Minutes of the Regular Meeting

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

**April 24, 2012**

**8:35 a.m. – 12:05 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

**Gerald Chertavian**, Cambridge

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

**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

Members of the Board of Elementary and Secondary Education Absent:

**Vanessa Calderón-Rosado**, Milton

**Harneen Chernow**, Jamaica Plain

**Jeff Howard**, Reading

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

**Comments from the Chair**

Chair Banta welcomed the Board to its regular meeting. The chair said much of the Board’s work is being done by its six committees and a great deal of work is going on. Chair Banta asked committee chairs to report.

Vice Chair Holmes said the Charter School Committee met on April 23 to discuss seats, the allocation process, the charter school attrition study, and the impact of the new accountability system on charter schools. Ms. Holmes said she was pleased to see many members of the charter school community in attendance. Ms. Holmes said the Charter School Office is looking to the committee for more guidance on proven providers. She said the committee will also look at the issue of early indicators to identify schools of concern before they get in trouble. Commissioner Chester said the issue of releasing more charter seats is very much on his radar.

Mr. Chertavian said the Integrated College and Career Readiness Task Force held a meeting in April meeting focused on employer engagement. Mr. Chertavian said he has been pleased that almost every member of the task force has been able to attend all the meetings. Mr. Chertavian said he is heartened by the group’s interest in career readiness. He said the next meeting will address regulatory considerations and the task force will report back to the Board in June. Chair Banta said there is great interest in the work of this task force across the nation, and noted that employers are struggling to fill 120,000 vacant jobs in Massachusetts.

Ms. Kaplan provided an overview of the TELL Mass Survey in which 42,425 educators participated, just over 50 percent of the state’s educator workforce.

Secretary Reville arrived at 8:50 a.m.

Ms. Kaplan said the survey data will be posted online in mid-May for districts, and the Department will assist them in analyzing the data.

**Comments from the Commissioner**

Commissioner Chester provided an update on the Teacher Incentive Fund (TIF) grant, which is in its second year. The commissioner said the initial proposal had Springfield and Boston as participating districts. Because Boston was unable to secure the commitment of the teachers’ union, the commissioner said the grant was pulled from Boston. Commissioner Chester said the Department is in the process of reallocating those funds.

Commissioner Chester updated the Board on the FY13 budget and handed out a summary of recent legislative activity. He directed the Board to data on adult basic education in the back of the Board books.

**Comments from the Secretary**

Secretary Reville said the main focus has been on the budget, and there has been some good progress on amendments and language changes relating to community colleges. The secretary said there appears to be strong interest in the Gateway Cities Initiative, though he is concerned about redirection of some funding to the ELL account. Secretary Reville said has met broadly with representatives of the Gateway Cities around the Administration’s four initiatives.

**Public Comment**

1. John Connolly, Boston City Council, addressed the Board on the moratorium on charter school seats in Boston.
2. Jim Peyser of the NewSchools Venture Fund addressed the Board on the moratorium on charter school seats in Boston.
3. Kevin Andrews, principal of the Neighborhood House Charter School in Boston, addressed the Board on the moratorium on charter school seats in Boston.
4. Michaela Colombo from MATSOL addressed the Board on the proposed regulations related to educator licensure for English as a Second Language (ESL) teachers.

Mr. Gifford arrived at 9:10 a.m.

1. Paul Toner from the Massachusetts Teachers Association addressed the Board on the RETELL initiative.
2. Jerry Mogul from Mass Advocates for Children addressed the Board on the report on special education in Massachusetts.

# 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 March 19, 2012 special meeting and March 20, 2012 regular meeting.**

The vote was unanimous.

**Special Education Policy Issues – Recap of Discussion from Special Meeting**

Chair Banta thanked Marty Mittnacht, the Department’s director of special education planning and policy, for organizing an excellent session last evening with Harvard University Professor Thomas Hehir. The chair said it is essential that we share best practices and make better use of data. The chair talked about the potential role of technology to help students gain access to the regular curriculum. Chair Banta also said she was interested that the report found that the perception that wealthier suburbs have over-identified students with disabilities is not accurate.

