


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: April 9, 2021
Subject: Proposed Amendments to 603 CMR 4.03(6)(a) Career/Vocational Technical Education Admissions Regulations: Initial Discussion and Vote to Solicit Public Comment

This memorandum provides (1) an overview of proposed amendments to [603 CMR 4.03\(6\)\(a\)](#), the Career/Vocational Technical Education (CVTE) admissions regulations (attached), and (2) a summary of other Department of Elementary and Secondary Education (Department) initiatives designed to support equitable access to high quality CVTE programs.

The proposed changes to the regulations follow over a year of stakeholder engagement and discussion on these issues. These discussions, along with the Department's analysis of enrollment and admissions data, have made clear that applying a single set of state-prescribed admissions criteria is not in the best interests of students, families, and vocational schools and programs. Vocational education is driven by many variables, including student interest, labor and market demands, and diverse student populations, both within and across vocational schools. I believe we can best address this complex issue by allowing individual schools and programs to set policies that respond to the needs of their sending communities and are consistent with applicable federal and state laws and regulations to promote equitable access for all students, while retaining the Department's role to monitor compliance and intervene when necessary.

I am bringing these proposed regulatory changes to the Board this month for initial discussion and a vote to solicit public comment. With the Board's approval at its April 20, 2021 meeting, the Department will solicit public comment on the proposed amendments and incorporate feedback, with the goal of bringing them back to the Board for a final vote in June 2021.

1. Proposed amendments to CVTE admissions regulations

The proposed changes to the CVTE admissions regulation [603 CMR 4.03\(6\)\(a\)](#) are intended to address three primary goals:

1. Provide districts offering CVTE programs with flexibility to develop data-informed local admissions policies that promote equitable access, comply with state and federal laws and regulations, and receive annual approval from the district's school committee or board of trustees.
2. Clarify the Department's authority to intervene in cases of non-compliance, and in such cases, to order changes to admissions policies that may include requiring a lottery.
3. Improve access to information about CVTE for students and families.

In particular, the proposed amended regulation on admission of students:

- **Adds** that each vocational school and program must annually submit its admissions policy to the Department by August 15, publish it in its Program of Studies, post a copy on the school website, and provide a copy to each student applicant and their parent/guardian. Vocational schools and programs must make these admissions materials available in both English and the primary language of the home, if such primary language is other than English.
- **Adds** that vocational schools and programs using selective criteria shall not use criteria that have the effect of disproportionately excluding persons in protected classes unless they can demonstrate that (1) the criteria have been validated as essential to participation and (2) alternative equally valid criteria that do not have such a disproportionate adverse effect are unavailable.
- **Adds** that admission policies using selective criteria may be used only when there are more applicants than available seats.
- **Removes** the requirement to use four criteria (grades, attendance, discipline record, and counselor recommendation) and **prohibits** the consideration of excused absences and minor behavior or disciplinary infractions.
- **Removes** language that schools may condition admission on a student having passed courses in English Language Arts or its equivalent and mathematics for the school year immediately preceding their enrollment, while affirming that vocational schools and programs may condition admission on a student having been promoted to the grade they have been admitted to enter.
- **Adds** a requirement that admission policies include strategies to promote equal educational opportunities and attract, enroll, and retain a student population that, when compared to students in similar grades in sending districts, has a comparable academic and demographic profile.
- **Adds** that the admission policy must be approved annually by the school's board of trustees or school committee.
- **Adds** the requirement that vocational schools and programs maintain a record of all students who apply for admission, enroll in the school, or are placed on a waitlist, and their score on admission criteria, if used, to facilitate an analysis and evaluation of the admissions system and its compliance with 603 CMR 4.03(6), and affirms the right for students and parents/guardians to appeal to the superintendent or their designee a decision to deny the student admission to the school or program.

- **Adds** that the Department may intervene in cases where the admissions policies and practices of vocational schools and programs do not comply with applicable state and federal laws and regulations and order compliance actions, including revisions to, or replacement of, existing admission policies. Such intervention may include a requirement that such schools and programs institute an admissions lottery.
- **Adds** that sending districts shall offer vocational schools and programs opportunities to provide middle school students with information about vocational programs and careers on-site at their middle schools, as well as through mail and email. Directs sending districts to not count as an unexcused absence a middle student's tour of a vocational school or program, if the school or program confirms the student's participation.

