Minutes of the Regular Meeting

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

**December 21, 2010**

**8:35 a.m. – 1:25 p.m.**

**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

**Vanessa Calderón-Rosado**, Milton

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

**Gerald Chertavian**, Cambridge

**Michael D'Ortenzio Jr.**, Chair, Student Advisory Council, Wellesley

**Beverly Holmes**, Springfield

**Jeff Howard**, Reading

**Ruth Kaplan**, Brookline

**James McDermott**, Eastham

**Dana Mohler-Faria**, Bridgewater

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

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

Chair Banta called the meeting to order at 8:35 a.m.

**Comments from the Chair**

Chair Banta said the Board has five committees this year. All Board members are welcome to attend committee meetings. The Budget Committee (which includes Chair Banta and members D'Ortenzio Jr., Kaplan, and Calderón-Rosado) has concluded its work. The Commissioner's Evaluation Committee (members Holmes, Chernow, Chertavian, and Banta) is continuing its work. The Committee on Cross-Board Initiatives (early education, K-12, higher education), convened by the Secretary's Office, will focus this year on literacy by grade 3; members McDermott, Mohler-Faria, and Banta will serve on it. The Proficiency Gap Committee (members Chernow, Holmes, and Howard) will consider strategies in collaboration with the commissioner and Department staff. The Charter School Committee (Chertavian, Banta, and Calderón-Rosado) will review key questions under the new charter school law as well as the Board’s charter school process.

Ms. Kaplan arrived at 8:45 a.m.

Chair Banta said the Proficiency Gap Committee's charge is to focus on strategies the Department is using to close the proficiency gap. That committee will meet regularly with the commissioner and staff, and will serve as an ad hoc committee for the next year at which point a decision will be made on whether it should continue. Chair Banta said the Proficiency Gap Committee's success will be in gaining a greater understanding of the Department's work and ensuring clearer, stronger policies.

Chair Banta said the Charter School Committee, which she named today, will look at seat caps and the definition of proven providers under the new law. The committee will bring back to the full Board a set of recommendations on how to do this work more efficiently and effectively.

Chair Banta asked Mr. D'Ortenzio Jr. to report on a recent webinar he participated in with U.S. Secretary of Education Arne Duncan. Mr. D'Ortenzio Jr. said the webinar was set up through the National Association of State Boards of Education and included student board members from around the nation. He said NASBE is starting quarterly conference calls with students. Commissioner Chester said it bears repeating that it is not standard practice for a state board of education to have a student member who is elected by his or her colleagues.

**Comments from the Commissioner**

Commissioner Chester said he was proud of the state's grade 12 NAEP results, which are the first state-level results at that grade. Massachusetts students outperformed their counterparts from other states on that test. The commissioner shared with the Board two new Race to the Top brochures that will help to communicate the Commonwealth’s initiatives under the Race to the Top grant. The commissioner said the Department recently held its 3rd annual Curriculum Summit with more than 800 educators.

Dr. Calderón-Rosado arrived at 8:50 a.m.

**Public Comment**

* Valerie Gilman, Gloucester School Committee Chair, addressed the Board on the Gloucester Community Arts Charter School.

Secretary Reville arrived at 8:55 a.m.

* Peter Dolan addressed the Board on the Gloucester Community Arts Charter School.
* Senator Bruce Tarr addressed the Board on the Gloucester Community Arts Charter School.
* Roger Garberg, Gloucester School Committee, addressed the Board on the Gloucester Community Arts Charter School.
* Sandy Santos, a parent, addressed the Board on the Gloucester Community Arts Charter School.
* Representative Ann-Margaret Ferrante addressed the Board on the Gloucester Community Arts Charter School.
* John Housiatanis addressed the Board on the Lawrence Family Development Charter School.
* Josh Zoia addressed the Board on the KIPP Lynn Academy Charter School.
* Paul Toner and Kathie Skinner from the Massachusetts Teachers Association addressed the Board on educator evaluation.
* Roger Desrosiers from the Mass. Council for Social Studies addressed the Board on the MCAS History and Social Science assessment.

