# Minutes of the Regular Meeting

# of the Massachusetts Board of Elementary and Secondary Education

# Tuesday, March 22, 2022

**Department of Elementary and Secondary Education**

**75 Pleasant Street, Malden, MA 02148**

**9:06 a.m. – 12:15 p.m.**

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

**Katherine Craven**,Chair,Brookline

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

**Matthew Hills**, Newton

**Eleni Carris Livingston**, Wellesley, Student Member

**Darlene Lombos,** Boston

**Michael Moriarty,** Holyoke

**James Peyser**,Secretary of Education

**Paymon Rouhanifard,** Brookline

**Mary Ann Stewart,** Lexington

**Martin West**, Newton

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

**Amanda** **Fernández**,Belmont

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

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Chair Craven called the meeting to order at 9:06 a.m. and members introduced themselves. Chair Craven noted that today’s Board meeting, like all open meetings of the Board, is being recorded.

**Comments from the Chair**

Chair Craven expressed her gratitude to the National Guard and other partners who have supported public schools during the pandemic and noted there will be a tribute to them later in the meeting. She also thanked leaders in Springfield, Board Vice-Chair James Morton, and DESE Chief of Staff Leldamy Correa for their ongoing work with the Springfield Empowerment Zone Project, which will be a discussion topic today. Chair Craven said it is a great example of how the state can work with districts in different ways to improve outcomes for students. She added that she enters this meeting with a sense of gratitude and hope that we are turning a corner in the pandemic. Chair Craven said she expects the Board will hear more in the coming months about how school districts and the state are dealing with students’ mental health challenges.

**Comments from the Commissioner**

Commissioner Riley noted the information provided to the Board about the celebration of teachers that the Department is sponsoring on May 10th.He said today the Board will be recognizing the National Guard, the Massachusetts Emergency Management Agency (MEMA), and the Malden Police for their assistance to the K-12 school community.

Commissioner Riley said people have asked about the Boston Public Schools as we approach the two-year anniversary of the Memorandum of Understanding that resulted from the last district review that the Department conducted. He said the Board asked him to schedule an update on Boston later in the spring. Commissioner Riley said he has decided to conduct a district review, which the superintendent is welcoming. He noted that in the 2019 review, the Department found major structural challenges in the district including a significant number of low-performing schools and inadequate services for special education students and English language learners. Commissioner Riley said the district has made progress in diversifying the educator workforce, adopting Mass Core, and upgrading restroom facilities in many schools. He added that significant concerns remain around special education services and placements for students with disabilities and programs for English language learners, and recently new concerns have arisen about the accuracy of the district’s data on high school graduation and on-time bus arrival. The Commissioner said the Boston district review is not on the agenda today but will be discussed later this spring.

Commissioner Riley said he is continuing his regular meetings with all superintendents and executive directors to discuss a range of issues including students’ mental health, food insecurity, nurse coverage, spending of federal funds, and other topics that affect students and schools.

**Comments from the Secretary**

Secretary Peyser the Early College Joint Committee of this Board and the Board of Higher Education met twice in recent weeks and approved eight new early college programs. He noted these actions bring the total to 50 programs statewide, which is great progress and will benefit about 6000 students this fall. The Secretary said the initiative is on track to reach an ambitious goal of having 10 to 15 percent of all high school students enrolled in early college programs over the next five to six years. He added that early college, innovation pathways, and career vocational technical programs together could enroll close to 50 percent of all high school students in the next five to six years. Secretary Peyser congratulated the schools that have been designated as early college programs and thanked the team at DESE, DHE, and EOE who have been driving this forward.

Secretary Peyser announced the annual STEM Summit will be held on April 28th and it will be a hybrid program with both in-person and online content as well as statewide and regional events. He also noted the Governor’s supplemental budget includes $140 million to support staffing at approved special education schools, to help them maintain capacity, services, and stability for the students they serve. He said he hopes the Legislature will act promptly on the supplemental budget.

