**

 ***Massachusetts Department of***

 ***Elementary and Secondary Education***

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| Jeffrey C. Riley*Commissioner* |  |

# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:**  | Jeffrey C. Riley, Commissioner |
| **Date:**  | April 9, 2021  |
| **Subject:** | Proposed Amendments to 603 CMR 4.03(6)(a) Career/Vocational Technical Education Admissions Regulations: Initial Discussion and Vote to Solicit Public Comment |

This memorandum provides (1) an overview of proposed amendments to [603 CMR 4.03(6)(a)](https://www.doe.mass.edu/lawsregs/603cmr4.html?section=03), the Career/Vocational Technical Education (CVTE) admissions regulations (attached), and (2) a summary of other Department of Elementary and Secondary Education (Department) initiatives designed to support equitable access to high quality CVTE programs.

The proposed changes to the regulations follow over a year of stakeholder engagement and discussion on these issues. These discussions, along with the Department’s analysis of enrollment and admissions data, have made clear that applying a single set of state-prescribed admissions criteria is not in the best interests of students, families, and vocational schools and programs. Vocational education is driven by many variables, including student interest, labor and market demands, and diverse student populations, both within and across vocational schools. I believe we can best address this complex issue by allowing individual schools and programs to set policies that respond to the needs of their sending communities and are consistent with applicable federal and state laws and regulations to promote equitable access for all students, while retaining the Department’s role to monitor compliance and intervene when necessary.

I am bringing these proposed regulatory changes to the Board this month for initial discussion and a vote to solicit public comment. With the Board’s approval at its April 20, 2021 meeting, the Department will solicit public comment on the proposed amendments and incorporate feedback, with the goal of bringing them back to the Board for a final vote in June 2021.

**1. Proposed amendments to CVTE admissions regulations**

The proposed changes to the CVTE admissions regulation [603 CMR 4.03(6)(a)](https://www.doe.mass.edu/lawsregs/603cmr4.html?section=03) are intended to address three primary goals:

1. Provide districts offering CVTE programs with flexibility to develop data-informed local admissions policies that promote equitable access, comply with state and federal laws and regulations, and receive annual approval from the district’s school committee or board of trustees.
2. Clarify the Department’s authority to intervene in cases of non-compliance, and in such cases, to order changes to admissions policies that may include requiring a lottery.
3. Improve access to information about CVTE for students and families.

In particular, the proposed amended regulation on admission of students:

* **Adds**that each vocational school and program must annually submit its admissions policy to the Department by August 15, publish it in its Program of Studies, post a copy on the school website, and provide a copy to each student applicant and their parent/guardian. Vocational schools and programs must make these admissions materials available in both English and the primary language of the home, if such primary language is other than English.
* **Adds**that vocational schools and programs using selective criteria shall not use criteria that have the effect of disproportionately excluding persons in protected classes unless they can demonstrate that (1) the criteria have been validated as essential to participation and (2) alternative equally valid criteria that do not have such a disproportionate adverse effect are unavailable.
* **Adds** that admission policies using selective criteria may be used only when there are more applicants than available seats.
* **Removes** the requirement to use four criteria (grades, attendance, discipline record, and counselor recommendation) and **prohibits** the consideration of excused absences and minor behavior or disciplinary infractions.
* **Removes**language that schools may condition admission on a student having passed courses in English Language Arts or its equivalent and mathematics for the school year immediately preceding their enrollment, while affirming that vocational schools and programs may condition admission on a student having been promoted to the grade they have been admitted to enter.
* **Adds**a requirement that admission policies include strategies to promote equal educational opportunities and attract, enroll, and retain a student population that, when compared to students in similar grades in sending districts, has a comparable academic and demographic profile.
* **Adds**that the admission policy must be approved annually by the school’s board of trustees or school committee.
* **Adds**the requirement that vocational schools and programs maintain a record of all students who apply for admission, enroll in the school, or are placed on a waitlist, and their score on admission criteria, if used, to facilitate an analysis and evaluation of the admissions system and its compliance with 603 CMR 4.03(6), and affirms the right for students and parents/guardians to appeal to the superintendent or their designee a decision to deny the student admission to the school or program.
* **Adds** that the Department may intervene in cases where the admissions policies and practices of vocational schools and programs do not comply with applicable state and federal laws and regulations and order compliance actions, including revisions to, or replacement of, existing admission policies. Such intervention may include a requirement that such schools and programs institute an admissions lottery.
* **Adds** that sending districts shall offer vocational schools and programs opportunities to provide middle school students with information about vocational programs and careers on-site at their middle schools, as well as through mail and email. Directs sending districts to not count as an unexcused absence a middle student’s tour of a vocational school or program, if the school or program confirms the student’s participation.

