included the teacher diversification grant, the Influence 100 program to increase the racial and ethnic diversity of superintendents in the state and create more culturally responsive districts and leaders, the InSPIRED Fellows initiative which connects educators and promotes career pathways, and the racial equity training that all Department staff have participated in and that Board members will participate in next month. Ms. Fernández said the committee also explored potential areas of work including fiscal support for college students and developing pathways into the education profession starting with high school students. She said the committee will meet again in February.

**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 November 24, 2020 Regular Meeting.**

The vote was unanimous.

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

Commissioner Rileypresented an update on the Department’s ongoing work to support schools, students, and families through the pandemic. He said DESE has been consulting with Professor Joseph Allen, Associate Professor at Harvard and Deputy Director of Harvard’s Education and Research Center for Occupational Safety and Health, who has conducted several webinars for school and district leaders and administrators about school building ventilation and school transportation. The Commissioner added that the Department contracted for over 12,000 air purifiers to help districts as we move into the winter months. He said DESE has worked with the Massachusetts Emergency Management Agency to distribute adult and youth size cloth masks provided by the federal government at no cost to districts; DESE has distributed 1.5 million masks to districts based on enrollment, and most of the distribution was completed last Friday.

Commissioner Riley said he is pleased that the P-EBT program, which provides food supports to help families with children who were receiving free and reduced-price school meals pay for food, has been extended through September 2021. He added that DESE will continue to collaborate with the Department of Transitional Assistance to be sure students and families have access to these funds.

Commissioner Riley said he recently notified the Board and school officials that in view of the scheduling and logistical challenges that schools and districts are experiencing, the Department has adjusted the schedules and expectations for MCAS high school testing and ACCESS testing for January, including postponing English language arts and mathematics test for 11th graders and extending the testing window for ACCESS testing by several months. With respect to the Board’s vote last spring to modify the competency determination requirement for science for the classes of 2021–2023, Commissioner Riley said the Department will soon begin the data certification process for students who have already completed a qualifying course. He added the Department has reminded districts of this modification to be sure that eligible students who have not yet completed a qualifying science course are on track with the necessary courses as they approach semester 2.

Commissioner Riley updated the Board on the plan to launch the High School Senior Internship in Education Program. He said this program will provide work-based learning experiences in the field of education to highly motivated high school seniors in good academic standing, while supporting their schools and community-based partners. He explained that high school seniors in the program will have the opportunity to complete a paid work-based learning education internship. Commissioner Riley added this will help accelerate the growth of the teacher pipeline in Massachusetts, with a focus on increasing racial/ethnic diversity, and will provide support to underserved students, particularly younger learners, during the pandemic. He said the program will build on current work-based learning structures, including collaboration among the Department’s Connecting Activities initiative, school districts, Regional MassHire Workforce Boards, and the Commonwealth Corporation’s Youthworks program. The Commissioner said in addition, DESE will contract with a Career and Tech student organization to support high school seniors by convening a community of practice to develop instructional support strategies and career development skills. He said the program will launch soon with partner convenings and information sessions for school and district leaders, educators, and learning pod supervisors; the grant application process will begin in January, followed by training for students so they can start their internships in February.

Commissioner Riley said that to support schools and districts in providing every student with access to more robust remote learning opportunities for the 2020-2021 school year, the Department established a Remote Learning Technology Essentials grant program. He explained that the grant program awarded nearly $33 million in federal funds to 252 districts and charter schools to supplement the nearly $40 million they had collectively spent on student technology since March 2020, and priority was given to address the unmet technology needs of students in communities with fewer financial resources. He said in addition, in summer 2020 when districts were experiencing a delay in delivery of devices they had ordered, the Department got over 20,000 devices delivered to schools and into students’ hands to start the school year. More recently, he said, DESE partnered with T-Mobile's Project 10Million to distribute around 42,000 hotspots to schools and districts across the Commonwealth for students in need; the devices are free and come with 100GB of data each year for five years. Commissioner Riley said around 130 schools and districts have requested some of these hotspots and over 1,000 have been shipped. The Commissioner added that this program will continue for four more years, each year with a new allotment of hotspots to distribute.

