

## End of year legislation owes much to MASC advocacy efforts

Students will get on and off school buses with a greater margin of safety and educators and spouses and others on public pensions will be able to access social security benefits that they were previously unable to, in part because of the persistence of MASC members who have advocated for passage of legislation on these issues.

In the final hours of the 2024 legislative session, MA lawmakers approved a bill that will allow cities and towns in the Commonwealth to install automated traffic enforcement cameras on school buses.

The bill, S.3005, will allow individual districts to decide whether to install camera systems that take photos and videos of vehicles that may be in violation of laws prohibiting passage of a stopped school bus. Local police departments would review the footage and determine whether fines should be issued. Buses with automated cameras would be clearly marked and footage destroyed within 30 days for non-violation recordings and within



one year of the resolution of a violation case.

Districts that use the systems will be required to file annual reports to the state and cannot allow vendors to use the data for any other purpose.

The technology was tested on ten buses operated by the Peabody Public Schools. From September 5, 2023 through May 9, 2024, the cameras recorded 3,412 vehicles that failed to stop for buses with their stop signs extended. Currently, this enforcement is allowed in at least 27 other states.

The MASC 2023 and 2024 Delegate Assemblies considered and supported resolutions calling for school bus camera surveillance systems.

The Social Security Fairness Act,

legislation MASC has long lobbied for at the federal level, was signed into law by President Biden in late December. The legislation was passed on a bi-partisan vote and will expand benefits for nearly three million retired teachers, firefighters, policemen and other public sector workers and their families who were previously denied or had reduced social security checks because they or their spouses were entitled to public pensions.

The new law repeals two provisions—the Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO) that have been in place for more than four decades.

The WEP reduces Social Security benefits for individuals who receive pension or disability benefits from employment where Social Security payroll taxes were not withheld.

The GPO reduces Social Security benefits for spouses, widows and widowers who also receive income from their own government pensions.

Retired public school educators in 15 states (including Massachusetts) where school districts don't participate in Social Security and instead only participate in a public employees pension system, will now be able to receive full federal retirement benefits for any income they earned from other Social Security-eligible jobs. While they will still not be eligible for Social Security benefits from working in schools in those states, they can now collect federal retirement benefits if they spent portions of their career in the private sector or elsewhere in the country.

MASC thanks MA Congressman Richard Neal and Senator Edward Markey who have worked strenuously for the passage of this legislation for a number of years.

## Title IX Update: Policy Implications

On Thursday, January 9th Judge Danny C. Reeves, Chief Judge of the United States District Court Eastern District of Kentucky, vacated the recently enacted Title IX regulations that went into effect on August 1, 2024 which incorporated gender identity into the federal definition of sex-based discrimination. Judge Reeves' order applies nationally and was issued in the matter of *Tennes-*

*see, et al., Plaintiffs, v. Miguel Cardona, In His Official Capacity As Secretary Of Education, et al., Defendants. Civil Action No. 2: 24-072-DCR.* The Judge found that the 2024 "Final Rule" and the amended regulations were vague and overbroad as well as arbitrary and capricious and thus Unconstitutional.

**The decision does not overturn Title IX; discrimination on the basis of**

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## MASSACHUSETTS

### **BALLOT QUESTION RESULT REQUIRES LOCAL SCHOOL COMMITTEE ACTION**

The passage of ballot question 2 in November ending the state requirement of the use of MCAS as the competency determination for high school graduation requires local committee actions, some quite urgent.

While local school committees have and retain the authority to set local high school graduation requirements, the revision of state law through the ballot question continues to require a competency determination, now locally set, that: "...shows a mastery of the skills, competencies, and knowledge contained in the state academic standards and curriculum frameworks in the areas measured by the MCAS high school tests described in section one administered in 2023\*, and in any additional areas determined by the board." (MGL Ch. 69, sec. 1D, as revised)

While your district's local high school requirements likely align with the "standards...and frameworks" tested by the MCAS in ELA, your mathematics requirements locally for high school graduation may not align with the tests administered in 2023\* with algebra I and geometry, or your science requirements locally with the tests administered in 2023 in biology,

physics, chemistry, or technology and engineering. As such, depending solely on the local requirement may not be enough to align with what is now law.

Committees should ensure that they work with their administrators to know which seniors, in particular, do not already have their competency determination through earlier passage of the MCAS, and what they now need in order to complete it to graduate with their class.

Most committees also will need to revise the graduation requirements written in policy, generally in student handbooks, both to eliminate (if the Committee wishes) mention of the requirement to pass the MCAS for graduation and to incorporate (if needed) language capturing the above.

