**Minutes of the Regular Meeting**

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

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

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

**September 19, 2023, 9:10 a.m.–12:40 p.m.**

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

**Katherine Craven**,Chair,Brookline

**Matthew Hills**, Vice-Chair, Newton

**Ericka Fisher,** Worcester

**Farzana Mohamed,** Newton (participated via Zoom)

**Michael Moriarty,** Holyoke

**Ela Gardiner,** Wellesley, Student Member

**Paymon Rouhanifard,** Brookline

**Mary Ann Stewart,** Lexington

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

**Martin West,** Newton

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

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

**Darlene Lombos,** Boston

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Chair Craven called the meeting to order at 9:10 a.m., and members introduced themselves. Chair Craven noted that Mr. Moriarty will be late, and Ms. Mohamed is attending remotely. She announced that today’s Board of Elementary and Secondary Education (Board) meeting, like all open meetings of the Board, is being [livestreamed and recorded](https://livestream.com/accounts/22459134).

**Public Comment**

1. **Senator Jason Lewis** addressed the Board on Item 2: Updated Comprehensive Health and Physical Education Framework
2. **Representative Jim O’Day** addressed the Board on Item 2: Updated Comprehensive Health and Physical Education Framework
3. **Boston Mayor Michelle Wu** addressed the Board on Update on Boston Public Schools
4. **Max Page, MTA President,** addressed the Board on Item 3: Historical Overview of MCAS and the Competency Determination
5. **Deb McCarthy, MTA Vice President,** addressed the Board on Item 3: Historical Overview of MCAS and the Competency Determination
6. **Gerry Mroz** addressed the Board on Item 3: Historical Overview of MCAS and the Competency Determination
7. **Lisa Guisbond, Executive Director, Citizens for Public Schools,** addressed the Board on Item 3: Historical Overview of MCAS and the Competency Determination
8. **Greg Orpen, member of the Massachusetts Charter Public School Association board and Head of School at Innovation Academy,** addressed the Board on Item 2: Updated Comprehensive Health and Physical Education Framework
9. **Adam Schepis, parent of a transgender student and a cisgender student,** addressed the Board on Item 2: Updated Comprehensive Health and Physical Education Framework
10. **Dixie Bacallao, Chief Schools Officer, Phoenix Charter Schools,** addressed the Board on Item 2: Updated Comprehensive Health and Physical Education Framework
11. **Michelle Soto, Planned Parenthood,** addressed the Board on Item 2: Updated Comprehensive Health and Physical Education Framework
12. **Nina Brothers, Planned Parenthood,** addressed the Board on Item 2: Updated Comprehensive Health and Physical Education Framework

**Comments from the Chair**

Chair Craven welcomed Ela Gardiner to her first meeting as a member of the Board. She noted Ms. Gardiner is a senior at Wellesley High School and is the 2023-24 Chair of the State Student Advisory Council. Chair Craven said today’s meeting is considered the annual meeting of the Board under the by-laws and the first item on our business agenda will be to elect the Board’s vice-chair. Chair Craven reviewed the Board committee membership including the following:

* **Commissioner's Performance Evaluation Committee**: Matt Hills (Chair), Katherine Craven, Michael Moriarty, and Martin West
* **Budget Committee:** Farzana Mohamed (Chair), Michael Moriarty, and others to be appointed by Chair Craven at a later date
* **Educator Diversification Committee**: Paymon Rouhanifard (Chair), Darlene Lombos, and Mary Ann Stewart
* **Special Committee on Pandemic Recovery and Literacy**: Michael Moriarty (Chair), Darlene Lombos, Paymon Rouhanifard, and Martin West

**Comments from the Secretary**

Secretary Tutwiler wished all a happy start of the school year and said he is optimistic about the new school year. He provided highlights of the FY24 state education budget that was enacted over the summer.

Mr. Moriarty joined the meeting at 10:00 a.m.

**Comments from the Commissioner**

Commissioner Riley echoed Secretary Tutwiler’s sentiments about the strong opening of the new school year and said he is hearing good reports from superintendents. He noted that all K-12 students will receive free school meals thanks to the Legislature and Governor Healey making this a permanent part of the state budget. The Commissioner informed the Board that the Worcester Cultural Academy (WCA) has fully met its opening procedures requirements. He updated the Board on the Boston Public Schools (BPS), noting the district has added air conditioning to more schools, which was not part of the Systemic Improvement Plan but is beneficial for students and staff. He said BPS needs to do considerably more work to meet its commitments in the Systemic Improvement Plan, including addressing gaps in the district’s Special Education Inclusion plan, which was discussed at a meeting that Mayor Wu attended. The Commissioner said the Department of Elementary and Secondary Education (Department or DESE) is continuing to work with BPS and assessing whether the district is making the necessary improvements. He said he will update the Board next month on BPS’s progress on bathroom renovations and school transportation. In concluding, Commissioner Riley spoke about ongoing work at the state and local levels to enroll and support newcomer students and said he will continue to update the Board.

