**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, April 20, 2021**

**1:12 p.m. – 3:25 p.m.**

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

**Katherine Craven**,Chair,Brookline

**Jasper Coughlin**, Student Member, Billerica

**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 (participating remotely via video conference)

**Martin West**, Newton

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

**Member of the Board of Elementary and Secondary Education Absent:**

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

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Chair Craven called the meeting to order at 1:12 p.m. and members introduced themselves.

**Public Comment**

* **Heather Ferro**, Andover, addressed the Board on Item 1: Update on COVID-19 Action Steps to Support Schools, Students, and Families
* **Antonio Sorcinelli**, West Springfield, addressed the Board on Item 1: Update on COVID-19 Action Steps to Support Schools, Students, and Families
* **Dan French**, President, Citizens for Public Schools Board of Directors; Member, Vocational Education Justice Coalition, addressed the Board on Item 2: Career and Vocational Technical Education: Proposed Amendment to Vocational Technical Education Regulations, 603 CMR 4.00 (Admission Standards)
* **Aya Faiz**, Student from Chelsea, addressed the Board on Item 2: Career and Vocational Technical Education: Proposed Amendment to Vocational Technical Education Regulations, 603 CMR 4.00 (Admission Standards)
* **Emily Menjivar**, Student from Chelsea, addressed the Board on Item 2: Career and Vocational Technical Education: Proposed Amendment to Vocational Technical Education Regulations, 603 CMR 4.00 (Admission Standards)
* **Maria Melchionda**, M.Ed., Executive Director, Massachusetts Association for Health, Physical Education, Recreation and Dance, addressed the Board on Item 3: Massachusetts World Languages Curriculum Framework

## Comments from the Chair

Chair Craven thanked Board members for their participation over the past few months in anti-racism training, which mirrors the training for all staff of the Department of Elementary and Secondary Education (Department/DESE). She expressed appreciation to Commissioner Riley and Senior Associate Commissioner Ventura Rodriguez for organizing and arranging for the anti-racism training to support the Board’s focus on equity. Chair Craven also thanked Board members who have immersed themselves in the vocational school admissions issue, delving into the data, asking good questions, and learning more about vocational schools. She said the Board’s discussions on this topic have benefited from the information available from all sources.

**Comments from the Commissioner**

Commissioner Riley discussed the state campaign to encourage more high school students to complete the Free Application for Federal Student Aid (FAFSA). The campaign addresses the concern that the FAFSA completion rate is down nationally and in Massachusetts compared to previous years. The Commissioner described the public awareness campaign, which includes working with high schools, launching a website, and setting up digital billboards across the state. He said DESE has partnered with the Department of Higher Education (DHE), Executive Office of Education (EOE), and others in this effort, and DESE is directly promoting the campaign to school counselors and teachers. Commissioner Riley said while FAFSA completion rates are improving, the outreach campaign will continue into the future.

Commissioner Riley announced that the Department recently released the Massachusetts Dyslexia Guidelines, which were co-developed by DESE and the Department of Early Education and Care (EEC) to implement requirements of an Act Relative to Students with Dyslexia, Chapter 272 of the Acts of 2018. He said this is an important document for the field; DESE has posted it on its website and will promote it widely.

The Commissioner concluded by stating that student wellness and mental health continue to be central to DESE’s work, and at a future meeting he will report on key initiatives and grant programs. Commissioner Riley commended Jasper Coughlin and his colleagues on the State Student Advisory Council (SSAC) for their commitment and ideas to support students’ health and wellbeing. The Commissioner said DESE staff are working with the SSAC and value the students’ input, and he looks forward to discussing this further with the Board.

## Comments from the Secretary

Secretary Peyser called attention to the Massachusetts STEM Summit which will be held on May 6 as a virtual event. He encouraged all to go to the website, <https://www.mass-stem-summit.org/>, to find out more and register to participate. Secretary Peyser said this has been an annual event for over a decade and now that it is being held virtually, it is accessible to a broader audience.

