# Minutes of the Regular Meeting

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

**Department of Elementary and Secondary Education (DESE)**

**135 Santilli Highway, Everett, MA 02149**
**Tuesday, March 26, 2024, 9:09 a.m. – 12:30 p.m.**

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

**Katherine Craven**,Chair,Brookline

**Matthew Hills**, Vice-Chair, Newton (*participated remotely*)

**Ericka Fisher,** Worcester

**Ela Gardiner,** Wellesley, Student Member

**Farzana Mohamed,** Newton

**Michael Moriarty,** Holyoke

**Patrick Tutwiler**, Secretary of Education, Andover

**Dálida Rocha,** Worcester

**Mary Ann Stewart,** Lexington

**Martin West,** Newton

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

**Paymon Rouhanifard**, Brookline

**Russell D. Johnston,** Acting Commissioner of Elementary and Secondary Education

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Chair Craven called the meeting to order at 9:09 a.m., and members introduced themselves. She noted that Vice-Chair Hills is participating remotely and votes would be taken by roll call, and that today’s Board of Elementary and Secondary Education (Board/BESE) meeting, like all regular meetings of the Board, is being [livestreamed and recorded](https://livestream.com/accounts/22459134).

**Statements from the Public**

* **Vatsady Sivongxay,** MA Education Justice Alliance, addressed the Board on the Commissioner search.
* **Thabiti Brown,** of theFelix Commonwealth Virtual School applicant group, addressed the Board on the Felix Commonwealth Virtual School.
* **Mike Larson,** of theFelix Commonwealth Virtual School applicant group, addressed the Board on the Felix Commonwealth Virtual School.
* **Brandon Cardet-Hernandez,** of theFelix Commonwealth Virtual School applicant group, addressed the Board on the Felix Commonwealth Virtual School.
* **Modesto Montero,** executive director, Libertas Academy Charter School, addressed the Board on the Libertas Academy Charter School.
* **Rabbi Toba Spitzer** addressed the Board on antisemitism and opposing adoption of the IHRA definition of antisemitism.
* **Jacob Donnelly,** Israeli American Council of New England, addressed the Board on antisemitism and concerns about a Massachusetts Teachers Association program.
* **Kahris McLaughlin** addressed the Board on antisemitism and the Department of Elementary and Secondary Education’s (DESE’s) educational vision.
* **Yael Magen and David Magen,** Marblehead, addressed the Board on antisemitism, concerns about curriculum, and support for the IHRA definition of antisemitism.
* **Tyrone Mowatt** addressed the Board on continuing to promote opportunities and close gaps for gifted and advanced students.

**Comments from the Chair**

Chair Craven commented that she recently visited the Collicot Cunningham Elementary School in Milton and read to the fourth-grade class as part of the Read Around the World program.

**Comments from the Secretary**

Secretary Tutwiler welcomed Acting Commissioner Johnston on his seventh day on the job, noting he is already very engaged and the Secretary looks forward to working with him. The Secretary congratulated three new Early College partnerships recently approved by the Early College Joint Committee:

* East Boston High School and Fisher College
* South Boston High School and Quinsigamond Community College
* Taunton High School and Bristol Community College

Secretary Tutwiler said almost nine thousand students in Massachusetts will participate in Early College programs next year, a commendable increase. He concluded his comments by congratulating the 60 new members of the Governor’s Statewide Youth Council.

**Comments from the Acting Commissioner**

Acting Commissioner Johnston said he is pleased to be meeting with the Board as Acting Commissioner, carrying forward DESE’s work grounded in the [Educational Vision](https://www.doe.mass.edu/bese/docs/fy2023/2023-05/item7.1-educational-vision.pdf): all students are known and valued; their learning experiences are relevant, real world, and interactive; and individualized supports enable all students to achieve at grade level and beyond.

Acting Commissioner Johnston had four updates for the Board. First, on March 25, the Department of Public Health (DPH) issued new guidance titled “Staying Home to Prevent the Spread of Respiratory Viruses.” It is aligned with updated CDC guidance and provides helpful information for families and educators on what to do if someone tests positive for COVID or RSV. DESE appreciated the outreach from DPH as it developed the new guidance.

Second, regarding FAFSA, the Acting Commissioner said DESE is awaiting additional information from the U.S. Department of Education and will work with schools and districts to reach out to students and their families, in collaboration with partners at the Massachusetts Education Financing Authority, uAspire, and the Department of Higher Education.

Third, Acting Commissioner Johnston said DESE continues to provide support to the Brockton Public Schools. In 2020, DESE entered into a Memorandum of Understanding (MOU) with Brockton focused on English learners, students with disabilities, and implementation of the educator evaluation system. The Acting Commissioner said Brockton has received grant funding and support from DESE’s Statewide Systems of Support office to implement high quality instructional materials across the district. He said over the past six months, DESE has intensified its support, including a safety and operational audit at the high school and support on school climate and culture, implementation of MassCore, and equitable access to pathways and programs. In addition, DESE hired a contractor to review the district’s financial health and help with financial management.

