# 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, February 23, 2021**

**9:08 a.m. – 11:58 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 (participating remotely via video conference)

**Amanda** **Fernández**,Belmont (participating remotely via video conference)

**Matthew Hills**, Newton

**Darlene Lombos,** Boston (participating remotely via video conference)

**Michael Moriarty,** Holyoke

**James Peyser**,Secretary of Education

**Paymon Rouhanifard**, Brookline

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

**Martin West**, Newton (participating remotely 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 9:08 a.m. Board members introduced themselves.

**Public Comment**

* **Dr. Shira Doron,** Hospital Epidemiologist; Director, Antimicrobial Stewardship, Division of Geographic Medicine and Infectious Diseases, Tufts Medical Center – addressed the Board on Item 1, School Reopening Update and Proposed Next Steps
* **Erin M. Earnst,** Vice President, Foxboro Music Association/Foxboro parent,addressed the Board on Item 1, School Reopening Update and Proposed Next Steps
* **Maureen Lynch,** Superintendent from Whittier Tech, MAVA President-Elect, addressed the Board on Item 2, Career Vocational Technical Schools
* **Tim Nicolette,** Executive Director, Massachusetts Charter Public School Association, addressed the Board on charter public school renewals/expansions
* **Stephanie Rodriguez-Ruiz, Esq.,** Education Staff Attorney,Children’s Law Center of Massachusetts, addressed the Board on UP Academy Boston charter renewal and conditions
* **Matt Holzer,** Head of School, Boston Green Academy,addressed the Board on Item 3b, Renewal and Report on Probation for Boston Green Academy Horace Mann Charter School
* **Alex Chu,** Chair of the Board of Trustees, Boston Green Academy,addressed the Board on Item 3b, Renewal and Report on Probation for Boston Green Academy Horace Mann Charter School

**Comments from Chair Craven**

Chair Craven reported on the February 18 meeting of the Early College Joint Committee, which she said showed progress on this initiative and positive results for students. She noted that Mr. Hills, Secretary Peyser, Commissioner Riley, Ms. Fernández, and Mr. West participated in the meeting. Chair Craven thanked Ms. Fernández for recommending using the Early College program to promote teacher diversification by creating pathways for high school students to prepare for a career in education. Chair Craven acknowledged Chris Gabrieli, Chair of the Board of Higher Education and Secretary Peyser, as well as former BESE Chair Paul Sagan, for seeing the promise of Early College and launching the state initiative.

**Comments from the Secretary**

Secretary Peyser joined Chair Craven in her enthusiasm for Early College and added there has been great progress over the last few years and the program could expand with continued positive results. He updated the Board on collaboration between the Department of Early Education and Care (EEC) and the Department of Elementary and Secondary Education, with key support from Russell Johnston and Donna Traynham, including a webinar series focused on strengthening local partnerships for remote learning. He said EEC and DESE are also promoting a $6 million RFP to strengthen and expand partnerships between school districts and community-based EEC-licensed remote learning providers. Secretary Peyser added this is on top of a $12 million grant a few months ago to support these partnerships serving children in Boston and Gateway Cities.

**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 January 26, 2021 Regular Meeting.**

The vote, by roll call, was unanimous.

**School Reopening Update and Proposed Next Steps**

Commissioner Riley updated the Board on pooled testing for schools and thanked Russell Johnson and his team for standing this up with support from Health and Human Services and the Department of Public Health. Commissioner Riley discussed the Learn Launch program and the relationship-mapping work with schools and districts to address student isolation resulting from the pandemic. He said the Department has published information for districts and schools about relationship mapping and is collaborating with Learn Launch to offer a workshop on this topic to ensure that every student has a connection to a trusted adult at school. Commissioner Riley also said the Department is supporting districts looking for substitute teachers by working with the Department of Career Services to create a listserv that will help identify candidates with a minimum of a bachelor's degree.

Commissioner Riley said the Department has numerous efforts underway to address learning loss or unfinished learning. He said he expects to post information soon about several offerings, including summer acceleration academies, a college readiness summer program for seniors who earn their Competency Determination through the alternate route, summer programs at community colleges, gifted and talented programs through the Biggest Winner Math Challenge, and other math programs for students. The Commissioner said he expects the additional academic programs that the Department and districts are creating for this summer will probably continue for the next several years. Commissioner Riley also reported on a proposal to the Governor's COVID-19 Medical Advisory Board to allow choral singing and other related activities in schools, and said he is continuing to work with our medical advisors to provide further guidance to schools on these topics.