Chair Craven suggested the Board might hold a joint meeting with the Board of Higher Education sometime.

**Statements from the Public**

* **Boston Mayor Michelle Wu** addressed the Board on the future direction of the Boston Public Schools and opposition to potential receivership
* **Boston City Councilor Julia Mejia** addressed the Board on opposition to potential receivership of the Boston Public Schools
* **Marcella Sliney, parent,** addressed the Board on Item 3: Update on Action Steps to Support Schools, Students, and Families
* **Lisa Guisbond, Executive Director, Citizens for Public Schools** addressed the Board on Item 4: Proposed Amendment to Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00 (Modification due to COVID-19 Pandemic)
* **Jonathan Guzman, Vice-Chair of the Lawrence School Committee,** addressed the Board on Item 4: Proposed Amendment to Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00 (Modification due to COVID-19 Pandemic)
* **Jennifer Reynolds, chair of the Greater Commonwealth Virtual School (GCVS) Board of Trustees,** addressed the Board on Item 5: Commonwealth of Massachusetts Virtual Schools: Certificate Renewals
* **Salah E. Khelfaoui, Ph.D. Executive Director, Greater Commonwealth Virtual School (GCVS) Board of Trustees,** addressed the Board on Item 5: Commonwealth of Massachusetts Virtual Schools: Certificate Renewals
* **Patrick Lattuca, Superintendent, TEC Connections Academy** addressed the Board on Item 5: Commonwealth of Massachusetts Virtual Schools: Certificate Renewals
* **BTU President Jessica Tang** addressed the Board on opposition to potential receivership of the Boston Public Schools
* **Samantha Laney, fifth grade teacher in Boston Public Schools** addressed the Board on opposition to potential receivership of the Boston Public Schools

Secretary Peyser asked to make a statement to clarify the state’s role in overseeing and supporting school districts. He explained that the state and this Board have a constitutional obligation to ensure that every child in the Commonwealth has access to a quality education, a role that was affirmed in the *McDuffy* and *Hancock* cases, which addressed the state's responsibility for funding public schools and also endorsed the Board's actions to establish statewide academic standards, measure student and school performance, and hold schools and districts accountable not just for complying with the law but for effectively educating the children in their care. He added that the Education Reform Act of 2003, the Achievement Gap Act of 2010, and most recently the Student Opportunity Act have all established, reaffirmed, and reinforced this basic structure of standards-based reform, not to blame or embarrass anyone, but to identify areas of weakness and opportunity to guide state and local policy and practice, authorizing the state to intervene when necessary to ensure children and families receive the quality educational services and resources that they are entitled to receive.

Secretary Peyser said at the very least, the Department and the Board have an affirmative responsibility to periodically evaluate school and district performance and to examine the conditions and outcomes of individual schools and districts that are underperforming based on multiple objective indicators. He added that where they find chronic underperformance, persistent achievement gaps, and a lack of meaningful or sustained progress, the state has a duty to act, and the action could be through various modes including technical assistance, professional development, grant funding, partnership agreements, and receivership.

Secretary Peyser said he does not know what the right path forward for Boston should be, but he is convinced that the Department cannot simply stand on the sidelines. He explained that updating the district review is not only appropriate but also essential to help the school district and the city determine what needs to be done to fulfill our shared responsibility to the children and families of Boston.

Commissioner Riley reiterated that Boston is not on the agenda today and there will be time to talk about it when it is on the agenda. Chair Craven said while this is not on the agenda, the Board would accommodate the members of the public who have signed up to offer comment, and the Board will look forward to getting the results of the district review.

Ms. Lombos said she appreciates the information she received about the process and asked about the timeline. Commissioner Riley said the review is happening in the coming weeks and after the Department concludes its work this will be an agenda item for the Board later this spring. Ms. Lombos asked about the timeline when other school districts were put into receivership. The Commissioner said he would follow up with that information.

