Minutes of the Regular Meeting

**of the Massachusetts Board of Education**

**January 22, 2008**

**9:10 a.m. – 4:05 p.m.**

**Massachusetts Department of Education**

**350 Main Street**

**Malden, Massachusetts**

Members of the Board of Education Present:

**Paul Reville**, Chairman, Worcester

**Ann J. Reale**, Vice Chair, Commissioner of Early Education and Care, Boston

**Christopher R. Anderson**, Westford

**Harneen Chernow**, Jamaica Plain

**Thomas E. Fortmann**, Lexington

**Ruth Kaplan**, Brookline

**Clantha McCurdy** (for Patricia Plummer, Chancellor of Higher Education)

**Sandra L. Stotsky**, Brookline

**Zachary Tsetsos**, Chair, Student Advisory Council, Oxford

**Jeffrey Nellhaus**, Acting Commissioner of Education, Secretary to the Board

Chairman Paul Reville called the meeting to order at 9:10 a.m.

**Comments from the Chairman**

Chairman Paul Reville extended his appreciation to the entire Board for the hard work and collaboration that was evident throughout the process to select the new commissioner of education, Mitchell Dan Chester. The chairman noted that he has begun negotiations with Dr. Chester on his starting date.

**Comments from the Acting Commissioner**

Acting Commissioner Nellhaus commended the Board on its choice of Mitchell Dan Chester, adding that he has come to know Dr. Chester through their work on various national committees. The chairman thanked Acting Commissioner Nellhaus for his continuing service to the Board and the Commonwealth.

The chairman presented a citation from the Board in honor of Carline Gele, who as Assistant to the Commissioner has worked closely with Board members and Department staff over the past 14 years. The chairman said all Board members wish Carline well as she pursues new endeavors in Florida.

**Approval of the Minutes**

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education approve the minutes of the December 13, 2007 special meeting, the December 18, 2007 regular meeting, the December 18, 2007 special meeting, and the January 7, 2008 special meeting.**

The vote was unanimous.

**Support for Students**

Chairman Reville said that the Board is interested in looking at how it can contribute to a more coherent system of support for students, especially low income students who are most in need. The chairman noted that Board member Ann Reale, Dr. Rick Weissbourd, and Lyle Kirtman are leading an effort to review wrap-around services and effective models.

The chairman welcomed Dr. Mary Walsh, the Daniel E. Kearns Professor of Education and Innovative Leadership of Boston College, as part of the Board’s continuing discussion on developing a more coherent and effective system of support for students. Dr. Walsh presented on her work with Boston Connects, an innovative school-community-university partnership that supports healthy learning for all students. Dr. Walsh said that Boston Connects’ model focuses on the three components of education reform – teaching and learning, educational leadership, and student support.

Dr. Walsh said that an effective student support model requires the following components: assessing the current state of student support; developing shared vision of “best practice;” deciding on point of entry and type of approach; articulating clear goals; building an infrastructure; developing a school-based strategy; tracking outcomes; evaluating effectiveness; and sustaining the model.

In assessing the current situation, Dr. Walsh said that social-emotional/behavioral problems impede learning for many students. She noted that a community may be “service rich” but access to and coordination of those services may be limited. Dr. Walsh said that student supports are not always deployed efficiently to students most in need. The best practice is a comprehensive-coordinated system of student support.

Boston Connects is a public health/clinical model that currently works with students and families in 14 schools across two neighborhoods in Boston. Boston Connects aims to identify and provide each student with the targeted supports, services, and resources s/he needs to be academically successful, healthy, and socially competent, and to build a comprehensive, coordinated, and systemic web of services in active collaboration with community agencies and schools. Dr. Walsh said that student support must be viewed as a core function of school. The cost per school is $108,000 without health services, or roughly $145,000 with health services. Dr. Walsh said that student support should be considered a program, not a person.

Chairman Reville asked Dr. Walsh how Boston Connects works with teachers. Dr. Walsh said the support team works constantly with teachers and this needs to be a more systemic effort. The chairman also asked for advice on how the Board should prepare a statewide plan. Dr. Walsh advised assembling a broad-based working group and having all parties reach agreement on a comprehensive and coordinated vision. She said UCLA psychology professor Howard Adelman has some good ideas for this.

Board member Sandra Stotsky asked what criteria are used to evaluate effectiveness or success. Dr. Walsh said Boston Connects can now track academic outcomes. Other indicators would be a decrease in behavioral issues and in inappropriate special education referrals, suspensions and expulsions, and increased attendance and school engagement. Dr. Walsh said the aim was not to target a single issue. Dr. Walsh said all at-risk students are targeted, and the program can provide a range of services (mentoring, mental health services, family support) depending on a child’s needs.

