*****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:** | June 11, 2021 |
| **Subject:** | Briefing for the June 22, 2021 Regular Meeting of the Board of Elementary and Secondary Education |

The next regular meeting of the Board of Elementary and Secondary Education will be on **Tuesday, June 22, 2021**, at the Department ofElementary and Secondary Education’s office in Malden. The meeting will start at **9:00 a.m.** and should adjourn by **1:00 p.m.** The Board will meet in person, following the Commonwealth’s current health and safety guidelines, and the meeting will be live-streamed. Helene Bettencourt and Courtney Sullivan will assist with all arrangements; please email or call them if you have any questions.

**OVERVIEW**

Our business agenda leads off with my report on the Department’s actions to support schools and districts in bringing students back for in-person learning and planning for the year ahead. The Board will discuss and take a final vote on the regulations on vocational school admissions. We will update the Board on the Kaleidoscope Collective for Learning, a key initiative to support deeper learning for students throughout the Commonwealth, and our work to promote innovative science assessment. The Board will discuss and vote on four regulatory modifications relating to the COVID-19 emergency and will get an update on education budget matters. The Board’s Committee on the Commissioner’s Performance Evaluation, chaired by Vice-Chair James Morton, will present its report and recommendation to the Board for a vote. The Board will also vote on the summer delegation of authority and the meeting schedule for FY2022.

**REGULAR MEETING**

**Statements from the Public**

**Comments from the Chair**

**Comments from the Commissioner**

**Comments from the Secretary**

Chair Craven, Secretary Peyser, and I will brief the Board on current issues and activities.

**Routine Business: Approval of the Minutes of the May 25, 2021 Regular Meeting**

The Board will vote on approval of the minutes.

**ITEMS FOR DISCUSSION AND ACTION**

1. **Update on COVID-19 Action Steps to Support Schools, Students, and Families – Discussion**

I will update the Board on actions the Department has taken in the past month to support schools and districts in bringing students back into classrooms and planning for summer and the new school year.

1. **Career and Vocational Technical Education: Amendment to Vocational Technical Education Regulations, 603 CMR 4.00 (Admission Standards) – Discussion and Vote to Adopt Final Regulation**

In April, the Board voted to solicit public comment on proposed amendments to the Career/Vocational Technical Education admissions regulations. I am recommending several modifications to the amendments based on the public comment the Department received. Copies of all the public comments, along with a summary, are included with the memorandum under Tab 2. I recommend that the Board vote on June 22 to adopt the regulatory amendments, including the additional changes presented. Senior Associate Commissioner Cliff Chuang; Elizabeth Bennett, Associate Commissioner for College, Career, and Technical Education; and Legal Counsel Caitlin Looby will be at the meeting to answer your questions.

1. **Advancing Deeper Learning: Update on Kaleidoscope Collective for Learning – Discussion**

In November 2019, the Board received a report on the Department’s launch of the Kaleidoscope Collective for Learning. Kaleidoscope is key to our work to advance deeper learning for students throughout the Commonwealth. Senior Associate Commissioner Komal Bhasin and other members of the Kaleidoscope team will update the Board on our progress to date and next steps.

1. **Innovative Science Assessment – Discussion**

Our deeper learning initiative is linked to innovative approaches to student assessment. On June 22, Senior Associate Commissioner Bhasin; Sam Ribnick, Special Advisor for Innovative Assessments; and I will update the Board on the Department’s ongoing work to support implementation of the Innovative Science Assessment.

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

Items 5 through 8 are modifications to Board regulations prompted by the COVID-19 emergency. The first three are votes on final regulations; the fourth is a vote to solicit public comment on a proposed regulation. Associate Commissioners Rob Curtin and Michol Stapel will be at the June 22 meeting to answer your questions.

1. **Amendment to Accountability Regulations, 603 CMR 2.00 (Modification to 603 CMR 2.03) – Discussion and Vote to Adopt Final Regulation**

The Board voted on April 20 to solicit public comment on a proposed amendment to the accountability regulations that would allow the Department to refrain from issuing new accountability determinations for districts and schools for school year 2020-2021. I recommend that the Board vote on June 22 to adopt the regulation as presented. The memorandum under Tab 5 provides details.

