Minutes of the Regular Meeting

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

**December 20, 2011**

**8:35 a.m. – 1:05 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

**Beverly Holmes**, Vice Chair, Springfield

**Vanessa Calderón-Rosado**, Milton

**Harneen Chernow**, Jamaica Plain

**Gerald Chertavian**, Cambridge

**Matthew Gifford**, Chair, Student Advisory Council, Brookline

**Jeff Howard**, Reading

**Ruth Kaplan**, Brookline

**Dana Mohler-Faria**, Bridgewater

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

**David Roach**, Sutton

**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 thanked Board members for their participation in recent charter school public hearings related to the 2011-12 new charter applicants. Chair Banta asked Mr. Chertavian to provide an update on the Task Force on Integrating College and Career Readiness. Mr. Chertavian said the membership had been finalized with the addition of a high school teacher and a community college president. Chair Banta summarized the special meeting the Board held with Education Committee Chair Rep. Alice Peisch on January 19th and said it was an excellent and informative discussion.

**Comments from the Commissioner**

Commissioner Chester updated the Board on the Department’s ESEA flexibility waiver request. He congratulated Secretary Reville, Commissioner Killins, and the Board and Department of Early Education and Care for winning one of nine federal Early Learning Challenge/RTTT grants in a very competitive field of applicants. The commissioner noted information items in the Board packet including the Board’s FY2013 budget transmittal letter and the press release on the Task Force on College and Career Readiness that Gerald Chertavian is chairing.

**Public Comment**

1. Victoria Ekk from the Attleboro Public Schools addressed the Board on the Behavioral Health Task Force report.
2. Roger Harris from the Boston Renaissance Charter School addressed the Board on the school's amendment request.

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

1. Michael Klein, a parent of a student at Pioneer Valley Chinese Immersion Charter School, addressed the Board on the school's amendment request.
2. Michael Gregory from Mass. Advocates for Children addressed the Board on the Behavioral Health Task Force report.

Mr. Gifford arrived at 9:03 a.m.

1. Melissa Pearrow from the University of Massachusetts Boston addressed the Board on the Behavioral Health Task Force report.
2. Sara Burd from the Reading Public Schools addressed the Board on the Behavioral Health Task Force report.
3. Ryan Powers, principal of the Louis F. Angelo Elementary School in Brockton, addressed the Board on the Behavioral Health Task Force report.
4. Marilyn Segal from Citizens for Public Schools addressed the Board on the Gloucester Community Arts Charter School.
5. Roger Garberg from the Gloucester School Committee addressed the Board on the Gloucester Community Arts Charter School.
6. Tony Blackman, executive director of the Gloucester Community Arts Charter School (GCACS), addressed the Board on GCACS.
7. Kat Brown, a parent of a student at GCACS, addressed the Board on GCACS.
8. Maria Serpa from Lesley University addressed the Board on English language learners with disabilities.

# 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 28, 2011 special meeting and November 29, 2011 regular meeting.**

The vote was unanimous.

**Behavioral Health Task Force Report: Overview of Recommendations**

Commissioner Chester introduced Associate Commissioner John Bynoe, who made a presentation on the Behavioral Health Task Force's report and recommendations. Mr. Bynoe said the purpose of the Task Force was to create safe and supportive learning environments for students. Mr. Bynoe outlined the six framework areas, which are: leadership, professional development, access to resources and services, academic and non-academic strategies, policies and protocols, and collaboration with families. Mr. Bynoe said a lot of quiet work is going on in these areas. He said districts use the framework as a self-assessment or part of a larger initiative, such as through the Massachusetts Tiered System of Support (MTSS). MTSS is a blueprint for how to work with schools around systems change, both academic and non-academic.

Commissioner Chester said there are no dedicated resources for this work. He said the Department has knit together a comprehensive approach that integrates the work into the Essential Conditions, rather than promoting this work as a separate, discrete initiative. Senior Associate Commissioner Robert Bickerton said the Department learned a lot from a pilot project where schools tailored the framework and self-assessment to their circumstances.