**Comments from the Secretary**

Secretary Reville said the Executive Office and the Administration are looking to the education reform agenda in the Governor's second term and building a team to carry it out. The secretary said shaping this year's budget will be a challenging task. The secretary discussed a meeting of a newly formed cross-board collaborative group to which each board (early education and care, elementary and secondary education, higher education) is sending three members. The focus will be on assuring early literacy and eliminating proficiency gaps in reading by grade 3, and on college and career readiness. The secretary said the Executive Office is actively encouraging Promise Neighborhoods, is working on Innovation Schools, and has overseen Readiness Centers that have opened around the state.

Secretary Reville cited the MTA's presentation during public comment and said it is very important to do reform with the field rather than to the field. The secretary said the MTA's proposal was thoughtful and constructive, and congratulated the organization's leadership. Secretary Reville said there would be two budget hearings this week on the FY12 budget proposal. The secretary also recognized the contributions of former Department chief of staff Heidi Guarino, who has left state service. Secretary Reville presented Ms. Guarino a citation on behalf of the Governor, and Chair Banta presented her with a citation on behalf of the Board and the Department.

**New Massachusetts Curriculum Frameworks for English Language Arts and Literacy and for Mathematics, Incorporating Common Core State Standards**

Commissioner Chester said he was recommending that the Board adopt the new Massachusetts Curriculum Frameworks for English Language Arts and Literacy, Incorporating Common Core Standards and the Curriculum Frameworks for Mathematics, Incorporating Common Core State Standards. The commissioner said adoption would launch a transition period to assist schools in aligning their curriculum to the new standards. Deputy Commissioner Jeff Nellhaus provided an overview of the work over the past three years to revise the state's standards and work on the Common Core. He said that in August and September 2010, the curriculum revision committees were reconvened to identify areas for augmentation specific to Massachusetts.

Deputy Commissioner Nellhaus said the Common Core State Standards did not have pre-K standards, which have now been adopted by the Board of Early Education and Care and are included in the full document. Two additional components that were added were guiding principles for programs and references (i.e., author lists). Deputy Commissioner Nellhaus said during the transition period the Department will be working on what will be included on MCAS. He said in spring 2011, the MCAS tests will be based strictly on current standards. Next year, the focus of the MCAS tests will be on standards common to both documents (current framework and new framework). Deputy Commissioner Nellhaus said the brand new standards would not be included until the 2013 or 2014 MCAS testing. Commissioner Chester said the Department is committed to developing curriculum resources and instructional materials to assist schools and districts in doing this work.

Dr. McDermott said he wants these standards to be a means to develop powerful learning in every classroom. He said a problem is teaching to the standards, not teaching to the child. Secretary Reville commended the Department staff and said he is pleased to see literacy skills strongly incorporated. The secretary asked whether we used the full 15 percent allotment allowed to augment the standards, and asked about the robustness of the overlap. Deputy Commissioner Nellhaus said less than 10 percent was added, and in some areas there is a very robust intersection between the current frameworks and the new frameworks, but not in others. He said the math framework moved a lot of data analysis from early grades to middle grades.

Secretary Reville asked where financial literacy could be found in the framework. Deputy Commissioner Nellhaus said financial literacy is not addressed directly, but related concepts and skills are throughout the math framework. Mr. D'Ortenzio Jr. asked about future revisions. Deputy Commissioner Nellhaus said these are now the Massachusetts standards, and it is up to the Board to launch the next revision process. Dr. Calderón-Rosado asked what kind of support and guidance will be given to districts for English language learners and special education. Deputy Commissioner Nellhaus said the English Language Benchmarks and Outcomes for English language learners would be revised in light of the new ELA standards.

