# 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**

**Friday, March 5, 2021**

**2:00 p.m. – 4:05 p.m.**

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

**Katherine Craven**,Chair,Brookline

**James Morton**, Vice-Chair, Boston (participating remotely via video conference)

**Jasper Coughlin**, Student Member, Billerica (participating remotely via video conference)

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

**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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Vice-Chair Morton called the meeting to order at 2:00 p.m. Chair Craven joined at 2:10 p.m.

**Public Comment**

* Dr. Kate Nyquist, Child & Adolescent Psychiatrist, addressed the Board on Item 1, Supporting a Return to In-person Instruction
* Dr. Jonathan Davis, Tufts Children’s Hospital, addressed the Board on Item 1, Supporting a Return to In-person Instruction
* Dr. Phoebe Olhava, St. Elizabeth's Medical Center, addressed the Board on Item 1, Supporting a Return to In-person Instruction
* Andre Green, Ward 4, Somerville School Committee member, and Rami Bridge, President of the Somerville Educators' Union, addressed the Board on Item 1, Supporting a Return to In-person Instruction
* Dr. Vishakha Sabharwal, Boston Medical Center, addressed the Board on Item 1, Supporting a Return to In-person Instruction
* Teresa English, Lawrence Public Schools teacher, addressed the Board on Item 1, Supporting a Return to In-person Instruction
* Constantine Psimopoulos, Cambridge parent and elected parent representative on School Council, addressed the Board on Item 1, Supporting a Return to In-person Instruction
* Zineb Nemoura, Everett parent, addressed the Board on Item 1, Supporting a Return to In-person Instruction
* Leslee Parker-Sproul, Boston parent, addressed the Board on Item 1, Supporting a Return to In-person Instruction
* Dr. Polly Van Den Berg, Beth Israel Deaconess Medical Center, addressed the Board on Item 1, Supporting a Return to In-person Instruction

Mr. Moriarty noted that one speaker seemed to imply that the Lawrence Public Schools had not adequately addressed ventilation and PPE supplies. Mr. Moriarty said in view of the Board’s heightened responsibility to a district in receivership, he would like the Commissioner to report on what has been done in the Lawrence Public Schools regarding ventilation and PPE. Commissioner Riley said he would send the information to the Board.

**1. Supporting a Return to In-person Instruction**

**a. Overview and Panel Presentation by Health Experts**

**b. Proposed Regulatory Amendments: 603 CMR 27.00, for Emergency Adoption**

Commissioner Riley said the health, safety, and wellbeing of our students and staff have been paramount from day one of this pandemic. He noted that since this crisis began, the Department has released over 225 pages of detailed guidance on students’ health, safety, and educational wellbeing, including updates throughout the year. Commissioner Riley said he provided 10 days (two full weeks) of planning time at the start of the school year for school staff to train on in-person, hybrid, and remote learning models and necessary health and safety precautions. He said this is more time than any other state provided, and it was the right move so that educators could be prepared. The Commissioner said because districts prepared for all three models, they are positioned to return more robustly to in-person learning.

Commissioner Riley reviewed some of the actions the Department has taken to support schools. In addition to providing substantial federal and state funding, DESE supplied districts with over 1.5 million masks, purchased over 12,000 air purifiers for schools, and allocated $33 million in grants for Chromebooks and hotspots and $4 million in mental health support grants. The Commissioner said Massachusetts is a national leader on pooled COVID-19 testing for students and staff in schools and currently about 50 percent of our schools are offering weekly pooled testing.

Commissioner Riley reviewed data showing COVID-19 case rates have improved significantly since early January and the vaccine rollout is proceeding, with nearly 2 million doses administered in Massachusetts to date and educators eligible to book vaccine appointments next week. The Commissioner noted that over 300 doctors have signed a letter supporting bringing students back to in-person learning with mitigation measures, including three feet of distance when masked. He cited a new study of Massachusetts school data since schools reopened, showing no substantial difference in COVID-19 cases among students or staff with three feet versus six feet of distance.

Commissioner Riley said it is now time to bring students back to school for full-time in-person learning five days per week. He described his proposal for a phased-in approach, starting with elementary students returning on April 5; following that, he would consult with medical experts and state health officials to determine when middle school and high school students would return. The Commissioner said parents will still have a choice for their children to learn remotely through the end of the school year. He added that he expects districts to survey parents about their plans.

