Minutes of the Regular Meeting

**of the Massachusetts Board of Elementary and Secondary Education**

**January 27, 2009**

**9:05 a.m. – 12:35 p.m.**

**Massachusetts Department of Elementary and Secondary Education**

**75 Pleasant Street**

**Malden, MA**

Members of the Board of Elementary and Secondary Education Present:

**Maura Banta**, Chair, Melrose

**Gerald Chertavian**, Cambridge

**Andrew “AJ” Fajnzylber**, Chair, Student Advisory Council, Brookline

**Thomas E. Fortmann**, Lexington

**Jeff Howard**, Reading

**Ruth Kaplan**, Brookline

**Dana Mohler-Faria**, Bridgewater

**Paul Reville**, Secretary of Education, Worcester

**Mitchell D. Chester**, Commissioner of Elementary and Secondary Education, Secretary to the Board

Members of the Board of Elementary and Secondary Education Absent:

**Harneen Chernow**, Vice Chair, Jamaica Plain

**Beverly Holmes**, Springfield

**Sandra L. Stotsky**, Brookline

Chair Maura Banta called the meeting to order at 9:05 a.m.

**Comments from the Chair**

Chair Maura Banta welcomed everyone to the Department’s new facility, which is located at 75 Pleasant Street in Malden. The chair reported on opportunities she had to represent the Board over the past month, including in a discussion on the Massachusetts Teaching, Learning, and Leading Survey (Mass TeLLS) report, a meeting of the National Association of State Boards of Education (NASBE) government affairs committee, to which the chair was recently elected, and on the Rennie Center’s 21st century skills panel. The chair also announced that she has appointed Board member Jeff Howard to chair a committee on the proficiency gap.

**Comments from the Commissioner**

Commissioner Chester welcomed Board members and guests to the Department’s new building. The commissioner said he is pleased that the Department is making available an MCAS/EPP test that high schools can use and score locally to gauge progress for students who have not yet met the *Proficiency* standard in English Language Arts and/or Mathematics and are fulfilling an Educational Proficiency Plan (EPP). The commissioner also reported that the Department is reviewing the recommendations of the 21st Century Task Force, and would report at the February Board meeting on the inventory of activities underway at the Department and in districts statewide. The Department will also crosswalk the Task Force recommendations with the Board’s priorities and conduct a gap analysis.

The commissioner said that Governor Patrick would release his FY10 budget recommendation and further 9C cuts to the FY09 budget on January 28. The commissioner said the Department plans to publish the graduation rate data report for 2008 in about a week.

**Comments from the Secretary**

Secretary Reville described his attendance at President Obama’s inauguration as one of the most uplifting experiences of his life. The secretary reported that he has approved the appointment of new commissioners for higher education (Richard Freeland) and early education and care (Sherri Killins). The secretary also reported on the recent release of the report of the Readiness Finance Committee.

Board member Jeff Howard arrived at the meeting at 9:28 a.m.

**Comments from the Public**

* Margaret Donnelly, Waltham School Committee, addressed the Board on the proposed Rediscovery Academy Charter School.
* Peter Dolan, a Gloucester parent, addressed the Board on the proposed Gloucester Community Arts Charter School.
* Valerie Diggs, Chelmsford High School, addressed the Board on school libraries.
* Christopher Farmer, Gloucester Public Schools Superintendent, addressed the Board on the proposed Gloucester Community Arts Charter School.
* Jane Cunningham, a Gloucester parent, addressed the Board on the proposed Gloucester Community Arts Charter School.
* Marilyn Segal, Citizens for Public Schools, addressed the Board on charter schools.
* Renee Brooks, an Uphams Corner Charter School parent, and her son addressed the Board on Uphams Corner Charter School.
* Maxine Forbes, an Uphams Corner Charter School parent, and her niece addressed the Board on Uphams Corner Charter School.
* Julia Bowen, Executive Director of Berkshire Arts & Technology Charter School (BArT), addressed the school on BArT.

# Approval of the Minutes

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

**VOTED: that the Board of Elementary and Secondary Education approve the minutes of the December 16, 2008 regular meeting and December 15, 2008 special meeting.**

The vote was unanimous.