2. Statewide initiatives designed to support equitable access to CVTE

Regulatory changes are only one part of the Department's initiative to improve equitable access to CVTE. The Department is also working in partnership with stakeholders to provide additional resources and assistance to create more, and better, opportunities for students interested in CVTE in Massachusetts.

CVTE Guidance

In consultation with stakeholders, the Department will issue guidance regarding key stages of students' trajectory through CVTE pathways, from information sharing with prospective students and their families, to admissions policies and practices, to student outcome tracking.

Data Inquiry Tools

The Department is working with vocational schools and programs to engage in thoughtful cycles of data inquiry and has developed several [interactive CVTE data tools](#) to assist schools in reflecting and acting on data related to student admissions (waitlists), enrollment, and performance.

Statewide Secondary Educational Options Awareness Campaign

The Department is developing a statewide awareness campaign to inform all Massachusetts students and families about secondary educational options, including CVTE and [Early College and Innovation Pathways](#). This includes the following components:

- **Statewide Pathways Messaging:** The Department will expand statewide awareness of the pathway options students and families can pursue.
- **Educational Options Finder Website:** This new website will enhance the Department's current [School Finder](#) tool to include all secondary CVTE and other pathways, and the admissions information and timelines for schools offering CVTE programs. The page will include multiple language options so that visitors may view content in prevalent languages spoken in the state.
- **MyCAP Grades 6-8:** The launch of a College, Career, and Civic Ready Framework implemented through My Career and Academic Plan (MyCAP) in middle school will help middle school students gain social emotional skills, academic preparation, and career development experiences that will, in turn, help them make informed decisions for secondary education and future career interests, based on personal strengths, interests, and skills.

CVTE Equitable Access Support Grant

The Department plans to issue a multi-year grant opportunity for regional planning efforts, including participants from both vocational and sending districts, to support:

- **Data-informed decision-making** to improve district data practices in examining CVTE waitlist, enrollment, and outcome data alongside other resources in a thoughtful cycle of inquiry throughout the school year.
- **English Learner (EL) recruitment and success** to provide for strategies such as designating a district EL specialist at the vocational school to work with sending districts to develop targeted, culturally responsive strategies to attract, recruit, and retain English Learners throughout the admissions cycle. The EL specialist can help design and implement an inclusive and accessible admissions process and collaborate with sending districts/schools to provide support to ELs.
- **Culturally-responsive recruitment, admissions, and learning environments** through diversity, equity, inclusion, anti-bias and anti-racism training, with a focus on staff involved with recruitment and admissions, to improve practices such as tours, information sessions, interviews and application review, and to consider other systemic changes.

Expand CVTE Capacity

The Department is working with schools, districts, and partners in the [Workforce Skills Cabinet](#) to expand access to CVTE. These strategies include analyzing new waitlist data to maximize usage of currently available seats, expanding high-demand CVTE programs in comprehensive high schools, supporting 2nd and 3rd shift models (e.g. [After Dark](#) and [Career Technical Initiative](#)), as well as [Innovation Pathways](#) and [Early College](#).

Department staff, including Cliff Chuang, Senior Associate Commissioner for Educational Options, Elizabeth Bennett, Associate Commissioner for College, Career, and Technical Education, and Caitlin Looby of our legal team, will be present at the meeting to address the Board and answer questions.

Attachments: 603 CMR 4.03(6)(a) — Clean version of regulation with proposed amendments incorporated
603 CMR 4.03(6)(a) — Strikethrough version of regulation showing proposed amendments
Motion

Vocational Technical Education Regulations – 603 CMR 4.00
Proposed Amendment to 603 CMR 4.03(6): Admission of Students (Clean Copy)

Presented to the Board of Elementary and Secondary Education for initial action: 4/20/21

Period of public comment: through 05/28/21

Final action by the Board of Elementary and Secondary Education anticipated: 6/22/21

The current Vocational Technical Education regulations, 603 CMR 4.00, are available [here](#).