The Commissioner said in partnership with the Department of Public Health (DPH), DESE has launched Phase 1 of BinaxNow rapid antigen testing that is intended for districts and schools providing any type of in-person instruction, such as full-in person, hybrid instructional models, or in-person services for high needs students. Commissioner Riley noted that participation is voluntary, there is no cost for test kits, and the tests are approved for use with symptomatic individuals. Commissioner Riley said the Department has approved 165 districts, charter schools, education collaboratives, and approved special education schools to move forward with Phase 1 of the BinaxNOW testing opportunity. He added that DESE and DPH are collaborating so that when participating districts and schools complete the six requirements, test kits will be sent to them. Commissioner Riley said Project Beacon, the third party organization contracted to compile consent for testing and report results to DPH, is hosting a series of webinars on their platform for school leaders, and DPH’s School Health Unit is hosting train-the-trainer webinars for school nurses. He added that all information can be found on the BinaxNOW webpage of the DESE website.

In relation to the High School Senior Internship in Education Program, Ms. Stewart asked about the classroom support that high school seniors would provide. Commissioner Riley explained it is primarily for elementary and middle school aged children, for public schools as well as community organizations serving students in learning pods, and high school seniors in good academic standing would be able to apply for the internship. Commissioner Riley said it would follow the traditional internship model and would be a chunk of each school day during the spring. He added that DESE is reaching out to districts to determine their interest and that the internship would have students work in schools in various capacities based on what the districts decide is needed.

**Proposed Amendments to Student Learning Time Regulations, 603 CMR 27.00 (Standards for Remote Learning and Hybrid Learning)**

Commissioner Riley said the context for this topic includes President-Elect Biden’s stated intent to reopen schools in his first 100 days, the rollout of the COVID-19 vaccine, and the Governor’s decision to place teachers in phase 2 for vaccination, all of which signal better days ahead. He said even with these hopeful signs, his concern at this point is for the next few months and the continuing challenge to students’ mental health because of the isolation and disconnection so many are experiencing. Commissioner Riley said the CDC reported troubling data this fall from across the country about emergency room visits for mental health-related reasons; compared with 2019, the proportion of mental health-related visits for children aged 5-11 and 12-17 years increased approximately 24 percent and 31percent, respectively. He said Massachusetts is not immune to this trend. Commissioner Riley introduced experts from the medical and advocacy communities who were invited to speak to the Board today about this crisis: Dr. Lloyd Fisher, President, Massachusetts Chapter of the American Association of Pediatrics, Dr. Mathiu Bermingham, Child Psychiatrist, Metro West Center for Wellbeing, and Diana Santiago, Attorney at Massachusetts Advocates for Children.

Commissioner Riley said after the panel presentation, he would present his proposal to amend the Student Learning Time regulations by setting new minimum requirements for hybrid and remote learning models. He explained this was prompted by significant concern about the mental health challenges for children during the COVID-19 pandemic. Commissioner Riley said the amendment is not a stand-alone solution and it would be coupled more guidance and support, including additional financial resources, from the Department.

Dr. Lloyd Fisher, President, Massachusetts Chapter of the American Association of Pediatrics, said while children have been spared the direct hit of COVID, they are experiencing significant harm to their mental health because of their isolation. He noted that emergency room visits involving children have increased significantly. Dr. Fisher added that the problems are even more acute for students with autism. He said many parents are struggling to make ends meet and dealing with their own depression and anxiety while balancing working and trying to assist their children with remote learning. Dr. Fisher asked the Board and Department to take steps to address this mental health epidemic.

Dr. Mathiu Bermingham, Child Psychiatrist, Metro West Center for Wellbeing, described the social and emotional impact of the pandemic on children as a “tsunami.” He said all people, and particularly children, need routines, relationships, and recreation to help them get through a crisis, adding that school done well creates a positive routine for children and they need relationships with caring adults in school. Dr. Bermingham said as students remain disconnected from school, he fears more will be lost to suicide than to the virus.