Mr. Chertavian asked what was learned from the pilot and how we should think about coordinating external services for students. Mr. Bynoe said the assessment tool is about identifying needs and the gap and responding to issues that are identified. Mr. Bickerton said the framework and self-assessment help schools look at what can be provided through internal resources, and what options might be available externally. He noted that EOHHS agencies were on the task force. Mr. Chertavian said a key factor is time to spend with young people, and a key question is how principals find the time and money that they need. Mr. Bickerton said the centers of excellence grant program would generate case studies and promote good practices.

Ms. Kaplan said this is a paradigm shift, and the work should not be very expensive or burdensome because if done right, it would save costs. Ms. Kaplan said this represents the next frontier of school reform. Dr. Howard asked how we measure the success of this. Mr. Bynoe said the report represents recommendations on the use of the tool and framework. Mr. Bickerton said this would lend itself to a research study. Dr. Howard suggested measuring incidents of negative behavior, reports to police, and so on, and using that to determine if the efforts are making a difference.

Ms. Chernow said this is an exciting report that touches on three of our own priorities, school and classroom culture, wraparound services, and proficiency gap. She suggested that the commissioner promote the report and seek funding. Commissioner Chester said he and Secretary Reville have been deliberate about having schools address non-academic as well as academic needs, and staff support and funding continue to be concerns. The commissioner added that 60% of ESE staffing is supported by federal funds and that funding is in jeopardy. Mr. Roach said he appreciates the work of the task force and noted it is hard to square it with the concept of virtual schools.

**Update on Level 5 District Designation for Lawrence Public Schools**

Commissioner Chester said he is moving forward on the appointment of a receiver for the Lawrence Public Schools. The commissioner said he has been very accessible and visible to the Lawrence community. He said everyone in the city is advocating for a much stronger state role. Commissioner Chester reviewed meetings he had conducted in Lawrence, including meetings with educators, students, business leaders, and the community. The commissioner said the goal is to build on assets in the community, and the Department has also been creating an inventory of assets.

Senior Associate Commissioner Lynda Foisy said the commissioner has been leading the planning and thinking, and has met with an internal team once a week. Commissioner Chester said while there is a short list of candidates for the receiver position, he wants to take time to do due diligence. The commissioner said he expects the receiver will have an active and visible presence in Lawrence.

**Amendments to Regulations on Educator Licensure, 603 CMR 7.00 (Standards for Administrative Leadership)**

Commissioner Chester said the amendments to the licensure regulations would take four actions: (1) align the licensure standards for administrative leadership with the standards for educator evaluation that the Board approved in June 2011; (2) streamline the regulations; (3) include American Sign Language as a Foreign Language license; and (4) create an option for a school nurse to earn a Supervisor/Director license. The commissioner said the Department received 22 comments, all of which were in favor.

**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. 71, § 38G, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, hereby adopt the Regulations on Educator Licensure and Preparation Program Approval, 603 CMR 7.00, as presented by the Commissioner. The amendments align the licensure standards for administrative leadership with the standards for educator evaluation and make other changes as outlined in the Commissioner’s December 9, 2011 memorandum.**

The vote was unanimous.

**Update on Educator Evaluation**

Commissioner Chester welcomed former Deputy Commissioner Karla Baehr, who is now working part-time to develop and roll out the new educator evaluation system established under the regulations adopted by the Board in June 2011. Dr. Baehr said this has been a cross-agency effort. She provided an overview of a January 10, 2012 webinar that will accompany release of the model system. A total of 34 Level 4 schools are required to implement the new regulations this year, along with 11 volunteer early adopter districts. In the fall of 2012, over 200 Race to the Top districts will implement the regulations.

Following the January 10, 2012 webinar, there will be a series of regional "Getting Started" workshops on the new regulations. Dr. Baehr said the Department is engaging all stakeholders and will collect data and monitor early implementation. She said she expects to present a more detailed report to the Board in the late winter.