**Recognition of National Guard, MEMA, and Other Partners — Discussion**

Commissioner Riley asked the representatives from the National Guard and Massachusetts Emergency Management Agency (MEMA) to come to the table. He expressed deep appreciation for the members of the Massachusetts Army and Air National Guard and to MEMA leadership and staff for their outstanding support for students in our schools during the COVID-19 pandemic. The Commissioner said they drove vans to get children to and from school, helped with COVID-19 testing, distributed PPE, and much more. Commissioner Riley said that through the National Guard over 236 soldiers were activated during this time and they helped over 14,000 students get transported regularly to school. The Commissioner said the National Guard also provided essential support for pooled testing, symptomatic testing, and the Test and Stay program, and communities and people throughout the state benefited from their expertise and their overall can-do spirit.

Commissioner Riley said the Board and Department are honored be to be joined today by representatives from MEMA and the National Guard. He added that the State Police and Malden Police are not in attendance but will also receive certificates of appreciation. Chair Craven and Board members engaged with the representatives, extended thanks to all for their service to the students of the Commonwealth, and presented the certificates of appreciation.

**Springfield Empowerment Zone Update — Presentation and Discussion**

Chair Craven welcomed Springfield Mayor Dominic Sarno and Superintendent of Schools Daniel Warwick, both of whom serve on the Springfield Empowerment Zone Partnership (SEZP) board. They joined the meeting via video. The SEZP was created as an innovative, voluntary partnership between Springfield Public Schools and the Department, in close collaboration with the Springfield Education Association. Mayor Sarno said there has been real progress in the years that SEZP has been managing certain middle and high schools in Springfield. He expressed appreciation to Vice-Chair Morton for his service on the SEZP board, Chris Gabrieli, chair of the SEZP board, SEZP Co-Executive Directors Matthew Brunell and Colleen Curran, and Superintendent Daniel Warwick. Mayor Sarno discussed the history of the SEZP and factors that make it a success, and said he believes it is a national model.

Superintendent Warwick discussed the reasons this model has been successful, as it promotes school-level autonomy and flexibilities as well as accountability through a collaborative governance structure. He reiterated the importance of having effective working relationships among various stakeholders.

Vice-Chair Morton acknowledged the contributions of DESE Chief of Staff Leldamy Correa, who also serves on the SEZP board. He said Mayor Sarno has shown over the years that he understands and is committed to this project. Vice-Chair Morton said the SEZP is grounded in real synergy among the mayor, the superintendent, the school committee, the teachers’ union, DESE, philanthropic organizations, parents, and the community to serve the students well, and it is a great model for other districts to consider.

Lauren Woo, DESE’s Director of Strategic Transformation, introduced SEZP Co-Executive Directors Matthew Brunell and Colleen Curran, who discussed the academic progress that the 14 middle and high schools in the zone have been making as well as how the partnership functions. They highlighted some key initiatives that the SEZP has overseen in the past few years and responded to questions from Board members. Mayor Sarno and Superintendent Warwick noted they are incorporating some ideas from the SEZP more broadly across the district.

Chair Craven thanked the presenters and commended Mayor Sarno, Superintendent Warwick, and the SEZP board for their leadership. She said the Empowerment Zone is an example of an innovative state-local partnership that has real benefit for students.

**Commonwealth of Massachusetts Virtual Schools: Certificate Renewals — Discussion and Vote**

Commissioner Riley said he is recommending that the Board renew the certificates for both schools, Greater Commonwealth Virtual School and TEC Connections Academy Commonwealth Virtual School. He noted that the Board’s materials include information about the conditions that each school is expected to meet. The Commissioner thanked the two schools for stepping up during the pandemic by expanding their capacity to serve additional medically vulnerable students and offering academic courses to school districts to add to available remote learning options. Mr. Moriarty commented that we have learned a lot about innovative uses of educational technology during the pandemic.

