Minutes of the Regular Meeting

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

**November 27, 2012**

**8:35 a.m. – 12:50 p.m.**

**South Lawrence East Elementary School**

**165 Crawford Street, Lawrence, MA**

Members of the Board of Elementary and Secondary Education Present:

**Maura Banta**, Chair, Melrose

**Vanessa Calderón-Rosado**, Milton

**Ryan Casey**, Chair, Student Advisory Council, Franklin

**Harneen Chernow**, Jamaica Plain

**Gerald Chertavian**, Cambridge

**Ruth Kaplan**, Brookline

**Pendred Noyce,** Weston

**Paul Reville,** Secretary of Education

**David Roach**, Sutton

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

Member of the Board of Elementary and Secondary Education Absent:

**Beverly Holmes**, Vice Chair, Springfield

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

**Comments from the Chair**

Chair Banta welcomed Dr. Penny Noyce to the Board. Chair Banta said she has worked with Dr. Noyce on the Massachusetts Business Alliance for Education and recognized her work with the Rennie Center and in the creation of the Massachusetts mathematics frameworks. Chair Banta thanked Vice-Chair Beverly Holmes for chairing the October Board meetings. Chair Banta thanked Board members for their commitment to attend the upcoming charter school hearings. Chair Banta referred Board members to the list of Massachusetts schools recognized with a Blue Ribbon Award.

**Comments from the Commissioner**

Commissioner Chester said this is the one year anniversary of the Board voting to place the Lawrence school district in receivership. Commissioner Chester expressed his appreciation to the school district and Receiver Jeff Riley for hosting this meeting and the school tour earlier in the day. The commissioner commended the receiver, the Board, and the Department staff s dedication to ensuring the children of Lawrence receive a high quality education. Commissioner Chester introduced Jonathan Landman, associate commissioner of teaching and learning, to the Board. He also welcomed back Cliff Chuang, director of charter schools and school redesign, who has rejoined the Department after working for the New York State Education Department. Commissioner Chester thanked Barry Barnett, acting head of the charter school office, and the staff for their good work. Commissioner Chester said he will update the Board soon on virtual schools and on pending legislation that would provide greater consumer protection and quality control. He directed the Board to a recent article on virtual schools in CommonWealth Magazine. The Commissioner said he is pleased that US Education Secretary Arne Duncan will be staying on with President Obama.

**Comments from the Secretary**

Secretary Reville thanked Penny Noyce for joining the Board and said she will be a great addition. He also welcomed Jonathan Landman and Cliff Chuang to the Department. Secretary Reville said the state budget is in a tight situation and his office is working with the Department on strategies to address budget shortfalls. He said fiscal year 2014 will be difficult but decisions are being made based on priority initiatives. Secretary Reville said the Teacher Preparation Taskforce is underway, with participation by members of the Board. The secretary commented that in his school visits he sees examples of technology being used in the delivery of instruction, and he hopes the Board will take a leadership role in this area. Secretary Reville said he expects the federal government will continue to support expansion of wraparound services.

**Public Comment**

1. Representative Anne-Margaret Ferrante addressed the Board on Gloucester Community Arts Charter School.
2. Leslie Hughes from Massachusetts Advocates for Children addressed the Board on special education services.
3. Angie Batista, a parent from the group Parents Concerned about Autism in Lawrence, addressed the Board on special education services.
4. Frank McLaughlin, president of the Lawrence Teachers Union, addressed the Board on the Lawrence receivership.
5. Diane Frey from the Massachusetts American Federation of Teachers addressed the Board on the Lawrence receivership.
6. Ana Javier from Parent Leaders in the Merrimack Valley addressed the Board on creating a transparent educational system in our cities.
7. Paul Georges from United Teachers of Lowell addressed the Board on successful school and district turn around strategies.
8. Peter Dolan addressed the Board on Gloucester Community Arts Charter School.
9. Val Gilman from the Gloucester School Committee addressed the Board on Gloucester Community Arts Charter School.
10. James Cavistan from the Gloucester Community Arts Charter School Board of Trustees addressed the Board on the school.
11. Beth DelForge, director of education at the Gloucester Community Arts Charter School, addressed the Board on the school.

