**Minutes of the Special Meeting**

**of the Massachusetts Board of Elementary and Secondary Education**

**Thursday, June 30, 2022, 4:02 p.m. – 4:30 p.m.**

Via Remote Participation, per Chapter 22 of the Acts of 2022[[1]](#footnote-1)

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

**Katherine Craven**,Chair,Brookline

**Amanda** **Fernández**,Belmont

**Matthew Hills**, Newton

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

**Michael Moriarty,** Holyoke

**James Peyser**,Secretary of Education

**Mary Ann Stewart,** Lexington

**Martin West**, Newton

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

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

**Darlene Lombos,** Boston

**Paymon Rouhanifard,** Brookline

Also in attendance:

Helene Bettencourt, Associate Commissioner of Communication and Planning, DESE

Rhoda Schneider, General Counsel, DESE

Deborah Steenland, Deputy General Counsel, DESE

Matthew Connolly, General Counsel, EOE

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Chair Craven called the special meeting of the Board of Elementary and Secondary Education(Board) to order at 4:02 p.m., and members introduced themselves. Chair Craven noted that the open portion of today’s special meeting is being [live-streamed](https://livestream.com/accounts/22459134) and recorded.

Chair Craven said: As is stated in the posted agenda, this meeting includes an executive session to discuss strategy with respect to litigation. I am recommending that the Board vote to go into executive session, in accordance with Mass. General Laws chapter 30A, section 21, paragraph 3. The purpose of the executive session is to discuss strategy with respect to litigation in pending matters and imminent litigation involving the Board or Department. Discussion of these matters in open session may have a detrimental effect on the litigating position of the Board and the Department. As is stated in the notice, the pending matters are:

* Family Freedom Endeavor, Inc. et al. v. Dept. of Elementary and Secondary Education, et al., Hampden Superior Court Civil Action No. 2179CV00494; MA App. Court No. 21-J-599
* Frigon et al. v. Dept. of Elementary and Secondary Education, et al., Suffolk Superior Court Civil Action No. 2284CV00344-E
* Open Meeting Law complaint filed 05/22/22; review per 940 CMR 29.05(5)
* Mystic Valley Regional Charter School, et al., v. MA Board of Elementary and Secondary Education, et al., Middlesex Superior Court Civil Action No. 2181-cv-2146

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

**Voted: that the Board vote to go into executive session, in accordance with Mass.**

**General Laws chapter 30A, section 21, paragraph 3. The purpose of the executive session is to discuss strategy with respect to litigation in pending matters and imminent litigation involving the Board or Department, as listed in the meeting notice. Discussion of these matters in open session may have a detrimental effect on the litigating position of the Board and the Department.**

The vote, by roll call, was unanimous.

Chair Craven said the majority of Board members having voted in the affirmative, the Board would now go into executive session to discuss strategy with respect to litigation. She noted the Board would not return to open session following the executive session. The livestreaming concluded.

In the executive session, General Counsel Rhoda Schneider and Deputy General Counsel Deborah Steenland briefed the Board on the pending matters listed in the meeting notice and responded to questions from members. No votes were taken. With respect to the Open Meeting Law complaint filed 05/22/22, the Board reviewed the complaint’s allegations in accord with 940 CMR 29.05(5). Based on the discussion, Chair Craven asked General Counsel Schneider to respond on behalf of the Board and explain that no further action on its part is needed and the complaint should be dismissed.

There being no further business, Chair Craven thanked legal counsel for the briefing and thanked Board members for attending the meeting. She asked for a motion to adjourn the meeting.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 4:30 p.m., subject to the call of the Chair.**

The vote, by roll call, was unanimous.

Respectfully submitted,

Helene Bettencourt, Associate Commissioner

1. The open portion of the meeting was livestreamed: [MA BESE Executive Session 6.30.22 on Livestream](https://livestream.com/madesestreaming/events/10521765/videos/231854090) [↑](#footnote-ref-1)