Commissioner Chester said the report provides a different way for the Department to interact with school districts around special education, focusing on data specific to that district with respect to low-income students and separate programs. Among the report’s findings were: (1) The rates by which districts identify students in need of special education vary widely. (2) A student from a low income background has twice the likelihood of being identified. (3) School districts that rely heavily on separate programs for students with disabilities generally have lower student achievement.

The commissioner said the typical state interaction with school districts is around due process and compliance of a highly regulated program and does not focus on whether students are well served. The commissioner said that the report on special education by Professor Hehir gives us a new direction to think about the variations among school districts. Commissioner Chester said one of the report’s recommendations is that a continuum of intervention and support should precede referral of a student to special education.

Ms. Kaplan said last evening’s discussion was stimulating and the report raised a lot of important issues. Ms. Kaplan talked about the labeling of some learning disabilities as “mild” or “soft”, and said these are complex circumstances involving real disabilities. She said academic teachers need to understand the issues of students with disabilities. Mr. Chertavian asked about the role of implicit bias in separating students by low income and color. Commissioner Chester said that did not come up in the discussion. The commissioner said the statewide data showed that a low income student is twice as likely to be identified as having special needs and if identified, that student is more likely to be educated in a separate program, regardless of race. Commissioner Chester said the real issue appears to be the need for stronger reading instruction and behavioral interventions.

Secretary Reville said as a special education parent himself, he sees the need to focus on high quality services. The secretary asked about the Department’s capacity to address districts with high rates of classification. The commissioner said the report will prompt the Department to think about new ways to intervene. Ms. Kaplan said she would be interested to know more about special education enrollment rates in charter schools.

**Report on School Turnaround: *Emerging Practices in Rapid Achievement Gain Schools: An Analysis of 2010-2011 Level 4 Schools***

Commissioner Chester said the first year results from the first cohort of Level 4 schools showed that two-thirds of those schools made really good progress and one-third made no progress or declined. The commissioner said the Department had commissioned an early analysis to look more in-depth at those gains and at practices in the high performing schools.

Senior Associate Commissioner Lynda Foisy introduced Jesse Dixon, a special assistant to Ms. Foisy who works on turnaround efforts in Level 4 schools. Ms. Foisy said this report focuses on the results of an early look at improvement in Level 4 schools. Mr. Dixon made a presentation on the practices implemented effectively in these Level 4 schools and the replicability of these strategies. Mr. Dixon said the federal American Recovery and Reinvestment Act pumped an additional $70 million into school turnaround in Massachusetts. Mr. Dixon said that three big takeaways from the report were the importance of: (1) an instruction- and results-oriented principal; (2) instruction- specific teaching and teacher-specific coaching for pursuing ongoing instructional improvement; and (3) a well-orchestrated system of data collection.

Ms. Holmes asked about new leaders in these schools. Mr. Dixon said that 9 of the 34 principals remained the same. The federal rule is that if a leader who has been there for two or more years had to be removed. Dr. Mohler-Faria asked if there was any correlation between grade levels and the demographics of the students. Mr. Dixon said all the high-gain schools were elementary or K-8 schools, and 9 of the 10 schools had a high proportion of students eligible for free or reduced-price lunch.

Mr. Roach asked how many of the top ten Level 4 schools received one of the more substantial federal grants. Mr. Dixon said only 3 out of 10 of the rapidly improving schools received the large grants. Secretary Reville asked if the $500,000 was a one-time grant or over three years. Mr. Dixon said the $500,000 is for each of the three years. Mr. Roach asked whether any of the bottom ten performing Level 4 schools received the $500,000 per year funding. Mr. Dixon said yes, 4 or 5 of the schools did receive that funding. Secretary Reville said it is important to look more closely at the funding data to determine what other resources schools are using and what happens when the federal grant runs out. Dr. Mohler-Faria said looking at how the money was used would be revealing.

Commissioner Chester said the Department has shifted from working directly with low performing schools to building capacity in the districts to support these schools and also improve their Level 3 schools. Ms. Kaplan said it appears some districts had schools in both the top and bottom ten. Mr. Dixon said the biggest distinction is secondary versus elementary schools. Mr. Roach asked how many of the top and bottom performing schools were middle schools. Mr. Dixon said none of the top 10 were middle schools, and 3 to 5 of the bottom ten were middle schools.