Ms. Chernow asked for examples of partner vendors working with districts. Dr. Baehr said the District Management Council has been chosen by Springfield, Worcester, and Boston, and that Holyoke had chosen the Center for Educator Policy and Practice from the Massachusetts Teachers Association. She said the cost is picked up in part through Race to the Top funds. Dr. Calderón-Rosado asked about the expectation for non-Race to the Top districts. Dr. Baehr said they would implement the new regulations in the fall of 2013.

Secretary Reville arrived at 11:10 a.m.

Chair Banta presented Dr. Baehr with a citation on behalf of the Board, to recognize her years of service to public education in the Commonwealth.

**Update on English Language Learners: Educator Preparation and Training Required for Sheltered English Immersion**

Commissioner Chester said the Board directed him in September 2011 to develop options for required preparation and training of teachers of academic content to English language learners. The commissioner, Senior Associate Commissioner Robert Bickerton, and Esta Montano, director of the Office of English Language Acquisition and Academic Achievement, presented an overview of the Department's work. Commissioner Chester said his three criteria for the new system are: solid grounding in the research, benefit to students, and feasibility to implement.

Secretary Reville said formerly English language proficient (FLEP) students are achieving success and it is important to keep track of them as well as schools that are effective at moving them to proficiency. Commissioner Chester said the federal government requires students who exit ELL to no longer count in that category. Mr. Bickerton said ELL and FLEP are temporary designations; FLEP students lose that status after two years. Ms. Montano said about 27,000 teachers teach ELL students in core academic subjects. Over 2,000 hold an ESL license and about 17,000 have taken at least one component of the so-called category training. Mr. Bickerton said licensure is a vehicle to strengthen ELL teaching, through educator preparation and initial licensure, and through required training and professional development that is tied to license renewal.

Ms. Kaplan asked if the training would be mandated and if there are enough available trainers. Mr. Bickerton responded that we are moving to mandated preparation and training; the Department of Justice has said the voluntary approach is not enough. Dr. Calderón-Rosado said she was very pleased to see this, and anything short of a requirement would be inadequate. Commissioner Chester said he expects to bring recommendations to the Board in February. The commissioner said among the questions to be considered are what should training encompass, who needs it, what is the time frame and mechanism, and does everyone need the same thing. He noted that this is one of several big demands on K-12 schools, and any new mandate has to have a high likelihood of paying off for students.

**Comments from the Secretary**

Secretary Reville said with the Governor he had set up a number of visits relating to the Achievement Gap Act, and this morning they had attended the MATCH Community Day Charter School in Jamaica Plain. Secretary Reville said it was the first time Governor Patrick had visited a charter school that was created as a result of the cap lift. The secretary said they were very impressed by the school. Secretary Reville acknowledged the terrific achievement of the Department of Early Education and Care in being awarded an Early Learning Challenge grant. The secretary said work continues on the Governor’s FY13 budget proposal, and a series of budget meetings will be held around the state. Secretary Reville said the budget will prioritize education but may be less than a full maintenance budget.

**Charter Schools**

***Proposed Amendment: Roxbury Preparatory Charter Schools Consolidation***

Commissioner Chester said when the Board granted the new charters in February 2011, it established a requirement that the schools would consolidate under a single charter, so that three middle schools will feed into one high school. This would create a model of three neighborhood-based middle school programs and a unified, comprehensive high school. Mr. Roach asked if this is creating a prep school. Commissioner Chester said the Roxbury Prep Charter School has a track record of taking students from diverse backgrounds and preparing them for success in higher education.

Ms. Kaplan asked what could happen if one of the schools in the network was not up to par. Mr. Wulfson said the Board could place conditions on the charter or amend the charter if there were problems. Secretary Reville said this proposal is consistent with the provision in the Achievement Gap Act encouraging the creation of charter networks. He said the theory is to grow the strongest charter schools and allow them to build efficiencies and effectiveness through a network.

Dr. Howard said he was ambivalent about this and asked if we are setting up a parallel 1,800 student system to compete with Boston. Secretary Reville said there is a range of choices within Boston and a range of choices within the state’s system of standards and accountability. Secretary Reville said we have to make sure the mainstream system is improving also, and we need to let go of "one-size fits all."