Acting Commissioner Johnston concluded with an update on the Holyoke Public Schools. He met with the Holyoke School Committee and its Local Control Subcommittee on March 25 to discuss transitioning the district from receivership to local control. He said the discussions were productive and meetings have been scheduled through August for DESE, the school committee, the subcommittee, and receiver Anthony Soto to discuss next steps, focusing on improvements and continuing progress.

Chair Craven called for a motion and vote to approve meeting 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 27, 2024 Regular Meeting.**

The vote, by roll call, was unanimous.

**Commissioner Search Process**

Chair Craven updated the Board on the Commissioner search process. She said she would provide an update at each Board meeting. Chair Craven said the RFP for an executive search firm has been posted on COMMBUYS, the state procurement website, and will close on April 1. Secretary Tutwiler, Chair Craven, and Vice-Chair Hills will review and score the submitted bids to choose the search firm that will lead the national search. There will be extensive outreach to gather stakeholder input and assemble an advisory group, and the interviews of finalists will be public. Chair Craven said the search is expected to take several months.

**Commonwealth Virtual Schools: Recommendation for a New Commonwealth Virtual School**

Acting Commissioner Johnston introduced the agenda item. Section 94 of G.L. c. 71 established Commonwealth of Massachusetts Virtual Schools (CMVS), enabling the Board to award certificates to establish CMVS. In January 2024, Commissioner Riley provided the Board with information about the application for the proposed Felix Commonwealth Virtual School (Felix) and an overview of the CMVS application review process.

Acting Commissioner Johnston said it has been ten years since there has been a request for a new CMVS. The application process is designed to provide the Board with a robust body of evidence when considering a recommendation. The Board is the sole authorizer of virtual schools in Massachusetts, including the award of new certificates, the renewal or non-renewal of certificates, and approving requests for tuition rates. The Felix applicant group proposes to provide students with a fully virtual academic program paired with an optional in-person program and extra-curricular activities at hub sites. They plan to partner with Arizona State University Prep Digital which will provide substantially all educational services. The applicant group proposed to serve 4,000 students in grades 7-12 statewide starting in school year 2025-2026. The requested amount for tuition was $16,000 per year.

Acting Commissioner Johnston said he is recommending that the Board vote to grant a certificate to the board of trustees of Felix and impose conditions on the certificate necessary to address areas of the application that need further development and improvement. He said he is further recommending that the Board approve terms of the certificate that vary in some respects from those in the application. With respect to the tuition amount, he said he is recommending a rate of $14,523, as is explained in his memorandum to the Board, and once the certificate for the new virtual school is granted, the CMVS can seek a higher tuition rate based on FY 26 projections by requesting an amendment.

Acting Commissioner Johnston noted that Vice-Chair Hills and Member Gardiner attended the public hearing on the proposed Felix CMVS. He said Regina Robinson, Deputy Commissioner; Alison Bagg, Director of the Office of Charter Schools and School Redesign; and Ruth Hersh, School Redesign and Education Collaborative Manager, are present today to questions from the Board.

Chair Craven called on Member Gardiner to report on the public hearing. Member Gardiner said 10-15 people spoke at the hearing and all were supportive of the proposed virtual school. Vice-Chair Hills agreed and said he had nothing to add.

Member West said he is excited about the hybrid model and competency-based education approach in this proposal as well as the strong leadership team. He said he appreciates that DESE will continue considering the funding level and added that meeting students’ needs is key. Acting Commissioner Johnston said DESE will work with the applicant group and protect the interests of students and families, with access and equity as core values.

Member Mohamed said she is interested in competency-based education and asked about accountability. Ms. Bagg responded that like charter schools, each CMVS must create an accountability plan and show results. Member Gardiner commented that she knows students who benefited from remote schooling during the pandemic and the Felix virtual school would fill a need. Ms. Bagg responded to questions from Member Gardiner about the proposed hub sites and clarified that tuition for a student attending a CMVS is paid by the student’s district of residence. Ms. Bagg responded to questions from Member Rocha about the plan for providing meals to students, the waitlist process, and how conditions are reviewed.

Member Moriarty left the meeting at 10:50 a.m.

In response to a question from Member Stewart about proposed conditions on the CMVS, Acting Commissioner Johnston said the first two CMVSs approved by the Board also were approved with conditions. Ms. Bagg added that the Board may impose conditions on CMVSs and charter schools, and the Board makes decisions on extending, removing, or adding conditions. Member Fisher said condition 4 addresses a concern she had about student access; she likes the growth model and flexibility in the Felix proposal and wants to see what the applicant group will do to provide all students with access to the proposed in-person hubs.