1. **Amendment to Charter School Regulations, 603 CMR 1.00 (Modification to 603 CMR 1.04(9)) – Discussion and Vote to Adopt Final Regulation**

Also on April 20, the Board voted to solicit public comment on a proposed amendment to the charter school regulations relating to the list of districts in the lowest 10 percent, which is required by statute. The amendment, which is needed because we lack MCAS results from last spring due to the COVID-19 pandemic, would effectively freeze for this year the list that was released in spring 2020. I recommend that the Board vote on June 22 to adopt the regulation as presented. The memorandum under Tab 6 provides details.

1. **Amendments to Educator Licensure Regulations, 603 CMR 7.00 (Staffing Flexibilities for 2021-2022) – Discussion and Vote to Adopt Final Regulation**

In a third action on April 20, the Board voted to solicit public comment on a proposed amendment to the educator licensure regulations that would extend certain staffing flexibilities through the 2021-2022 school year. The Department did not receive any public comment regarding the proposed change. I recommend that the Board vote at the June 22 meeting to adopt the proposed amendments. See the memorandum under Tab 7 for details.

1. **Proposed Amendment to Competency Determination Regulations, 603 CMR 30.00 (Extending Interim Standard Through Class of 2025) – Initial Discussion and Vote to Solicit Public Comment**

I recommend that the Board vote on June 22 to solicit public comment on proposed amendments to the Competency Determination regulations. The proposed amendments would extend the interim passing standard for the Competency Determination through the class of 2025 for English language arts, mathematics, and science and technology/engineering. The memorandum under Tab 8 provides details. With the Board’s approval, the Department will invite comments, incorporate feedback, and bring the regulations back for a final vote in September 2021.

1. **Education Budget Update – Discussion**

Senior Associate Commissioner/CFO Bill Bell will update the Board on the latest information we have about federal and state funding for K-12 education in the Commonwealth.

1. **Annual Performance Evaluation of Commissioner – Discussion and Vote**

Board Vice-Chair James Morton, on behalf of the Board’s Committee on the Commissioner’s Performance Evaluation, will present the committee’s report and recommend a motion on the Commissioner’s evaluation.

1. **Delegation of Authority to Commissioner to take Necessary Action between Board Meetings – Discussion and Vote**

Because we have a three-month hiatus until the next regular meeting of the Board, I recommend that the Board vote to authorize the Commissioner to act on your behalf in approving any matters that are not otherwise covered by the Board’s previous delegations of authority and that require action before the next regular meeting in September 2021. By the terms of the suggested motion, I will consult with the Board Chair in advance of any such action and report to the Board on any matters that have been so approved. In addition, I recommend that the Board vote to authorize the Commissioner to approve the contract of UP Academy Charter School of Boston and UP Academy Charter School of Dorchester upon satisfactory completion of my review. In similar situations involving other charter schools, the Board has delegated the contract approval to the Commissioner. The memorandum under Tab 11 provides details.

1. **Schedule for Regular Board Meetings through June 2022 – Vote**

After checking with members, we have prepared a proposed schedule for regular Board meetings through June 2022. With the Board’s approval, we will post the schedule on our website.

**OTHER ITEMS FOR INFORMATION**

1. **State Student Advisory Council End-of-Year Report for 2020-2021**

Board member Jasper Coughlin summarized the work of the State Student Advisory Council at our May meeting. He will distribute the SSAC’s end-of-year report at our June 22 meeting. We thank Jasper for his service to the students of the Commonwealth and to this Board.

1. **Annual Report on Non-Operating School Districts Approved by the Commissioner**

By statute, towns that do not operate their own public schools (generally because the town is small and is not a member of a regional school district) must request and receive approval annually from the Board to tuition their students to public schools in other towns. In June 2009, the Board voted to delegate this approval authority to the Commissioner. Enclosed is a memorandum reporting on the approvals I have granted.

1. **Notification of Commissioner Approval of Loans Beyond Charter Duration**

Under the charter school statute, a charter school may incur temporary debt in anticipation of receipt of funds. The charter school must receive approval from the Board if it wishes to agree to a term of repayment that exceeds the duration of the school’s charter. In October 2008, the Board voted to delegate to the Commissioner the authority to approve such loan requests. The memorandum under Tab 15 informs the Board of such approvals I have granted during the past 12 months.

1. **Chronically Under-Performing Schools Annual Reports**

The Board will receive the FY2021 End-of-Year Reports on the chronically underperforming schools: UP Academy Holland and Dever Elementary School in Boston, Morgan Full-Service Community School in Holyoke, and Parker Elementary School in New Bedford.

If you have questions about any agenda items, please call me. I look forward to meeting with you on June 22.