

The Commonwealth of Massachusetts

**REPORT OF THE
DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
SUBMITTING ITS AMENDED REGULATIONS
AS ADOPTED BY THE BOARD TO 603 CMR 2.03:
ACCOUNTABILITY AND ASSISTANCE
FOR SCHOOL DISTRICTS AND SCHOOLS.**

**(pursuant to Section 1J(a) of
Chapter 69 of the General Laws)**

July 13, 2022



Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000
TTY: N.E.T. Relay 1-800-439-2370

Jeffrey C. Riley
Commissioner

July 7, 2022

Michael D. Hurley
Office of the Clerk of the Senate
State House, Room 335
Boston, MA 02133

RE: Amendment to 603 CMR 2.00, Accountability and Assistance for School Districts
and Schools Regulations

Dear Mr. Hurley:

Pursuant to its authority under M.G.L. c. 69, § 1J, as amended by St. 2010, c. 12, § 3, and M.G.L. c. 69, § 1B, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3, the Massachusetts Board of Elementary and Secondary Education (Board) voted on June 28, 2022 to amend the regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00.

Consistent with M.G.L. c. 69, § 1J(a), I am submitting the amended regulations to you. I have enclosed the regulations as adopted by the Board as well as the memorandum dated June 22, 2022 that I sent to the Board. If you have any questions, please contact me or Jessica Leitz at (781) 338-3103 or Jessica.Leitz@mass.gov. Thank you.

Sincerely,

Jeffrey C. Riley
Commissioner of Elementary and Secondary Education

Enclosures

C: Jessica Leitz



Jeffrey C. Riley
Commissioner

Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000
TTY: N.E.T. Relay 1-800-439-2370

MEMORANDUM

To: Members of the Board of Elementary and Secondary Education
From: Jeffrey C. Riley, Commissioner
Date: June 22, 2022
Subject: Proposed Amendment to Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00

At the March 22, 2022 meeting, the Board of Elementary and Secondary Education (Board) voted to solicit public comment on a proposed amendment to 603 CMR 2.00: *Accountability and Assistance for School Districts and Schools*. At the June 28 meeting, I will recommend that the Board take a final vote to approve the proposed amendment to the regulations, as presented below.

The memorandum to you dated [March 14, 2022](#) includes the rationale for the proposed amendment, which would allow a temporary suspension in reporting some components of our school and district accountability system this fall because of the COVID-19 pandemic. Below, I am providing a summary of the public comment the Department of Elementary and Secondary Education (Department) received, as well as a summary of the discussion with the Board's Accountability and Assistance Advisory Council (AAAC).

Public Comment

The Department received written comments from 8 individuals or organizations during the public comment period. A summary of the comments and the Department's responses is attached to this memorandum along with copies of the submitted comments. Most comments supported transparent public reporting of all school and district performance data. One comment advocated for the complete discontinuation of the Department's accountability system. No change was made to the proposed amendment as a result of these comments.

AAAC Discussion

The AAAC discussed the proposed amendment to the accountability regulations on June 1, 2022. Some Council members signaled their support for the temporary change, given the many challenges that districts and schools continue to face as a result of the pandemic. At least one Council member encouraged the Department to maintain its regular accountability reporting practices and provide additional context and explanatory materials to stakeholders to use when interpreting the results. No change was made to the proposed amendment as a result of the

Council's discussion.

I recommend that the Board vote on June 28 to adopt the amendment to 603 CMR 2.00 as presented. A redlined copy of the proposed change to the regulations is attached, along with a motion.

Enclosures:

- Proposed Amendment to Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00 — strikethrough version (redlined version)
- Summary of Public Comment Received
- Individual Comments Received
- Motion

Summary of Public Comments on Proposed Amendments to Accountability Regulations (603 CMR 2.00: *Accountability and Assistance for School Districts and Schools*)

Source: Correspondence received via email (8), March 22, 2022 – May 27, 2022

List of organizations and individuals submitting public comment:

Organizations	Individuals
<ul style="list-style-type: none"> American Federation of Teachers Massachusetts (AFT-MA) Massachusetts Business Alliance for Education (MBAE) 	<ul style="list-style-type: none"> Laura Conrad-Laberinto Angela Ferreira Rachel Kay Judy Meunier Ben Tobin Renée Toth