Secretary Reville commended the report and the presentation. He said it would be interesting to examine a variety of factors: distributed leadership, wraparound services, and attendance. He said a safe and respectful school climate is key, and added that he would feature this element more prominently. Secretary Reville said we need to follow the money closely.

**Lawrence Public Schools:**

**Update on Receivership**

Commissioner Chester said the local stakeholder group in Lawrence has been meeting. The commissioner said he expects to invite Receiver Jeff Riley to the Board’s May or June meeting and that the district’s Level 5 turnaround plan should be completed by then.

Commissioner Chester said Receiver Riley is conducting a receiver’s review now to identify teachers whose performance raises concern. Those teachers are being observed in the classroom and will receive written and verbal feedback.

Liza Veto, the special assistant to Senior Associate Commissioner Foisy, noted that there was a student representative on the local stakeholder group. Ms. Kaplan asked if the Rapid Gains report was shared with the receiver. Ms. Foisy said it had been. Ms. Foisy said the Department has been doing a lot of work with the receiver around budgets, and that he is working hard to attract private investments. Commissioner Chester said a deep analysis of current expenditures is being conducted by Education Resource Strategies (ERS) and Karen Hawley Miles to answer whether the district is making the best use of its budget.

**Lawrence Public Schools:**

**Request for Waiver of School Finance Regulations on Extraordinary Maintenance (603 CMR 10.02)**

Mr. Roach asked whether there was any opportunity at the School Building Authority (SBA) to deal with some of the significant maintenance issues in Lawrence. Deputy Commissioner Jeff Wulfson said the SBA is focused on the construction of new buildings and major renovations, and the SBA would not typically funds these types of projects. Mr. Chertavian asked how a district makes a judgment on priorities. Commissioner Chester said facilities in Lawrence range from poor to brand new. The commissioner said the need will grow if projects are not attended to. Mr. Wulfson said this is a small subset of a backlog of maintenance needs in the district that represent urgent projects.

Secretary Reville asked for a quick primer on Lawrence’s budget. Mr. Wulfson said the district has a $150 million annual budget, over 90 percent of which is funded by Chapter 70 aid. The balance comes from local taxes. He said the amount covered by the proposed waiver would be less than half of one percent of the district’s budget. Ms. Kaplan asked if Lawrence was receiving any federal funds. Commissioner Chester said yes but the district cannot use those funds on construction.

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

**VOTED: that the Board of Elementary and Secondary Education waiver the extraordinary maintenance project limit of $100,000, as appearing in 603 CMR 10.02, for the purpose of allowing projects listed in the Lawrence Public Schools Capital Improvement Plan 2012-2014 (Attachment 1 to the Commissioner’s memorandum to the Board dated April 13, 2012) to be funded through net school spending.**

The vote was unanimous.

**Proposed Amendments to Accountability and Assistance Regulations, 603 CMR 2.00**

Commissioner Chester said he is asking the Board to take an initial vote on proposed amendments on the regulations on accountability and assistance to send them out for public comment. The commissioner said the Department would then bring the final set back to the Board in June, which would allow the amendments to be enacted in time for the next school year. Commissioner Chester said these amendments will ensure that the accountability and assistance regulations are aligned with the state’s recently approved Elementary and Secondary Education Act (ESEA) / No Child Left Behind (NCLB) waiver. The commissioner said the regulations are aligned with our practices as they have evolved with respect to Level 4 and 5 schools. The regulations also clarify the status of school districts previously declared underperforming that continue to hold that designation (Gill-Montague, Holyoke, Randolph, and Southbridge).

Eva Mitchell, associate commissioner in the Office of School and District Accountability, said the regulations will make sure that Levels 1-3 are aligned with the approved waiver and the work at Levels 4-5 is aligned with current practices. Ms. Mitchell said the proposed language states that a district with one or more Level 4 schools is a Level 4 district. Ms. Holmes asked what prompts a Level 4 district to be designated as Level 4 if it has no Level 4 schools. Ms. Mitchell said in the past the Board voted to declare a district underperforming if a district review found serious issues. Once a district is in the status, the Department starts intervention and support and the district prepares a turnaround plan. Ms. Mitchell said the Department provides a dedicated part-time plan manager to help write the plan and implement it. Ms. Foisy said at the time of Holyoke’s designation it did not have Level 4 schools, but now it does. Ms. Foisy said the plan manager is also hired to help the district implement improvement efforts and assist in writing regular reports.

