*****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:**  | May 17, 2023  |
| **Subject:** | Proposed Amendments: Regulations for Commonwealth of Massachusetts Virtual Schools, 603 CMR 52.00 |

Enclosed with this memorandum, for final adoption, are the amended regulations for Commonwealth of Massachusetts Virtual Schools, 603 CMR 52.00. In December 2022, the Board of Elementary and Secondary Education (Board) voted to solicit public comment on these proposed regulations. Based upon the comments received, I recommend one additional change to the regulations.

Prior to releasing the proposed regulatory changes for public comment, the Department of Elementary and Secondary Education (Department) solicited input from a wide range of stakeholders, including leaders of Commonwealth of Massachusetts Virtual Schools (CMVS), leaders of Single District Virtual Schools (SDVS), the Digital Learning Advisory Council, the Massachusetts Association of School Superintendents, the Massachusetts Association of School Committees, the Massachusetts Teachers Association, the American Federation of Teachers-Massachusetts, the Massachusetts Organization of Education Collaboratives, and the Massachusetts Charter Public School Association.

During the public comment period, the Department received written comments from two individuals. We have carefully reviewed the comments; attached is a summary of those comments and the Department’s responses. The Department recommends one additional change to the proposed amendments released for public comment. A commenter noted confusion about the regulation numbered 603 CMR 52.05(14) in the proposed amendments. Upon further review, this provision is obsolete due to changes in G.L. c. 71, § 94(c), that eliminated the requirement that “not less than 5 percent” of the students enrolled in a CMVS live in the school district that established the CMVS. In 2016, this language was deleted from G.L. 71, § 94(c). For this reason, we have deleted the provision, 603 CMR 52.05(14), from the proposed regulations.

In addition to the “Summary/Analysis of Public Comments and Department Responses,” also attached are the memorandum to the Board from December 2022 that summarizes the proposed changes, a “Brief Outline of Types of Massachusetts Virtual Schools,” “Proposed Final Regulations,” and, for your convenience, a copy of the current regulations in their entirety with all the proposed amendments shown with tracked changes. All comments received are available upon request.

If you have any questions regarding this recommendation or require additional information, please contact Alison Bagg, Director of Office of Charter Schools and School Redesign; Cliff Chuang, Senior Associate Commissioner for Educational Options; Ruth Hersh, Manager of Education Collaboratives and Virtual Schools; or me.

Attachments:

* Summary/Analysis of Public Comments and Department Responses
* Memorandum to the Board dated December 13, 2022
* Brief Outline of Types of Massachusetts Virtual Schools
* Proposed Final Regulations
* Current regulations in their entirety with all proposed amendments shown with tracked changes
* Motion