Chair Craven commended the applicant group for their proposal and expressed concern about conditions 3 and 6 relating to the proposed budget and tuition rate; she said she sees room for negotiation and is excited to see the proposal go forward. Acting Commissioner Johnston said DESE has already reached out to the applicant group to schedule a meeting to discuss the proposed budget and tuition rate and he will report back to the Board. Vice-Chair Hills said he is very supportive of the application, adding that he expects DESE will bring to the Board matters that require a Board vote and DESE will make the operational decisions that are within DESE’s purview and keep the Board informed.

Chair Craven called for a motion and vote.

**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, and 603 CMR 52.00, and subject to the conditions set forth below, hereby grants a certificate to the following school, as recommended by the Commissioner.**

**Commonwealth of Massachusetts Virtual School:**

**Felix Commonwealth Virtual School**

**Maximum Enrollment: 700**

**Grade Levels: 9-12**

**Certificate Timeframe: July 1, 2025, through June 30, 2028**

**Per Pupil Tuition Rate: $14,598 (minus $75 admin fee)**

**Pursuant to General Laws chapter 71, section 94, and 603 CMR 52.00, the Board of Elementary and Secondary Education hereby imposes the conditions on the certificate of the Felix Commonwealth Virtual School:**

1. **By May 1, 2024, the board of trustees must submit to the Department an action plan that outlines the steps it will take to open the school. The applicant group’s action plan should cover the period from April 1, 2024, to the first day of school and must outline the strategies, steps, and designated point person(s) and provide a clear timeline for opening the school. The action plan must be specific and consistent with the school’s mission, vision, and objectives.**
2. **By May 10, 2024, the board of trustees must submit to the Department a draft contract with Arizona State University Prep Digital (ASUPD) for review and approval. The contract must include, but is not limited to, an outline of the services and a clear justification for the compensation and contract payments. It also must include accountability measures and goals sufficient to measure the performance of ASUPD and to permit the board of trustees to terminate the contract if the goals are not met.**
3. **By June 1, 2024, the board of trustees must submit to the Department an updated budget proposal approved by the school’s board of trustees for the pre-operation year and the first three years of operation. The budget proposal must include a detailed budget narrative, staffing plan, and cash flow projections based on the school’s anticipated enrollment. The budget proposal and associated documents must demonstrate capacity to ensure the fiscal health and solvency of the school.**
4. **By June 1, 2024, the board of trustees must develop and submit to the Department a comprehensive plan that ensures all students enrolled in the virtual school will have reasonable access to an “in-person hub site,” a main component of the applicant’s proposal. Reasonable access must consider both distance from and travel time to the hub sites for all students. This plan must include the school’s plan to provide for transportation of all students, including students with disabilities, to and from the hub sites. If the school is unable to provide reasonable access and transportation to and from hub sites for all students statewide, the school must seek an amendment to the enrollment region specified in its certificate.**
5. **By June 1, 2024, the board of trustees must submit to the Department an updated and comprehensive staffing plan, aligned with projected finances, that includes clear expectations for instructional quality and strategies for effective and differentiated online instruction for all students.**
6. **By June 1, 2024, the board of trustees must submit to the Department documentation and information sufficient to justify the proposed per pupil tuition rate in its certificate granted by the Board. If the Department determines that the documentation and information submitted are not sufficient to justify the per pupil tuition rate in its certificate, the Department will amend the school’s certificate to specify a tuition rate consistent with the per pupil tuition rates of other CMVS.**
7. **By November 1, 2024, the board of trustees must complete alignment of the virtual school's curriculum to the Massachusetts curriculum frameworks and submit documentation to the Department sufficient to assess and confirm such alignment.**
8. **By February 1, 2025, the board of trustees must submit to the Department a special education program plan and policies and procedures for education of English language learners that are sufficient to meet all applicable federal and state requirements.**
9. **By May 1, 2025, the school must submit to the Department pre-enrollment data sufficient to meet the enrollment levels outlined in its final application for its first year of operation.**
10. **Before opening, Felix Commonwealth Virtual School must comply with the Department's opening procedures for virtual schools. Successful completion of the opening procedures process is required to open and to operate a CMVS.**

**In addition to these conditions, the Felix Commonwealth Virtual School, like all Commonwealth of Massachusetts virtual schools, must also comply with the terms of its certificate and request and receive approval from the Commissioner in advance of implementing any change to the terms. The Commissioner shall review and report to the Board on success or lack of success of the Felix Commonwealth Virtual School in meeting the conditions imposed on its certificate and, based upon the review, shall recommend or take such further action as deemed appropriate.**

**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 establish, all of which shall be deemed conditions of the certificate.**

The vote, by roll call, was unanimous.

Chair Craven thanked the teams from DESE and Felix. She called for a brief break at 11:05 a.m. The meeting resumed at 11:20 a.m.