**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; and c. 69, §§ 1J and 1K, 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 Accountability and Assistance for School Districts and Schools (603 CMR 2.00), as presented by the Commissioner. The proposed amendments implement the flexibility waiver that the U.S. Department of Education granted to the Commonwealth in February 2012 and make other changes as outlined in the Commissioner’s memo of April 13, 2012.**

The vote was unanimous.

**Proposed Amendments to Educator Licensure and Preparation Program Approval Regulations, 603 CMR 7.00**

Commissioner Chester said the proposed changes to English as a Second Language (ESL) licensure standards are driven by what was learned as we looked at the qualifications for core academic content teachers in Sheltered English Immersion. On the proposed changes to the program approval regulations, Claudia Bach, director of the office of educator policy, preparation and leadership, said the Department looked at programs and where educators were going after they graduate. Commissioner Chester said there is an increased emphasis on field based experiences and on results.

Chair Banta asked about the 150-hour practicum for ESL. Esta Montano, director of the office of English language acquisition and academic achievement, said the idea is that the requirement can be met on the job through coaching or mentoring from an experienced ESL teacher.

Secretary Reville said he applauds the direction. The secretary noted that the Board of Higher Education approved a new graduate program in education sponsored by the MATCH School. The secretary said the Executive Office of Education has put together a task force to look in depth at teacher preparation, and the Board will be represented by Chair Banta and Mr. Roach. The secretary said the task force will review teacher preparation in general and come forward with recommendations.

Liz Losee, the assistant director of the office of educator policy, preparation and leadership, said the change in program approval was part of the state’s Race to the Top application. She said there is a significant IT component, and annual data is currently collected.

Ms. Kaplan asked about the typical role of an ESL teacher or specialist, and whether there is a shortage of ESL teachers. Ms. Montano said the state uses a Sheltered English Immersion (SEI) model that includes the teaching of English and the teaching of content. Ms. Montano said an ESL teacher needs a background in linguistics and has far more expertise than an SEI teacher. Ms. Montano said there is a shortage, but it is not as critical as the shortage for special education. Brian Devine, the director of the licensure office, said the Department issued 61 waivers in ESL this year, which is the third highest of any field.

Mr. Roach said many programs based in the state see their graduates go and teach in other states. Mr. Roach said if you measure programs based on graduates, you have to calibrate with that in mind. Ms. Losee said the Department looks at multiple measures to review and approve programs. Chair Banta asked about alternative paths to certification. Ms. Losee said most of the alternative programs have a small number of completers.

**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, 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 Educator Licensure and Preparation Program Approval, 603 CMR 7.00, as presented by the Commissioner. The proposed amendments would revise standards for the English as a Second Language educator license, revise standards for preparation program approval, and make other changes as outlined in the Commissioner’s April 19, 2012 memorandum.**

The vote was unanimous.

**Proposed Amendments to Regulations on Access to Equal Educational Opportunity, 603 CMR 26.00, and Charter Schools, 603 CMR 1.00 (Non-Discrimination Based on Gender Identity, per C. 199 of 2011)**

Commissioner Chester said these regulations incorporate the new requirements of state law protecting students from discrimination in public schools based on gender identity.

**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, § 89, and c. 76, § 5, as amended by Chapter 199 of the Acts of 2011, 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 Access to Equal Educational Opportunity (603 CMR 26.00) and Charter Schools (603 CMR 1.00), as presented by the Commissioner. The proposed amendments incorporate the new requirements of state law protecting students from discrimination in public schools based on gender identity.**

The vote was unanimous.

**FY2013 Education Budget Proposal from House Ways & Means Committee**

Commissioner Chester said the House of Representatives was actively working on the FY13 state budget. The commissioner said the House voted on education amendments yesterday. Department Chief Financial Officer Bill Bell said a consolidated budget amendment added $7.7 million to the Department’s accounts as well as additional funding in the Executive Office’s accounts. Mr. Bell said most of the Board’s priorities are funded, including healthy funding for Chapter 70 and Circuit Breaker and new funding to support school transportation for homeless students.