**Charter Schools: Renewals for Six Schools (Initial Discussion)**

Six charter school renewals were presented to the Board for initial discussion: Barnstable Horace Mann Charter School, Marstons Mills East Horace Mann Charter Public School, Boston Preparatory Charter Public School, River Valley Charter School, Roxbury Preparatory Charter School, and Salem Academy Charter School (conditional). The Board will vote in February on these six renewals.

*Barnstable Horace Mann and Marstons Mills East Horace Mann*

Commissioner Chester said that the two Barnstable Horace Mann charter schools – Barnstable Horace Mann Charter School and Marstons Mills East Horace Mann Charter Public School – may come back with an amendment related to the district’s examination of options around restructuring. Charter School director Mary Street said Barnstable Horace Mann Charter School is the only school for this grade span (5-6) for the district.

Board member Jeff Howard asked whether Marstons Mills East’s use of the Accelerated Schools Plus (ASP) model was unique to Massachusetts. Ms. Street said the new Horace Mann charter school in Haverhill has also adopted this model. Dr. Howard asked whether Marstons Mills attributes its success to this model, to which Ms. Street responded that the model is a central component of the school.

*Boston Preparatory*

Board member Ruth Kaplan asked about student attrition rates in the upper grades. Ms. Street said that most charter schools do not accept students in higher grades, and the rigorous promotion and graduation standards in some charter schools may prompt some students to return to district schools.

*River Valley*

Board member AJ Fajnzylber asked about the Montessori format. Ms. Street said that in the lower grades, a single teacher teaches multiple grades. Commissioner Chester added that Montessori is a flexible notion that is student driven. Ms. Kaplan asked about the video that the school developed as part of its dissemination activities. Ms. Street said the school distributed the video widely and met with other public schools. Ms. Kaplan suggested adding the topic of dissemination to the Board's conversation on charter schools in March.

*Roxbury Preparatory*

Board member Tom Fortmann said this is a remarkable school, with some of the best math instruction he has ever seen, as well as the best behaved students. Dr. Howard said he knows three of the school’s board members, and he has found them to be fierce in their commitment to the school. Dr. Howard suggested looking more closely at the role of a school's board in making a highly effective school.

*Salem Academy*

Commissioner Chester said one of the conditions attached to the school’s renewal relates to services the school needs to provide for English language learners (ELLs). Dr. Fortmann commented on charter schools' recruitment efforts. Ms. Kaplan noted that district schools typically have more transient students than do charter schools. Dr. Howard asked whether we get baseline data on students entering charter schools. Commissioner Chester said these questions should be added to the policy discussion in March. He added that the Board would get a preview of the growth model during the discussion on the new Accountability framework.

**Charter Schools: Renewals for Five Schools (Vote)**

The Board voted to renew the charter for Hill View Montessori Charter School and KIPP Academy Lynn Charter School, to renew with conditions the charter for Conservatory Lab Charter School and Robert M. Hughes Academy Charter Public School, and to grant a probationary renewal of Berkshire Arts and Technology Charter Public School (BArT).

Commissioner Chester said he visited each school where he recommended that conditions be placed on the school’s renewal, and that in no case does he question the dedication of the adults and students.

*BArT*

Commissioner Chester said the school’s founding mission described arts as the entry point for the curriculum. The commissioner said he is confident the school is putting the pieces into place, but we need to see results in terms of improved student performance. Commissioner Chester explained that the conditions are based on academic performance criteria tagged either to federal AYP or to a growth measure, because we know there are many schools making good progress but not making AYP.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a probationary renewal with one condition of a public school charter to the following school for the five-year period from July 1, 2009 through June 30, 2014, as recommended by the Commissioner.**

**Commonwealth Charter School (regional):**

**Berkshire Arts and Technology Charter Public School**

**Location: Adams**

**Districts in region: Adams-Cheshire, Clarksburg, Florida,**

**Hancock, Lanesborough, New Ashford, North Adams, Savoy, and Williamsburg**

**Number of students: 308**

**Grade levels: 6-12**

**This probationary renewal is explicitly conditioned as follows. Failure to meet this condition may result in revocation of the charter or imposition of additional conditions.**

