# 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**

**June 28, 2022, 9:05 a.m. – 11:56 a.m.**

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

**Katherine Craven**,Chair,Brookline

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

**Amanda** **Fernández**,Belmont

**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

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

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Chair Craven called the meeting to order at 9:05 a.m., and members introduced themselves. Chair Craven noted that today’s Board meeting, like all open meetings of the Board, is being livestreamed and recorded. Commissioner Riley noted he was attending via Zoom because he tested positive for COVID-19 the day before.

**Statements from the Public**

* **Mayor Michelle Wu** **and Jeri Robinson, Boston School Committee Chair,** addressed the Board on Item 1: Update on Boston Public Schools(BPS)
* **Gerry Mroz** addressed the Board on Item 9: Annual Performance Evaluation of the Commissioner
* **Jessica Tang, Boston Teachers Union president,** addressed the Board on Item 1: Update on Boston Public Schools(BPS)
* **Ruby Reyes** addressed the Board on Item 1: Update on Boston Public Schools(BPS)
* **Nancy Duggan** addressed the Board on Item 5: Proposed Amendment to Special Education Regulations, 603 CMR 28.03, on Dyslexia Screening

**Comments from the Chair**

Chair Craven commented that while the Board has discussed the Boston Public Schools at several meetings, 950,000 other students in Massachusetts are also of concern to the Board, as are issues such as students’ mental health, learning loss during the pandemic, and school staffing. She said the Board does not have appropriation authority but has a key policymaking role, and asked the Commissioner to convene a stakeholder group to help inform the Board. Chair Craven said she will ask the Board to meet over the summer to discuss the competency determination and plan further discussions during the next year on broad issues affecting students and schools in Massachusetts.

**Comments from the Secretary**

Secretary Peyser thanked the Commissioner, Mayor Wu, Boston School Committee Chair Robinson, and their teams who have worked hard over the last month to reach a resolution on next steps for the Boston Public Schools. He said it is clear everyone is committed to meeting the best interests of students and families in Boston, and all recognize the shared responsibility to deliver a high-quality education. Secretary Peyser also remarked on the Uvalde school shooting in May. He said this was a deeply troubling event, unfortunately not the only one in this country, and he thanked Massachusetts educators, first responders, and public safety officials for the work they do every day to keep students safe.

**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 April 26, 2022 regular meeting and May 24, 2022 regular meeting.**

The vote on the minutes of the April 26, 2022 meeting was 10-0-1; Vice-Chair Morton abstained. The vote on the minutes of the May 24, 2022 meeting was unanimous.

**Comments from the Commissioner**

Commissioner Riley thanked educators and families for meeting the challenges of this school year and thanked the Board for their support in his decision to reopen schools.

**Update on Boston Public Schools – Discussion**

Commissioner Riley thanked the Boston School Committee and gave special thanks to Mayor Michelle Wu for her leadership and taking responsibility for improving the school system. He said the Department looks forward to supporting BPS in its systemic improvement plan, noting the Department’s role with schools involves both compliance and support.

Deputy Commissioner Russell Johnston provided a brief overview of the systemic improvement plan the City of Boston signed the day before. He said it outlines very defined action steps the district will take over the next three years to improve services and outcomes for students. Deputy Commissioner Johnston highlighted the seven areas in the plan: student safety, special education, transportation, facilities, English learners, transformation schools, and data, plus a section on accountability for all parties. He said as a former superintendent, he knows these essential functions must work and the plan states that the district and city will take specific actions over the next three years to make these functions work effectively. Deputy Commissioner Johnston said the plan includes clear timelines and procedures and the Department will support BPS, including committing $10 million over the next three years as well as providing technical assistance.

Ms. Stewart said she is grateful an agreement was reached and as the mayor said, it is just the beginning. Ms. Carris Livingston urged the Department and the City to continue engaging students, parents, and teachers in this work.

Mr. Moriarty said the report on BPS that the Board received in May demands urgent action and while he accepts the mayor’s pledge, he is dismayed that a month was lost in negotiation. He said he would expect the Commissioner to recommend receivership if this approach falls short. Mr. Moriarty added that the Board should take a deeper look at all receiverships to better understand what works and what does not. He recommended that every stakeholder in Boston support the next superintendent and the signatories of this document and help the plan succeed.

Ms. Lombos said she did not want receivership and she is pleased this is a partnership. She said her seat on the Board represents 400,000 union members and their families across the state who support parents, teachers, and local control, not receivership for BPS or any district. Mr. Moriarty commented that the Board should know the options that are available. Chair Craven said DESE’s 2020 and 2022 audit reports on BPS were levers that led to this systemic improvement plan. Ms. Fernández said this deal is the right approach and it is a first step. Vice-Chair Morton concluded the discussion, saying he is optimistic about the plan and commended all who helped make it happen.