Diana Santiago, Senior Attorney at Massachusetts Advocates for Children (MAC), spoke of MAC’s strong support for the proposed amendment to the regulation. She said live instruction is essential to keep students connected with school. She said all students need opportunities to learn in real time with their teachers and peers, and the regulations balance the need for live and in-person instruction with health and safety considerations. Ms. Santiago said she is seeing many students facing serious mental health issues while isolated from their community, teachers, and peers, and noted that the pandemic has widened opportunity gaps. She said while nothing can replace in-person learning, these regulations are an important step forward.

Mr. Moriarty thanked the panelists and said this resonates with him based on his experience in the 1990s working in the child psychiatric inpatient unit at Baystate Medical Center. He said the status quo is not sufficient to deal with the isolation and trauma many children are experiencing, and we face a frightening situation if their needs remain unaddressed.

Vice-Chair Morton asked the panelists if they have reviewed the proposed amendment and their view on whether it would help solve the problems they described. Dr. Bermingham said 2/3 of school districts are already meeting the proposed standard and the question is how to get the others to implement it. Vice-Chair Morton said he has concerns about timing and whether we should make this shift while the coronavirus is raging, particularly in communities of color, and he also has concerns about whether this is the right approach. Ms. Santiago said she believes the proposed regulation strikes an appropriate balance. Dr. Fisher said he reviewed the proposal and believes it will benefit students by giving them more consistent direct contact with teachers and reducing variation among districts in that regard.

Secretary Peyser said he continues to believe more students should be receiving in-person instruction. He noted that these regulations address remote and hybrid learning, setting standards for all students to have regular opportunities to engage directly with their teachers and classmates. Secretary Peyser said personal interaction, whether in school or online, is critically important for students’ educational progress and their mental health and social emotional development. He added that the regulations are reasonable, provide a common and fair baseline, and allow for waivers. Secretary Peyser urged the Board to adopt the regulations.

Ms. Lombos said after hearing educators speak against the regulation and mental health experts speak in favor of it, she would have liked the health experts to have a dialogue with the educators about the policy. She said she is not sure the regulation addresses the stated problem. She recommended further dialogue between the mental health and education experts to come up with an effective policy.

Mr. Coughlin said as a student himself, he has seen the impact of the pandemic on students’ mental health, and he also noted the comments from the education professionals who addressed the Board. He said he is torn on this proposed amendment and is not sure more hours of live instruction would result in deeper connections with teachers and other students. Mr. Coughlin said he would like to see a more proactive and preventive approach to student mental health. He added that the State Student Advisory Council has a work group on mental health and would like to help shape the policy.

Ms. Stewart thanked the presenters and commented that the pandemic has exposed very deep problems. She said she wonders whether more screen time for students is going to be beneficial, and whether educators have the resources they need to get help for students in crisis. Ms. Stewart said there is no perfect solution to the problem. She asked Commissioner Riley if the Department will engage with the 1/3 of districts that are not currently meeting the standard. Commissioner Riley said Senior Associate Commissioner Russell Johnston and Associate Commissioner Rob Curtin will review what the Department has done and will be doing in the future around resourcing. He noted that Massachusetts was the only state that reduced the school year by 10 days to give teachers more time to prepare for all three models.

Vice-Chair Morton asked the Commissioner if the Department could take more time to gather input from stakeholders. He said he is more concerned about the process than about the content of the proposed regulations. Commissioner Riley said these are emergency regulations because we believe this is a crisis of mental health for children. He added while it is not a perfect solution, it is in the best interest of students, and most districts will not have to do more than they are doing now. Commissioner Riley said with emergency regulations, the public still has opportunity for input, and this would come back to the Board for final adoption at a later meeting.

Chair Craven thanked the three panelists, who left the meeting.