**Recap of Special Meeting on Level 4 Schools**

Chair Banta thanked the commissioner and Senior Associate Commissioner Lynda Foisy for organizing an excellent presentation and discussion on Level 4 schools on November 26. Chair Banta summarized the presentations and their focus on sustainability, improvement, and successful turnaround strategies in Level 4 schools. Chair Banta said Superintendents Mayo-Brown, Franco, and Boone spoke of the power of leadership, use of expanded school time, district liaisons, and change coming from within. Chair Banta invited other Board members who attended the special meeting to comment.

Dr. Noyce said she was interested in the superintendents’ comments about factors that promote school turnaround, including strong, consistent leadership, communication, use of data, and expectations. Ms. Chernow said the superintendents’ presentation showed that leadership is key to supporting and sustaining turnaround efforts. Ms. Chernow said she would like the Board to have more discussion on Level 4 exit decisions including moving a school into Level 5 and what that would mean.

The Commissioner noted that a Level 5 school does not mean the district is Level 5. Commissioner Chester said the exit determinations will consider student performance, evidence of school conditions to sustain progress, and evidence of district systems of support to sustain progress. Dr. Calderón-Rosado asked how the progress and performance index (PPI) is incorporated into the exit strategy. Commissioner Chester said the index is central to closing achievement gaps and exit determinations are based on closing achievement gaps for high needs subgroups.

Secretary Reville said this is an important discussion. He identified three issues for follow-up: the impact of Level 4 schools on other schools in the district, the power of more effective educator evaluation, and the financial challenges for districts that must sustain improvements when grants end.

**Update on Lawrence Public Schools Receivership**

Commissioner Chester said this is the first anniversary of the Lawrence receivership and it is worth remembering why the Board supported it. He recounted the grave problems in student performance, high school graduation rate, and administrative turmoil that led to his recommendation in November 2011: Lawrence’s ELA and math scores were in the bottom one percent, it had the lowest graduation rate of any traditional public school district, three-fourths of the schools were on the decline, six schools were designated as Level 4, and leadership was not in place. Commissioner Chester introduced Jeff Riley, whom he appointed in January 2012 as receiver of the Lawrence school district. Mr. Riley gave a presentation to the Board.

Mr. Riley recognized school committee members Frank Cerillo and Achille Santos in the audience. Mr. Riley said the goal has been to empower individual schools, to avoid a top down model. Mr. Riley said six over-arching themes guide the turnaround plan: combine the best of Lawrence and best of the Commonwealth; great schools for Lawrence; empower principals, teachers, parents, and the community; use resources wisely; implement with urgency; and focus on results. Mr. Riley presented an overview of the turnaround goals and his focus on closing achievement gaps. He said the strategies to achieve the turnaround goals are extended time, use of data, high expectations, proven partners and people, support and engagement for students, and autonomy and accountability for schools. Mr. Riley said Lawrence has been working to implement its turnaround plan without additional state funding for the receivership and while being underfunded by the city. Commissioner Chester said Lawrence is below foundation and we are working to make sure the city puts up its fair share of school funding.

Mr. Riley said a local stakeholder group has been engaged to build the turnaround plan for a new Level 4 school. Mr. Riley also reviewed other initiatives that are underway. He introduced Scott Given, founder and CEO of Unlocking Potential and Alan Safran of Match Education, who in turn introduced Antonio Gutierrez of Match Education. They each gave a brief overview of the work their educational management organizations are doing in the Lawrence schools.

Commissioner Chester commended the educational management organizations for their success and for taking the risk to use innovative models in Lawrence. The Commissioner said these are all Massachusetts based enterprises that have a proven track record of success in previously low performing schools in high poverty districts. Secretary Reville said this is a courageous undertaking, and asked Mr. Riley to respond to comments from parents and the union. Mr. Riley said change is hard and some of the union’s concern reflects fear of the unknown. He said he has had preliminary talks with the union about their operating a union turnaround school. Mr. Riley said he is only interested in good schools and good results for students, and he wants to work cooperatively with the LTU. Mr. Riley also said the autism program in Lawrence will continue, and he has hired a new special education director who is assessing the current programs in the district.