Chair Craven noted this is Ms. Carris Livingston’s last Board meeting as the 2021-22 student member and thanked her for her exemplary service. Ms. Carris Livingston thanked the Chair and all members and said it has been an honor to be on the Board and engage in meaningful discussions and decisions. She introduced Eric Plankey, a senior at Westford Academy, who was recently elected by the State Student Advisory Council to chair the SSAC and serve on the Board. Mr. Plankey said he aims to strengthen student voice around the state and is excited to join the Board.

Board members including Ms. Lombos, Mr. West, Vice-Chair Morton, and Secretary Peyser expressed their admiration and gratitude for Ms. Carris Livingston’s thoughtful contributions during her year on the Board. Commissioner Riley said her poise, intellect, and maturity have been an asset to the Board and it has been an honor to work with her.

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

Commissioner Riley said schools and districts have been updated on the K-12 COVID-19 testing program for the spring, summer, and fall. He said this summer, the state will continue to provide self-tests for symptomatic testing, but staffing, software, and all other services currently provided through CIC Health will no longer be available through the state-run program. The Commissioner said as of the fall, the state will no longer supply self-tests or other COVID-19 testing services to schools and districts. He added that the Department of Public Health (DPH) and DESE strongly recommend that schools and districts interested in implementing their own testing program limit the program to symptomatic rapid testing only, and schools and districts can purchase self-tests through the statewide contract. Commissioner Riley said DPH has published updated quarantine and isolation guidance for children in childcare, K-12 schools, out-of-school-time programs, and recreational camp settings. He noted he cosigned a letter with DPH to encourage parents to get their children vaccinated and boosted, which is the best way to keep schools open, and schools and districts have opportunities to hold mobile vaccination clinics through DPH. The Commissioner said as always, DESE’s Rapid Respond COVID-19 Help Center is open and available for consultation with districts and schools.

**Amendment to Educator Licensure Regulations, 603 CMR 7.00 (Staffing Flexibilities for 2022-2023) – Discussion and Vote**

Commissioner Riley said in April 2022, the Board voted to solicit public comment on proposed amendments to the Educator Licensure regulations (603 CMR 7.00) that would extend certain staffing flexibilities through the 2022-2023 school year. He said districts will likely continue to face staffing challenges during the 2022-2023 school year, and he recommends extending flexibilities through this regulation to help address those challenges. He noted that the Department received a limited number of public comments on the proposed changes and in response, he is recommending one further, minor amendment. Brian Devine, Director of Educator Licensure, responded to questions from Board members.

**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, and having solicited comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopts the amendments to the Regulations on Educator Licensure and Preparation Program Approval, 603 CMR 7.00, as presented by the Commissioner.**

**The amendments extend certain staffing flexibilities through the 2022-2023 school year.**

The vote was unanimous.

**Amendment to Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00 (Modification due to COVID-19 Pandemic) – Discussion and Vote**

Commissioner Riley said at the March 2022 meeting, the Board voted to solicit public comment on a proposed amendment to 603 CMR 2.00, the regulations on Accountability and Assistance for School Districts and Schools. He is recommending that the Board take a final vote to approve the amendment to the regulations, which would allow a temporary suspension in reporting some components of the school and district accountability system this fall because of the COVID-19 pandemic. Rob Curtin, chief officer for data, assessment, and accountability, explained this is a “reset” to the system for one year. He responded to questions from members. Several members expressed interest in discussing the balance between achievement and growth as factors in the accountability system at a future 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 1I, and having solicited public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopts the amendment to the regulations on Accountability and Assistance for Schools and Districts, 603 CMR 2.00, as presented by the Commissioner.**

**The amendment allows a temporary suspension in reporting some components of the school and district accountability system in fall 2022 due to the COVID-19 pandemic.**

The vote was 10-0-1. Ms. Lombos abstained.

**Proposed Amendment to Special Education Regulations, 603 CMR 28.03, on Dyslexia Screening – Initial Discussion and Vote to Solicit Public Comment**

Secretary Peyser said the draft regulation presented today responds to concerns that have been voiced by Mr. Moriarty and others about the slow pace of improvement in early literacy and the need to identify and provide timely support to young students who are having reading difficulties. The Secretary said there is a growing consensus about the importance of regular literacy screening for all children, with instruction and support based on evidence-based practices. He noted that the Department’s Dyslexia Guidelines emphasize the need for early identification of reading difficulties rather than the problematic “wait-to-fail” approach. He said the proposed regulation would create consistent standards based on best practices for literacy screening using Department-approved instruments at least twice a year for all students in grades K-3. The Secretary said the regulation would not impede referral of a student for a special education evaluation but would promote timely identification, intervention, and effective instructional practices to address serious gaps in reading proficiency and equity. Secretary Peyser responded to questions from other members.