**By December of 2010, Berkshire Arts and Technology Charter Public School shall demonstrate that it is an academic success by:**

* 1. **providing evidence that by 2010, the school has met academic growth targets in English language arts and mathematics, as established by the Department of Elementary and Secondary Education, or**
  2. **has achieved Adequate Yearly Progress in the aggregate and for all statistically significant subgroups in English language arts and mathematics in 2009 and 2010.**

**Berkshire Arts and Technology 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.

*Conservatory Lab*

Commissioner Chester said the school uses music as an entry point, and that the music program is impressive. However, the program is not in and of itself leading to students achieving high standards in English language arts and math. Ms. Kaplan asked about the school’s dissemination activities. Ms. Street said the school has engaged in a project in collaboration with other public schools through Project Zero at Harvard University, focused on "making learning visible."

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter with conditions to the following school for the five-year period from July 1, 2009 through June 30, 2014, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**Conservatory Lab Charter School**

**Location: Boston**

**Number of students: 154**

**Grade levels: pre-K - 5**

**This renewal is explicitly conditioned upon the conditions that follow. Failure to meet conditions may result in the Board placing Conservatory Lab Charter School on probation, revoking its charter, or imposing additional conditions on its charter.**

1. **By December 2009, the school shall implement its Learning Through Music program in alignment with its charter or amend the charter to accurately reflect the school’s current program.**
2. **By December 2010, the school shall provide evidence, written and as documented through the site visit process, of consistent implementation of its educational program in alignment with its charter.**
3. **By September 1, 2010, the school will be located in a programmatically accessible facility. The school shall provide the Charter School Office with the following information prior to that date:**
   1. **By June 1, 2009, documentation of the vote by the school’s board of trustees that determines whether the school will renovate its current facility or intends to relocate.**
   2. **By September 1, 2009, documentation of estimates and timelines for renovation of the school’s current facility or documentation of progress in identifying a new location, including how the school will meet accessibility requirements.**

**Conservatory Lab 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.**

The vote was unanimous. Dr. Fortmann was not present for the vote.

*Hill View*

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

**VOTED: that the Board of Elementary and Secondary 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, 2009 through June 30, 2014, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**Hill View Montessori Charter School**

**Location: Haverhill**

**Number of students: 296**

**Grade levels: K-8**

**Hill View Montessori 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.**

The vote was unanimous. Dr. Fortmann was not present for the vote.

*KIPP*

Commissioner Chester said that KIPP has been true to its charter and has demonstrated strong academic outcomes. Mr. Fajnzylber said he was impressed by the extended learning time provided by the school. Board member Gerald Chertavian said that KIPP has a national reputation, and wondered how to scale up its successful practices among other schools. Mr. Fajnzylber asked about teacher turnover. Ms. Street said the program is very demanding for teachers. Ms. Kaplan commented that the strict model for behavioral management at KIPP might not suit all students.

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

**VOTED: that the Board of Elementary and Secondary 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, 2009 through June 30, 2014, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**KIPP Academy Lynn Charter School**

**Location: Lynn**

**Number of students: 320**

**Grade levels: 5-8**

**KIPP Academy Lynn 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.**

The vote was unanimous.

*Robert M. Hughes*

Commissioner Chester said the school has in place some very strong elements but needs to keep the momentum going, and that he had a good visit to the school recently. The commissioner said he was recommending renewal with two conditions. Ms. Kaplan said the teacher turnover issue and recruitment of highly qualified teachers was a concern. Ms. Street said the school has had some leadership turnover as well as teacher turnover. Ms. Street said finding highly qualified teachers has been a perennial issue in Springfield. She added that the school’s dissemination model has included a partnership with Springfield and collaboration with the district.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant renewal of a public school charter with conditions to the following school for the five-year period from July 1, 2009 through June 30, 2014, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**Robert M. Hughes Academy Charter Public School**

**Location: Springfield**

**Number of students: 180**

**Grade levels: K-8**

**This renewal is explicitly conditioned as follows. Failure to meet these conditions may result in revocation of the charter or imposition of additional conditions.**