Mr. Moriarty commended the new dyslexia guidelines that Commissioner Riley mentioned. Mr. Moriarty said the guidelines are of high quality and very accessible to educators, adding that the document reflects much more than mere statutory compliance. He said the guidelines are a working tool that can help educators identify and address students’ needs early and effectively. Mr. Moriarty encouraged DESE to disseminate the guidelines widely.

##### 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 February 22, 2021 Special Meeting, the February 23, 2021 Regular Meeting, and the March 5, 2021 Regular Meeting.**

The vote, by roll call, was unanimous.

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

Commissioner Riley said as of the week of April 5, 90 percent of elementary schools were open for in-person learning five days a week, and 180 elementary schools were already open full-time before that point. He said the few school districts that have not opened will do so in the coming days. The Commissioner said the next step is to bring back students in grades 6 through 8 by April 28; many districts have already started the process and will have their students back before the deadline. Commissioner Riley noted that 218 middle schools are already open full-time and an additional 391 middle schools will open by the week of April 26, which means 609 middle schools will be operating a full-time, in-person model by the deadline. The Commissioner said he anticipates that high schools will bring students back in person sometime in May; those details are being finalized and he will inform the Board before the announcement.

Commissioner Riley said as of April 14, DESE received 87 requests for waivers of the reopening requirements and approved 75. He explained that 32 were to delay the return of grade 5 because it was in a different building than elementary school grades, and 43 were for an incremental return to five days a week in person. The Commissioner said DESE denied ten waiver requests that sought to delay implementation or maintain remote learning. He said the last of the elementary schools with waivers will return to in-person learning, five days a week, by May 3, although individual families can choose remote learning through the end of the year.

The Commissioner updated the Board on the COVID-19 pooled testing program, which is an additional tool to help districts bring students back. He noted that the program has found low positivity rates, less than one percent among students and staff, and the Baker Administration has announced the state will use federal funds to continue to pay for the program through the end of the year. Commissioner Riley said the pooled testing program was the first of its kind nationwide; since it started in February, over 1,000 schools have enrolled and have tested nearly 159,000 individuals.

Commissioner Riley spoke about DESE’s ongoing development of the academic excellence roadmap to help schools address unfinished learning through the next school year and beyond. He noted DESE is supporting summer programs, including acceleration academies, using a combination of state and federal resources. The Commissioner said the academic excellence roadmap will be grounded in evidence-based strategies and practices for accelerating student learning; it should guide schools and districts in creating a plan, including month-by-month priority actions to implement the plan and monitor progress. Commissioner Riley said DESE will pair this guidance with free virtual trainings for teachers and school leaders through the summer as well as asynchronous professional learning modules. He said DESE is working with a vendor to help draft the academic excellence roadmap and is engaging with stakeholders to ensure the roadmap addresses equity concerns and is user-friendly.

**Career and Vocational Technical Education (****CVTE): Proposed Amendment to Vocational Technical Education Regulations, 603 CMR 4.00 (Admission Standards)**

Chair Craven introduced Cliff Chuang, Senior Associate Commissioner for Educational Options, Elizabeth Bennett, Associate Commissioner for College, Career, and Technical Education, and Caitlin Looby from the DESE legal team. Commissioner Riley said that in November 2019 he proposed Phase 1 changes to the CVTE regulations, which the Board adopted in February 2020. The Commissioner said Phase 2 of the process relates to admission standards, which the Board discussed in depth at the February special meeting. He said today he is presenting proposed amendments to the admissions regulation to go out for public comment, and after stakeholders have an opportunity to weigh in, he will bring the regulations back in June for a final vote.

Mr. Rouhanifard thanked the Vocational Education Justice Coalition for their advocacy on this issue and said he appreciates their thoughtful analysis, impressive research, and commitment. He asked about the definition of “minor” behavior or disciplinary infractions, in relation to the statement that the proposal “prohibits the consideration of excused absences and minor behavior or disciplinary infractions.” Mr. Chuang said DESE expects to issue guidance on this and referenced DESE’s initiative on rethinking discipline. Mr. Rouhanifard said he advocates a restorative approach and appreciates the perspective.