**2. Statewide initiatives designed to support equitable access to CVTE**

Regulatory changes are only one part of the Department’s initiative to improve equitable access to CVTE. The Department is also working in partnership with stakeholders to provide additional resources and assistance to create more, and better, opportunities for students interested in CVTE in Massachusetts.

**CVTE Guidance**

In consultation with stakeholders, the Department will issue guidance regarding key stages of students’ trajectory through CVTE pathways, from information sharing with prospective students and their families, to admissions policies and practices, to student outcome tracking.

**Data Inquiry Tools**

The Department is working with vocational schools and programs to engage in thoughtful cycles of data inquiry and has developed several [interactive CVTE data tools](https://www.doe.mass.edu/ccte/cvte/data/vart.html) to assist schools in reflecting and acting on data related to student admissions (waitlists), enrollment, and performance.

**Statewide Secondary Educational Options Awareness Campaign**

The Department is developing a statewide awareness campaign to inform all Massachusetts students and families about secondary educational options, including CVTE and [Early College and Innovation Pathways](https://www.doe.mass.edu/bese/docs/fy2021/2021-03/item2.docx). This includes the following components:

* **Statewide Pathways Messaging**: The Department will expand statewide awareness of the pathway options students and families can pursue.
* **Educational Options Finder Website:** This new website will enhance the Department’s current [School Finder](https://profiles.doe.mass.edu/search/get_closest_orgs.aspx) tool to include all secondary CVTE and other pathways, and the admissions information and timelines for schools offering CVTE programs. The page will include multiple language options so that visitors may view content in prevalent languages spoken in the state.
* **MyCAP Grades 6-8:** The launch of a College, Career, and Civic Ready Framework implemented through My Career and Academic Plan (MyCAP) in middle school will help middle school students gain social emotional skills, academic preparation, and career development experiences that will, in turn, help them make informed decisions for secondary education and future career interests, based on personal strengths, interests, and skills.

**CVTE Equitable Access Support Grant**

The Department plans to issue a multi-year grant opportunity for regional planning efforts, including participants from both vocational and sending districts, to support:

* **Data-informed decision-making** to improve district data practices in examining CVTE waitlist, enrollment, and outcome data alongside other resources in a thoughtful cycle of inquiry throughout the school year.
* **English Learner (EL) recruitment and success**to provide for strategies such as designating a district EL specialist at the vocational school to work with sending districts to develop targeted, culturally responsive strategies to attract, recruit, and retain English Learners throughout the admissions cycle. The EL specialist can help design and implement an inclusive and accessible admissions process and collaborate with sending districts/schools to provide support to ELs.
* **Culturally-responsive recruitment, admissions, and learning environments** through diversity, equity, inclusion, anti-bias and anti-racism training, with a focus on staff involved with recruitment and admissions, to improve practices such as tours, information sessions, interviews and application review, and to consider other systemic changes.

**Expand CVTE Capacity**

The Department is working with schools, districts, and partners in the [Workforce Skills Cabinet](https://www.mass.gov/orgs/workforce-skills-cabinet) to expand access to CVTE. These strategies include analyzing new waitlist data to maximize usage of currently available seats, expanding high-demand CVTE programs in comprehensive high schools, supporting 2nd and 3rd shift models (e.g. [After Dark](https://www.doe.mass.edu/ccte/cvte/afterdark/) and [Career Technical Initiative](https://www.mass.gov/news/the-workforce-skills-cabinet-announces-new-career-technical-initiative-grants)), as well as [Innovation Pathways](https://www.doe.mass.edu/ccte/innovation-pathways/designees.html) and [Early College](https://www.doe.mass.edu/ccte/early-college/designees.html).

Department staff, including Cliff Chuang, Senior Associate Commissioner for Educational Options, Elizabeth Bennett, Associate Commissioner for College, Career, and Technical Education, and Caitlin Looby of our legal team, will be present at the meeting to address the Board and answer questions.

**Attachments:** 603 CMR 4.03(6)(a) — Clean version of regulation with proposed

amendments incorporated

603 CMR 4.03(6)(a) — Strikethrough version of regulation showing

proposed amendments

Motion