1. **By December 2010, Robert M. Hughes Academy Charter Public School shall demonstrate that it is an academic success by:**
   1. **providing evidence that, by 2010, the school has met academic growth targets in English language arts and mathematics, as established by the Department of Elementary and Secondary Education, or**
   2. **has achieved Adequate Yearly Progress in the aggregate and for all statistically significant subgroups in English language arts and mathematics in 2009 and 2010.**

1. **The Robert M. Hughes Academy Charter Public School Board of Trustees shall comply with the term limits and maintain the minimum number of board members, as defined in the school’s approved bylaws.**
2. **By September 2009, the Robert M. Hughes Academy Charter Public School Board of Trustees shall have identified, recruited, and received approval from the Commissioner for new members with educational and financial expertise.**

**Robert M. Hughes 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.

Secretary Reville said the Board has identified a number of issues - including leadership, growth, dissemination, standards, teacher turnover, and closing the achievement gap - that should be part of the broader policy discussion on charter schools in March. He noted that charter schools are only one part of the larger education reform agenda.

**Uphams Corner Charter School: Commissioner’s Recommendation to Revoke Charter**

Chair Banta welcomed three officials from the Uphams Corner Charter School in Boston: Michael Mayo, executive director and founder; Francois Fils-Aime, principal; and Christopher Binns, chair of the board of trustees. The chair acknowledged the dedication the three individuals have made to the school, but said sometimes commitment and effort are not enough. The chair said while this is a difficult decision, the Board has an obligation to hold every school accountable for results and consider what is in the best interest of the students at Uphams Corner Charter School.

Mr. Mayo said that he believes Uphams Corner is very different from the school described in the recent Charter School Office report. He said the school provides consistent, excellent remedial mathematics and reading instruction. Mr. Mayo said the school has a highly transient student population, and he believes this is a necessary school.

Mr. Fils-Aime said the school has over 40 percent of its student population in special education and over 90 percent of students are eligible for free or reduced price lunch. He said external assessments show the school is improving, and there are many active, involved parents at the school.

Mr. Binns said the school described in the Year 7 site visit report does not exist. He said Uphams Corner is a safe and committed school with a committed group of parents and teachers. Mr. Binns said the school failed to show academic progress on MCAS last year, but it has other measures. Mr. Binns said the school is viable and faithful to its charter. He added that if the Board votes to close down the school, its students will go to schools that are inferior.

Ms. Kaplan asked about the data on special education students. Mr. Mayo said a large number of students are not identified as needing special education until after they enroll. Mr. Mayo said the school has five full-time SPED staff, a substantially separate classroom with a paraprofessional, two direct care providers, and a wide variety of psychologists and OTs.

Ms. Kaplan also asked about the school’s behavior management model and about statistics related to suspensions and expulsions. Mr. Chertavian asked why the course units in grades 5 and 6 were identical. Mr. Mayo said last year’s 6th graders needed more remediation, and those two classes overlapped.

Dr. Mohler-Faria noted that in 2007 the Board renewed the school's charter with a number of specific conditions that the school has not met. Mr. Binns said the school did not meet conditions related to MCAS and AYP, and the school did not move to Uphams Corner. Mr. Binns said he believes this is primarily about MCAS and AYP.

Commissioner Chester said his recommendation to revoke the school’s charter was not based on concern about the dedication, commitment, and enthusiasm of the school’s leaders. Rather, the commissioner said there has been an accumulation of evidence raising concerns about the viability of the school and its deeply disappointing academic performance. The commissioner observed that two years earlier the Board had placed conditions on the renewal of the charter, including requirements that the school find a permanent facility and improve student achievement. The commissioner said there is no clear evidence that the school is headed in a positive direction in terms of English Language Arts and Mathematics performance, and the school still has not secured a permanent facility.

In response to questions from the chair, General Counsel Rhoda Schneider said that if the Board votes to revoke the school’s charter, the school has the right to request an administrative hearing within 15 days of notice of the Board’s action. She stated that in all four cases since 1997 in which the Board revoked or did not renew a charter and the school requested a hearing, the Board's decision was affirmed. Commissioner Chester said he was aware that the parents and students have a real stake, and he does not take that lightly. The commissioner said two letters, one from the Department and one from the superintendent of the Boston Public Schools, had been sent to each parent to notify them about the possible action by the Board to revoke the school’s charter and to encourage them to take the necessary steps to ensure a smooth transition for their children in the new school year.