Summary of Comments Received	Department's Response
The proposed language in the regulations is open-ended. (AFT-MA)	No change. The Department drafted the regulations to allow for flexibility depending on the outcome of DESE's federal accountability request.
The Department should suspend all reported measures and annual performance determinations. (AFT-MA)	No change. Federal law requires DESE to maintain a system of annual meaningful differentiation for all districts and schools, and state law requires the Board of Elementary and Secondary Education to adopt a system for evaluating district and school performance on an annual basis.
The accountability system unfairly penalizes districts serving large populations of low-income students and students of color and is a system of punishment, not support. (AFT-MA)	The Department prioritizes direct targeted assistance and grant resources to districts and schools that are identified as most in need of rapid improvement, as well as those on the cusp.
Schools and districts identified as requiring assistance by the accountability system remain low performing. (AFT-MA)	No change. The Department continues to support low performing districts and schools, consistent with state law and regulations. To maintain transparency in reporting, DESE publicly reports data on district, school, and student group performance on a variety of measures.
The state should report on progress toward accountability targets. Given the impacts on learning caused by the pandemic and the influx of federal dollars and state Student Opportunity Act funding, stakeholders have a right to know more about whether achievement gaps for our highest	No change. The Department intends to report certain accountability measures and maintain its practice of reporting district, school, and student group-level data for each accountability indicator. However, DESE has determined that making district and school level accountability

Summary of Comments Received	Department's Response
need students have closed or widened, and about whether schools have made progress in advancing student learning. (MBAE)	determinations based on overall progress toward accountability targets presents challenges when considering the data needed to establish a baseline.
There is no reason to limit public reporting of data when data limitations can be explained by context. All data and reporting of measures should continue as they have annually and be accompanied, if necessary, with an explanation of circumstances that may have impacted them. (MBAE, Tobin)	No change. The Department intends to report certain accountability measures and maintain its practice of reporting district, school, and student group-level data for each accountability indicator.
Given challenges of the last two years, it is more important than ever that districts and the state can assess educational progress, especially for students with disabilities and English learners. While the state may change what is done with this information, it remains important to collect it. (Kay)	No change. The proposed amendment does not alter DESE's data collection requirements. Additionally, DESE intends to maintain its practice of reporting district, school, and student group-level data for each accountability indicator.
Removing data and accountability information for schools will prevent students with disabilities from receiving appropriate services. (Ferreira, Meunier)	No change. The Department intends to maintain its practice of reporting district, school, and student group-level data for each accountability indicator.
Data helps districts, parents, and stakeholders understand where progress is being made, what strengths and challenges exist, and whether certain student groups (i.e., students with disabilities) are supported effectively. (Conrad-Laberinto, Meunier, Toth)	No change. The Department intends to maintain its practice of reporting district, school, and student group-level data for each accountability indicator.
Data informs school districts whether taxpayer funds have been well invested in new programs and COVID recovery efforts. (Meunier)	No change. The Department intends to maintain its practice of reporting district, school, and student group-level data for each accountability indicator.

603 CMR 2.00: Accountability and Assistance for School Districts and Schools
Proposed Amendment to 603 CMR 2.03

Presented to the Board of Elementary and Secondary Education for initial action: 3/22/22

Period of public comment: through 5/27/22

Final action by the Board of Elementary and Secondary Education anticipated: 6/28/22

The proposed amendments are indicated by underline (new language) or ~~strike through~~ (deleted language) in 603 CMR 2.03. For the complete text of the current regulations, 603 CMR 2.00, see:

[603 CMR 2.00: Accountability and Assistance for School Districts and Schools](#)

2.01: Scope and Purpose

...

2.02: Definitions

...

2.03: Accountability and Assistance for All Districts and Schools

(1) **Framework for district and school accountability and assistance** The Department shall implement a system for district and school accountability and assistance, approved by the Board and known as the framework for district and school accountability and assistance, for the purpose of improving student performance. Both the priority for assistance and the degree of intervention shall increase as the severity and duration of low performance increase. Under the framework, districts shall hold their schools accountable for educating their students well and assist them in doing so; the Department shall hold districts accountable for both of these functions and assist them in fulfilling them.

(2) **Reported measures** Each year, the Department will report:

- (a) An accountability percentile, representing each school's overall relative standing compared to other schools in the state;
- (b) A criterion-referenced measure of performance against targets, set by the Department, for each accountability indicator, for:
 - 1. Each district or school as a whole, by using data from all students in the district or school and data from the lowest performing students in each district or school; and
 - 2. Each subgroup for which there is sufficient data;
- (c) A subgroup percentile, representing each subgroup's relative standing compared to like subgroups in other schools statewide;
- (d) For each district, school, and subgroup that meets the minimum group size requirement for reporting:
 - 1. Assessment participation rates; and
 - 2. Whether the district, school, or subgroup met the participation rate requirements established by the Department;

- (e) Information related to each school's need for required assistance or intervention; and
- (f) Information related to schools that demonstrate exemplary performance, as determined by the commissioner.

(3) Annual performance determinations Each year, the Department will issue annual performance determinations for all public districts and schools, using the framework developed by the Department and approved by the Board.