Dr. McDermott asked about anchor standards, which Department Humanities Director Susan Wheltle said are a feature of the English Language Arts and Literacy standards. Ms. Kaplan said the ELL benchmarks and outcomes document should be revised expeditiously. Deputy Commissioner Nellhaus responded that the work will begin soon.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with Chapter 69, Section 1E of the General Laws, adopt the new *Massachusetts Curriculum Framework for* English Language Arts and Literacy*, Incorporating the Common Core State Standards*, and the new *Massachusetts Curriculum Framework for* Mathematics*, Incorporating the Common Core State Standards.***

**Further, that the Board direct the Commissioner to distribute copies of the new frameworks to the Joint Committee on Education for their information, and to school districts and other interested parties throughout the Commonwealth for use in improving curriculum and instruction in English Language Arts and Mathematics.**

**Further, that the Board extend its appreciation to the staff of the Department of Elementary and Secondary Education and the many individuals and groups statewide that helped to revise and strengthen the frameworks.**

The vote was unanimous.

# 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 November 12, 2010 special meeting and the November 16, 2010 regular meeting.**

The vote was unanimous.

**Update on Educator Evaluation**

Commissioner Chester said the work of the Board's Task Force on Educator Evaluation is important because not all teachers or administrators are equally effective, and failure to differentiate effectiveness among teachers and administrators is a lost opportunity.

Dr. McDermott said the problem may be less with the instrument than in practice: someone hires these people and allows them to stay on the job. Associate Commissioner Haselkorn said this initiative is intended to change the culture, using evaluation as a tool to improve student learning and growth.

Vice Chair Chernow noted in the MTA proposal strand 3 on family and community relations, which she said fits in with the Board's discussions and the whole school model. Vice Chair Chernow said the challenge is that principals were not necessarily hired to do in-depth evaluations of staff. Commissioner Chester said there will be a substantial investment through Race to the Top to support principals with evaluation. Dr. Howard said we have a huge variation in quality, and great teachers and administrators are made through a process. Dr. Howard said the MTA proposal is thoughtful and can lead to greater professionalization. Secretary Reville said he welcomes the focus on evaluation and peer review.

Secretary Reville asked how students’ views of effective teaching could be factored into the proposals. He said student feedback is powerful and should be on the table. Ms. Kaplan said there should be some evidence from parents too, as well as some evaluation of relationship building by teachers with their students. She suggested also that teacher evaluation should take into account students' socio-economic demographics.

**Proposed Amendments to Regulations, 603 CMR 28.00 (Special Education) and 603 CMR 7.00 (Educator Licensure), Per Federal and State Law**

Commissioner Chester said most of the proposed changes are required by federal or state law. The proposed amendments were vetted with the Special Education Advisory Council and other interested parties. The commissioner said the amendments reflect the feedback that the Department received. One regulation pertains to revocation of consent for special education by the parent of a student with a disability; federal law clarifies that the district cannot challenge the parent’s decision. Commissioner Chester said the educator licensure amendments relate to augmentative and alternative assistive technology and bring those regulations into compliance with state law.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with M.G.L. c. 69, §1B, and c. 71B, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, to solicit public comment on proposed amendments to 603 CMR 28.00, Special Education Regulations, as presented by the Commissioner.**

The vote was unanimous.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with M.G.L. c. 69, §1B, c. 71, §38G, and Chapter 299 of the Acts of 2010, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, to solicit public comment on proposed amendments to 603 CMR 7.00, Educator Licensure and Preparation Program Approval Regulations, as presented by the Commissioner.**

The vote was unanimous.

**Scheduling of Comprehensive Audits and Reviews for FY11 and Delegation to Commissioner of Future Scheduling Approvals**

Commissioner Chester said that state law requires the Board to authorize multiple comprehensive audits or reviews for a school or district within a nine-month period. He noted that the districts listed have presented no objection. Chair Banta said that some districts want to have these audits conducted simultaneously. The commissioner's recommendation also asks the Board to delegate this scheduling responsibility to the commissioner in future years, with reports to the Board. Vice Chair Chernow said she is comfortable with this as long as the decision to schedule more than one in the same year is optional for districts.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 15, section 55A, hereby allow multiple comprehensive audits or reviews, within a nine-month period, of 13 schools and districts in FY 2011 as presented by the Commissioner in his memorandum of December 10, 2010.**

 **Further, that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 15, section 1F, paragraph 3, authorize the Commissioner to act on behalf of the Board henceforth in allowing multiple comprehensive audits or reviews of schools and districts within a nine-month period per General Laws chapter 15, section 55A. The Commissioner shall report to the Board on any such scheduling decisions that he makes on the Board's behalf.**

The vote was unanimous.