**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 94, 603 CMR 52.11, and 603 CMR 52.12, hereby renews the certificate of Greater Commonwealth Virtual School (GCVS) for four years and directs the school to meet the following conditions, as recommended by the Commissioner:**

1. **Greater Commonwealth Virtual School must continue to submit to the Department, at** **virtualschools@mass.gov****, board meeting agendas and materials prior to each board meeting at the same time that these items are sent to the school’s board members. Further, the school must submit to the Department the minutes of these proceedings as soon as the school’s board approves them. The Department reserves the right to require the submission of additional information, such as quarterly or monthly financial statements, if board materials do not already include this information. The school must provide such additional information within two business days.**
2. **By July 15, 2022, Greater Commonwealth Virtual School must conduct, document, and submit to the Department evaluations of its special education and English learner education (ELE) programs in a manner consistent with Department expectations. Such evaluations must include comparative data analyses, interpretation of results, and recommendations for needed changes to each program.**
3. **By August 1, 2022, Greater Commonwealth Virtual School must develop and include four-year goals for non-statewide assessments in its Accountability Plan. These goals must be sufficient to allow the school to demonstrate a track record of academic success during the certificate term.**
4. **By August 15, 2022, Greater Commonwealth Virtual School must complete actions and reporting as required by the Department’s Office of Language Acquisition.**
5. **By September 1, 2022, Greater Commonwealth Virtual School must submit for Department approval an updated version of its comprehensive action plan from 2019 to improve academic performance and that addresses other areas for improvement outlined in the summary of review for 2022. The action plan must set clear and specific benchmarks with a timetable and deadlines for completion of key tasks that is sufficient to allow the school's board of trustees and the Department to monitor implementation.**
6. **The school must report on a quarterly basis to the Department and its board of trustees on the progress toward meeting the benchmarks in its updated comprehensive action plan, including the timetable and deadlines for completion of key tasks.**
7. **By September 1, 2022, the board of trustees must engage a consultant and participate in training about governance roles and responsibilities, including obligations related to the Open Meeting Law. By October 15, 2022, the board must develop an action plan and schedule for adequate oversight of the school according to the CMVS Performance Criteria, Criterion 8: Governance.**
8. **By December 31, 2024, the school must demonstrate that it is an academic success by providing evidence of significant and sustained academic improvement in mathematics, English language arts, and science for all students and all student subgroups.**

**In addition to meeting the terms of the conditions, GCVS must comply with the terms of its certificate. Failure to meet these conditions within the timelines specified may result in the Board placing the school on probation, revoking its certificate, or imposing additional conditions on its certificate.**

**The Commonwealth of Massachusetts virtual school shall be operated in accordance with the provisions of General Laws chapter 71, section 94; 603 CMR 52.00; and all other applicable state and federal laws and regulations and such 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 certificate.**

The vote 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 94, 603 CMR 52.11, and 603 CMR 52.12, hereby renews the certificate of TEC Connections Academy Commonwealth Virtual School (TECCA) for four years and directs the school to meet the following conditions, as recommended by the Commissioner:**

**1. By August 1, 2022, TEC Connections Academy Commonwealth Virtual School must develop four-year goals for non-statewide assessments in its Accountability Plan that will allow the school to demonstrate a track record of academic success during the certificate term.**

**2. By January 1, 2023, the board of TEC Connections Commonwealth Academy Virtual School must ensure a timely submission of its annual financial audit; the fiscal year 2022 audit must demonstrate progress or full resolution of findings outlined in prior audits.**

**3. By December 31, 2024, the school must demonstrate that it is an academic success by providing evidence that the school has exhibited significant and sustained academic improvement in mathematics, English language arts, and science for all student subgroups.**

**In addition to meeting the terms of the conditions, TECCA must comply with the terms of its certificate. Failure to meet these conditions within the timelines specified may result in the Board placing the school on probation, revoking its certificate, or imposing additional conditions on its certificate.**

**The Commonwealth of Massachusetts virtual school shall be operated in accordance with the provisions of General Laws chapter 71, section 94; 603 CMR 52.00; and all other applicable state and federal laws and regulations and such 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 certificate.**

The vote was unanimous.