Board member Ruth Kaplan suggested that the Board convene a summit on the whole child. She asked Dr. Walsh about the role for parent and family involvement, the role of guidance counselors, and how schools can be made accountable for these services. Dr. Walsh said the guidance counselor model has changed. She said site coordinators follow up with parents, and parents serve on resource advisory councils. It is important for schools to work with parents on health related issues. Dr. Walsh said there should be a single plan for every child in school related to behavioral, academic, and other issues, aligned with curriculum and instruction.

Board member Thomas Fortmann asked how hard it was to find school site coordinators, and how that model can be scaled up. Dr. Walsh said the coordinators have master’s degrees and the work is programmatic as well as clinical. Site coordinators meet 2 hours per week as a group for professional development. Dr. Walsh said 9 out of 10 of the site coordinators hired are successful.

Board member Christopher Anderson asked about experience in charter or pilot schools. Dr. Walsh said there is none yet, though the program has some experience in Catholic schools.

Board member Harneen Chernow asked about the conditions for bringing the model into a school. Dr. Walsh said focus groups work with schools and parents, and a needs assessment is part of the process. The principal has to support the model. Dr. Walsh said Pat DiNatale, a former Boston principal, is a member of the team and lends credibility with principals.

Board member Ann Reale noted that the program focuses on individual schools or clusters, and asked what could be done at the state level. Dr. Walsh said that more interagency conversation is needed. She suggested using funds to develop the program rather than simply funding an additional person in each school.

Chairman Reville thanked Dr. Walsh for her presentation. The chairman said the Board is committed to creating a more comprehensive, cohesive system of support for students.

**Changes to 2008 Accountability Reporting**

Acting Commissioner Nellhaus presented proposed changes to the Department’s accountability system for 2008 relating to the state’s graduation rate standard and some technical revisions.

The 2007 graduation rates include a 4-year graduation rate for 2007 and a 5-year graduation rate for 2006. The 4-year graduation rate reflects the number of students in a cohort who received a diploma in the standard number of years. The 5-year rate for the class of 2006 helps to capture limited English proficient (LEP) and students with disabilities in particular. 2007 is the first year the Department had trend data. There was a one-percent increase in the graduation rate for all students, from 79.9% in 2006 to 80.9% in 2007. There were also several modest increases made by student subgroups, but large gaps still exist. For the 2007 non-graduates, 6.6% are still enrolled in school, 9.4% dropped out, 2% earned a GED, and 0.9% completed high school but did not graduate. Chairman Reville said he was pleased to see the improvement, albeit modest, but that attention to the gap was needed.

Board member Fortmann suggested that the Department press the federal government to look harder at the 5-year graduation rate as a more appropriate measure.

Board member Stotsky asked why LEP students who arrive new to the country in high school are included in the graduation rate calculation. Associate Commissioner Bob Bickerton said that the Department’s goal is to make certain that every student is counted. He also noted that equating age with grade is a challenge. Chairman Reville commented that in a standards-based system, skills and mastery should be more important than timeliness.

Board member Chernow, who chaired the Graduation Rate Task Force, said the 35-person task force explored these issues and was concerned about the unintended consequences of setting too rigid a rate. She said the task force supported a 5-year or composite rate and underscored the need to provide support to students and schools.

Acting Commissioner Nellhaus said that No Child Left Behind requires an “on time” rate, not necessarily a 4-year rate. Associate Commissioner Bickerton said the Department provides schools with a 4-year adjusted rate of students who have been in school for 4 years and does not include transfers in or out, but that figure cannot be used for AYP or NCLB purposes. Board member Reale said that being able to track the progress of individual students and using value-added data would be helpful.

Acting Commissioner Nellhaus said that last year’s standard was 55% to make AYP, and this year a new standard was proposed at the behest of the task force and an understanding with the US Department of Education that the 55% rate was for one year. Associate Commissioner Juliane Dow presented the proposed new standard, which would raise the rate by 5 percentage points to 60% for the 4-year cohort graduation rate. Associate Commissioner Dow said two other factors would be introduced as ways schools could make AYP: (1) a 5-year contingency rate of 65%, and (2) an improvement rate in the 4-year graduation rate to represent a two-percentage point increase. Associate Commissioner Dow noted that while 65 high schools (19.2%) do not meet the 4-year graduation rate of 55%, and 80 high schools (23.7%) do not meet the 4-year graduation rate of 60%, only 40 schools (11.8%) do not meet one of the three alternatives.