Mr. Rouhanifard commented that there is no obvious right or wrong answer here. He said he believes this proposal does not go far enough to promote in-person learning. Mr. Rouhanifard said he is confident that the Commissioner and his team have been listening and have engaged in dialogue with interested parties, and the recommendation reflects the Commissioner’s values and his focus on students.

Mr. Hills said he supports this amendment and would be open to reasonable adjustments the Commissioner might need to make over time, given where we are in the school year. He observed that the proposal is grounded in both educational reasons and broader health reasons and includes a waiver process. Mr. Hills cautioned against granting too many waivers because that could undercut the objectives of the policy. Mr. Hills asked the Commissioner to update the Board at the next meeting about how districts are doing with the new standards.

Mr. West commended his colleagues on having a robust and well-informed discussion on a topic the Commissioner has not yet fully presented at today’s meeting, noting it is a sign all members did their homework and read the materials because we recognize how important this is. Mr. West said he is reminded of the Board’s duty under the State Constitution, as set forth in the *McDuffy* decision. He said the regulation is not ideal because it focuses on inputs rather than results and quantity rather than quality; even so, the regulation is needed. He noted there is an emerging consensus among researchers that a robust amount of live instruction, while not sufficient for high quality education, is necessary for students’ academic and emotional wellbeing. Mr. West said he believes the regulation attempts to put districts in the best position to meet students’ physical, mental, and academic needs so he is inclined to support it though he empathizes with the concerns that have been raised.

Ms. Fernández she favors promoting more effective engagement for students and better learning experiences whether hybrid or remote, but she does not believe this regulation is going to solve the issues presented today. Ms. Fernández said she would like a better understanding of the situation in the one-third of districts that may be falling short. She added this seems to be a short-term solution and it would be better to focus on the bigger issues that lie ahead. Ms. Fernández said she believes schools and districts should meet basic parameters on instruction but questioned whether we need more regulation right now rather than support, advice, and partnership.

Commissioner Riley introduced Senior Associate Commissioner Russell Johnston who spoke about mental health supports the Department is providing and Associate Commissioner Rob Curtin who provided details about the proposed amendment to the Student Learning Time regulations. Mr. Johnston presented an overview of the Department’s work in creating positive learning environments, guidance on behavioral and mental health services, the MA “tools for schools” clearinghouse; stakeholder engagement; professional development that DESE is providing on social emotional learning and mental health support, youth mental health first aid, and the elementary principals’ network; grant funding for students’ behavioral health and mental health/wellness, systems for student success, and integrating social emotional learning into academic learning; and more guidance DESE will be issuing on enhancing student participation, safety, and wellbeing as well as additional grant funding and a partnership with the Department of Mental Health. Mr. Johnston said all these initiatives, combined with the change in the regulations, would have a positive impact on students.

Mr. Curtin reviewed data the Department has collected from districts through recent surveys, showing a lot of variance on live instruction. He said the number of fully asynchronous days in some districts was surprising and concerning. Mr. Curtin reviewed the key elements in the proposed regulations, including the standards for hybrid and fully remote models and the waiver process.

Mr. Johnston and Mr. Curtin responded to questions from members about stakeholder engagement, the variations among districts, and the need to set minimum standards at this point in the school year. Vice-Chair Morton noted this is one of the Board’s most important decisions and thanked the Commissioner and staff for all the information they presented.

**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.**

**Further, in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, the Board finds that the immediate adoption of these regulations is necessary for the preservation of public welfare, and that observation of the requirements of prior notice and public comment would be contrary to the public interest. The Board directs the Commissioner to provide notice and an opportunity for public comment on the emergency regulations, in accordance with the requirements of G.L. c. 30A, § 3, within the next three months.**

***Explanatory note:***

***The proposed amendments establish minimum standards for live and synchronous***

***instruction that districts and schools operating hybrid and remote learning models must***

***provide.***

***The regulations are presented on an emergency basis to allow them to take effect***

***immediately, allowing districts and schools to help mitigate the distressing increase in the mental health challenges students are facing. Under the Administrative Procedure Act, emergency regulations are effective for three months, during which time the agency solicits and reviews public comment. Following the public comment period, the Board would vote on final adoption of these regulations in February 2021*.**

The vote was 7-4. Vice-Chair Morton, Mr. Coughlin, Ms. Fernández, and Ms. Lombos voted in opposition.