**Selected FY11 Priorities and Objectives for the Department of Elementary and Secondary Education**

At the August 2010 retreat, the Board identified and recommitted to five focus areas and long term goals. Commissioner Chester said the Board's ultimate goal is to close proficiency gaps. Commissioner Chester presented a PowerPoint on Selected Strategic Initiatives. The commissioner said each focus area includes a long-term goal and strategic initiatives. The five focus areas are: (1) Educator Effectiveness; (2) Curriculum, Instruction, and Assessment; (3) Accountability and Assistance; (4) Wraparound Supports and Engagement for Students and Families; and (5) School and Classroom Culture.

Chair Banta asked about wraparound pilots. Deputy Commissioner Baehr said that some Race to the Top funding allows the Department to identify up to three pilots that will be launched this summer. Mr. Chertavian thanked the commissioner and Department for a strong step in the right direction and clarifying the roles of the Board and the commissioner. Mr. Chertavian said this represents a good attempt to create specific and measurable goals. He said we need to understand what we are trying to improve in school and classroom culture by defining the problems and opportunities. Mr. Chertavian noted that how adults treat each other affects the children.

Commissioner Chester said there is timely research emerging on teacher effectiveness. The commissioner said student perceptions are highly correlated with learning gains. In terms of civil behavior, adults set the tone and determine what is allowed. Dr. McDermott encouraged use of an inquiry-based approach, helping students to feel engaged in thinking and learning.

Ms. Kaplan suggested broadening the educator effectiveness long-term goal to cover principals and leaders, not just classroom teachers. She asked if we have initiatives to support teachers in instructional methods. Commissioner Chester said he is interested in linking strong teachers with ones that are struggling. Ms. Kaplan said she did not see connections to 21st century skills. Commissioner Chester said the Department did not try to outline the entire range of work in the document, but rather selected strategic initiatives that were particularly responsive to the Board. Commissioner Chester said many elements of 21st century skills are embedded in the Common Core.

Dr. Howard said that under Accountability and Assistance, it would be useful to mention the accountability framework. Dr. Howard said that under Wraparound, there should be more emphasis on action to generate more positive attitudes toward academic achievement. Dr. Howard suggested that the school and classroom culture goal should include the words, "that is strongly supportive of academic achievement." Dr. Howard suggested adding on slide 19 a fourth bullet around promoting positive attitudes and supports among students relating to academic achievement.

Secretary Reville said Wraparound zones need to focus sharply on several communities, and the work needs to be aligned with the work of the Child and Youth Readiness Cabinet. Secretary Reville said that on page 11, he sees MassCore as just one component of college and career readiness, which may need more aggressive action. Dr. Mohler-Faria said we have seen what happens when there are high expectations and a culture of learning, and cited the work Bridgewater State University has done with Brockton High School.

Ms. Kaplan said the Board approved its revised mission statement last month, and she believes the Board should vote to approve the priorities and long-term goals.

Dr. Mohler-Faria had to leave the meeting at 11:25 a.m.

**Reports on Three Schools Previously Placed on Probation**

**Gloucester Community Arts Charter School**

Chair Banta asked Commissioner Chester to take the Board through his memorandum and recommendation on Gloucester Community Arts Charter School. Commissioner Chester said the school's probation period ends today, and he put considerable deliberation into the recommendation. Commissioner Chester said he is recommending that the school retain its charter with conditions. The commissioner said he used three touchstones to reach his decision: (1) he looked at performance against the conditions that the Board established on October 1; (2) he looked at precedent and other charter schools on probation; and (3) he looked at the standards the Department applies to any charter school in its first year of existence. The commissioner said he was cognizant of the amount of time the Board has spent on this one school. Commissioner Chester added that the issue of the awarding of the charter was not germane to today's discussion.

Commissioner Chester said a charter school is granted an initial charter for five years on the premise that the school takes some time to get its footing. The Department conducted two site visits to Gloucester Community Arts, including the commissioner's unannounced visit yesterday. The commissioner said he was given access to the entire school, he spoke to many students, and overall was positively impressed. Commissioner Chester said arts were integrated into many units that he observed.