Board member Anderson said he felt it was obvious a year ago we needed more than a 4-year metric. He asked how to create a more collaborative voice and get superintendents to join in to set good objectives, and address the broader problem of getting the resources needed to improve student outcomes.

Chairman Reville thanked Board member Chernow for leading the task force. Board member Chernow expressed a concern that states are not uniform in how they are addressing this issue, and that the Massachusetts standard is not too low. She said schools are looking for additional supports and strategies, and the work needs to begin in middle schools, in order to support students by the time they get to high school.

Chairman Reville noted that the Department was creating more opportunities for schools to meet this standard, which would result in the identification of fewer schools.

Board member Fortmann talked about the risks of setting an unrealistic goal. He asked about defining “on time” graduation and what could be done for certain at-risk groups. Board member Stotsky questioned the realism of this kind of standard, and noted the perverse incentives on schools to meet these rates. Acting Commissioner Nellhaus said the Department must set a standard, and this is a reasonable standard.

Board member Anderson asked how many of the 40 schools that would not meet the graduation standard based on the three alternatives also would not make AYP for academic performance. Associate Commissioner Dow said that 39 of the 40 schools would also not make AYP based on performance or improvement.

Board member Chernow said the task force did a survey of 5-year programs, and found they were very common in a number of schools. Often students continuing into a 5th year did so informally.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education acknowledge the proposed changes to the Massachusetts School and District Accountability System as presented by the Commissioner, and further, that the Board hereby approve the following minimum graduation rate standard as the required Adequate Yearly Progress (AYP) target for the purposes of the federal No Child Left Behind Act. All public high schools in the Commonwealth shall meet or exceed one of the following, either:**

* **A four-year graduation rate of 60 percent, or**
* **A five-year graduation rate of 65 percent, or**
* **A two-percentage point increase in the four-year graduation rate compared to the four-year graduation rate for the previous year.**

The vote was 6:3. Ruth Kaplan, Sandra Stotsky, and Harneen Chernow voted in opposition.

Acting Commissioner Nellhaus said that while more time was required to review methodologies in the field, and therefore growth would not be included in AYP determinations next fall, a measure of growth in individual student performance would be reported next fall for each of the Commonwealth’s public schools and districts.

**Current Fiscal Conditions in Massachusetts School Districts: Preliminary Report**

Chairman Reville said that as stewards of the accountability system, the Board needs to review fiscal conditions in districts and call attention to problems that may affect school and student performance.

Acting Commissioner Nellhaus presented the Department’s preliminary report on current fiscal conditions in Massachusetts school districts. The Acting Commissioner said the Department found that: (1) Academic expectations and challenges have risen, but spending on instructional services has not kept pace; (2) On average, districts spend 18 percent more than their foundation budget; (3) Chapter 70 aid increases did not keep up with inflation between 2003 and 2006; (4) Despite the Chapter 70 aid cutbacks, many districts were able to maintain their overall spending levels, but only by increasing local funding; (5) A number of districts have experienced enrollment declines, which can have both a positive and negative fiscal impact; and (6) Districts have employed a variety of strategies to maintain services for students despite constraints in their instructional budgets.

Chairman Reville proposed sending the preliminary report to the Legislature for informational purposes. Board member Kaplan asked whether the Board could recommend a study to the Legislature. The chairman said the Board could offer the preliminary report as an evidence-based contribution to the consideration of the budget.

Board member Reale said the Board was looking at this issue from a policy standpoint, not a budget standpoint. She said adequacy is only as good as it affects outcomes for students.

Board member Chernow suggested that the Board recommend an adequacy study. Chairman Reville said the fact of having initiated the study shows the Board’s concern. Board member Anderson said a deeper analysis is required before any conclusions are drawn. Board member Stotsky said the Board needs to know which resources are efficient and effective. Chairman Reville said there could be better use of existing resources. The chairman said the Board’s role in part is to keep track of these issues and make recommendations, and that the Legislature has a major role in the budget.

Board member Fortmann commended the Department staff for an excellent report. He said that while the foundation budget appears to be drifting away from reality, there is a real concern about making it more complicated than it already is. He said that if the formula were to change, key issues to consider would be to incentivize group insurance participation, to incentivize for consolidation of small districts, and to base the formula on teacher-student contact time rather than on head counts. He also asked whether the Board and Department might be able to reduce the need for central office staff, to allow districts to allocate more to instruction.

