



Massachusetts Department of Elementary and Secondary Education

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Mitchell D. Chester, Ed.D.
Commissioner

November 3, 2016

William F. Welch
Senate Clerk
Office of the Clerk of the Senate
State House – Room 335
Boston, MA 02133

Dear Mr. Welch:

Pursuant to its authority under M.G.L. c. 69, §§ 1B, 1J and 1K, and in accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3, the Massachusetts Board of Elementary and Secondary Education is soliciting public comment on the proposed technical amendments to 603 CMR 2.00, Accountability and Assistance for School Districts and Schools Regulations.

Among other matters, the regulations describe the process for developing and implementing turnaround plans for schools that have been declared underperforming (placed in Level 4) and for schools and districts that have been declared chronically underperforming (placed in Level 5). The proposed amendments provide clarity to underperforming schools and chronically underperforming schools and districts, address provisions in the Achievement Gap Act that may be ambiguous, and conform to existing practice with respect to Level 4 schools. These proposed technical amendments make explicit the commonsense result that a turnaround plan authorized pursuant to the Achievement Gap Act remains in effect until the statutory process to develop a new, modified or renewed turnaround plan is completed, or the school or district is no longer designated as underperforming or chronically underperforming.

I have enclosed the proposed regulations as well as my October 14, 2016 memorandum to the Board. Please let me know if you need any additional information to initiate the next steps under the process outlined in M.G.L. c. 69, § 1J(a), as amended by St. 2010, c. 12, § 3:

The board shall adopt regulations establishing standards for the commissioner to make such designations [of underperforming and chronically underperforming schools] on the basis of data collected pursuant to section 1I or information from a school or district review performed under section 55A of chapter 15. Upon the release of the proposed regulations, the board shall file a copy thereof with the clerks of the house of representatives and the senate who shall forward the regulations to the joint committee on education. Within 30 days of the filing, the committee may hold a public hearing and issue a report on the regulations and file the report with the board. The board, pursuant to applicable law, may adopt final regulations making revisions to the proposed regulations

as it deems appropriate after consideration of the report and shall forthwith file a copy of the regulations with the chairpersons of the joint committee on education and, not earlier than 30 days of the filing, the board shall file the final regulations with the state secretary.

If you have any questions, please contact me or Jessica Leitz at (781) 338-3104 or aberrygoodfellow@doe.mass.edu. Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitch D. Chester". The signature is written in a cursive, flowing style.

Mitchell D. Chester, Ed.D.
Commissioner of Elementary and Secondary Education

Enclosures