Secretary Reville said there is great potential here for a labor-management win-win. Mr. Roach said he is impressed by Match and the relationships among students, tutors, and teachers. Mr. Roach said he remembers the MA Teacher of the Year also highlighted the importance of building a relationship with students. Mr. Roach asked about communication with union leadership. Mr. Riley said they communicate regularly. Dr. Calderón-Rosado asked how the school is engaging parents and about staff and leadership demographics in relation to student demographics. Mr. Riley said he found schools varied in their level of parent engagement and communication, and he is strengthening it. He said a welcome center at the central office has been created for help and support for parents and students and the parent teacher organization is actively engaging the community. Mr. Riley said he is actively recruiting great people for every level of the school district and is very interested in reflecting the community in the schools.

Mr. Casey asked if the extended learning time is being used effectively. Mr. Riley said he expects each principal to have a plan for the school, tailoring the extended time both for academics and enrichment. Ms. Chernow asked about education management groups and teacher and administrator turnover. Mr. Riley said he can send that information to the Board. He said Lawrence is taking a measured and strong approach to hiring, including looking within the schools. Ms. Kaplan urged Mr. Riley to keep special education at the forefront. She commended the parent who spoke during public comment. Mr. Riley said special education teacher and paraprofessional positions have been added, and that Lawrence and other districts face a shortage of speech professionals.

**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 October 23, 2012 regular meeting.**

The vote was unanimous. Dr. Noyce abstained.

**Budget Proposal for FY 2014**

Chair Banta said the commissioner’s memo reflects the discussions and recommendations of the Board’s budget committee, whose members are Dr. Calderón-Rosado, Mr. Casey, Ms. Kaplan, and Chair Banta. Commissioner Chester introduced Deputy Commissioner Jeffrey Wulfson and Chief Financial Officer Bill Bell to present the budget proposal. Commissioner Chester said the state is experiencing a difficult fiscal situation, and faces possible cuts in federal funding. He said the budget committee identified funding priorities including: support of school districts, including Chapter 70 funding and circuit breaker; professional development for English language learner instruction; assistance for district and school turnaround, including district accountability review and district centers; charter school program administration; and elimination of personnel restrictions in program accounts.

Mr. Bell said the Department has been developing FY 2013 spending allocations with the $25 million budget shortfall in mind, which will also affect next year’s funding. Mr. Bell also outlined the timeline for the budget. Ms. Kaplan asked about funding for targeted assistance. Commissioner Chester said grants go to Level 4 districts, some funding is used for consultants to support districts, some is used to support Department staff, and some is used to convene the school and district leaders. He said funding for educational management organizations comes out of the district budget. Dr. Noyce asked the commissioner what percentage of grant appropriations he believes should be allocated for staff to manage the grant programs. Commissioner Chester said 1 to 2 percent. Chair Banta commented that the federal government and foundations know that grants have to include funding for operational costs. Dr. Noyce suggested including the 1-2% figure in the budget request because it is modest.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with Mass. Gen. Laws chapter 69, § 1A, approve the budget priorities for the FY 2014 education budget as recommended by the Board’s budget committee and the Commissioner, and direct the Commissioner to convey these recommendations and priorities to the Secretary of Education, the Governor, and the Legislature.**

The vote was unanimous. Secretary Reville abstained.

Secretary Reville said the Executive Office of Education is holding budget hearings, open to the public, on: December 3, 2012, from 4 to 6 p.m., at One Ashburton Place, Boston, and December 6, 2012, from 4 to 6 p.m., at Worcester State University.

**Proposed Amendments to Regulations on Innovation Schools**

Chair Banta introduced Cliff Chuang, director of the charter school and school redesign office, Bridget Rodriguez, director of planning and collaboration at EOE, and James DiTullio, general counsel at EOE, to present the proposed amendments. Ms. Rodriguez gave an overview of innovation schools in Massachusetts. Mr. DiTullio said the amendments are based on experience with innovation schools. The amendments would expand the definition of teacher for purposes of these regulations, clarify the voting process, and address amendments to innovation school plans. Secretary Reville said there is much interest in innovation schools, which are akin to in-district charter schools. Ms. Kaplan asked about the difference between Horace Mann charter schools and innovation schools. Ms. Rodriguez clarified that Horace Mann charter approval comes from the Board and innovation schools are approved and overseen by the school committee.