Chairman Reville thanked the Acting Commissioner and Department staff for their work, and said he would share the report with the Administration and the Legislature.

**Charter School Renewals and Information on Charter Applicants**

Associate Commissioner Jeff Wulfson summarized the renewal process for charter schools. He said the Massachusetts charter authorizing process is held in high regard nationally. The Massachusetts model where the Board of Education is the sole authorizing agency is unusual, and it contributes to the success of the program. Charter School Director Mary Street reviewed the process for reviewing charter schools for renewal.

Chairman Reville said it is important to rely on the professional judgments of the Commissioner and staff and the rigor of the Department’s process so the Board can manage its time efficiently.

Board member Chernow requested that in the future, the renewal reports include information on the number of parent grievances and on teacher turnover.

Board member Kaplan said the criteria for renewal were not clear. Associate Commissioner Wulfson said that a multi-dimensional approach is used that looks at qualitative factors and not just test scores. Chairman Reville asked that the common school performance criteria be distributed to Board members.

Board member Kaplan asked about dissemination practices, noting that often charter schools disseminate information to one another rather than to all schools. Associate Commissioner Wulfson said dissemination practices could be improved, but the Massachusetts Charter School Association holds an annual conference of best practices to which all school representatives are invited. Board member Anderson said that sharing is two-sided, and charter schools tend to draw students with actively engaged parents.

Board member Kaplan commended the work of the Boston Day and Evening Academy Charter School, and asked that information on that model be distributed to Board members.

Board member Anderson moved that the Board waive its bylaw and vote at this meeting to renew all seven charter schools rather than waiting until next month to vote. The Board voted unanimously to waive its bylaw.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2008 through June 30, 2013, as recommended by the Commissioner:**

**Commonwealth Charter School (regional):**

 **Boston Collegiate Charter School**

 **Location: Boston**

 **Number of students: 665**

 **Grade levels: 5-12**

**Boston Collegiate Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2008 through June 30, 2013, as recommended by the Commissioner:**

**Horace Mann Charter School:**

 **Boston Day and Evening Academy Charter School**

 **Location: Boston**

 **Number of students: 405**

 **Grade levels: 9-12**

**Boston Day and Evening Academy Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2008 through June 30, 2013, as recommended by the Commissioner:**

**Commonwealth Charter School (regional):**

 **Excel Academy Charter School**

 **Location: East Boston**

 **District(s) in Region: Boston, Chelsea**

 **Number of students: 300**

 **Grade levels: 5-8**

**Excel Academy Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2008 through June 30, 2013, as recommended by the Commissioner:**

**Commonwealth Charter School (regional):**

 **Four Rivers Charter Public School**

 **Location: Greenfield**

 **District(s) in Region: Greenfield, Frontier, Gill-**

 **Montague, Mohawk Trail, Pioneer**

 **Valley, and Ralph C. Mahar**

 **Number of students: 192**

 **Grade levels: 7-12**

**Four Rivers Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2008 through June 30, 2013, as recommended by the Commissioner:**

**Horace Mann Charter School:**

 **Health Careers Academy Charter Public School**

 **Location: Boston**

 **Number of students: 220**

 **Grade levels: 9-12**

**Health Careers Academy Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2008 through June 30, 2013, as recommended by the Commissioner:**

**Commonwealth Charter School:**

 **Rising Tide Charter Public School**

 **Location: Plymouth**

 **Number of students: 320**

 **Grade levels: 5-8**

**Rising Tide Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2008 through June 30, 2013, as recommended by the Commissioner:**

**Commonwealth Charter School (regional):**

 **Smith Leadership Academy Charter Public School**

 **Location: Boston**

 **Number of students: 216**

 **Grade levels: 6-8**

**Smith Leadership Academy Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

Associate Commissioner Wulfson gave a brief overview of the new charter applicant process. The Board will vote on the new charter applicants at its February 26, 2008 meeting. Board member Chernow requested that Board members receive materials on the charter applicants in advance of the regular mailing for the February meeting.

**Regional School District Regulations**

Acting Commissioner Nellhaus said that by statute, the Department was required to “assume operation” of the Southern Berkshire Regional School District because the district did not have a budget adopted as of December 1, 2007. In October 2007, the Board voted to amend the Regional School District Regulations (603 CMR 41.00) on an emergency basis to establish procedures to be followed in these cases. The Department solicited and received public comment on the regulations, as required by the Administrative Procedures Act. The acting commissioner recommended that the Board vote to adopt the amendments to the regulations in final form.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education, in accordance with G.L. c. 69, § 1B, and having solicited and reviewed public comment in accordance with G.L. c. 30A, § 3, the Administrative Procedure Act, hereby adopt amendments to the regional school district regulations, 603 CMR 41.00, as presented by the Commissioner.**

The vote was unanimous.