With the proposed amendment incorporated, 603 CMR 4.03(6) would read as follows:

603 CMR 4.03(6) Admission of Students

(a) Vocational technical schools and vocational programs at comprehensive high schools shall develop and implement an admission policy that is consistent with federal and state law and any relevant guidelines issued by the Department or the U.S. Department of Education. Vocational schools and programs shall condition admission on a student having been promoted to the grade that they have been admitted to enter. Vocational schools and programs whose admission policies include selective criteria may apply the criteria only when there are more applicants than available seats. Such criteria may not consider a student's record of excused absences from school, or minor behavior or disciplinary infractions. Resident students who meet the minimum requirements for admission shall be admitted prior to acceptance of any non-resident students seeking the same program.

Beginning with the 2021-22 school year, each school and program shall annually submit its admissions policy to the Department by August 15, publish it in its Program of Studies, post a copy on the school website, and provide a copy to each student applicant and their parent/guardian. Vocational schools and programs shall ensure that all admissions materials are in both English and the primary language of the home, if such primary language is other than English.

Each policy shall include the following:

1. The process for application and admission to the school, as well as admission to particular programs within the school, including any criteria, lotteries, or other processes to be used in selecting students;
2. A plan that includes deliberate, specific strategies to promote equal educational opportunities and attract, enroll, and retain a student population that, when compared to students in similar grades in sending districts, has a comparable academic and demographic profile;
3. A description of the exploratory program, if such program is required by 603 CMR 4.03(4)(e); and

4. A process for prospective students and parents/guardians to appeal to the superintendent or their designee the decision to deny the prospective student admission to the school or program. The superintendent or their designee shall maintain documentation as to the specific admission requirements that were used to deny admission, and shall provide such documentation to the Department or to the prospective student's parent/guardian upon request.

Vocational schools and programs that use selective criteria shall not use criteria that have the effect of disproportionately excluding persons of a particular race, color, national origin, sex, gender identity, sexual orientation, religion, or disability unless they demonstrate that (1) such criteria have been validated as essential to participation in vocational programs; and (2) alternative equally valid criteria that do not have such a disproportionate adverse effect are unavailable. Selective criteria shall be approved annually by the school's board of trustees or school committee.

Vocational technical schools and programs shall maintain a record of all students who apply for admission, enroll in the school, or are placed on a waitlist, and their score on admission criteria, if used, to facilitate an analysis and evaluation of the admissions system and its compliance with 603 CMR 4.03(6). The school or program shall provide such information to the Department upon request.

The Department may intervene in cases where the admissions policies and practices of vocational technical schools and programs do not comply with applicable state and federal laws and regulations, and order compliance actions, including revisions to, or replacement of, existing admission policies. Such intervention may include a requirement that such vocational technical schools and programs institute an admissions lottery.

Sending districts shall offer vocational schools and programs opportunities to provide middle school students with information about vocational programs and careers on-site at their middle schools, as well as through mail and email. Sending districts may not count middle school student tours of vocational schools or programs during the school day as unexcused absences if the vocational school or program confirms the student's participation.

Note: The current regulation on admission of students, 603 CMR 4.03(6), is available [here](#).

Vocational Technical Education Regulations – 603 CMR 4.00
Proposed Amendment to 603 CMR 4.03(6): Admission of Students (Redlined Copy)

Presented to the Board of Elementary and Secondary Education for initial action: 4/20/21

Period of public comment: through 05/28/21

Final action by the Board of Elementary and Secondary Education anticipated: 6/22/21

The current Vocational Technical Education regulations, 603 CMR 4.00, are available [here](#).

This document shows the proposed amendment to 603 CMR 4.03(6) by ~~striketrough~~ (language deleted) and underscore (new language):

603 CMR 4.03(6) Admission of Students

~~(a) Each vocational technical school and comprehensive school which is selective in terms of admission to its secondary vocational technical programs shall develop and implement an admission policy that is consistent with the Department's "Guidelines for Admission Policies of Vocational Technical Secondary Schools and Comprehensive Secondary Schools" that are incorporated into 603 CMR 4.00 by reference. The policy must be approved by the Department prior to implementation. The policy shall be published in the Program of Studies and a copy shall be provided to each student applicant and their parent/guardian. The policy must include the following:~~

(a) Vocational technical schools and vocational programs at comprehensive high schools shall develop and implement an admission policy that is consistent with federal and state law and any relevant guidelines issued by the Department or the U.S. Department of Education. Vocational schools and programs shall condition admission on a student having been promoted to the grade that they have been admitted to enter. Vocational schools and programs whose admission policies include selective criteria may apply the criteria only when there are more applicants than available seats. Such criteria may not consider a student's record of excused absences from school, or minor behavior or disciplinary infractions. Resident students who meet the minimum requirements for admission shall be admitted prior to acceptance of any non-resident students seeking the same program.