The Commissioner said he will be coming to the Board soon to ask for authorization to bring as many students as possible back to school in person before the end of the school year. He said we are starting to see case rates come down, about half of our schools now have pooled testing available for students and staff, the vaccine rollout is in process, and warmer weather is on the horizon. Commissioner Riley noted that in-person instruction is being delivered safely across the Commonwealth, and many districts are starting to bring back more students as numbers continue to improve.

The Commissioner said when the pandemic started, the Board made it possible for districts to use remote and hybrid learning plans through amendments to the Student Learning Time regulations, and as health metrics continue to improve, we need to return to a traditional school format. He said in March, he will ask the Board to amend the regulations to give him the authority to determine when the hybrid and remote learning models no longer count for structured learning time, and this authority would be part of a broader plan to return more students to in-person learning this spring, assuming our state's health metrics continue to improve. He added that if he is granted this authority, he would take a phased approach to returning students to the classroom, working closely with state health officials and medical experts. The focus would be on bringing back elementary school students first, with the plan likely extending to middle grades and high school grades later in the school year.

Commissioner Riley said that ideally, his initial goal is to bring students back to in-person learning, five days a week, starting in April and parents would still have the option for their children to learn remotely through the end of the year. The Commissioner said there would be a waiver process for districts that may need to take a more incremental approach, for example, to first move to a hybrid model if they are fully remote. He said that starting with elementary students is common sense and there is widespread agreement in the medical community that younger students are less likely to contract or transmit the virus, elementary students are easier to cohort, and from an educational perspective, these are some of the students struggling the most with remote learning.

Commissioner Riley said that working with the medical community, Massachusetts schools have done a great job keeping students and staff safe during what we hope is a once-in-a-lifetime pandemic. He added that with robust mitigation strategies in place and all the evidence we have in hand, it is time to begin the process of getting more students back to school.

Mr. Hills said he is very pleased about the Commissioner’s plan and it is good news for students and their families. Mr. Hills added that he hopes the return to in-person learning moves quickly into middle and high school. Ms. Lombos asked about resources, especially for older school buildings that may need to upgrade ventilation systems. Commissioner Riley said the Department is addressing resource allocation generally and this issue in particular, noting that several months ago, the Department set up a buying program for air purifiers and purchased many air purifiers for districts across the Commonwealth.

Mr. Coughlin thanked the Commissioner for taking this initiative and said as a student, he knows how important it is for students get back into school as soon as possible. Mr. Coughlin urged the Commissioner to listen to the science and not rush the process. Ms. Stewart asked about learning loss and the long-term costs of going back to school, adding she would like to hear more during the budget discussion today. Commissioner Riley said he will be bringing more information to the Board on this issue. He noted that targeting resources to students’ needs will be vital and agreed this is a long-term project over two to three years, not a quick fix over the summer.

**Career Vocational Technical Schools — Recap of Special Meeting**

Commissioner Riley thanked the members for attending the special meeting on Monday evening and joining in the robust discussion. He reminded members to submit any questions as soon as possible so the Department could address them. Liz Bennett, Associate Commissioner for College, Career, and Technical Education was present to respond to questions at this meeting.

Mr. Hills said it was a good initial presentation to help frame the issue but he does not yet feel prepared to react to proposed regulations. Vice Chair Morton also expressed his thanks and similar concerns. He suggested that the next presentation clarify what the challenges are and how the proposed regulations would address those challenges. Vice Chair Morton said he wants to be sure students of color who are currently under-represented have access to this opportunity. Mr. Moriarty said the CVTE field is very diverse in offerings, program quality, and localized issues and any approach should try to avoid unintended consequences. Mr. Rouhanifard noted there are 40 or so schools that have significant demand, and it would be helpful to ask what factors put them in such high demand. He added that state-level data may be less helpful than region-specific or school-specific data. Mr. Rouhanifard said graduation data would also be informative.