**Approval of Grants and Appointments to State Review Panel**

The Board approved state and federal grants totaling $2,914,147 under the following programs: System for Adult Basic Education: Program and Staff Development ($75,000 increase – federal funds); Community Adult Learning Centers ($14,147 increase – state funds); Perkins IV Leadership Academy ($20,000 – federal funds); and Transition to Full-Day Kindergarten ($2,805,000 – state funds).

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education approve the grants as presented by the Acting Commissioner.**

The vote was unanimous.

The Board also approved the Acting Commissioner’s list of 18 nominees for appointment to the State Review Panel. The panel participates in the review of school improvement plans and the evaluation of district improvement activities, and provides advice and assistance to the Commissioner and Board.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education, in accordance with 603 CMR 2.03 (2) (c), hereby appoint to the State Review Panel, each for a term of three years, the list of individuals recommended by the Commissioner. The Commissioner shall from time to time call upon State Review Panel members to conduct or participate in the review of school improvement plans and the evaluation of district improvement activities, and to provide advice and assistance to the Commissioner and Board in accordance with 603 CMR 2.03 (2) (b).**

The vote was unanimous.

Board member Kaplan asked about additional nominees to the State Review Panel. Acting Commissioner Nellhaus said that Board members could forward additional names to him.

Board member Stotsky asked that each Board member receive a copy of the survey results related to the English Language Arts Curriculum Framework review, as well as a copy of the 2001 standards document and interim grade-by-grade document.

**On a motion duly made and seconded, it was:**

**VOTED: that the meeting stand in recess at 12:25 p.m., subject to the call of the Chairman.**

The vote was unanimous.

Board members Sandra Stotsky and Clantha McCurdy (for Chancellor Plummer) had to leave the meeting at 12:25 p.m.

**Afternoon Discussion on School and District Accountability System**

**On a motion duly made and seconded, it was:**

**VOTED: that the meeting be called back to order at 1:00 p.m.**

The vote was unanimous.

Chairman Reville said that the need for this afternoon session emerged from the questions raised by Board members on the state’s accountability system, and was also a reflection of the different levels of expertise of Board members. The chairman said the purpose of the discussion was to review the history and background of the state’s accountability system and examine tools and options available so that the Board has a better understanding of its options in terms of policy and regulations.

Associate Commissioner Juliane Dow presented an overview of the Massachusetts School and District Accountability and Targeted Assistance System.

Chairman Reville said the Board wants to change the language of underperforming and chronically underperforming, and that there is support in the Legislature for such a move. Board member Anderson said students pay the penalty when schools are allowed to continue for years in low performing status. He said there is a need to accelerate innovation and improvement, and that earlier intervention would benefit students.

Board member Anderson had to leave the meeting at 1:35 p.m.

Board member Chernow said that giving a school a label doe not bring about change, and asked what role the Department plays. Associate Commissioner Dow said the label is not the key. As schools and districts are identified for persistently low performance, the Department’s role is to determine what we are going to do to support improvement.

In response to questions from the Board, Associate Commissioner Dow reviewed the 10 “Essential Conditions” that every underperforming school must include in its plan to improve student performance. The ten conditions, which are contained in 603 CMR 2.03 (6) (e), include elements related to standards-based teaching and learning, informing practice with data, time for teachers and students, and instructional leadership.

Associate Commissioner Dow said that Commissioner’s Districts are not defined in the regulations, but the Department uses the term in practice. A Commissioner’s District is a district that is in corrective action and has 4 or more schools that are Commonwealth Priority Schools. The regulations describe how schools get into Commonwealth Priority Status. The Board then determines whether the school’s plan is acceptable. Two years later, the question is asked whether district and school have done what was anticipated. At that time, the Board decides whether the school should be designated as chronically underperforming. The Board must take a vote to advance a school to a more severe status.

Commonwealth Priority School is a new term first used in 2006. The Board has some co-governance responsibilities, and reviews the district’s plan for the school. Districts control the plan and make decisions about what is best. The Department’s review and oversight of Commonwealth Priority Schools includes: the State Review Panel, fact-finding reviews, annual progress reports by district and school leaders, and two-year follow-up review visits.