Mr. Bell said the result for the Office of School and District Turnaround is mixed; the Board requested almost $6 million but the proposed amount is now about a $1 million increase. Mr. Bell said the account is effectively level funded. Chair Banta asked about the Department’s capacity to do 20 district reviews as opposed to the 40 that are mandated. Mr. Bell said the Department conducts these reviews within the limits of its appropriation.

Mr. Bell said there is additional funding for professional development for ELLs, through $850,000 earmarked in the new Gateway Cities appropriation. Mr. Bell said there are no new monies for literacy.

Secretary Reville said the big items like Chapter 70, Circuit Breaker and homeless transportation are in good shape. The secretary said two areas of concern are the Gateway Cities Initiative and the funding for educator professional development for ELLs. The secretary said he had hoped these would be handled separately. Mr. Bell said a disappointing area is information technology where significant dollars were requested by the Governor but not supported in the House.

Mr. Chertavian said if .001% of Chapter 70 funding were available to the Department, we would have much more leverage to accomplish education reform. Mr. Roach stated the Department’s capacity is at a critical point. Commissioner Chester noted that the Department relies on federal funding to support state responsibilities, and the outlook is not promising with federal cutbacks looming and Race to the Top concluding in two years.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:05 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**

**April 23, 2012**

**5:05 p.m. – 6:55 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

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

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

**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

**Harneen Chernow**, Jamaica Plain

**Gerald Chertavian**, Cambridge

**Jeff Howard**, Reading

**Dana Mohler-Faria**, Bridgewater

Chair Banta called the meeting to order at 5:05 p.m.

Chair Banta welcomed the Board to the special meeting on special education and introduced Harvard University Professor Thomas Hehir and Marty Mittnacht, the Department’s director of special education planning and policy. Commissioner Chester said this topic is of great importance to the Commonwealth.

Commissioner Chester said one in six students in Massachusetts is identified as a student with disabilities. The commissioner said he asked Dr. Hehir to conduct a series of analyses using our statewide data set to give us insight into who we are identifying and whether we are doing the best we can with these students. The commissioner said Dr. Hehir’s compelling findings offer another way of thinking about the Department’s interaction with school districts. The commissioner said the key question is whether students are being well served. Commissioner Chester acknowledged the co-chairs of the Board’s Special Education Advisory Council who were in the audience.

Ms. Mittnacht made a brief presentation on special education, how students are identified, and the services they receive.

Chair Banta asked about identification of disabilities. Ms. Mittnacht said schools have to identify a primary disability. Chair Banta asked why there is a spike in identification at grade 3. Ms. Mittnacht said it has to do with reading proficiency. Ms. Holmes asked about the high identification rate at some vocational schools. Ms. Mittnacht said vocational schools are set up to prepare students for occupational areas and adult life and may attract some students with disabilities for that reason.

Ms. Kaplan asked how students are identified and how our data compare to national numbers. Ms. Mittnacht said in Massachusetts we include only public school enrollment, whereas data across the country rely on census numbers. Ms. Kaplan asked about numbers of students in nonpublic schools receiving special education services. Ms. Mittnacht said the numbers are very small.

Dr. Hehir introduced two of his advanced doctoral students, Todd Grindal and Hadas Eidelman, who assisted in the study. Dr. Hehir said the commissioner asked him to do a review of special education in Massachusetts, and he looked at how the identification, placement and performance of Massachusetts students with disabilities compare to students with disabilities across the country. He said this was a statistical analysis, much of which was tied to MCAS – and does not lend itself to consideration of district level factors such as quality of classroom teaching.