Mr. Fajnzylber asked whether the school had been given enough time to make changes, and expressed concern about relying on MCAS performance data. Dr. Howard said he found this decision to be extraordinarily painful, but if a major purpose of charter schools is to show the way to other public schools, it is clear that Uphams Corner has not met that standard. Dr. Fortmann said he was sympathetic to Mr. Fajnzylber’s remarks, but the Board gave the school ample time and performance has not improved. He said in these circumstances the Board has a duty to revoke the charter.

Secretary Reville said the Board’s deliberation on Uphams Corner Charter School was among the most consequential decisions the Board will make. The secretary said the evidence supports the commissioner’s recommendation and long term trends are disturbing. The secretary said that charter schools are held to a higher standard of results in return for autonomy. Secretary Reville said he hopes the Board will consider being as aggressive in support of student performance when looking at all schools under the new accountability system as in this instance.

Dr. Mohler-Faria said it is the duty of the Board to maintain standards, identify weaknesses, and work with all schools as early as possible. Mr. Chertavian asked how the number of special education students at Uphams Corner was factored into the decision. Commissioner Chester said as in the case of another charter school, BArT, during the renewal discussion, the high proportion of special education students is likely to be a factor but cannot a reason not to show progress. The commissioner said the objective is to look at the absolute level of performance and see whether the trend is in the right direction.

Ms. Kaplan said she was troubled by the vote, given the special education issue the high transient student population at Uphams Corner. Ms. Kaplan said that to use MCAS results to measure the school and as the basis for revocation is unfair. Ms. Kaplan offered a substitute motion to the main motion before the Board.

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

**MOVED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby place the Uphams Corner Charter School on probation for an additional one-year period from January 27, 2009 through January 27, 2010. This probation is explicitly conditioned as follows. Failure to meet this condition may result in revocation of the charter. By January 27, 2010, Uphams Corner Charter School shall demonstrate that it is an academic success by:**

1. **providing evidence that by 2010, the school has met academic growth targets in English language arts and mathematics, as established by the Department of Elementary and Secondary Education, or**
2. **providing evidence that the school has achieved Adequate Yearly Progress in the aggregate and for all statistically significant subgroups in English language arts and mathematics in 2009.**

The motion was defeated 2-6. Ms. Kaplan and Mr. Fajnzylber voted in support.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89; General Laws chapter 30A, section 13; and 603 CMR 1.00, hereby states its intent to revoke the public school charter granted to the Uphams Corner Charter School effective June 30, 2009, based upon the information presented by the Commissioner regarding the school’s performance.**

**Provided, that the revocation of the charter shall be conditional on the right of the board of trustees of the Uphams Corner Charter School to request an administrative hearing in accordance with General Laws chapter 30A, section 13, and 801 CMR 1.00; provided further, that any such request for a hearing shall be in writing, addressed to the Board of Elementary and Secondary Education, and must be received within 15 days of the school’s receipt of the notice of the Board’s January 27th action. If the Board does not receive a request for a hearing from the school within the 15-day period, the Board’s conditional action on revocation of the charter shall become final at the end of the 15-day period.**

**Provided, further, that the Board authorize the Commissioner to impose such conditions on the school and on its board of trustees, in accordance with 603 CMR 1.13 (5), as he determines are necessary to enable the school to complete the current school year.**

The vote was 6-2. Ms. Kaplan and Mr. Fajnzylber voted in opposition.

Dr. Mohler-Faria had to leave the meeting at 11:58 a.m.

**Waiver of Procedural Regulation, 603 CMR 1.04(3)(b)**

No Board member, despite best efforts, was able to attend a public hearing on December 11, 2008 soliciting comments on pending charter applications. The Board voted to waive the requirement in 603 CMR 1.04(3)(b) with respect to attendance by a member of the Board at the public hearing.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.03(2), hereby waive the requirement in 603 CMR 1.04(3)(b) with respect to attendance by a member of the Board at a public hearing soliciting comments on the merits of pending applications.**

The vote was unanimous.