Chairman Reville noted that at the last Board meeting, some members expressed reservations about designating six schools as chronically underperforming. The chairman asked Board members what additional questions they had.

Board member Kaplan said that at the last meeting the three superintendents told the Board that they did not want their schools designated as chronically underperforming. She said the Board needs a better understanding of their resistance. Board member Reale said that none of the three superintendents thought this was a positive move. Associate Commissioner Dow said all of the superintendents would like the extra assistance from the Department, and they would recognize that these schools are in extreme circumstances. She added that it is hard for a superintendent to say publicly that a school in his or her district should be declared Priority 1.

Board member Chernow said there was a fair amount of ambiguity, and the message from the superintendents was mixed. She said the Board needs a better picture of what is going on in those schools, and she would like to hear from teacher union representatives and other school personnel.

Chairman Reville said the Board has a duty to make a decision, and at some point the Board has to delegate judgment to Department staff. The chairman recommended that Associate Commissioner Dow should meet with the three superintendents and, in the spirit of co-governance, develop plans regarding a move to Priority 1 classification if certain elements can be met. Chairman Reville said the Board has developed a series of interventions, and it needs confidence that these are correct.

Board member Fortmann suggested that for four of the schools, the Board might allocate the resources without declaring them to be Priority 1 schools. Chairman Reville asked whether in that case a time limit would be set and when improvement should be expected.

Board member Kaplan said she was frustrated that so much of the process comes down to test scores, and suggested using a broader approach. Chairman Reville noted that the information in the EQA reports and 36 indicators goes well beyond test scores.

Board member Reale asked whether there was any pattern of improvement to look to. Associate Commissioner Dow said some schools have emerged from CPS status but they have needed several years to show improvement.

Chairman Reville said there is a quantitative basis to call these schools chronically underperforming, but the question for judgment is whether moving the schools into that category adds value.

Associate Commissioner Dow said this reflects a capacity-building mission the Board and the Department have with large urban districts, focusing on a system of support. Chairman Reville said the Commissioner and Department are doing their duty by bringing these schools before the Board. The chairman said the Board needs to figure out what else it needs to make a decision on these schools. Board member Kaplan said the Board needs a better understanding of what the schools think they need.

In response to a question from Board member Fortmann on the 10 Essential Conditions, Associate Commissioner Dow said that in a number of districts, the 10 conditions are already in place. Some of the conditions are harder than others to implement.

Chairman Reville thanked the Board members and Department staff. The chairman said he appreciates the amount of information and effort that staff have provided. He said he does not want to bring this issue back to the Board until members are ready to act. Chairman Reville recommended that members be in touch with him and Acting Commissioner Nellhaus, and said that he would also talk with the superintendents. He added that the issue would be brought back when there is a majority prepared to act.

**On a motion duly moved and seconded, it was:**

**VOTED: that the meeting adjourn at 4:05 p.m., subject to the call of the Chairman.**

The vote was unanimous.

Respectfully submitted,

Jeffrey Nellhaus

Acting Commissioner of Education

and Secretary to the Board

Minutes of the Special Meeting

of the Massachusetts Board of Education

**Thursday, January 17, 2008**

**12:10 p.m. – 2:15 p.m.**

**Saltonstall Building, 100 Cambridge Street**

**Boston, Massachusetts**

**Members of the Board of Education Present:**

**Paul Reville**, Chairman, Worcester

**Ann J. Reale**, Vice Chair, Commissioner of Early Education and Care, Boston

**Christopher R. Anderson**, Westford

**Harneen Chernow**, Jamaica Plain

**Thomas E. Fortmann**, Lexington

**Ruth Kaplan**, Brookline

**Patricia Plummer**, Chancellor, Board of Higher Education, Boston

**Sandra L. Stotsky**, Brookline (via telephone)

**Zachary Tsetsos**, Chair, Student Advisory Council, Oxford

**Also Present:**

 Rhoda Schneider

 Heidi Guarino

Chairman Paul Reville called the meeting to order at 12:10 p.m.

The chairman said the process of selecting a new Commissioner of Education is the most important work the Board does. He said the purpose of the special meeting was to discuss the finalists and then select the next Commissioner. The chairman said that part of the meeting would be held in executive session to allow the Board to review issues related to reputation and character of the finalists, as well as information gathered from confidential background checks.

Chairman Reville reviewed the chronology of the search process, and noted the wide range of participation and input that went into that process. The chairman said the Board valued a process that was national in scope, transparent, inclusive, and fair. The Board is committed to finding the best possible person to be the next Commissioner.