Member West left the meeting at 11:05 a.m.

**DESE Educational Vision and Strategic Objectives: Progress and Next Steps**

Acting Commissioner Johnston introduced the presentation. He noted DESE began updating the Educational Vision in spring 2022 and presented the Educational Vision and Strategic Objectives to the Board in May 2023. He said today, he and Deputy Commissioner Regina Robinson and Chief of Schools Komal Bhasin will update the Board on progress to date on our ongoing efforts to align DESE’s supports to districts and schools in service of this vision and map out some next steps. He added that one of his key tasks as acting commissioner this spring is to oversee planning for the next school year, which is grounded in the educational vision and strategic objectives.

Acting Commissioner Johnston reviewed some data that guided the development of the Educational Vision. He noted two trends: First, we are making progress and recovering from the impact of the pandemic, but still have a way to go. Second, disparities in achievement across indicators and student groups remain. In response to these and other data points, DESE updated the Educational Vision and, in collaboration with the Board, developed five statewide measures of progress that the Board endorsed in November 2023. Two of these measures of progress are to return to pre-pandemic levels (or higher) of the percentage of students meeting or exceeding expectations on the ELA and Math MCAS by 2026, and to return to pre-pandemic levels or lower of students who are chronically absent by 2026.

Continuing the overview, Acting Commissioner Johnston said there has been a steady increase in high-quality career and college pathways and programs and positive student outcomes – and the third goal is to have at least 85,000 students enrolling in a designated high school college and career pathway or program by 2026. Noting the need to accelerate progress that has been made in increasing the diversity of school staff, he said the fourth statewide measure of progress is to increase the percentage of diverse staff in schools and districts by at least 4 points to 17.9 percent by 2026. He said the fifth statewide measure of progress relates to early literacy. He noted that since defining evidence-based early literacy as a priority in 2019, DESE has offered a wide range of resources to support schools, and with the Healey/Driscoll administration’s literacy launch initiative, those efforts will expand: By 2027, the state will offer structured professional learning on evidence-based practices for literacy for all teachers and administrators responsible for early literacy.

Acting Commissioner Johnston said he is pleased to be the Acting Commissioner during this critical time of strategic planning. He introduced Deputy Commissioner Regina Robinson, who reviewed DESE’s theory of action, key principles that guide our work and the student learning experience. She said we want all students, particularly those from historically underserved groups and communities, to have equitable opportunities to excel, supported by culturally and linguistically sustaining practices and high expectations with targeted support. The result is that all students are known and valued, learning is relevant, real-world, and interactive, and individualized supports enable all students to excel at grade level and beyond.

Deputy Commissioner Robinson reviewed DESE’s core functions and the three strategic objectives that guide this work: (1) *Whole Student*, (2) *Deeper Learning*, and (3) *Diverse and Effective Workforce*. She discussed how DESE is aligning its internal processes and planning with the new vision and strategic objectives and how this internal alignment and coherence clarifies the path for districts and schools. She addressed strategic objective 1 – *Whole Student: Cultivate systems to support the whole student and foster joyful, healthy, and supportive learning environments so that all students feel valued, connected, nourished, and ready to learn.* She described how the focus areas, key initiatives, and shifts in practice under that strategic objective connect with the statewide measure of progress relating to chronic absenteeism.

Acting Commissioner Johnston addressed strategic objective 3 – *Diverse and Effective Workforce: Develop and sustain a workforce that is diverse, culturally responsive, well-prepared, and committed to continuous improvement, so that all students have* *equitable access to effective education.* He described how the focus areas, key initiatives, and shifts in practice under that strategic objective connect with the statewide measure of progress relating to increasing the percentage of diverse staff in schools and districts.

Chief School Officer Komal Bhasin addressed strategic objective 2 – *Deeper Learning: Promote deeper learning so that all students engage in grade-level work that is real-world, relevant, and interactive.* She described how the focus areas, key initiatives, and shifts in practice under that strategic objective connect with the statewide measures of progress relating to students meeting or exceeding expectations on the MCAS and students participating in high school college-and-career pathways and programs.

Acting Commissioner Johnston invited questions and comments from the Board. Members expressed appreciation and the presenters responded to questions. Chair Craven said this work is exciting and it is a lot to absorb at once. Acting Commissioner Johnston agreed and said he will bring regular updates to the Board. Chair Craven suggested DESE continue to recognize districts that are doing things well and call out best practices. She thanked Acting Commissioner Johnston and the DESE team.

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

**VOTED:**  **that the Board of Elementary and Secondary Education adjourns the meeting at 12:30 p.m., subject to the call of the Chair.**

The vote, by roll call, was unanimous.

Respectfully submitted,

Russell D. Johnston

Acting Commissioner of Elementary and Secondary Education

and Secretary to the Board