Commissioner Chester said he did have concerns about the school's financial situation and also about the board of trustees. The commissioner said that board needs at least one more individual with experience in public sector governance. The commissioner said that three findings of non-compliance with the open meeting law relate to meetings prior to the probation being imposed in October. Commissioner Chester said the school's progress is substantial and demonstrates awareness that the board of trustees needs to shape up and address issues raised by the Board and other entities. Commissioner Chester said his recommendation is that the school retain its charter, be removed from probation, and be subject to eight conditions. The commissioner said the Board will revisit the school's status in May 2011.

*Gloucester Community Arts Charter School Officials*

GCACS Board member and acting chair Joe Knowles said the school will continue to be vigilant in all matters and details of compliance. GCACS Board member Jay Featherstone thanked the Charter School Office, the Department and the Board for their assistance in helping with the school's start-up. Mr. Featherstone said the school has moved from a passionate start to a regular operation with all of the trappings. He said the school is stronger as a result of these interventions. Mr. Featherstone said four members of the board of trustees are educators, and there is a direct connection between having real educators on the board and substance. He promised that the school would move arts to a central place in the K-8 curriculum.

GCACS Executive Director Tony Blackman thanked the Board for placing the school on probation, saying it made the school a better school and the board a better board. Mr. Blackman presented a slide show of photos of the school and its students. GCACS Attorney Colin Zick said the school had conferred with a real estate attorney on the matter of the lease, and did not proceed with any intent to deceive. Attorney Zick said the school has entered into a settlement with the Attorney General's Office and will abide by that settlement.

Ms. Holmes said that having been a member of a charter school developed from the ground up, the process is extremely arduous and difficult. She said when she sees the students and hears about their learning, she feels positive about what is going on. Ms. Holmes said the board of trustees sets the culture in the school and needs to be in total compliance with the law. Secretary Reville said the attitude of the board and the school has been presented as a problem, and while it is not the Board’s job to evaluate attitudes, it is germane to the school’s relations with the larger community. Mr. Featherstone said the school started out with the high hopes that it could be a catalyst for education reform in Gloucester. He said he did not believe this board has an attitude problem. Secretary Reville said it appears that close to a third of the students are special education students, and he is concerned that IEPs have to be updated and said condition #5 addresses this concern. Mr. Blackman said the school is moving ahead to obtain all the records and complete re-evaluations for the students.

Vice Chair Chernow said she could not support the commissioner's recommendation. Vice Chair Chernow said the YouTube videos of GCACS board meetings and discussions of procurement left her very concerned. She said with the level of civil war between the school and the district, she is not sure how they can ever share lessons and best practices. Vice Chair Chernow said that she had hoped for an up or down vote. Commissioner Chester said he is recommending that the school retain its charter, with conditions.

Dr. McDermott expressed concern that a focus on accountability and testing in some traditional public schools may be to the detriment of the arts and innovation. He noted that in some schools, 50 percent of students are not graduating.

Chair Banta said the Board’s agendas in December, January, and February are often heavy on charter school issues and the Board needs to manage its time. Chair Banta asked about any effect the Dolan court case has on the Board’s vote today. General Counsel Rhoda Schneider said the court case is the venue for adjudicating of questions that remain about the legitimacy of the awarding of the charter, and that question is not before the Board.

Ms. Kaplan asked what the school has in place to support special education students. Mr. Blackman said there is a director of special education (50% administrative, 50% teaching), and the school now has a part-time language specialist. Ms. Kaplan asked if the school has any English language learners. Mr. Blackman said it did not. Ms. Kaplan said the intent of her amendment at the Board's October special meeting was that the Board would have an up or down vote today. She said the commissioner said the school's board needs one more member, meaning that condition has not been met.