Chairman Reville asked Board members how they had deliberated on the candidates, and to identify the sources of information that were key to considering the three candidates.

Board member Zachary Tsetsos said he was seeking the best qualified person who speaks for the Massachusetts educational system on all fronts – for students, teachers, policymakers, and all stakeholders. Mr. Tsetsos said that it was important to bring in someone who would be an advocate for all groups and possess experience on all levels, from policy to working in the field.

Board member Pat Plummer commended the chairman and her fellow Board members for engaging in such a well-organized process. Chancellor Plummer said she values someone who can write clearly and articulate a vision. She also looked for someone who was qualified and had the experience behind those qualifications to take us beyond where we are. Chancellor Plummer said the next Commissioner should be someone who can communicate well and has a vision and view of education beyond elementary and secondary – that includes lifelong learning, higher education, and pre-school.

Board member Ann Reale echoed the sentiments expressed by Chancellor Plummer.

Board member Thomas Fortmann thanked the chairman and his colleagues for a good process. Dr. Fortmann said he was looking for someone with the experience, wisdom, resolve, and communication skills to fill former Commissioner David Driscoll’s shoes and move education reform forward. He noted that each of the three finalists is an excellent candidate. Dr. Fortmann also said it is important to look at personal and confidential references to reveal other traits about an applicant.

Board member Harneen Chernow thanked Chairman Reville, the Department staff, and the public. Ms. Chernow said it was fascinating to hear so many different visions of the next phase of education reform, and the entire process was useful and thought-provoking. She said reading the candidates’ written submissions provided strong insight into their perspective as a leader. Next, Ms. Chernow said she looked to see how the candidates grew in engaging the Board through the interview process. She said it was important to look at how the candidates worked with labor organizations and teacher associations, and what level of partnerships and collaboration they had demonstrated.

Board member Sandra Stotsky said she agreed with her fellow Board members. Dr. Stotsky said it was important to look at the experiences of the candidates, how they articulate a vision for the future, and where they see Massachusetts at this point. She said she wanted to hear what policy issues the candidates thought were important. Dr. Stotsky said she appreciated NASBE’s role in gathering and sifting through materials. She said she was impressed with the strength of the candidates, and noted that they possessed the kinds of strengths that made it possible for them all to be commissioner. Dr. Stotsky said the position description was a key part of the process.

Board member Ruth Kaplan said she had been agonizing over the selection because there were so many strong candidates. She commended the candidates for having the courage to step forward and be publicly scrutinized. Ms. Kaplan applauded the very open, fair and thorough process. She said she was looking for someone who is student-centered, who would address the persistent opportunity gap, and who had the best leadership qualities. Ms. Kaplan said she was looking for a candidate who had the right mix of leadership and who could inspire. She said this was a terrific learning experience, and it was exciting to take part in the process.

Board member Christopher Anderson said the Board’s intent from the outset was to create a collaborative, transparent, public input oriented process. Mr. Anderson commended NASBE for doing an excellent job. He said that while Massachusetts is commonly recognized as having the best students, the perspective of employers relates to the global economy. Mr. Anderson said he appreciated how open minded each Board member was throughout the selection process.

Chairman Reville commended and thanked the Board for their work, involvement, and commitment. Chairman Reville said that one disappointment in the process was the efforts by some people to launch an attack on one of the candidates. The chairman said this was counterproductive and distracting. Chairman Reville said the Board would hold those distractions at bay and consider the facts in its selection. The chairman said he was looking for someone who had knowledge and experience in policy and politics, who could get things done politically, and who had the necessary communication skills. He said he looked at how the candidates focused on the achievement gap, viewed equity as a value, and what analytical skills did they bring. Most of all, Chairman Reville said he was looking for a candidate who demonstrated a love of children.

Chairman Reville asked for a motion to go into executive session per exemption (1) of the state’s Open Meeting Law.

**On a motion duly made and seconded,** **it was:**

**VOTED:** **that the Board of Education go into executive session to review issues related to the reputation and character of the finalists, and to review confidential background checks.**

Heidi Guarino called the roll for the vote. The vote was unanimous. The Board went into executive session at 12:50 p.m.

At 1:53 p.m., Chairman Reville asked for a motion to return to open session.

**On a motion duly made and seconded,** **it was:**

**VOTED:** **that the Board of Education return to open session.**

The vote was unanimous.