Secretary Peyser said this is a multi-layered problem and some issues may be localized. He noted that students and CVTE seats are not evenly distributed around the state, and regional district agreements add another layer of complexity because they allocate seats to the member communities. He said the goal is to have fair and non-discriminatory admissions policies that promote student access and success. Other members concurred that the special meeting was a good start and it is critical to focus on equity and expanding opportunities for students. Chair Craven suggested looking closely at supply and demand, both for CVTE seats and workforce needs. Ms. Bennett thanked the members for their feedback and said the Department will follow up on their questions while continuing to analyze the data and work with the field.

**Charter Schools Items:**

Chair Craven introduced Alison Bagg, Director of the Office of Charter Schools and School Redesign, and Alyssa Hopkins, New Schools Development Manager, to discuss the charter school items before the Board. Commissioner Riley said no new proposals for charters are coming forward this year; however, several matters are pending regarding existing charter schools. He said today he is recommending that the Board approve the amendment requests of four charter schools and renewal of the charter for Boston Green Academy Horace Mann Charter School, removing it from probation and maintaining one condition on the charter. Ms. Bagg and Ms. Hopkins presented an overview of the information on each school and responded to questions from members.

**Amendments for Regional Charter Schools (Holyoke Community Charter School and Marblehead Community Charter Public School) and Maximum Enrollment (Lawrence Family Development Charter School and Lowell Community Charter School)**

Ms. Stewart said when a superintendent opposes an expansion, as the Chicopee superintendent does for this expansion of Holyoke Community Charter School, she takes notice. Ms. Stewart added that the Lowell superintendent had requested a public hearing. She asked for clarification on the process. Ms. Hopkins explained that public hearings are required by statute for new charter applications and not for charter amendments, renewals, or probation decisions. She said the Department has kept an open line of communication with the affected districts to be sure there is a clear understanding of the proposals and their impact.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby amends the charter granted to the following school, as presented by the Commissioner:**

 **Holyoke Community Charter School (Regional, add Chicopee to charter)**

**Location: Holyoke**

**Districts in Region: Holyoke and Chicopee**

**Maximum Enrollment: 702, of which up to 125 may be from Chicopee**

**Grades Served: K-8**

**Effective School Year: FY2022**

**Holyoke Community Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote, by roll call, was 10-1. Ms. Stewart voted in opposition.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby amends the charter granted to the following school, as presented by the Commissioner:**

**Marblehead Community Charter Public School (Regional, add Nahant and Swampscott to charter)**

**Location: Marblehead**

**Districts in Region: Marblehead, Nahant, and Swampscott**

**Maximum Enrollment: 230, of which up to 20 may be from Nahant**

**Grades Served: 4-8**

**Effective School Year: FY2022**

**Marblehead Community Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote, by roll call, was unanimous.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby amends the charter granted to the following school, as presented by the Commissioner:**

**Lawrence Family Development Charter School (maximum enrollment increase from 800 to 1,000)**

**Location: Lawrence**

**Maximum Enrollment: 1,000**

**Grades Served: PK-8**

**Effective School Year: FY2023**

**Lawrence Family Development Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote, by roll call, was unanimous.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby amends the charter granted to the following school, as presented by the Commissioner:**

**Lowell Community Charter Public School (maximum enrollment increase**

**from 800 to 815)**

**Location: Lowell**

**Maximum Enrollment: 815**

**Grades Served: PK-8**

**Effective School Year: FY2022**

**Lowell Community Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote, by roll call, was 10-1. Ms. Stewart voted in opposition.

**Renewal and Report on Probation for Boston Green Academy Horace Mann Charter School**

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, 603 CMR 1.11, 603 CMR 1.12(1) and 603 CMR 1.12(2), hereby renews the charter of Boston Green Academy Horace Mann Charter School for the five-year period from July 1, 2021, through June 30, 2026. In addition, that the Board of Elementary and Secondary Education herby removes probation and extends a condition on the school’s charter as recommended by the Commissioner.**

**Horace Mann III Charter School: Boston Green Academy Horace Mann Charter**

**School Location: Boston**

**Districts in Region: Boston**

**Maximum Enrollment: 595**

**Grade levels: 6-12**

**1. By December 31, 2023, the school must demonstrate significant and**

**sustained academic improvement in mathematics, English language arts, and science.**

**In addition to meeting the terms of conditions, Boston Green Academy Horace Mann Charter School, like all charter schools, must comply with the terms of its charter. Boston Green Academy Horace Mann Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, 603 CMR 1.00, and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote, by roll call, was unanimous.

