

**The Commonwealth of Massachusetts**

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**REPORT OF THE**

**DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION**

**SUBMITTING ITS PROPOSED  
AMENDMENT TO 603 CMR 2.03:  
ACCOUNTABILITY AND ASSISTANCE  
FOR ALL DISTRICTS AND SCHOOLS.**

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

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April 14, 2022

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Jeffrey C. Riley  
Commissioner

# **Massachusetts Department of Elementary and Secondary Education**

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75 Pleasant Street, Malden, Massachusetts 02148-4906

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

March 22, 2022

Michael D. Hurley  
Senate Clerk  
24 Beacon Street  
State House – Room 335  
Boston, MA 02133

Dear Mr. Hurley:

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 amendment to 603 CMR 2.00, Accountability and Assistance for School Districts and Schools Regulations.

The proposed amendment updates the regulations in response to the COVID-19 pandemic by amending 603 CMR 2.03(11), allowing the Department of Elementary and Secondary Education to suspend the reporting of certain accountability information in fall 2022.

I have enclosed the proposed regulatory amendments as well as my March 14, 2022 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) 338-3103 or [Jessica.Leitz@mass.gov](mailto:Jessica.Leitz@mass.gov). Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey C. Riley". The signature is fluid and cursive, with the first name "Jeffrey" being the most prominent.

Jeffrey C. Riley  
Commissioner of Elementary and Secondary Education

Enclosures

## 2.01: Scope and Purpose

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## 2.02: Definitions

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## 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.



Jeffrey C. Riley  
Commissioner

# Massachusetts Department of Elementary and Secondary Education

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75 Pleasant Street, Malden, Massachusetts 02148-4906

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## MEMORANDUM

**To:** Members of the Board of Elementary and Secondary Education  
**From:** Jeffrey C. Riley, Commissioner  
**Date:** March 14, 2022  
**Subject:** Proposed Amendment to Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00 (Modification due to COVID-19 Pandemic)

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I am presenting to the Board of Elementary and Secondary Education (Board) a proposed amendment to *603 CMR 2.00: Accountability and Assistance for School Districts and Schools*. I recommend that the Board vote on March 22, 2022 to solicit public comment on the proposed amendment.

Among other matters, the regulations describe the Commonwealth's framework for district accountability and assistance and the process for issuing annual performance determinations for districts and schools. The proposed amendment would allow the Department of Elementary and Secondary Education (Department) to suspend the reporting of some, but not all, components of our district and school accountability system following the 2021-2022 school year.

As I [informed the Board](#) at our meeting in February, the Department requested temporary changes to certain federal accountability reporting requirements for the 2021-2022 school year from the United States Department of Education (ED). If ED approves our requested addendum to the ESEA Consolidated State Plan, it will provide us with the opportunity to reestablish the baseline for future accountability reporting using data from the 2021-2022 school year. To that end, and to maintain consistency across state and federal accountability reporting requirements, I am proposing that the Board amend the state regulations by updating section 603 CMR 2.03(11) to allow the Department to suspend the reporting of certain accountability information this fall.

In the fall of 2022, the Department proposes to produce some, but not all, of the information associated with annual district and school accountability determinations. Under this "accountability lite" model, we intend to publish district, school, and student group-level performance data for each of the approved accountability indicators, as well as certain normative measures (e.g., school percentiles) that will help districts, schools, the Department, and the public assess the performance of all districts and schools using common measures. The availability of this information will also continue to help communities and the state decide how to assign resources and other assistance.



Under the “accountability lite” model, we would not publish indicator targets, points for progress towards targets, progress ratings, or determinations of each district’s and school’s need for assistance or intervention. These aspects of the traditional accountability system would be reconsidered for future accountability reporting cycles.

With the Board’s approval, the Department will solicit public comment on the proposed amendment. I will also ask the Board’s Advisory Council on School and District Accountability and Assistance to review and discuss the proposed amendment at their next meeting. After reviewing all comments and determining whether further changes are needed, I plan to bring the amendment back to the Board in June 2022 for final adoption.

A redlined version of the regulations is attached, along with a motion to solicit public comment on the proposed amendment. Rob Curtin, Chief Officer for Data, Assessment, and Accountability, will be at the Board meeting on March 22 to answer your questions.

Enclosures:

603 CMR 2.00: Strikethrough version of regulations showing proposed amendment  
Motion