Chairman Reville explained that the purpose of the executive session was to talk about the reputation and character of the three finalists. The chairman noted that the Board had observed the Open Meeting Law, even while recognizing the tension between the need to do due diligence in the hiring process while adhering to the openness required by the law.

Board member Anderson read a motion.

**On a motion duly made and seconded,** **it was:**

**MOVED:** **that the Board of Education, recognizing that this is a new era, with a teaching and learning focus and a commitment to reducing the dropout rate and closing the achievement gap, and seeking to hire as the next Commissioner to work with the Board an educational leader who is committed to high standards and who has the necessary leadership, professional, and management skills to meet the challenges we face, offer to Mitchell Dan Chester the position of Commissioner of Education and authorize the Chairman to enter into negotiations with the candidate.**

Board member Fortmann spoke in favor of the motion. He said he found Mitchell Dan Chester to be smart, with a deep technical knowledge and a capacity to learn. Dr. Fortmann said much of Dr. Chester’s experience is where it counts most – at the state level, where he has been the point person for the education commissioner of Ohio. Dr. Fortmann said that Dr. Chester has been an instigator of moving Ohio from compliance to service, and that he understands the achievement gap and has done impressive work in assessment. Dr. Fortmann said Dr. Chester has a reputation for hard work, for being efficient, accessible, and objective. Dr. Fortmann called Dr. Chester an excellent presenter and someone who made a number of statements that were astute.

Board member Plummer echoed the remarks of Dr. Fortmann. Chancellor Plummer said there were three strong candidates. She said Dr. Chester impressed her on paper and in discussions, and that he brings a national reputation.

Board member Reale recalled a quotation in Dr. Chester’s application that read, “If you want to go fast, go alone. If you want to go far, go together.” Commissioner Reale said this quotation also speaks to how the Board operates.

Board member Kaplan said that several things impressed her about Dr. Chester. She found Dr. Chester attuned to non-academic barriers, and his own personal focus on students with disabilities sends a great signal to special education educators and parents. Ms. Kaplan said she agreed with Dr. Chester’s remarks that MCAS had its limits, and was irrelevant for suburban schools. Ms. Kaplan said Dr. Chester has great interpersonal skills, views a diverse Board as an asset, is capable of changing his views when for instance he saw that testing was narrowing the curriculum, and has a love for children.

Board member Chernow said this was a very difficult choice. She noted that Dr. Chester is committed to challenging Massachusetts not to get comfortable with its NAEP scores, because while the state has the highest scores, it also has the largest gap. Ms. Chernow said that Dr. Chester’s colleagues from a wide array of positions spoke positively about his innovation, openness, and forward-looking thinking.

Board member Stotsky said she was very happy with the three candidates. She said Dr. Chester has a great familiarity with a broad range of policy issues, and that he will continue the visibility of Massachusetts at the national level.

Board member Tsetsos said that a new chapter in Massachusetts education starts today. He said he is a proud member of the Massachusetts Board of Education, and proud to represent students. Mr. Tsetsos said he has no doubts in Dr. Chester’s abilities to lead Massachusetts into the next chapter of education.

Chairman Reville commended Dr. Chester’s breadth and depth of experience, his national reputation and state experience, his background as a teacher and administrator at the local level. The chairman said that Dr. Chester is not coming to Massachusetts to manage the status quo. He said Dr. Chester is a nationally recognized policy expert, has the leadership capacity to work with diverse constituencies, including this Board, and has a commitment to equity. The chairman said Dr. Chester’s top priority is the achievement gap, and he believes in standards-based school reform as an equity strategy. The chairman said Dr. Chester possesses experience in the field, unique interpersonal skills, and connects exceptionally well with the field.

**The motion having been duly made and seconded:**

Heidi Guarino called the roll for the vote. The vote was unanimous.

Chairman Reville extended the gratitude of the Board to Richard Laine and Karla Baehr, and wished them the best. The chairman said the Board collectively welcomes the new Commissioner-elect, and pledged to work with him to make him a successful commissioner.

Board member Fortmann said that all three candidates were excellent, and said that his opinion of Dr. Baehr had risen considerably as the weeks went on and she addressed the attacks that had been made on her. Dr. Fortmann said he was impressed with Dr. Baehr’s intellect, integrity, commitment and drive, and that she is cool under fire. Dr. Fortmann said that he would support Dr. Baehr in any endeavor.

**On a motion duly made and seconded,** **it was:**

**VOTED:** **that the Board of Education adjourn the meeting at 2:15 p.m., subject to the call of the chairman.**

The vote was unanimous.

Respectfully submitted,

Rhoda Schneider