**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, § 92, 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 the Regulations on Innovation Schools, 603 CMR 48.00, as presented by the Commissioner. The proposed amendments clarify the innovation schools approval and amendment process, as outlined in the Commissioner’s November 20, 2012 memorandum.**

The vote was unanimous.

**Amendment Proposed for Match Charter Public School**

The commissioner presented an overview of the amendment as outlined in his memo. Deputy Commissioner Jeffrey Wulfson said the charter amendment is to expand the school to include grade five, not to increase enrollment. The commissioner added that Match is a high performing school whose charter has been renewed twice. Dr. Calderón-Rosado noted for the record that she is abstaining from the discussion and vote because her organization is working with Match on a real estate transaction. Ms. Chernow expressed concern that adding grade 5 to the charter school could destabilize other schools in the district. In response to questions from Dr. Noyce and Ms. Kaplan, Mr. Wulfson explained the provision in the law requiring charter schools to backfill vacant seats. Ms. Kaplan said the educational rationale for the amendment seems weak; it seems to be more about logistics.

**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:**

**Match Charter Public School**

**(grades served changed from 6-12 to 5-12)**

**Location: Boston**

**Maximum Enrollment: 550**

**Grades Served: 5-12**

**Effective school year: 2013-2014**

The vote was 6-1. Ms. Chernow voted in opposition. Ms. Kaplan and Dr. Calderón-Rosado abstained.

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

Commissioner Chester said he is aware of the concerns raised during public comment. Mr. Wulfson explained the process for enrollment calculations and tuition reimbursements. Commissioner Chester summarized the concerns set forth in his memo. He said that despite being more than two years into its charter, the school is experiencing problems typical of a charter in its first year. The commissioner said based on the seriousness of the problems, revocation of the charter is a possibility. Commissioner Chester cited problems with student performance, curriculum, financial viability, use of data, student enrollment, and staffing, including the recent resignation of the executive director. The commissioner commented on new information about a loan made to the school; he said the Department has referred the matter to the Office of the State Auditor. Commissioner Chester said he will present a recommendation to the Board in December.

Dr. Calderón-Rosado asked if the charter revocation is approved, would the school close immediately. Commissioner Chester said the school would likely finish out the year. Mr. Casey asked about community sentiment toward the charter. Commissioner Chester said the Board has heard some passionate views and it is unclear whether they represent the whole city. Mr. Roach said it is clear the school is not performing. Secretary Reville said the school has disturbing deficiencies and he can understand the level of concern; the school also has faced implacable opposition and it is hard to know if it would have succeeded otherwise. Ms. Chernow said the school lacks a basic accountability plan and it is in its third year. Dr. Noyce and Mr. Chertavian cited a lack of focus on math at the school. Mr. Chertavian commended the commissioner for focusing on results. Ms. Kaplan said she favors revocation of the charter.

Chair Banta thanked Board members and the city of Lawrence for hosting the meeting. She reminded Board members about the upcoming charter hearings and the December Board meeting.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:50 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**

**November 26, 2012**

**5:10 p.m. – 7:05 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

**Ryan Casey**, Chair, Student Advisory Council, Franklin

**Harneen Chernow**, Jamaica Plain

**Penny Noyce,** Weston

**Paul Reville,** Secretary of Education

**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:

**Beverly Holmes**, Vice Chair, Springfield

**Vanessa Calderón-Rosado**, Milton

**Gerald Chertavian**, Cambridge

**Ruth Kaplan**, Brookline

Chair Banta called the meeting to order at 5:10 p.m. She introduced Penny Noyce, the most recently appointed member of the Board. Commissioner Chester said the purpose of tonight’s special meeting was to review the framework being developed to inform Year 3 “exit” decisions for Level 4 schools. He noted that Superintendent Melinda Boone of Worcester, Superintendent Meg Mayo-Brown of Fall River, and Superintendent Jean Franco of Lowell would be participating in the presentation. Commissioner Chester said in March 2010 the Board adopted regulations on accountability and assistance for schools and districts and at that time 34 Level 4 schools were identified, in nine districts. Those schools are now in the third year of their turnaround plans.

Commissioner Chester introduced Lynda Foisy, senior associate commissioner, and Erica Champagne and Jesse Dixon of the Department’s staff, who gave a PowerPoint presentation on the Level 4 schools exit process and ensuring sustainable turnaround.