The Board took a 5-minute break per the request of the Chair. The meeting resumed at 10:53 a.m.

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

Chair Craven introduced Senior Associate Commissioner Russell Johnston, Associate Commissioner Rob Curtin, and Deputy General Counsel Deb Steenland. Commissioner Riley said he is recommending a final vote on the amendments to the Student Learning Time regulations. The Commissioner noted that the Board adopted these regulations on an emergency basis in December; the regulations set a minimum standard for live instruction and synchronous instruction that districts and schools operating hybrid and remote models must provide.

Ms. Steenland provided a brief overview of the regulatory process and the substance of these regulatory amendments. Vice Chair Morton asked how many districts requested waivers from the new requirements and how many were granted. Mr. Curtin said the Commissioner received 24 requests for waiver from districts and approved 16 of the 24. He added that of the 16 approved, 9 were for a delay for implementation and not for a request to change the hours the district is required to meet. Mr. Curtin said the other 7 that were approved involved a slight decrease in the hours in hybrid models and all fell between 32.5 and 35 hours, or close to 40 if it was a full remote district. He added that the approved requests came in with evidence on why the district needed the waiver, data on parent satisfaction, and changes the districts were making to their schedules, and all of those that were approved met the waiver standards.

Ms. Stewart asked how the field has been addressing the mental health issues for students that were raised at the December meeting. Mr. Johnston said the field has been very engaged in trying to support students in addressing mental health issues and social/emotional learning. Ms. Fernández asked how many districts are now complying with the regulations. Mr. Curtin said the data are still being compiled but they are approaching full compliance based on the regulations that the Board approved in December and took effect on January 19.

Mr. Coughlin said he appreciates the sentiment behind the emergency regulations and knows the Department cares about student mental health, but after reading the public comment, particularly the student report, he is concerned the regulatory amendment may have a negative effect on students’ mental health because they are spending too much time on Zoom. He added that not all teachers are equipped to meet students’ mental health needs. Mr. Coughlin said he would have liked to have more students involved in crafting this policy because it affects them directly. Ms. Lombos agreed there should be more student voice as well as a focus on equity in developing these policies.

Secretary Peyser said the Commissioner rightly raised concerns about students’ mental health and social/emotional learning and added there are also educational reasons for this regulation, because some students have had whole days of asynchronous instruction and are experiencing serious gaps. Mr. Rouhanifard noted the next phase is to get more students back to school for in-person instruction. Mr. Moriarty commented that districts are complying or very close to compliance with the regulation and we need to move forward.

**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, and having solicited public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopts the amendments to Student Learning Time regulations, 603 CMR 27.00, as presented by the Commissioner.**

The vote, by roll call, was 7–4. Mr. Coughlin, Ms. Fernández, Ms. Lombos, and Ms. Stewart voted in opposition.

**Update on Education Budget Matters**

Senior Associate Commissioner/CFO Bill Bell provided an update on state and federal education funding. He referenced the Governor’s FY22 budget proposal, which recommends restarting the funding schedule for the Student Opportunity Act. Mr. Bell noted this adds approximately $198 million as an increase in Chapter 70 aid, designed to implement a schedule consistent with the Student Opportunity Act to address particularly the needs of districts with high concentrations of low-income students, English learners, and students with disabilities. He referred to the Commissioner’s February 1 memo, which includes further details. Mr. Bell explained that the House and Senate budget writing committees will now weigh in and the Department is providing background information to them as they look at potential options around Chapter 70.

Mr. Bell said that to date, between the first Federal Stimulus Act last year and the subsequent COVID-19 aid in December, over $1 billion in education grant aid has been made available to Massachusetts school districts. He added that this aid is been distributed consistent with Title I formula, which is weighted towards districts with high concentrations of low-income students. Mr. Bell said there may be a third Elementary and Secondary Education Emergency Relief (ESSER) program moving through Congress. In response to a question from Ms. Stewart, Mr. Bell summarized additional state aid that has been allocated to districts.

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

**VOTED:** that the Board of Elementary and Secondary Education adjourn the meeting at 11:58 a.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