For further information on this issue, members may wish to view recordings of the discussion at the December 17 Board of Elementary and Secondary Education meeting or the December 19 webinar for superintendents; both recordings are available on the Department's website.

*\*The 2023 MCAS tests referenced are ELA and math, and either biology, physics, chemistry, or technology and engineering.*

## MASC

### **UPCOMING EVENTS**

**Learning Lunch: Using Data to Inform DEIB** (zoom)

**Friday, January 31: Noon-1:00pm**

Dr. Darnisa Amante-Jackson, President/Founder: DEEP: Disruptive Equity Education Project, will host a dynamic and interactive Learning Lunch program for MASC members on January 31st from 12-1pm, via zoom. The purpose of this session is to help school committee members understand where to find relevant data, such as from DESE, and how to use that data to inform their decision-making. The Lunch and Learn is an important step in providing practical, applicable training to equip school committee members with the skills and knowledge they need to make informed decisions for their districts and to continue partnership with superintendents to advance outcomes for all. **Register online at [www.masc.org](http://www.masc.org)**

### **Division III Meeting: Collective Bargaining** (zoom)

**Monday, February 10: 6:00-7:00pm**

Join MASC Division III Leadership for an informal conversation on collective bargaining. Leading the session will be Marc Terry, partner at Mirick Law, leader of its Public Education practice, Past President of the NSBA Council of School Attorneys and the MA Council of School Attorneys and a current member of the Ashland School Committee. With extensive experience as a lead negotiator and advisor to public school districts, Marc will share key strategies, legal insights, and practical guidance on navigating the bargaining process and its impact on school committees.

## NATIONAL

### **GIRLS LOSING GROUND TO BOYS**

Girls have lost ground in reading, math, and science at a troubling rate, according to a recent *Wall Street Journal* analysis of student test scores across the country.

Since 2019, girls' test scores have dropped sharply, often to the lowest point in decades. Boys' scores have also fallen during that time, but the decline among girls has been more severe.

The findings suggest pandemic learning loss hit girls particularly hard in ways that haven't been addressed by schools. Recent test scores show that girls haven't yet recovered their longstanding gains in educational attainment.

Researchers aren't sure what is driving the gender gap in learning loss, but some suspect the rise in behavior problems during the pandemic years prompted teachers to pay more attention to boys. Another factor may be the caregiving and household responsibilities many girls took on during and after the pandemic. Girls still have an edge in high school graduation and college enrollment, however there's a concern that recent declines in scores could have long-term consequences for women's educa-

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# Immigration Concerns

MASC members have raised concerns about what to do if an official from U.S. Immigration and Customs Enforcement (ICE) arrives on the schoolhouse steps looking for information or seeking out a specific student. Although schools have been previously categorized by ICE as sensitive locations where enforcement activities like searches and arrests are generally not allowed, that doesn't necessarily preclude some type of confrontation. School bus stops, at times when students are normally present, school grounds, and places where educational activities or events are taking place are usually included under the "sensitive location" classification.

We can certainly explore this complex issue in more detail at a later date but essentially here is what you should know:

- Your school is required to provide equal access to education to all students regardless of immigration status.
- Any action, practice or policy that prevents or discourages an undocumented student from access to a public education is generally prohibited.
- Districts should not inquire or record immigration status of students or their parents unless specifically required by law.
- Districts should limit the scope of what is considered to be students' "directory information" and thus potentially subject to release under FERPA.
- The district's legal counsel, in addition to the student's parent(s)/guardian and the Superintendent, should

be contacted immediately if an ICE agent is looking to speak with a student or attempting to access student information.

- The district's notice to parent(s) and guardians will provide them time to seek a protective order or other relief. Similarly, the District's legal counsel may advise the district to pursue adjudicatory relief.
- Absent a valid, judicial warrant or specific permission from the student's parents/guardian, an ICE agent should be prohibited from questioning or removing the student from the school.
- It is imperative that the district determine the scope of any warrant and whether it is judicial and not merely administrative.

The following resources are available for your reference. Links are posted on the MASC website: [www.masc.org/resources/links](http://www.masc.org/resources/links)

**MA Attorney General's Office  
Information For Schools On ICE  
Requests For Access Or Information**

**Attorney General Guidance: Rights  
And Obligations Of Schools In Re-  
sponse To Ice Requests For Access  
Or Information (5/8/2017)**

**US Homeland Security  
Guidelines for Enforcement Actions  
in or Near Protected Areas**

**ICE  
Protected Areas Enforcement Actions**

**MA DESE  
Guidance for School Committees and  
Districts Upholding the Rights of Im-  
migrant Students to Enroll in School**

MASC will continue to monitor this issue. As always please feel to contact us with any questions, comments or concerns.