(a) Annual performance determinations for districts include:

1. Districts in need of required assistance or intervention, for districts that:
 - a. Are in need of broad or comprehensive support, if designated underperforming according to 603 CMR 2.05(1) or designated chronically underperforming according to 603 CMR 2.06(1);
 - b. Are in need of focused or targeted support due to:
 - i. Low graduation rates, as defined by the federal Every Student Succeeds Act; or
 - ii. Low assessment participation rates, as defined by framework for district and school accountability and assistance.
2. Districts not requiring assistance or intervention, for districts that do not meet any of the criteria in 603 CMR 2.03(3)(a)(1). Annual performance determinations for districts not requiring assistance or intervention will be reported as the degree to which each district has met targets, based on the criterion-referenced measure in 603 CMR 2.03(2)(b)(1).

(b) Annual performance determinations for schools include:

1. Schools in need of required assistance or intervention, for schools that:
 - a. Are in need of broad or comprehensive support, if designated underperforming according to 603 CMR 2.05(2) or designated chronically underperforming according to 603 CMR 2.06(2);
 - b. Are in need of focused or targeted support due to:
 - i. Their placement among the lowest performing 10 percent of schools statewide, based on the accountability percentile described in 603 CMR 2.03(2)(a);
 - ii. The presence of one or more low performing subgroups, using the relative measure described in 603 CMR 2.03(2)(c);
 - iii. Low graduation rates, as defined by the federal Every Student Succeeds Act; or
 - iv. Low assessment participation rates, as defined by the framework for district and school accountability and assistance.
2. Schools not requiring assistance or intervention, for schools that do not meet any of the criteria in 603 CMR 2.03(3)(b)(1). Annual performance determinations for schools not requiring assistance or intervention will be reported as the degree to which each school has met targets, based on the criterion-referenced measure in 603 CMR 2.03(2)(b)(1).

(4) **District reviews** The Department may conduct a district review, encompassing the district and its schools, of any district.

(5) **District Analysis and Review Tool** The Department shall provide the District Analysis and Review Tool to every district, including multiple data elements, giving schools the capability of comparing themselves with similar schools or other schools of their choice, and giving districts the capability of comparing themselves with similar districts or other districts of their choice.

(6) District standards and indicators

(a) District reviews, improvement planning, and other forms of accountability and assistance shall be based on standards of effective policy and practice in:

1. Leadership and governance;
2. Curriculum and instruction;
3. Assessment;
4. Human resources and professional development;
5. Student support; and
6. Financial and asset management.

(b) The Department shall publish a detailed version of the standards and associated indicators, which shall be informed by research-based practices identified as characteristic of schools that have experienced rapid improvements in student outcomes.

(7) **District improvement planning** Every district shall develop and implement an annual self-evaluation and district improvement planning process.

(a) The district's self-evaluation and planning process shall result, every three years, in a comprehensive written three-year District Improvement Plan to improve the performance of the district and its schools.

(b) Each year, every school shall adopt school performance goals and develop and implement a written School Improvement Plan to advance those goals and improve student performance. The School Improvement Plan shall be aligned with the District Improvement Plan.

(c) A district's District Improvement Plan and School Improvement Plans shall be based on an analysis of data, including but not limited to data on student performance and the District Analysis and Review Tool provided by the Department under 603 CMR 2.03(5), and an assessment of actions the district and its schools must take to improve that performance.

(d) District Improvement Plans and School Improvement Plans shall, in form and content, conform to requirements set forth in M.G.L. c. 69, § 11.

(8) Assistance from the Department

(a) The Department shall make available a variety of forms of assistance, such as examples, tools, templates, protocols, and surveys to assist districts and schools in assessing themselves and improving student performance.

(b) The Department shall also make available to districts, to the extent funding allows, professional development opportunities and assistance from Department staff members,

Department contractors, or third party partners. Priority for receiving professional development or assistance, as well as the degree of intervention by the Department, shall be based on the annual performance determination by the Department of the district or one or more of its schools.

(9) **Annual Report to Board** The Department shall report annually to the Board on district and school accountability results.

(10) **Notice and Consultation** The Department shall solicit public comment on proposed changes to the framework for district and school accountability and assistance, including changes to the indicators or the weighting of indicators in the framework. After considering the public comment, the commissioner will forward a recommendation for any proposed changes to the Board for approval.

(11) ~~**Commissioner's authority to refrain from issuing annual performance determinations for districts and schools**~~ The Commissioner may, for good cause arising from the state of emergency due to the COVID-19 pandemic, direct the Department in the fall of 2021 to refrain from issuing any or all of the reported measures and annual performance determinations for school year 2020-2021, as described in 603 CMR 2.03 (2) — (3). The Commissioner may direct that schools and districts maintain their most recent accountability determinations for an additional year. **Commissioner's authority to suspend the reporting of measures and annual performance determinations for districts and schools** The Commissioner may, for good cause arising from the COVID-19 pandemic, direct the Department to suspend the reporting of any or all of the reported measures and annual performance determinations, as described in 603 CMR 2.03 (2)-(3), for school year 2021-2022.