



# Massachusetts Department of Elementary and Secondary Education

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Jeffrey C. Riley  
Commissioner

## MEMORANDUM

**To:** Members of the Board of Elementary and Secondary Education  
**From:** Jeffrey C. Riley, Commissioner  
**Date:** June 24, 2022  
**Subject:** Commissioner's Recommendation for the Boston Public Schools

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As you know, for over a month, the Department of Elementary and Secondary Education (DESE or Department) has been engaged in discussions with the City of Boston and the Boston Public Schools (BPS) about a possible agreement on a Systemic Improvement Plan for BPS. Unfortunately, we have been unable to reach agreement on provisions that would provide independent oversight to ensure that the district is accurately and transparently reporting its data.

After considering the areas of alignment between the City/BPS and DESE that have emerged from these discussions – which were substantial yet ultimately insufficient – as well the feedback we have heard from the community, at this time, I am not recommending that the Board place the district in receivership by designating it a chronically underperforming district.

However, at the meeting of the Board of Elementary and Secondary Education (BESE or Board) on June 28, 2022, I will recommend that the Board designate the Boston Public Schools (BPS or district) an underperforming district, pursuant to 603 CMR 2.05(1). This memorandum provides context for my recommendation as well as the steps that will follow should the Board vote to accept my recommendation.

### Background

In fall 2019, DESE conducted a District Review of BPS. The District Review Report was released in March 2020 and highlighted serious challenges and deficiencies across a broad range

of district functions. The report emphasized that BPS was not providing adequate services for students with disabilities and English learners; cited poorly-run operational functions, such as transportation and facilities management, that were interfering with student learning; noted a lack of quality curricula and effective instructional practices, especially at the high school level; and highlighted entrenched district systems that contributed to a pattern of inequitable access to quality education across BPS. Underpinning all of this was the lack of a stable, supportive, and trusting dynamic between schools and district staff, due in part to frequent turnover of superintendents and central office staff.

With the release of the 2020 District Review Report, DESE and BPS entered into a Memorandum of Understanding (MOU) in which the district agreed to improve its performance in key areas, and DESE agreed to provide complementary supports and resources to assist BPS.

Earlier this year, the BESE asked for an update on BPS's progress on the MOU. To provide a timely and accurate update to BESE about the status of BPS – as well as provide additional guidance to the district – I requested that a Follow-Up District Review be conducted in spring 2022.

### Summary of the 2022 Follow-Up District Review Report

The Follow-Up District Review Report was released on May 23, 2022. While the report found that since 2020, BPS has made some progress, ultimately, it concluded that “the district has failed to effectively serve its most vulnerable students, carry out basic operational functions, and address systemic barriers to providing an equitable, quality education.”

Areas of strength noted in the report included several items in the Curriculum and Instruction standard, including adopting high-quality instructional materials, a district-wide instructional focus on early literacy, and aligning graduation requirements to MassCore beginning with the class of 2026. Other strengths included strong teacher diversification pipeline programs, initial improvements to English learner services, enhanced professional development offerings, and more consistent use of growth assessments across the district.

However, the challenges identified in the report were stark. Critically, the report found that BPS has shown little to no progress in addressing the needs of its students with disabilities, English learners, and students in the district's lowest-performing schools, resulting in continued poor outcomes for tens of thousands of students. In addition, the Follow-Up report identified four major operational functions – transportation, facilities, student safety, and data reporting – as areas of significant concern for the district.

For example, transportation issues, an area highlighted in the 2020 District Review Report and a BPS priority area identified in the MOU, have worsened. In addition to continued low on-time arrivals throughout much of the year, uncovered routes are significantly disrupting learning for thousands of students each month, with a disproportionate impact on students with disabilities. In

January 2022 alone, there were 1,148 uncovered morning routes impacting approximately 16,000 student rides.

### Challenges with Accurate Data Collection

In addition to the serious issues described above, I have grave concerns about the quality of the data reported by BPS to DESE. As noted in the Follow-Up District Review report, throughout the term of the MOU and in completing the follow-up review, DESE staff struggled to gain an accurate picture of the status of many BPS initiatives due to a pattern of inaccurate or misleading data reporting by the district. For example:

- Transportation on-time arrival data provided by BPS to DESE as part of the district's MOU progress reporting were inaccurate due to the existence of uncovered routes. The district did not count uncovered bus routes as "late," thereby inflating the count of buses that arrived on time. After DESE brought this issue to the attention of the city, BPS took months to correct it. BPS provided a "modified" transportation data report only after DESE initiated the Follow-Up District Review.
- The list of 29 schools with completed bathroom facilities renovations provided by BPS as part of the Follow-Up Review included more than a dozen schools with unrenovated bathrooms. DESE staff knew of these unrenovated bathrooms because of recent site visits at the schools and reached out to BPS to confirm the accuracy of the list. BPS staff initially responded that the list was fully accurate, but later acknowledged that it was not.
- Student enrollment and withdrawal data reported by BPS to DESE and displayed publicly in the form of graduation and dropout rates on the DESE website are likely inaccurate due to lack of appropriate internal controls at the school and central office levels. Indeed, previous federal audits noted a "significant deficiency" in the way BPS was reporting withdrawal data, with subsequent audits indicating that these reporting issues persist.