**Approval of the Minutes of the** **June 27, 2023 Regular Meeting**

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

**VOTED: that the Board of Elementary and Secondary Education approve the minutes of** **the June 27, 2023 Regular Meeting.**

The vote, by roll call, was unanimous.

**Election of Board Vice-Chair – Discussion and Vote**

Chair Craven asked if there is a motion to nominate a Vice-Chair. Mr. Moriarty moved to nominate Mr. Hills and the motion was seconded.

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

**VOTED: that the Board of Elementary and Secondary Education elect Matthew Hills to serve as Vice-Chair of the Board, in accordance with Article I of the By-Laws.**

The vote, by roll call, was unanimous. Mr. Hills thanked the Board.

**Updated Comprehensive Health and Physical Education Framework – Discussion and Vote**

Commissioner Riley said today the Board will receive an overview of the revisions made to the draft 2023 Comprehensive Health and Physical Education (CHPE) Framework based on comments received during the public comment period. The Commissioner said he is recommending that the Board vote to approve the revised CHPE Framework.

Associate Commissioner Rachelle Engler Bennett, Assistant Director of Student and Family Support Kristen McKinnon, and Associate Commissioner Erin Hashimoto-Martell presented the overview and highlights of the framework, along with anticipated next steps and a summary of the public comment process. They noted that the updated framework includes changes to address various concerns and questions received through public comment and to clarify and strengthen the document to support the proposed vision for CHPE. They explained that upon adoption of the revised framework, DESE anticipates providing implementation supports and resources that also address themes raised through public comment.

Board members expressed their appreciation to the Department and stakeholders for the time and effort they put into strengthening and improving the framework. Ms. Gardiner thanked the students who collaborated on the framework.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with Mass. General Laws Chapter 69, Sections 1D and 1E, approves the updated 2023 Massachusetts Comprehensive Health and Physical Education Framework, and directs the Commissioner to make it available to the Joint Committee on Education for their information, and to public schools and other interested parties throughout the Commonwealth for use in improving comprehensive health and physical education.**

**Further, that the Board extends its appreciation to the Department of Elementary and Secondary Education and to the many individuals and groups that helped to update, revise, and strengthen the Comprehensive Health and Physical Education Framework.**

The vote, by roll call, was unanimous.

Chair Craven called for a break at 10:20 a.m. Dr. West left the meeting. The meeting resumed at 10:30 a.m.

**Historical Overview of MCAS and the Competency Determination – Discussion**

Chair Craven said she had asked Commissioner Riley and Rob Curtin, Chief Officer for Data, Assessment, and Accountability, to present a historical overview of MCAS and then Vice-Chair Hills would offer his analysis of MCAS and Competency Determination data. Mr. Curtin began by stating that nothing in this presentation should be construed as himself or the Department taking a position on any proposed ballot question. Mr. Curtin’s overview referenced the Massachusetts Supreme Judicial Court’s 1993 *McDuffy* decision on the state constitutional standards for education, and key elements of the Education Reform Act of 1993. He discussed historical data, important milestones, and various data points, noting graduation rates have risen since 2006 and are at an all-time high, and dropout rates have declined since MCAS began. Mr. Curtin discussed parents’ perceptions of their children’s academic achievement; the prospect of fully computer-based, next-generation MCAS tests with a new contract expected to be awarded in fall 2023; educator involvement in producing MCAS tests and setting standards; and proposed changes that include a new science assessment and grade 8 civics assessment, improved access through translations, shorter turnaround time for results, and reduced testing time. Mr. Curtin responded to questions from Board members about how students can earn the Competency Determination through retests, performance appeals, or the Educational Proficiency Plan, and about ways to inform and engage parents.