Ms. Lombos commended the process DESE has followed: identifying a problem and engaging with stakeholders, including community organizations and the Board, to come up with solutions. She thanked the Commissioner and Secretary for encouraging this kind of partnership. Mr. Moriarty said he strongly supports the proposal and thinks it is better than mandating admissions lotteries for all schools. He added that he hopes Madison Park High School will benefit from dynamic leadership and renewed attention. Chair Craven commented that in-district vocational schools have some issues that differ from regional vocational schools.

Mr. Chuang and Ms. Looby responded to questions about when admissions lotteries might be used as an intervention measure and about parent appeals when a student is denied admission. Chair Craven noted that regional vocational school district agreements allocate seats among the member communities. Ms. Looby confirmed that the proposed regulation does not affect regional agreements. Chair Craven said informing middle schoolers about their options is a key to expanding awareness and access. Mr. Moriarty suggested community organizations could help to get the information to eighth graders and their families.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L. chapter 69, §§ 1B and 1F and chapter 74, § 2, hereby authorizes the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. chapter 30A, § 3, to solicit public comment on the proposed amendments to the Vocational Technical Education Regulations, 603 CMR 4.03(6)(a), as presented by the Commissioner. The proposed amendments concern admission standards for vocational technical schools and programs.**

The vote, by roll call, was unanimous.

**Massachusetts World Languages Curriculum Framework**

Commissioner Riley stated that in December 2020, the Board voted to release the draft of the updated World Languages curriculum framework for public comment and since then, the Department has revised the draft based on the comments. He recommended that the Board vote today to approve the updated standards for the World Languages framework. The Commissioner introduced Senior Associate Commissioner Heather Peske and World Languages Acquisition Support Specialist Andy McDonie. Ms. Peske and Mr. McDonie presented a brief overview of the changes from the original 1999 framework and the further revisions made to the December 2020 draft based on the Board’s feedback and public comments. Secretary Peyser thanked the staff of the Department for their work on the revised framework. He commented that world languages are an important part of the K-12 experience for all students, and the Seal of Biliteracy is an aspirational goal. In response to a question from Mr. Moriarty, Ms. Peske said the framework describes the importance of classical languages as well as others. Chair Craven thanked the DESE team for all their work updating the framework.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with Chapter 69, Sections 1D and 1E of the General Laws, approves the 2021 World Languages Standards, and directs the Commissioner to incorporate the standards into the 2021 Massachusetts World Languages Curriculum Framework and distribute copies to the Joint Committee on Education for their information, and to public schools and other interested parties throughout the Commonwealth for use in improving curriculum, instruction, and assessment in world languages.**

**Further, that the Board extends its appreciation to the Department of Elementary and Secondary Education and to the many individuals and groups statewide that helped to revise and strengthen the 2021 World Languages Standards and the 2021 Massachusetts World Languages Curriculum Framework.**

The vote, by roll call, was unanimous.

**Proposed Modifications Due to the COVID-19 Emergency**

Commissioner Riley asked Associate Commissioner Rob Curtin to present several items relating to proposed modifications due to the COVID 19 emergency. The Commissioner said for certain items, Mr. Curtin will be joined by Associate Commissioner Michol Stapel and Brian Devine, Director of the Educator Licensure Office.

**Proposed Modifications to Competency Determination Requirement for the Class of 2022**

Ms. Stapel joined Mr. Curtin for the first two items. Mr. Curtin explained that the first would modify the competency determination (CD) requirements in English Language Arts (ELA) and mathematics for students in the class of 2022 (high school juniors this year), who missed their opportunity to take the MCAS tests in grade 10 because the spring 2020 tests were cancelled due to the pandemic. He added that the fall 2020 and January 2021 tests were also cancelled. Mr. Curtin said these students have had no opportunities to take the MCAS tests yet, even as we move forward with spring 2021 testing for students in grades three through eight and grade ten. He noted that last year the Board approved modified CD requirements for students in the classes of 2020 and 2021 in ELA, mathematics, and science and technology/engineering (STE), and for students in the classes of 2022 and 2023 in STE only. Mr. Curtin explained that the Commissioner’s proposal would allow students in the class of 2022 to receive the CD by earning full credit in an approved course and demonstrating competency in that subject, in lieu of a qualifying MCAS score. Mr. Curtin said this would mirror the modification the Board approved last year for students in the class of 2021. He added that students who want to take the MCAS tests to be eligible for scholarships could do so in spring or fall 2021.