**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:**

**Roxbury Preparatory Charter School (enrollment increase from 600 to 1800 students – to consolidate Dorchester Preparatory Charter School and Grove Hall Preparatory Charter School under the charter for Roxbury Preparatory Charter School); provided further that not less than 250 students shall be enrolled at the start of 9th grade.**

**Location: Boston**

**Maximum enrollment: 1800**

**Grade levels: 5-12**

**Effective year: 2012**

The vote was 7-0-4. Ms. Chernow, Dr. Howard, Ms. Kaplan, and Mr. Roach abstained.

**Request to Modify Conditions: Boston Renaissance Charter Public School**

Commissioner Chester said this charter school is making some good progress. Mr. Wulfson said the school has restructured grades, reduced its size, and moved to a new facility. The last condition it has to meet is to complete the reduction in enrollment. Mr. Wulfson said it is reasonable to modify the original target at this point. He said the Department's recommendation is to put it on hold for a year, not require the school to complete the last reduction, and then ask the school to return next year with the same request so the Board can weigh it in relation to others.

**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 modifies the condition imposed on Boston Renaissance Charter Public School on December 21, 2010. Boston Renaissance Charter Public School shall be required to reduce its enrollment to 880 students by September 2013, in accordance with enrollment of no more than:**

* **944 students in September 2012 and**
* **880 students in September 2013.**

**Boston Renaissance Charter Public School may submit a request for further modification of this condition in 2012. Absent approval by the Board of Elementary and Secondary Education of any further modification, 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.

**Report on Conditions: Gloucester Community Arts Charter School**

Commissioner Chester said the Department has done an extensive review of the Gloucester Community Arts Charter School (GCACS). The Board had imposed 8 conditions in May 2011, and this is a report on those 8 conditions. Commissioner Chester said we believe there has been substantial progress and the school has met 6 conditions. Mr. Wulfson said there is litigation underway on the granting of the school's charter. Mr. Wulfson said it is very rare for the Board to revoke a charter prior to the first 5-year term concluding. He added that the law anticipates and the Board has always given a school a 5-year charter term.

Mr. Wulfson said the school is doing better now, but not yet in a place where if it were up for renewal we would recommend renewal. Director of Charter Schools Marlon Davis said we see a commitment of resources as well as a clear sense of dedication to accomplishment. Ms. Kaplan asked about two letters from parents that said the school is mismanaged. Mr. Wulfson said parents make choices for different reasons, and we try to provide a balanced, comprehensive and documented review of a school's operation. Mr. Wulfson said the site visit report is not rosy and offers a realistic picture. Ms. Kaplan asked how the Board will keep tabs on the school over the next three years. Ms. Chernow asked why the school is not being put on probation again and what inspires confidence in the school. Commissioner Chester said he does not believe probation is warranted and he plans to update the Board again next fall.

Ms. Holmes said we have to look at how to reduce the number of charter schools that are performing below standard.

Dr. Mohler-Faria had to leave at 12:58 p.m.

Commissioner Chester said overall the state has a very strong charter school program and process, and a relatively low percentage of charter schools are low performing. He said we should look at early warnings of struggling or mediocre schools. Mr. Chertavian said this is a small school with a leadership problem. Mr. Chertavian said he will expect to see serious progress.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 1:05 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

Minutes of the Special Meeting

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

**December 19, 2011**

**5:10 p.m. – 6:15 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

**Beverly Holmes**, Vice Chair, Springfield

**Harneen Chernow**, Jamaica Plain

**Gerald Chertavian**, Cambridge

**James DiTullio**, Designee for the Secretary of Education

**Matthew Gifford**, Chair, Student Advisory Council, Brookline

**Jeff Howard**, Reading

**Ruth Kaplan**, Brookline

**David Roach**, Sutton

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

Members of the Board of Elementary and Secondary Education Absent:

**Vanessa Calderón-Rosado**, Milton

**Dana Mohler-Faria**, Bridgewater

Chair Banta called the meeting to order at 5:10 p.m.