**Approval of 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 15, 2022 Regular Meeting.**

The vote was unanimous.

Mr. Rouhanifard left the meeting at 11:25 a.m. Chair Craven called for a break at 11:25 a.m. and reconvened the meeting at 11:40 a.m.

**Update on Action Steps to Support Schools, Students, and Families – Discussion**

Commissioner Riley said the Department is monitoring the public health data closely and although there has been a slight uptick in cases, he does not expect a return to restrictions or other mitigation measures in schools at this time. He said he will continue to consult with medical experts and state health officials going forward.

The Commissioner said at the last meeting the Board discussed the Competency Determination (CD) standard and heard from Dr. Dana Mohler-Faria, who chaired the CD advisory committee. Commissioner Riley said he will be coming to the Board in April with a recommendation to seek public comment on an updated CD standard.

Regarding the Student Opportunity Act, the Commissioner said districts are to submit their plans by April 4. He said the Department has held webinars and office hours to help districts with the process and about 70 have submitted their plans already. He added that the Department will provide feedback on the plans, districts have the option to revise and resubmit them, and the plans will be posted on a user-friendly web portal.

Commissioner Riley said in response to feedback the Department received from educators, schools, and districts about the lack of high-quality curriculum materials in middle school history, the Department is developing and piloting *Investigating History*, which is a suite of comprehensive open-source materials that are aligned fully to the state standards and framework. The Commissioner said the Department drafted the materials in close collaboration with teachers and scholars. He said during the current school year, teachers in 18 schools and approximately 50 classrooms across the state are piloting the *Investigating History* units and participating in a third-party independent evaluation of the materials, and the pilot will expand to more schools in the coming school year.

**Proposed Amendment to Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00 (Modification due to COVID-19 Pandemic) — Initial Discussion and Vote to Solicit Public Comment**

Rob Curtin, Chief Officer for Data, Assessment, and Accountability, said following the presentation to the Board in February about the proposed approach to the accountability system this year, the Department requested approval from the U.S. Department of Education for the temporary changes. Mr. Curtin explained that the Department would still publish the performance data but is seeking approval to not set targets for schools this year. He said the pause this year would be used to re-set the baseline for future reporting. Mr. Curtin said as part of this plan, the Commissioner is proposing today that the Board seek public comment on a proposed amendment to the accountability regulations, to allow the Department to suspend the reporting of certain accountability information this fall. With the Board’s approval, the Department would solicit and review public comment and then bring the amendment back to the Board for final action in June.

**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 amending 603 CMR 2.03(11), allowing the Department of Elementary and Secondary Education to suspend the reporting of certain accountability information in fall 2022.**

The vote was unanimous.

**Education Budget Update – Discussion**

Senior Associate Commissioner/CFO Bill Bell, along with Simone Lynch, the Department’s federal grants director and Julia Jou, budget director, updated the Board on federal and state funding. Mr. Bell said Ms. Lynch’s group, working with other Department staff members, have been implementing the annual federal entitlement grants, such as Title I, plus the Elementary and Secondary School Emergency Relief Fund (ESSER) grants. Ms. Lynch said as of today, all but one of the ESSER grant applications have been submitted to the Department and approved, and the remaining application is in the pipeline. Mr. Bell reviewed the ESSER I, II, and II funding that districts have available, plus EANS funding for nonpublic schools. Ms. Lynch said that overall, districts are being thoughtful in using these funds and the Department is ready to track the work. Mr. Bell gave a brief update on the ESSER funding timelines, details of the state supplemental budget funding, and the schedule for developing the FY23 state education budget.

Commissioner Riley said before the meeting concludes he would like to recognize Heather Peske, who is leaving the Department to lead the National Council for Teacher Quality. The Commissioner thanked Ms. Peske for her years of service to the Commonwealth and our students and educators and wished her well. Board members joined in the appreciation and good wishes to Ms. Peske.

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

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

 **12:15 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