Mr. West said he is inclined to support the proposal to address these extraordinary circumstances, similar to the action last year regarding the class of 2021. He recommended that DESE encourage students in the class of 2022 to take the MCAS tests not just to qualify for scholarships but also to know more about where they stand in terms of preparation. Mr. Hills said he believes this proposal is narrowly tailored and appropriate. Ms. Lombos said she supports the proposal and would like to have more discussion of MCAS testing. Mr. West suggested the Commissioner might want to reconvene the CD task force that he established before the pandemic. Mr. Rouhanifard added there is more to explore now regarding new and innovative assessments. Mr. Coughlin thanked the Department for putting forward this proposal in support of students. Ms. Fernández expressed her support.

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

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

**St. 2020, c. 56, § 6, and as recommended by the Commissioner, grant a limited modification of the competency determination (CD) requirements by authorizing a process through which students in the class of 2022 who have not yet earned the CD in English language arts (ELA) and mathematics may earn the CD through successful completion of a relevant course, as follows:**

**• For ELA and mathematics – upon district certification that the student earned full credit for a relevant course aligned to the appropriate curriculum framework in that subject matter, and has demonstrated competency in that subject.**

**This action is not intended to be a permanent pathway to earning a competency determination, but rather a limited measure needed in response to the extraordinary circumstances created by the COVID-19 pandemic. This process will be implemented when information about students’ course completion is available. The Commissioner shall report to the Board and the public on the results of this process.**

The vote, by roll call, was unanimous.

**Proposed Modification to Policy on Certificate of Attainment**

Mr. Curtin said the certificate of attainment is a policy that the Board adopted in 2000 for districts to recognize students who have completed local requirements but do not yet qualify for the high school diploma because they have not earned the CD in one or more subjects. He said even with the modified CD requirements that are in place, some students may not earn the CD, but they could get a certificate of attainment because they met local requirements. Mr. Curtin said the Board’s policy on the certificate of attainment requires a student to take the MCAS test three times in a subject they had not passed. He explained that because testing opportunities were cancelled due to the pandemic, the proposed amendment would reduce the number of times students need to have taken a test to one instead of three. He noted the criteria for the certificate are set by Board policy, not regulation, so the Board can modify the policy by a vote without going through the regulatory public comment process.

**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 1B and 1D, approves a modification to its policy on the certificate of attainment, as recommended by the Commissioner. The modification amends the policy for students in the class of 2021 in order to make it available to students whose MCAS testing opportunities were reduced as a result of the COVID-19 pandemic.**

The vote, by roll call, was unanimous.

**Proposed Amendment to Accountability Regulations, 603 CMR 2.00 (Modification to 603 CMR 2.03)**

Mr. Curtin explained the Commissioner is recommending that the Board seek public comment on a proposed amendment to the state accountability and assistance regulations that would allow DESE

to refrain from issuing new district and school accountability determinations for the 2020-2021 school year. Mr. Curtin noted the Commissioner has already said he will refrain from using his discretion to name or recommend to the Board any new underperforming or chronically underperforming schools or districts. He said with the proposed amendment, instead of issuing new accountability determinations in the fall, the Department would use the most recent determinations (from 2019) to continue providing support to districts and schools. Mr. Curtin noted that the Commissioner informed the Board in February that DESE was applying to U.S. Department of Education for a waiver of the federal accountability provisions and on April 6, DESE received approval for that waiver. He said that with federal approval in hand, this proposed regulation would take care of the state half of the accountability equation.