Beginning with the 2021-22 school year, each school and program shall annually submit its admissions policy to the Department by August 15, publish it in its Program of Studies, post a copy on the school website, and provide a copy to each student applicant and their parent/guardian. Vocational schools and programs shall ensure that all admissions materials are in both English and the primary language of the home, if such primary language is other than English.

Each policy shall include the following:

~~1. The criteria to be used in selecting students and the process for application and admission to the school. Each selective vocational technical secondary school in Massachusetts shall use a~~

~~combination of selection criteria to determine which applicants have an ability to benefit, and therefore be admitted to the school unless the school opts to use first come first served or a lottery for admissions. The criteria used shall include academic grades, attendance record, discipline/conduct record, recommendations from the sending school school counselor, and may include a student interview, provided however, that no one criterion exceeds 50% of the total. Resident students who meet the minimum requirements for admission shall be admitted prior to acceptance of any non-resident students seeking the same course of study. Schools shall condition admission on a student having been promoted to the grade that they have been admitted to enter. Schools may condition admission on a student having passed courses in English Language Arts or its equivalent and mathematics for the school year immediately preceding their enrollment in a selective vocational technical school or program;~~

1. The process for application and admission to the school, as well as admission to particular programs within the school, including any criteria, lotteries, or other processes to be used in selecting students;

~~2. A description of the Exploratory Program;~~

2. A plan that includes deliberate, specific strategies to promote equal educational opportunities and attract, enroll, and retain a student population that, when compared to students in similar grades in sending districts, has a comparable academic and demographic profile;

~~3. The criteria and process to be used in selecting students for admission to particular vocational technical education programs commonly referred to as vocational technical majors within the selective vocational technical secondary school or comprehensive secondary school; and~~

3. A description of the exploratory program, if such program is required by 603 CMR 4.03(4)(e); and

~~**4. A Review Process and an Appeal Process.** A process at the school district level for students and parents/guardians to review and appeal the decision to deny the student admission to the school or program shall be included. The district shall maintain documentation as to the specific admission requirements that were not met, and must provide such documentation to the Department or to the student's parent/guardian upon request.~~

4. A process for prospective students and parents/guardians to appeal to the superintendent or their designee the decision to deny the prospective student admission to the school or program. The superintendent or their designee shall maintain documentation as to the specific admission requirements that were used to deny admission, and shall provide such documentation to the Department or to the prospective student's parent/guardian upon request.

Vocational schools and programs that use selective criteria shall not use criteria that have the effect of disproportionately excluding persons of a particular race, color, national origin, sex, gender identity, sexual orientation, religion, or disability unless they demonstrate that (1) such criteria have been validated as essential to participation in vocational programs; and (2) alternative equally valid criteria that do not have such a disproportionate adverse effect are unavailable. Selective criteria shall be approved annually by the school's board of trustees or school committee.

Vocational technical schools and programs shall maintain a record of all students who apply for admission, enroll in the school, or are placed on a waitlist, and their score on admission criteria, if used, to facilitate an analysis and evaluation of the admissions system and its compliance with 603 CMR 4.03(6). The school or program shall provide such information to the Department upon request.

The Department may intervene in cases where the admissions policies and practices of vocational technical schools and programs do not comply with applicable state and federal laws and regulations, and order compliance actions, including revisions to, or replacement of, existing admission policies. Such intervention may include a requirement that such vocational technical schools and programs institute an admissions lottery.

Sending districts shall offer vocational schools and programs opportunities to provide middle school students with information about vocational programs and careers on-site at their middle schools, as well as through mail and email. Sending districts may not count middle school student tours of vocational schools or programs during the school day as unexcused absences if the vocational school or program confirms the student's participation.

Note: The current regulation on admission of students, 603 CMR 4.03(6), is available [here](#).