**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 chapter 71B, §§ 2 and 3, 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 amendment to the Special Education Regulations on School District Administration and Personnel, 603 CMR 28.03(1), as presented by Secretary Peyser. The proposed amendment concerns dyslexia screening and intervention requirements for elementary schools.**

The vote was unanimous.

**Education Budget Update – Discussion**

Commissioner Riley introduced Bill Bell, Chief Financial Officer, Komal Bhasin, Chief School Officer, Simone Lynch, Director of Federal Grant Programs, and Julia Jou, Budget Director, for the presentation. Mr. Bell reviewed some key education items in the FY22 and FY23 state budgets. Ms. Lynch presented data on federal COVID relief/ESSER funding for schools, its distribution, and general categories of spending. Board members expressed interest in getting further reports during the year on how districts are using federal COVID relief funds. Ms. Bhasin presented on the state Student Opportunity Act, which revised the Chapter 70 funding formula to address inequities. She noted that districts receiving Chapter 70 increases were required to develop and implement 3-year plans to close opportunity gaps; the districts recently submitted plan amendments and DESE will be posting the information on its website. The panel answered questions from Board members.

Chair Craven removed Item 8: Delegation of Authority to Commissioner to take Necessary Action between Board Meetings, noting the Board will have a meeting over the summer.

Mr. Rouhanifard left the meeting at 11:20 a.m.

**State Student Advisory Council End-of-Year Report for 2021-2022 – Discussion**

Ms. Carris Livingston presented the State Student Advisory Council (SSAC) end-of-year report, reviewing the structure of the regional working groups within the council and highlighting topics the SSAC and its regional working groups focused on. She discussed overall reflections of the year and encouraged the Board to continue to engage with the SSAC both through the student representative on the Board and student panels. Ms. Carris Livingston expressed her gratitude to Department staff for their support, particularly Donna Taylor who serves as the Department’s liaison to the SSAC. Chair Craven thanked Ms. Carris Livingston for her leadership and expressed appreciation to all the students who serve on the SSAC.

**Annual Performance Evaluation of the Commissioner – Discussion and Vote**

Vice-Chair Morton explained that each year, the Chair establishes a committee to evaluate the Commissioner’s performance and present its report and recommendation to the full Board. He said the committee held four meetings from April–June 2022; members participated remotely, and the meetings were live-streamed. Vice-Chair Morton said the committee discussed data it gathered from various sources, including the Commissioner’s goals and objectives for 2021-2022, his self-evaluation, and input from internal and external stakeholders and constituents, including the Secretary of Education, other members of the Board, the Commissioner’s leadership team, receivers in Lawrence, Holyoke, and Southbridge, the leadership of education associations, councils, and networks, and others.

Vice-Chair Morton said that because of the continued extraordinary circumstances and challenges due to the COVID-19 pandemic, the committee decided to adopt, for a second consecutive year, a holistic approach to the Commissioner’s SY 2021-22 performance evaluation rather than using criteria and metrics from previous years. He highlighted accomplishments the committee cited in its report, noting the Commissioner’s thoughtful persistence in reopening schools for in-person learning and the “recover and reimagine” agenda for schools that the Commissioner and DESE were able to move forward in a very challenging year. Vice-Chair Morton said the committee encourages the Commissioner to engage the Board on significant issues DESE is facing and to promote a statewide vision for education with the Board’s support.

Vice-Chair Morton concluded that the committee affirms its strong endorsement of Commissioner Riley’s performance and recommends that the Board do so as well. He thanked the Commissioner’s leadership team, the DESE staff, and all the stakeholders who contributed. Vice-Chair Morton thanked the Commissioner for his leadership, dedicated service, and commitment to helping all students to succeed in school and in life. Chair Craven thanked the committee for their work.

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

**VOTED: that the Board of Elementary and Secondary Education approves the Commissioner’s FY2022 overall performance rating of 4.75 on a 5-point scale for his accomplishments in FY2022, as recommended by the Board’s committee. Further, consistent with the salary increases that the Commonwealth’s Human Resources Division announced on May 10, 2022 for all eligible managers in the executive branch, the Board of Elementary and Secondary Education approves a 2 percent salary increase for the Commissioner, effective July 3, 2022.**

**The Board commends Commissioner Riley for his leadership, accessibility, engagement with stakeholders, and thoughtful decision-making and thanks him for his exemplary service.**

The vote was unanimous.

Chair Craven said the Board will defer the Executive Session to a later meeting and staff will contact members to find a meeting date that works.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 11:56 a.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