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## Title IX

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**sex is still prohibited under Title IX. Districts will need to be in compliance with the regulations that were in effect prior to August 1, 2024 and will likely need to revert to their previous Title IX policies and procedures assuming that they were in line with the preexisting regulations. Districts are encouraged to coordinate with their own legal counsel to make sure your specific individual needs are met.**

The decision does not limit the ability of any school to adopt or follow its own policies, or otherwise comply with applicable state or local laws or rules regarding the subjects addressed herein. Discrimination based upon sexual orientation and

gender identity is already prohibited under MA law (See in part M.G.L. c. 76, § 5 and M.G.L. c. 151B, §§ 3 & 4) and Districts are still required to be in compliance with MA law.

MASC will be reviewing and revising our model policies as may be required. We will continue to monitor the situation and anticipate offering an educational program in the next few months to address the most recent decision and any future developments. As always, please do not hesitate to contact us with any questions, comments, or observations.

This guidance is provided by MASC General Counsel Patrick Francomano, Esq. For further questions, he can be reached at [pfrancomano@masc.org](mailto:pfrancomano@masc.org)

## NATIONAL NEWS

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tional success and job prospects.

*The Journal* reviewed data from 15 nationally representative exams given to students before and after the pandemic. In all cases, the tests—which spanned grades and subjects—indicated that girls logged steeper drops than boys.

On one round of international tests of eighth-grade math and science, girls in the US had been roughly at parity with boys in 2019, but by 2023 had fallen below them in both subjects.

The same pattern has emerged in state exams; across the 23 states where data was available, the share of girls proficient in math fell at a faster rate than boys. Girls' scores also tended to fall more sharply in reading.

## MSBA Statement of Interest (SOI) application period now open

The application filing period for the MA School Building Authority's Statement of Interest for 2025 opened on Monday, January 13. There are some changes this year to the application template. The following provides program detail and closing date information to guide local actions and approvals for those planning to file an SOI this year:

Please note there have been changes to the MSBA's SOI template in effect for the 2025 SOI filing period:

If the district submitted a Core Program or ARP SOI in 2024 and intends to use the pre-populate option to update this year's SOI, please note changes to the SOI template may impact responses to certain questions.

Supporting material is required when selecting Statutory Priorities 1 and 3. Districts may also decide to provide supplemental material. In both cases, the information must be electronically uploaded to the SOI system as a condition of submitting an SOI this year. Hard copies will no longer be accepted.

The SOI closing date for districts submitting for consideration under the ARP, which is intended for roofs, windows/doors, and heat pump conversions in existing school facilities, is Friday, March 21, 2025.

The MSBA encourages all interested districts to submit an SOI to the MSBA, but the ARP is not appropriate for all potential projects. With each ARP proj-

ect, the MSBA intends to prolong the longevity of the existing building and improve the environment of the school.

Please reference the ARP SOI Overview, located on our website via this link here, to view the changes to the ARP in 2025 and determine if submitting an SOI for a potential ARP project is appropriate.

The SOI closing date for districts submitting for consideration under the Core Program, which is intended for new construction, addition, and/or renovation projects, is Friday, April 11, 2025. Please reference the Core Program SOI Overview, located on the MSBA website: [https://www.mass-schoolbuildings.org/building/SOIs/CP\\_Process\\_Overview](https://www.mass-schoolbuildings.org/building/SOIs/CP_Process_Overview) for more information.

## Financial Literacy legislation filed

Senator Patrick O'Connor (R-Weymouth) and State Treasurer Deb Goldberg have refiled legislation relative to student financial literacy for the new legislative session. The legislation:

- Requires all MA public high school students to take a semester course in personal finance to graduate;
- Directs the Board of Education and DESE to adopt curriculum standards

and frameworks in personal finance for grades K-8;

- Amends existing annual reporting requirements for all school districts to describe the personal finance programs they are providing for their students in grades K-12;
- Implements staggered effective dates to allow for implementation planning; and
- Creates the Financial Literacy Trust Fund as the key funding source.

According to the 2023 National Financial Literacy Report, only 24% of American students demonstrate

basic financial literacy. Currently only 17 MA high schools require students to take a personal finance course to graduate. Teaching personal finance in grades K-8 is sporadic at best. The National Center for Education Statistics reports that 69% of high school graduates enroll in college, where financial literacy is crucial for managing student loans and budgeting. About 31% of high school graduates enter the workforce directly, where financial literacy is essential for managing income and expenses.

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