**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 declare that the Gloucester Community Arts Charter School (GCACS) shall retain its charter with conditions as specified below, and further that GCACS shall be removed from probation based on its progress in achieving the conditions imposed on its charter in October 2010.**

**In accordance with General Laws chapter 71, section 89, and 603 CMR 1.13(5), the Board of Elementary and Secondary Education impose the following conditions on the charter of GCACS:**

1. **The school’s executive director shall attend the Office of the Inspector General’s training program on Supplies and Services Contracting at the first available opportunity in 2011.**
2. **By February 1, 2011, the school shall have hired a qualified individual for the position of Director of Education.**
3. **By April 1, 2011, the board of trustees shall recruit and submit to the Charter School Office for approval at least one new member with experience and expertise in public sector management.**
4. **By April 1, 2011, the school shall submit a financial plan demonstrating viability based on pre-enrollment data for the 2011-12 school year.**
5. **By February 1, 2011, the school shall have submitted for Department approval a corrective action plan to address deficiencies in special education programs as noted in the Department’s December 10 site visit, and by April 1, 2011, the school shall have demonstrated substantial progress in completing the corrective action plan.**
6. **GCACS must comply with the Attorney General’s December 17, 2010, Open Meeting Order (“OML 2010-6”) and any other such orders issued by the Attorney General’s Office.**
7. **GCACS promptly and effectively must communicate with the Charter School Office regarding any and all significant matters within a reasonable period of time but in any event no later than 48 hours after the occurrence. GCACS must report to the Charter School Office any and all communications made or received by or on behalf of the school with any government audit, investigative, or law enforcement agency within a reasonable period of time of that communication but in any event no later than 48 hours after the communication. GCACS must copy the Charter School Office on such written communications sent by or on behalf of the school and send a copy of all such written communications received by or on behalf of the school within a reasonable period of time but in any event no later than 48 hours after the communication. GCACS must provide a report and copies to the Charter School Office of all such communications that occurred prior to its probation no later than October 8, 2010.**
8. **GCACS must report all changes in staff to the Charter School Office within a reasonable period of time of knowledge of the change but in any event no later than 48 hours after knowledge of the change.**

**Absent further action by the Board of Elementary and Secondary Education, failure to meet these conditions may result in placing GCACS on probation, revoking its charter, or imposing additional conditions on its charter.**

**GCACS 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 8-2. Board members Chernow and Kaplan voted in opposition.

**Berkshire Arts and Technology Charter Public School**

**Boston Renaissance Charter Public School**

Commissioner Chester said that Berkshire Arts and Technology Charter Public School (BArT) had been placed on probation with conditions related to academic success. The commissioner said the school has made good progress, and he is recommending that it be removed from probation. Commissioner Chester said Boston Renaissance Charter Public School has made substantial progress in reducing its enrollment down to 1,100 students, which is close to but does not meet the target of 1,051 students, so the school should continue to be subject to an explicit condition.

**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 removes Berkshire Arts and Technology Charter School from probation because it has met the conditions imposed on its charter in January 2009.**

The vote was unanimous. Vice Chair Chernow was not present in the room for the vote.

**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 removes Boston Renaissance Charter Public School from probation because it has made progress in achieving the conditions imposed on its charter in December 2009. The Board of Elementary and Secondary Education explicitly continues the condition requiring Boston Renaissance Charter Public School to reduce its enrollment to 880 students by September 2012, in accordance with enrollment of no more than:**

* **1,051 students in September 2010,**
* **944 students in September 2011 and**
* **880 students in September 2012.**

**Absent further action by the Board of Elementary and Secondary Education, failure to meet this condition may result in placing Boston Renaissance Charter Public School on probation, revoking its charter, or imposing additional conditions on its charter.**

**Boston Renaissance 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. Vice Chair Chernow was not present in the room during the vote.

Dr. McDermott said that he feels a need for more information in order to make informed decisions at Board meetings. Secretary Reville said the Board has hired a chief executive and has faith in him to present information and make a recommendation, and any Board member can get additional information from the commissioner upon request.

**Charter Amendments Proposed for Two Schools**

**Lawrence Family Development Charter School**

**KIPP Academy Lynn Charter School**

Commissioner Chester said he has received requests from seven charter schools for increases in enrollment or grade spans that must come before the Board. The commissioner said he was recommending approval of the amendment request for Lawrence Family Development Charter School and partial approval for KIPP Academy Lynn Charter School. The commissioner said he is deferring action on the requests from the other five schools.