### Discussions with Mayor Wu and BPS

Over the last month, my staff and I have been in communication with Mayor Wu and her team, seeking to come to a shared understanding of the appropriate next steps for BPS. We exchanged drafts of a Systemic Improvement Plan for Boston/BPS, and had collaborative, productive discussions. I am confident that Mayor Wu and I share the same belief: that BPS needs bold, student-centered decision-making and strong execution to ensure the district delivers the quality education its students deserve.

In the end, however, despite our good faith efforts, and after granting the City multiple deadline extensions, we were not able to reach consensus on the need for an independent data auditor hired and overseen by DESE, to verify that the district is accurately and transparently reporting

its progress on key measures. The City/BPS proposed to hire their own data auditor; however, this is insufficient as numerous such audits have not prevented ongoing inaccuracies with data.

Ensuring data integrity and transparency in our school districts is a vital function of DESE as a state education agency. We certify the accuracy of these data to the federal government to secure resources for students across the Commonwealth; districts and schools use these data to determine their local funding and programming; and accurate data enables the public to hold our education system accountable for results.

However, above all, a solid foundation of data integrity is critical for the families of our students, who depend on accurate and transparent data to make essential decisions about their children's education and wellbeing. Ultimately, I decided I could not sign onto to any improvement plan that did not contain an independent auditor reporting to DESE, where DESE determines the scope of the work, to verify the accuracy of BPS data.

### Recommendation

Following the release of the Follow-Up District Review Report, there has been considerable interest in how the district should move forward to educate its students more effectively. Indeed, during the May 24, 2022 Board meeting, the Board heard extensive public comment, including comments from Mayor Wu and other public officials and community members. During that meeting, the Board also had the opportunity to discuss its views as to what action, if any, the Department or the Board should take.

In light of BPS's serious deficiencies, as described in the Follow-Up District Review Report and summarized in this memo, and keeping in mind the feedback we received from Boston leaders, community members and the Board, I am recommending that the Board designate BPS an underperforming district, effective July 1, 2022.<sup>1</sup>

The Accountability and Assistance regulations provide that the Board "may designate a district as underperforming upon the recommendation of the commissioner based on findings from a district review, monitoring report, or a follow-up review showing serious deficiencies, relating to one or more district standards, that are likely if they are not addressed effectively and in a timely manner to have a substantial negative effect on student performance in the district, putting the district at risk of being designated as chronically underperforming." 603 CMR 2.05(1)

If the Board were to designate BPS as an underperforming district, I would take the following

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<sup>1</sup> G.L. c. 69, § 1B provides: The board shall establish the process and standards for declaring a school or school district to be "underperforming" or "chronically underperforming" in accordance with the provisions of this chapter. The Board has previously voted to declare the following districts as underperforming pursuant to an earlier version of the regulations: Holyoke Public Schools (2003), Winchendon Public Schools (2003) Southbridge Public Schools (2004) Randolph Public Schools (2007) and Gill-Montague Public Schools (2007).

steps:

- Appoint an assistance lead, an accountability monitor, and an individual or team to conduct monitoring site visits to the district. 603 CMR 2.05 (4)
- Notify the district that it is required to develop a district improvement plan and submit the plan to the Department for approval. 603 CMR 2.05 (8)(b)-(d).

Once the Department approves the district's plan, we would make available significant funds, up to 10 million dollars over a period of three years, to support BPS in this important work.

I believe designating BPS an underperforming district is the correct next step because it will provide the Mayor and incoming Superintendent an opportunity to address the serious deficiencies in the district, while at the same time giving DESE the necessary tools to ensure the integrity of the district's data. Placing a monitor inside BPS to review the district's progress, including assessing the accuracy of the district's data, will give families and stakeholders confidence in information showing BPS's ability to deliver on necessary improvements. Taking this step now does not foreclose other interventions, such as receivership, in the future, if BPS does not correct the serious deficiencies identified in the Follow-Up District Review Report.

My team and I will be available to answer questions at the Board meeting regarding this recommendation and next steps.