Chair Banta said the Board was thrilled to welcome its special guest, State Representative Alice Peisch, who serves as the co-chair of the Joint Committee on Education. The chair gave an overview of the Board and its priorities. She said it is a terrific policy board and even when there is disagreement among members that is done respectfully. She said time is always a challenge, and the Board does a lot of its work through committees.

Chair Banta said the Board knows its responsibility is to set policy, and to rely on the commissioner, the department, and the field to do the real work of implementing it.

Chair Banta reviewed the Board's priority areas, which are: (1) Educator effectiveness; (2) Curriculum and instruction; (3) Accountability and assistance; (4) Wraparound services and family engagement; and (5) School and classroom culture. The chair said that at its November 2011 retreat, Board members also identified a number of critical issues for the current school year, including:

* Recommendations of the Proficiency Gap Committee
* English language learner teacher preparation
* College and career readiness
* Educator effectiveness
* Virtual schools
* Charter schools
* ESEA flexibility waiver request
* PARCC/student assessment
* Roll-out of the new educator evaluation system

Board member Jeff Howard arrived at 5:15 p.m.

Chair Peisch thanked Board members for the opportunity to address the special meeting. Chair Peisch reviewed the legislative and budget cycles and subsequent timelines for each legislative session. The Education Committee began hearings on bills referred to it last May and June and resumed hearings again in September. Chair Peisch discussed the special oversight hearings on collaboratives, how committee analysts review legislation, and her regular contact with other legislators to hear about their priorities. Chair Peisch said she meets regularly with Commissioner Chester and with Secretary Reville.

Chair Peisch said the committee is about to report out bills. She said last year about 20-30 bills were reported out, of which 10 were enacted. Chair Peisch said that among the bills the committee is currently working on are bills related to collaboratives, virtual education, and Chapter 70 adequacy and Circuit Breaker funding.

Ms. Kaplan asked about a bill related to the Behavioral Health Task Force. Chair Peisch said it has had a hearing and is being redrafted. Ms. Chernow asked about the way charter schools are authorized in Massachusetts and noted there is a wide range in how charter schools are authorized in other states. Chair Peisch said there is no interest at the moment in revising the current system, which was last amended in 2010. Ms. Holmes asked about financial literacy and Chair Peisch said the committee has moved the bill along. Mr. Chertavian asked Chair Peisch about proposed legislation on virtual schools. She responded that her priority is to ensure quality and standards. Chair Peisch said the bill would require virtual schools to obtain approval from the Board and would cap the number of schools and students. Mr. Chertavian said he favors having state oversight for quality control and a single high-quality platform.

Chair Banta asked how the Board could be helpful to the Joint Committee on Education. Chair Peisch said communication is always helpful and the commissioner is good at conveying the Board’s priorities. Dr. Howard asked about the budget process. Chair Peisch said the Governor's budget request is given a lot of weight, and while resources are scarce, education has done very well relative to other areas. Chair Peisch said the Joint Committee is generally aware of issues of importance to the Department and it tries to be helpful in those areas where possible.

Commissioner Chester expressed his appreciation for Chair Peisch's accessibility and interest in the work of the Board and the Department. The commissioner noted the legislation on collaboratives and virtual schools came out of the Board's recommendations. Commissioner Chester said the proposed bills on financial literacy and civic education represent outstanding goals, but his concern is with the responsibilities placed on school districts. Chair Peisch said she shares that concern and that most bills are good attempts to help improve public schools. Chair Peisch said the anti-bullying law was good legislation that we needed but was difficult for school districts to absorb.

Commissioner Chester asked whether there had been any movement on the Auditor's opinion regarding McKinney-Vento and transportation funding for homeless students. Chair Peisch said there had been some discussion but no consensus yet on how to respond. Chair Banta thanked Chair Peisch for attending tonight's special meeting and for her service. Chair Peisch thanked the Board for their service.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 6:15 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