**Proposed Amendments to Regional School District Regulations, 603 CMR 41**

The Board voted to solicit public comment on proposed amendments relating to regional school budgets and formation of regional school districts. The proposed amendments will be brought back to the Board for a final vote in April 2009.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L. c. 69, § 1B, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, to solicit public comment on the proposed amendments to the Regulations on Regional School Districts, 603 CMR 41.00, as presented by the Commissioner. The proposed amendments relate to formation of regional school districts and regional school budgets.**

The vote was unanimous.

**Amendments to Vocational-Technical Education Regulations, 603 CMR 4**

The Board voted to amend the Vocational Technical Education Regulations, [603 CMR 4.00](http://www.doe.mass.edu/lawsregs/603cmr4.html), to add one new vocational technical teacher license and align the licensure provisions more closely in several areas with the Educator Licensure and Preparation Program Approval Regulations, 603 CMR 7.00, and the Recertification Regulations, 603 CMR 44.00.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L. chapter 69, §§ 1B, 1D and 1F and chapter 74, § 2, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, §3, hereby adopt the amendments to the Vocational Technical Education Regulations, 603 CMR 4.00, as presented by the Commissioner. The amendments concern standards for licensure of vocational-technical educators.**

The vote was unanimous.

Secretary Reville, Ms. Kaplan, and Mr. Chertavian had to leave the meeting at 12:05 p.m.

**Update on Redesign of Accountability and Assistance Framework**

The Board deferred its discussion of the redesign of the accountability and assistance framework until its February 24, 2009 meeting.

**Information on New Charter School Applicants**

Commissioner Chester may recommend at the February 24, 2009 meeting that the Board grant charters for new charter schools. The Board held an initial discussion on the following three pending final charter applications: Spirit of Knowledge Academy Charter School (SOKA), Gloucester Community Arts Charter School, and Rediscovery Academy Charter School.

Dr. Howard asked how the Board can make it unambiguously clear what the criteria will be for what it takes for a charter school to continue or be revoked. Commissioner Chester said there is a tension between a crystal clear trigger and taking into account a wide range of evidence about a school, its leadership, and a whole variety of factors. The commissioner said the charter schools up for renewal this year submitted applications under the ground rules established up to now, and any decision on their renewal should be made under those same ground rules so as not to change the standards in the middle of the process for those schools.

**Update on Curriculum Frameworks and Initial Review of Draft Revised English Language Arts Framework**

The Board received an update on the review and revision of the English Language Arts *Curriculum Framework*. The Department released a first draft of the revised framework to solicit preliminary comment and international benchmarking by external reviewers such as the American Diploma Project of Achieve, Inc., scholars in the discipline from Massachusetts public and private universities, Board members and/or individuals or groups recommended by Board members, and representatives of the business community.

Chair Banta said she had spoken with Board member Sandra Stotsky, who raised concerns about the risk of the framework straying too far from the domain of literature. Deputy Commissioner Jeff Nellhaus said additional time has been built into the review process so that Board members and others can provide input.

Dr. Fortmann said he too had some concerns, and asked whether more discussion among Board members could take place. He said the revised draft ELA framework seems to be a total change from the previous one, which was regarded as the best in the nation. Dr. Fortmann said that 27 topics had been reduced to 12, and additional attention had been paid to informational text, giving the appearance that literature is being de-emphasized. Dr. Fortmann questioned the extension of skill-oriented reading instruction through middle and high school. He also asked about the meaning of the phrase “pose and answer questions” which appears throughout the document, and said it is unclear how one would assess it.

The chair said she would survey the Board to see which members might wish to delve deeper into this topic.

**Next Meeting**

The next regular meeting of the Board of Elementary and Secondary Education is scheduled for Tuesday, February 24, 2009 at the Department of Elementary and Secondary Education in Malden.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:35 p.m., subject to the call of the chair.**

The vote was unanimous.

Respectfully submitted,

Mitchell D. Chester

Commissioner of Elementary and Secondary Education

and Secretary to the Board