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Massachusetts Board of Elementary and Secondary Education
135 Santilli Highway
Everett, MA 02149

April 18, 2025

Re: Public Comment Regarding Proposed Amendments to 603 CMR 4.00: Vocational Technical Education

Dear Chair Craven and Members of the Board:

Thank you for the opportunity to submit comments regarding the proposed amendments to 603 CMR 4.00 governing admission to Vocational/Career Technical Education (CTE) programs. As Attorney General, I am committed to upholding equal educational opportunity for all students in Massachusetts. I commend the Board of Education and the Commissioner of the Department of Elementary and Secondary Education for these proposed regulations, which take meaningful steps toward equal access to CTE programs for all of our middle school graduates. The Board and the Department carried out a thoughtful and comprehensive process to develop the proposed regulations, welcoming and considering all viewpoints, conducting a rigorous review of the CTE admissions data, and facilitating respectful dialogue and debate on a topic vital to the young people of our Commonwealth.

In light of the immense challenges and threats posed by the current presidential administration, the responsibility of ensuring educational access and opportunity for all of our students falls more heavily and urgently on the Commonwealth. The day after BESE issued the CTE admissions regulations for public comment, on March 11, 2025, the Trump Administration laid off over 1,300 U.S. Department of Education (DOE) employees, and days later President Trump signed an Executive Order directing that the DOE be dismantled. My office filed a lawsuit to fight this directive, but absent robust relief from the courts, we face a real risk that federal services and protections for our most vulnerable students will be disrupted. In light of this abdication of responsibility by the federal government, state actors must act expeditiously to create policy that will ensure that students aren't excluded or otherwise discriminated against in our public school programs and that we welcome all of our students to opportunities that will help them thrive.

In addition, we know that many immigrant students, LGBTQ+ students, students with disabilities, and students of color face intense and heightened fear and anxiety due to actions by the federal government putting them and their families at risk. For example, many immigrant

students have been impacted by increased and more indiscriminate ICE enforcement, and the possibility that such enforcement could even occur at school, given the removal of protections against immigration enforcement at “sensitive locations.” Transgender students fear that schools will succumb to demands by the Trump Administration to deny their existence. Students with disabilities and their families worry that critical funding for special education services will be discontinued. And students of color fear that the Administration’s attempts to eliminate diversity, equity, and inclusion initiatives will strip recognition of their history and experiences from their school curriculum. My office has done and will continue to do everything in its power to fight the unlawful actions of the federal government, but at the same time it is imperative for Massachusetts to shore up policies to ensure that, regardless of changes at the federal level, all Massachusetts students have access to the educational opportunities that will serve their particular needs and goals for their future.

For these reasons, I urge the Board to act with urgency to finalize the proposed regulations. I also respectfully recommend the following additional refinements to the regulations to ensure that barriers to enrollment do not disproportionately exclude our most vulnerable students, particularly given the significant impacts of federal actions on these students in our Commonwealth.

Attendance Weight

Under the proposed regulations, districts are provided the option of developing a weighted lottery admission system¹ that can assign a “weight” advantage to student applicants without 27 or more unexcused full school day absences in the prior 270 school days. We are concerned that this criterion would disadvantage vulnerable and protected classes of students, particularly given the present federal context. Hispanic and Latino students, students from low-income households, English learners, and students with disabilities experience the highest rates of chronic absenteeism. Massachusetts defines chronic absenteeism as missing at least 10% of the school year for any reason (amounting to approximately 18 absences in a 180-day school year, or 27 absences in 270 days). We recognize that the proposed regulations count only “unexcused absences” against student applicants, however, this distinction may unintentionally lead to the exclusion of immigrant students. In recent months, our office has received numerous reports of students missing school due to families’ fears of deportation and family separation – and these absences are likely to be unexcused due to concerns about student and parent privacy. Failure to report absences can also be due to cultural, language, or other barriers, and students should not be penalized for their parents’ failure to report them absent. To the extent that absenteeism is actually a symptom of student’s disengagement in their current school setting, a change to a new form of education – in this case CTE programming – may be exactly what a student needs to reengage. **For these reasons, we recommend eliminating the weight allowed for attendance, and simply requiring that the student has graduated from middle school.**

¹ The weighted lottery system advantages students who meet certain criteria, by providing one additional weight per criterion. A student with a weight of two has twice the chance of being selected in the lottery as a student with a weight of one. Students without major disciplinary infractions receive an extra weight. Students without 27 or more unexcused full school day absences in the prior 270 school days (roughly a year and a half before the date of their application), receive an extra weight.

Discipline Weight

The proposed regulations also allow a “weight” advantage to student applicants without “major” disciplinary infractions. However, the definition of student discipline in the proposed regulations, perhaps inadvertently, sweeps in a broad range of conduct, including minor misconduct, such as being disruptive, using a cell phone in class, or wearing earbuds in class, which could quickly add up to ten days of suspension under M.G.L. c.71 § 37H3/4. As the Board is likely aware, students of color and students with disabilities are more likely to be disciplined in school, particularly in connection with minor offenses. The proposed regulations also do not appear to provide a time frame for disciplinary infractions that schools are permitted to consider. This means, for example, that a student with disabilities who had a series of minor disciplinary incidents in second grade, was later determined to be eligible for special education and began receiving services with no further disciplinary incidents, would be placed at a disadvantage in the application process.

We recommend removing entirely the weight associated with student discipline. At a minimum, the regulations should allow CTE schools to consider only discipline incidents from the prior two school years, and the student discipline definition should (1) exclude discipline incidents under §37H3/4; (2) include only the most serious and dangerous offenses under § 37H; and (3) include discipline under § 37H1/2 only in connection with felonies that have been adjudicated or in which the student has made an admission of guilt in court. These changes would ensure that student applicants face a disadvantage in the application process only when they have major disciplinary infractions, consistent with the intent of the proposed regulations.

Indication of Student Interest

We understand the intention behind allowing schools to require that students indicate their interest in career technical education, and we appreciate that the proposed regulations offer students a range of options for expressing their interest. To ensure that students do not inadvertently miss out on the opportunity to express interest, **we recommend that the options include a short answer question on the application form itself. We also recommend adding language to the regulations to clarify that the substance of the student’s expression of interest through *any* of the options may *not* be used for evaluative purposes or influence the admission decision.** This language will ensure that students whose communication skills are not as strong because they speak English as a second language, or have a learning disability, or due to other similar factors will not be disadvantaged in the admissions process.

I thank the Board for its consideration of these comments and wish to express my deepest gratitude for the Board of Education’s hard work and commitment to ensuring equal access to career technical education for all students in the Commonwealth, especially during this time when the rights, protections, and access to educational opportunity for our most vulnerable students are under threat.

Please do not hesitate to contact our office with questions or concerns regarding our recommendations.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AJC', with a long horizontal stroke extending to the right.

Andrea Joy Campbell
ATTORNEY GENERAL