Commissioner Riley said districts will be able to apply for waivers in a limited set of circumstances if they can make a compelling case that they need to take a more incremental approach. He said he would consider waiver requests on a case-by-case basis to get the best possible outcome for families, students, and staff. The Commissioner said if the Board approves the regulation, he will issue guidance early next week with details and implementation recommendations. He added that DESE will provide personalized technical support through its COVID-19 Operations Help Center to assist schools and districts.

Commissioner Riley noted that DESE has provided staffing flexibilities to districts and they have received significant financial support. He said looking ahead, it will be essential to address students’ unfinished learning and close gaps with an equity focus. The Commissioner said this spring, DESE will continue initiatives to address students’ mental health needs, boost Free Application for Federal Student Aid (FAFSA) completion, and support seniors who did not meet the competency determination. He said the Department plans to stand up robust summer school programming and academic interventions, with a focus on gateway grades in key areas, particularly early literacy and middle school math, and will help districts identify high quality programs to serve students in other grades. He said DESE is planning for a full return to in-person learning across all grades in the fall and will work with districts and schools to promote teaching grade level content with appropriate scaffolds for all learners, as well as addressing students’ mental and physical health.

Commissioner Riley introduced the panel of medical experts invited to speak today: Dr. Preeti Mehrotra, Infectious Diseases Physician, Beth Israel Deaconess Medical Center; Dr. Shira Doron, Infectious Diseases Physician, Tufts Medical Center; and Dr. Safdar Medina, Director of Pediatrics, Tri-River Family Health Center in Uxbridge. Dr. Medina said children in Massachusetts need to return to school for their health and wellbeing. He said no medication that he can prescribe for his pediatric patients can take the place of in-person learning. Dr. Medina said school is essential, children face lasting harm without in-person learning, and it is urgent to act now.

Dr. Preeti Mehrotra said she believes in-person schooling is critical to helping children thrive. She stated that consistently wearing a mask that fits is a highly effective mitigation measure. She referred to a recent study of schools in Wisconsin, noting that even with rapidly rising transmission in the community, schools remained open with masking required for all students and staff members, and COVID-19 case rates among students and staff members were lower than in the county overall, with no infections among staff members. Dr. Mehrotra explained that this study and others from around the globe support a return to safe in-person learning, which students and families urgently need.

Dr. Shira Doron said over the past year, she and her colleagues in health care have gained increasing knowledge and confidence about the new normal in their workplace. She said that similarly, with the knowledge we have now about mitigation measures and the three-foot standard for schools, we can return students safely to in-person learning.

The panelists then responded to questions from Board members. Mr. Moriarty suggested the Board consider advocating for increased mental health services for children and youth. Mr. Coughlin said students’ mental health is a priority for him, and he noted that some students and other individuals and groups have raised serious concerns about the plan to return to in-person learning this spring. Commissioner Riley said he has talked with various individuals and organizations in education as well as the medical community and his plan includes flexibilities for families and districts.

Commissioner Riley asked Deborah Steenland, Deputy General Counsel, to speak about the proposed amendments to the Student Learning Time regulations. Ms. Steenland briefly reviewed the pandemic-related amendments to the regulations that the Board had previously adopted. She explained how the current proposal would authorize the Commissioner to pursue a graduated approach to returning students to in-person learning, while enabling parents/guardians to choose remote learning for their children for the rest of this school year and making waivers available for districts in limited circumstances.

In response to a question from Ms. Lombos, Ms. Steenland explained the recommendation to adopt these regulations on an emergency basis under the Administrative Procedure Act, due to the urgency of returning students to in-person learning and the need to give districts time to plan for their return. Ms. Steenland noted the Department will follow the legal requirements to provide a period of public comment following the Board’s approval of the regulations on an emergency basis.

Mr. Hills, Mr. Rouhanifard, and Mr. West expressed support for the proposal and asked the Commissioner to say more about the timeline and waiverprocess. Commissioner Riley said he believes the phase-in approach starting with elementary grades will enable school districts to get this up and running; in fact, some are already moving forward. He said bringing back middle and high school students would follow but he does not yet have a timeline. The Commissioner said he has been and will continue to be thoughtful in listening to concerns about the plan, and he expects waiver requests to be limited. He said if the Board votes approval today, the Department will issue more detailed information early next week.