Chair Craven called for a break at 12:30 p.m. Ms. Stewart left the meeting. Chair Craven reconvened the meeting at 12:35 p.m.

**Career and Vocational Technical Education: Update**

Senior Associate Commissioner Cliff Chuang introduced Associate Commissioner Elizabeth Bennett and Timothy Moriarty, Harvard Graduate School of Education doctoral resident, to provide a brief overview on Career/Vocational Technical Education (CVTE) admissions. Ms. Bennett reviewed the two phases of amendments to the CVTE regulations. In Phase One, the Board adopted changes in February 2020 to support creation of new CVTE programs and expand access to the full range of programs for students; strengthen program quality; and streamline the vocational educator licensure process and create additional pathways to licensure. Phase Two this year will include proposed amendments to the CVTE admissions regulations to promote equitable access to CVTE programs, effective for students starting high school in fall 2022. Ms. Bennett said the Department is continuing to engage with stakeholders including student, parent, community, and advocacy groups; educators; statewide associations; the Vocational Technical Education Advisory Council; and other interested parties through the winter and spring to inform the proposed regulatory changes. Mr. Chuang noted the Board memo describes three sets of data that will soon be available: interactive CVTE enrollment and performance data tools, new research on CVTE in Massachusetts, and CVTE program waitlist data. Ms. Bennett concluded by discussing other equity focused CVTE initiatives.

Chair Craven commented that access of vocational schools to 7th and 8th graders varies depending on the relationship between the districts and the vocational school, and students should know about the options open to them. Mr. Chuang said DESE is working to address this so families and students get the information they need, and it is an ongoing topic of discussion. Mr. Chuang responded to questions from Board members about the anticipated waitlist data. Board member Moriarty noted his experience in Holyoke where for years students were inappropriately funneled into the vocational school. He added that some vocational schools may need to build capacity to address academic gaps. Mr. Chuang said the issues are localized and DESE will be doing more analysis.

**Massachusetts World Languages Curriculum Framework Draft**

Senior Associate Commissioner Heather Peske presented an overview of the draft revised World Languages Framework and discussed the anticipated timeline if the Board votes to send the revised framework out for public comment as recommended. Ms. Peske reviewed the six major changes proposed from the 1999 framework and responded to questions from 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 Chapter 69, Sections 1D and 1E, authorizes the Commissioner to solicit public comment on the draft revised Massachusetts World Languages Curriculum Framework.**

The vote was unanimous.

**Update on Education Budget Matters**

Senior Associate Commissioner/CFO Bill Bell provided an update on state and federal education resources. He said that last week, Governor Baker signed the FY21 state budget, vetoing some spending in order to repurpose it for grants to remedy student learning loss and address other student needs. Mr. Bell noted that the FY21 budget hits a high-water mark for Chapter 70 and circuit-breaker funding and on balance, it is a solid budget. He said on the federal side there is discussion about additional stimulus funding, including aid for states and schools, and DESE is tracking it. Mr. Bell said DESE is working with the administration on the FY22 state budget proposal and will work with the Board’s budget committee to discuss priorities and areas of need.

Chair Craven said she received a message from Tom Scott, Executive Director of the Massachusetts Association of School Superintendents (MASS) during the break, saying he wants to be sure the Board understands that the MASS rejects the “no confidence” comments of the Massachusetts Teachers Association (MTA) in regard to the Commissioner and the Department. Chair Craven said Mr. Scott added that the Commissioner has worked hard to engage and listen to the field. Chair Craven said she wanted to be sure everyone had the benefit of the message from the MASS.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 1:00 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