Secretary Reville asked the commissioner why he chose not to make a decision on Pioneer Valley and Holyoke. Commissioner Chester said he had concerns about Holyoke's academic achievement. Associate Commissioner Jeff Wulfson said Pioneer Valley is in its first charter term and the school has not even been through an evaluation yet.

**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 amend the charter granted to the following school as presented by the Commissioner:**

### *Lawrence Family Development Charter School (enrollment increase from 600 to 800 students)*

**Location: Lawrence**

**Maximum enrollment: 800**

**Effective year: FY12**

The vote was unanimous. Ms. Kaplan was not present in the room for the vote.

Associate Commissioner Wulfson said the Board approved an increase last year for KIPP Academy Lynn to 750 students, along with the addition of grades 9-12. The commissioner said since the school’s original request to add grades 9-12 anticipated an increase to 850 students and the new statute now allows it, he recommends adding the 100 seats. Vice Chair Chernow said that among the issues to look at when considering the next round of charter schools are issues raised by the Lynn Superintendent around attrition and whether charter schools force out the hardest students. Associate Commissioner Wulfson said the cap lift has encouraged existing schools to ask for every possible seat. Secretary Reville said we need to look at capacity with schools seeking to expand.

**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 amend the charter granted to the following school as presented by the Commissioner:**

 ***KIPP Academy Lynn Charter School (enrollment increase from 750 students to 850)***

**Location: Lynn**

**Maximum enrollment: 850**

**Effective year: FY12**

#### The vote was unanimous.

**Charter Renewals Proposed for Two Schools**

**Innovation Academy Charter School**

**Pioneer Valley Performing Arts Charter School**

Commissioner Chester said he is recommending renewal with conditions for Innovation Academy Charter School because, while most indicators are positive, the school needs to establish a program for English language learners.

Commissioner Chester said he is recommending renewal with conditions for Pioneer Valley Performing Arts Charter School because, while the school has a good track record overall, there is a concern about the school's performance in mathematics where

achievement is low and growth is lagging.

Dr. Calderón-Rosado asked why the timeline for Innovation Academy was set at December 31st and not earlier. Commissioner Chester said this would allow time for a site visit. Charter School Office staff member Alison Bagg said the Department will have staff at the school attend SEI category trainings that occur in the fall. Ms. Kaplan asked whether all charter schools are required to have an English language learner and special education specialist. Associate Commissioner Wulfson said charter schools are required to provide the services.

**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, 2011 through June 30, 2011, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**Innovation Academy Charter School**

 **Location: Tyngsborough**

 **Number of students: 590**

 **Grade levels: 5-12**

**This renewal is explicitly conditioned as follows. Failure to meet this condition may result in the Board placing Innovation Academy Charter School on probation, revoking its charter, or imposing additional conditions on its charter.**

**By December 31, 2011 the school will establish and operate an English language learner program in a manner consistent with the requirements of General Laws chapter 71B. The school will demonstrate that it has met this condition through, at a minimum, an inspection visit conducted by the charter school office.**

**Innovation 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.**

The vote was 9-0-1. Board member Calderón-Rosado abstained.

**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, 2011 through June 30, 2011, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**Pioneer Valley Performing Arts Charter School**

 **Location: South Hadley**

 **Number of students: 410**

 **Grade levels: 7-12**

**This renewal is explicitly conditioned as follows. Failure to meet this condition may result in the Board placing Pioneer Valley Performing Arts Charter School on probation, revoking its charter, or imposing additional conditions on its charter.**

**By December 2012, Pioneer Valley Performing Arts Charter School shall demonstrate that it is an academic success by:**

1. **meeting academic growth targets in mathematics, as established by the Department of Elementary and Secondary Education, or**
2. **achieving Adequate Yearly Progress in the aggregate in mathematics and for all statistically significant subgroups in mathematics in 2011 and 2012, and**
3. **by meeting goals and objectives established in the school’s accountability plan.**

**Pioneer Valley Performing Arts 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 9-0-1. Vice Chair Chernow abstained.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 1:25 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