Ms. Fernández acknowledged the many comments and emails Board members have received from educators, administrators, parents/guardians, caregivers, and students, and in addition, all the information submitted or presented by health care professionals. She said it has an impact and reveals the pain that is being felt across the Commonwealth due to COVID-19. Ms. Fernández said she has always supported getting students and staff back to school safely, while respecting families’ wishes. She asked the Commissioner about the guidance he expects to provide, particularly around parent surveys and support for students’ social emotional learning and mental health concerns. Commissioner Riley said the Board will see the guidance that the Department will be sending out early next week, covering parent surveys and other matters including distancing, academic support, and support for students’ social emotional learning. The Commissioner added that school districts are not starting from zero; they have been planning for the possibility of this day and are learning from the example of districts that have already brought students back to school.

Ms. Stewart asked how vaccination of educators fits into this plan. Commissioner Riley said he is pleased that teachers have been moved up on the list, noting the Governor has announced that teachers will be eligible on March 11. The Commissioner added that federal and state authorities have been clear that vaccination of educators is not required to return to in-person learning. Ms. Stewart said educators are essential/frontline workers and she believes it is imperative they be vaccinated before more students return in person. She said the 1000-plus emails that Board members received expressed concerns about safety and resources, and she believes it is too soon to move forward with a return to in-person learning. Ms. Stewart said she favors allowing districts to make their own decisions on this issue.

Vice-Chair Morton noted he is not physically present at today’s meeting because he is self-quarantining after attending an out-of-state funeral. He said he is very concerned about children’s mental health and asked if there is additional support for that. Commissioner Riley responded that the Department has awarded grants this year to strengthen mental health support and social emotional learning, and districts have state and federal funding available to address this important issue through a multi-year approach.

Ms. Lombos said she appreciates all the comments and information on this issue and how the Commissioner has laid it out. She added that as the labor representative on the Board, she is thinking about schools as workplaces. Ms. Lombos said while she wants all students to get back to school as safely as possible, there has not been enough time to consider and confer on the Commissioner’s proposal and build trust, and therefore she must vote no.

Chair Craven asked for a motion on the Commissioner’s proposed regulatory amendment. The motion was made and seconded.

Mr. Rouhanifard said that like other members, he has been thinking a lot about this since the last meeting, even before receiving the Commissioner’s written proposal. He expressed appreciation to the Commissioner and all who have taken time to offer their views. Mr. Rouhanifard said Massachusetts is lagging the rest of the country, noting that 45 percent of districts in the U.S. as well as many other schools have been open safely five days a week. He added that he sees the Commissioner’s approach as an effort to find a “third way” solution to a complex problem. Mr. Rouhanifard said he is disappointed there is not yet a timeline for middle and high schools to return to in-person learning. He expressed concern that we may have failed a generation of students through the prolonged period of remote learning.

Secretary Peyser said now is the right time for the Board to act because we know more about what works, and research has validated that the mitigation strategies reduce the spread of the virus and reduce or even eliminate in-school transmission. He said we also know a lot more about the impact that remote learning has had on students’ educational progress, social emotional development, and mental health, and particularly for students with disabilities or who have other needs, the impact has not been good. Secretary Peyser said we have deployed new tools and resources including the pooled testing strategy in schools across the Commonwealth and thousands of new ventilation units for school buildings. The Secretary said over $1 billion in federal resources has been distributed to Massachusetts schools and more is coming. He added that cases and hospitalizations are down significantly, and the vaccine is being distributed widely. Secretary Peyser said the time to act is now, before the school year is over, and with a sense of urgency about making up for lost time. The Secretary said as a Board we need to exercise our responsibilities, using the knowledge we have about how to make in-person learning safe and the resources available 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, 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.**

The vote, by roll call, was 8-3. Mr. Coughlin, Ms. Lombos, and Ms. Stewart voted in opposition.

Chair Craven thanked all who presented during public comment and the panel presentation. She suggested moving the Early College update to the April agenda.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 4:05 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