Level 4 Schools Exit Process

Ms. Foisy reviewed the decision-making criteria the Commissioner will consider in making Year 3 exit decisions for Level 4 schools, including: student progress in achieving measurable annual goals, evidence of school conditions to sustain progress in student achievement, and evidence of district systems of support to sustain school progress. Mr. Dixon said decisions will be based on three years of data, no single data point will be dispositive, and the Department will hold a high standard for exit from Level 4 status. Mr. Dixon reviewed the outline of the exit determination process. He said the key is the ability of the school and district to sustain progress and avoid backsliding.

Ms. Harneen Chernow arrived at 5:25 p.m.

Ms. Champagne briefly reviewed the exit criteria relating to student performance. She said the key question is: Has the school met its three year performance targets? She said the second set of criteria involves monitoring site visits to gauge how embedded are the school conditions necessary to sustain gains in student achievement. Ms. Champagne then reviewed the third set of criteria, relating to district systems of support to sustain school turnaround.

Secretary Reville asked about funding implications of staying in or exiting Level 4. Mr. Dixon said the most effective programs were identified in the best practices guide. He said districts need to identify the most effective strategies and use available resources to support them and accomplish results. Commissioner Chester said the No Child Left Behind waiver granted to Massachusetts freed up Title I funds for districts that were once used for school choice and can now be used to sustain effective programs for low performing schools. Ms. Chernow expressed concern that by allocating more funds to a few schools, a district might destabilize other schools in the district.

Commissioner Chester said the Board’s policy decisions over the past three years have been essential to the architecture of this accountability and assistance system. Mr. Dixon said districts whose Level 4 schools are eligible for exit will be required to submit exit assurances. He said schools that remain as Level 4 will submit a new turnaround plan and some schools may be designated as Level 5. Mr. Dixon stated that 75% of Level 4 schools could move to Levels 3, 2, or 1. He also explained the Department’s targeted assistance to Level 4 schools.

Discussion with Superintendents

Ms. Foisy introduced Superintendent Melinda Boone of Worcester, Superintendent Meg Mayo-Brown of Fall River, and Superintendent Jean Franco of Lowell and gave an overview of the Level 4 schools in their districts.

Superintendent Mayo-Brown described her district two years into its turnaround plan. She said a key to improving student performance is the school’s ability to make effective use of the turnaround plan and resources, such as additional time. She noted that two schools in Fall River are using expanded learning time well, but a third school has not yet structured it effectively. She said other conditions for school improvement are tiered systems of support, professional development, a focus on instruction, and competent leadership. In response to a question from Dr. Noyce about leadership, Superintendent Mayo-Brown said recruiting strong leaders for Level 4 schools in Fall River has been a challenge.

Superintendent Franco said in Lowell, key factors have been shared leadership, oversight, time for educators to work together, and constant communication. Superintendent Boone agreed that leadership is critical and noted that staff turnover and the teacher contract can be impediments. She said the Department has been a helpful partner, and the other superintendents concurred.

Superintendent Franco gave an overview of school conditions in Lowell. She said the district is looking to spread to other schools the practices that have been successful at the Murkland School. Superintendent Boone said her district is assessing which programs are successful in order to be strategic about funding. Superintendent Mayo-Brown said her district has used its operating budget to pay for expanding the school day, to make it sustainable.

The superintendents described their districts’ systems of support. Superintendent Boone said her district leadership team meets monthly and has established a leadership institute. Superintendent Franco said most principals and assistant principals in Lowell went through NISL training. Superintendent Mayo-Brown credited the district recovery plan and Department assistance. In response to questions from Board members about challenges they face, the superintendents stated that labor negotiations and the lack of authority in non-Level 4 schools were challenging. The superintendents commented that charter schools have more flexibility in staffing than they do in traditional public schools, and that if they had additional authority with Level 3 schools, they could prevent them from slipping into Level 4 status.

Commissioner Chester thanked the superintendents for presenting and commended them for their outstanding leadership in challenging urban districts.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 7:05 p.m., subject to the call of the chair.**

The vote was unanimous.

Respectfully submitted,

Mitchell Chester

Commissioner of Elementary and Secondary Education

and Secretary to the Board