In response to a question from Mr. West, Mr. Curtin explained that for purposes of offering assistance and allocating federal dollars, the Department would maintain the list as it exists now, leaving district and school accountability status in place for another school year into 2022. Mr. Moriarty commented that this essentially freezes things in place, and it is necessary under the circumstances. He recommended that the Board discuss the accountability system in the future and added that a revived system should follow the end of the pandemic because it is needed to address the deep inequities that exist from one district to the next, which districts cannot change on their own.

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

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

**M.G.L. c. 69, §§ 1B and 1I, authorizes the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, to solicit public comment on the proposed amendment to the Regulations on Accountability and Assistance for Schools and Districts, 603 CMR 2.00, as presented by the Commissioner.**

**The proposed amendment updates the regulations in response to the COVID-19 pandemic by adding a new section 603 CMR 2.03(11), allowing the Department of Elementary and Secondary Education to refrain from issuing new accountability determinations for districts and schools for school year 2020-2021.**

The vote, by roll call, was unanimous.

**Proposed Amendment to Charter School Regulations, 603 CMR 1.00 (Modification to 603 CMR 1.04(9))**

Mr. Curtin explained this is a proposed modification to the charter school regulations regarding the calculation of the lowest 10 percent of districts; by statute, the list is used to determine where charters may be approved, and in which districts the total charter tuition payment may exceed nine percent of the district's net school spending. He said the amendment is needed because we lack MCAS results from 2020 due to the COVID-19 pandemic. Mr. Curtin explained the statute and regulations call for using two years of data to calculate the lowest 10 percent list, but neither the statute nor regulations contemplated a scenario where MCAS scores for a given year are not available. He said this limited amendment would allow the use of data from the two most recent years in which statewide test scores were released. Mr. Curtin explained that the practical impact is to freeze the current lowest 10 percent list, which is based on 2019 and 2018 data. He said the Department will solicit public comment on the proposed amendment, after which the Commissioner will determine if further changes are needed and bring this bring this back to the Board for a final vote at the June meeting.

**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 c. 71, § 89, hereby authorizes the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, to solicit public comment on the proposed amendment to the Regulations on Charter Schools, 603 CMR 1.04(9), as presented by the Commissioner.**

The vote, by roll call, was unanimous.

Proposed Amendments to Educator Licensure Regulations, 603 CMR 7.00 (Staffing Flexibilities for 2021-2022)

Commissioner Riley explained the proposed amendment to the educator licensure regulations, to be sent out for public comment, would extend for another year the staffing flexibilities that have been in effect for 2020-2021: increasing the time that a teacher may teach out of their field of certification from 20 to 50 percent, and increasing the time an individual can serve as a long-term substitute. He said these flexibilities will help schools staff up to meet students’ needs in the coming year. Brian Devine, Director of the Office of Educator Licensure, and Mr. Curtin responded to questions.

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

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

M.G.L. c. 69, § 1B, and c. 71, § 38G, hereby authorizes the Commissioner to proceed in accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3, to solicit public comment on the proposed amendments to the Regulations on Educator Licensure and Preparation Program Approval, 603 CMR 7.00, as presented by the Commissioner. The proposed amendments would extend certain staffing flexibilities through the 2021-2022 school year.

The vote, by roll call, was unanimous.

**Education Budget Update**

Senior Associate Commissioner/CFO Bill Bell updated the Board on education funding. Mr. Bell said the House Ways and Means Committee released its FY22 budget proposal on April 14 and it reflects a strong continued investment in K-12 education. He added that the House will convene for floor debate next week and he will present updated information to the Board at the May meeting. Mr. Bell gave an overview of the significant federal funding for Massachusetts, including most recently the allocation of $1.8 billion in ESSER III funding through the American Rescue Plan. He said the Department is encouraging districts to plan for effective use of the funds, noting some funding is set aside for summer learning and other funds are allocated for nonpublic schools through EANS. In response to a question from Mr. Moriarty, Mr. Bell said districts have already started planning their summer programs. Mr. West commented that with all this additional federal funding, districts could benefit from DESE’s guidance on how best to use it. Ms. Lombos observed that the additional funding could help districts address equity concerns.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 3:25 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