Among the key findings from Dr. Hehir’s report (posted at <http://www.doe.mass.edu/sped/hehir/>) are:

1. Overall, Massachusetts’s schools identify a higher percentage of students as having a disability than do schools across the country. Massachusetts’s students with disabilities compare favorably to students across the country in terms of their academic achievement and the degree to which they are included with their typically developing peers.
2. Though some wealthy districts have high rates of special education identification, overall high-income districts are not primarily responsible for the commonwealth’s relatively high identification rates statewide. Rather, districts with higher percentages of low-income students, on average, identify a higher percentage of their students as disabled than do districts with low percentages of low-income students.
3. At the district level, the performance of students with disabilities – while consistently lower on average – typically parallels the performance of general education students; such that in districts where general education students have higher MCAS scores, students with disabilities also, on average, earn higher scores on the MCAS.
4. Low-income students in Massachusetts are more likely to be identified as eligible for special education services than are students who are not low-income. This is particularly true for low-income students who attend school in high-income districts. Meanwhile, among students with limited English proficiency, there are dramatic differences in the rates of disability identification between students whose home language is Spanish and students whose home language is not Spanish.
5. Among students with disabilities, low-income students, African American students and Latino students are consistently more likely to be educated in classrooms away from their typically developing peers than are middle- or high-income students or students who are not African American or Latino.
6. Holding constant other student and district-level characteristics associated with MCAS performance, students with disabilities who spend more time being educated with their typically developing peers, on average, earn higher scores on the MCAS than students who spend much of their time in substantially-separate, non-mainstream classes.

Dr. Hehir said that in general, Massachusetts does a very good job with students with disabilities compared to other states and he does not recommend sweeping policy changes. He said if you control for income and first language, racial minorities are not over-identified for special education but there are racial disparities in terms of separate placements, especially at the middle and high school level. Dr. Hehir recommended that the Department intervene in districts with an inordinate use of substantially separate settings for students with disabilities.

Dr. Hehir said the two main reasons for referral of students to special education are failure in reading and behavioral issues. He said students who are struggling in school need intervention in general education, not necessarily referral to special education. Dr. Hehir said the Massachusetts Tiered System of Support and Universal Design for Learning are admirable initiatives in that regard, and that almost everything recommended in the report is currently being done somewhere in Massachusetts.

Chair Banta asked about the existing teacher workforce. Dr. Hehir said teachers need to teach all students to read and decode text and they need support. Ms. Kaplan said as the parent of a child with a learning disability, she takes issue with the terms “mild” or “soft” when applied to learning disabilities. Ms. Kaplan asked whether it was reasonable to close the MCAS gap with students with disabilities. Dr. Hehir said he is a strong advocate of keeping students with disabilities in the statewide assessment system because to do otherwise perpetuates an attitude of low expectations for students with disabilities. He said it is important to assume students are capable and we need high expectations coupled with opportunities. Dr. Hehir said MCAS performance of students varies greatly by district as does the gap between students with and without disabilities. Dr. Hehir said there will always be some gap but it can be narrowed.

Mr. Roach asked about the higher identification rates in districts with large numbers of low income students. Dr. Hehir said this was a statistical, observational study, and not a look at why or what is behind the data. Mr. Roach said a resource poor school may look to special education because it lacks other options. Dr. Hehir said special education is an inefficient way to give students help in reading. Mr. Roach asked how much of this depends on leadership. Dr. Hehir said in his book he finds that leadership matters enormously.

Commissioner Chester said we need to help schools organize to provide multiple ways to address students’ needs, such as through tiered instruction that is attentive to students’ academic needs. Mr. Gifford said he himself was tested in the 6th grade and placed on a Section 504 plan and he did not want to be labeled by it. Mr. Gifford said it is important to support students and cited the tutorial program at his high school. Ms. Kaplan asked about cost. Dr. Hehir said special education is not the best use of resources for students for whom the referral would be questionable, especially when the resources could be better applied to a strong early reading program. Dr. Hehir said one big question is how Title I resources are being used in some districts.

In response to a question from Mr. DiTullio, Dr. Hehir said some people believe special education should fix a disability. Dr. Hehir said it varies depending on the disability; some students will need special education always and for others, if the system works well, they may not need special education anymore. Ms. Mittnacht said the Department collects exit data each year but the number of students leaving special is relatively small, and once students are identified as eligible for special education, they typically stay eligible.

Chair Banta thanked Dr. Hehir and all other participants for an excellent presentation and discussion.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 6:55 p.m., subject to the call of the chair.**

The vote was unanimous.

Respectfully submitted,

Mitchell D. Chester

Commissioner of Elementary and Secondary Education