Vice-Chair Hills presented an overview of the Competency Determination (CD) and its impact. He discussed how MCAS performance and the CD have substantial value in predicting certain key life outcomes for students in all student groups, while helping policymakers and educators prioritize needs. He noted that of approximately 70,000 students in the statewide graduating class, 96 percent earn the CD; 3 percent do not earn the CD and also do not meet local district graduation requirements; and 1 percent do not earn the CD and meet local district graduation requirements. Vice-Chair Hills said while most students who pass do so on their first attempt (usually grade 10), almost all pass on the second or third attempt (usually grade 11). He said a significant number of students who drop out of school at grade 12 have earned the CD and a relatively small number of districts have a disproportionate number of the total Massachusetts students not earning the CD. Vice-Chair Hills said that of the 51 states (including D.C.), 49 states including Massachusetts have comprehensive state-mandated graduation requirements; 48 of 49 states have course and other requirements (some also require tests); Massachusetts is the only one of the 49 states whose only state requirement is the CD; and 2 states have no state-mandated graduation requirements. He presented graphs illustrating the value of the CD and its impact on high school graduation.

Chair Craven thanked Mr. Curtin and Vice-Chair Hills. Mr. Rouhanifard left the meeting at 11:50 a.m.

**2023 State Assessment and Accountability Results – Discussion**

Commissioner Riley provided a high-level summary of results from the spring 2023 administration of the MCAS tests in English language arts, mathematics, and science and technology/engineering, as well as this year’s accountability results for schools and districts.

Rob Curtin, Chief Officer for Data, Assessment, and Accountability, Michol Stapel, Associate Commissioner for Student Assessment, and Erica Gonzales, Associate Commissioner of Data & Accountability presented an overview of the MCAS results and key takeaways: 2023 ELA and math data indicate that the achievement slide from 2019 has halted and recovery is underway; science results remain relatively unchanged although there were slight decreases in achievement; grade 3 results signal a need to remain cautious about incoming testing grades (students who were in PK-K during the pandemic); there is still significant ground to make up to reach pre-pandemic achievement levels in some areas; and state results mask varying district results.

Mr. Curtin reviewed 2023 accountability results and the recent history of accountability measures. He explained that all schools receive an overall accountability classification that describes the need for assistance or intervention and of 1,607 schools that had sufficient data, 1,331 (83%) were classified as “Not requiring assistance or intervention” and 275 (17%) were classified as “Requiring assistance or intervention” for one or more reasons. He said almost two-thirds of schools are making progress towards meeting or exceeding targets and DESE has identified 66 Schools of Recognition for strong achievement and growth and meeting targets. Mr. Curtin said all the data will be available on DESE’s website. Chair Craven thanked the presenters.

**Education Budget Update – Discussion**

Senior Associate Commissioner/CFO Bill Bell provided the Board with highlights of the education-related provisions of the FY24 state budget (General Appropriations Act) and a brief update on the status of federal ESSER funding. Mr. Bell said he will work with the Board’s Budget Committee on priorities for FY25.

**Follow-up on Commissioner’s Evaluation** **– Discussion and Vote**

Following up on the Board’s June 27 vote on the Commissioner’s evaluation, Chair Craven presented her recommendation on a salary adjustment for the Commissioner consistent with what the Commonwealth’s Human Resources Division announced in July, for the Board’s approval as provided by state law.

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

**VOTED: that the Board of Elementary and Secondary Education approves a salary adjustment for Commissioner Riley consistent with the salary increases that the Commonwealth’s Human Resources Division (HRD) announced on July 26, 2023 for all eligible managers in the executive branch.**

**The Board commends Commissioner Riley and his team for significant accomplishments over the past year and thanks the Commissioner for his service.**

The vote, by roll call, was unanimous.

**Technical Amendment to Student Discipline Regulations, 603 CMR 53.05 – Discussion and Vote**

Commissioner Riley said that in June, the Board voted to solicit public comment on a proposed technical amendment to the Student Discipline Regulations, 603 CMR 53.00. He explained that the proposed amendment conforms the regulatory language in 603 CMR 53.05, Alternatives to Suspension under M.G.L. c. 71, § 37H¾, to the updated statutory language in M.G.L. c. 71, § 37H¾(b), as amended by Acts of 2022, c. 177, § 29. The Commissioner said based on the public comment, the Department made three minor changes to the proposed technical amendment. He recommended that the Board vote to adopt the technical amendment as presented. He introduced Associate Commissioner Rachelle Engler Bennett and Legal Counsel Josh Varon to answer questions. The Board had no questions.

**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, § 37H¾, and having solicited public comment in accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3, hereby adopts the technical amendment to the Student Discipline Regulations, 603 CMR 53.05, as presented by the Commissioner.**

**The proposed amendment conforms the regulatory language in 603 CMR 53.05, Alternatives to Suspension under M.G.L. c. 71, § 37H¾, to the updated statutory language in M.G.L. c. 71, § 37H¾(b), as amended by Acts of 2022, c. 177, § 29.**

The vote, by roll call, was unanimous.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:40 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