**Minutes of the Regular Meeting**

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

**September 24, 2013**

**8:40 am- 12:50 pm**

**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

**Daniel Brogan**, Chair, Student Advisory Council, Dennis

**Vanessa Calderón-Rosado**, Milton

**Harneen Chernow**, Jamaica Plain

**Karen Daniels,** Milton

**Ruth Kaplan**, Brookline

**Matthew Malone,** Secretary of Education

**Pendred Noyce**,Weston

**David Roach**, Sutton

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

Chair Banta called the meeting to order at 8:40 a.m.

**Comments from the Chair**

Chair Banta welcomed Board members to the first meeting of the 2013-2014 school year. She thanked Board members for volunteering their participation on various committees and announced that Daniel Brogan, Karen Daniels, Ruth Kaplan, and David Roach will serve along with the Chair on the budget committee. Chair Banta said the Board will schedule a planning retreat sometime after new members are appointed to two seats that are currently vacant, and she anticipates a joint meeting in the future with the Board of Early Education and Care. Chair Banta welcomed Daniel Brogan, the chair of the student advisory committee. She thanked him for being the voice of the students across the state and for dedicating his time to the Board.

**Comments from the Commissioner**

Commissioner Chester welcomed Board members. The Commissioner said the recent release of MCAS results shows that Massachusetts has a lot to celebrate. The Commissioner recently joined Governor Patrick and Secretary Malone at the Orchard Gardens School in Boston, an "underperforming" or Level 4 school named in 2010 that exited Level 4 status this year as a result of dramatic improvement over the past three years. In fact, the Commissioner noted, the majority of Level 4 schools made substantial progress over the past three years.

Commissioner Chester congratuluated Worcester Technical High School Principal Sheila Harrity on her selection as National High School Principal of the Year by the National Association of Secondary School Principals. The Commissioner announced that he has released Gill-Montague from Level 4 status for making sustained progress and stabilizing the district’s budget and leadership. Commissioner Chester updated the Board on the vocational-technical education work group, which will present recommendations later this fall. The Commissioner informed the Board of upcoming Department conferences, including a meeting of charter leaders around access and equity issues and the sixth annual Curriculum & Instruction Summit.

**Comments from the Secretary**

Secretary Malone said he has continued to visit schools across the Commonwealth and he has seen encouraging spirit, motivation, and effective practices that are reflected in this year’s positive MCAS results. Secretary Malone said the Board has heard from the field that initiatives are coming at them too fast, but with the support of the Department, districts are implementing these initiatives thoughtfully and effectively. Secretary Malone said Innovation Schools and other School Redesign models are yielding results. The Secretary noted that the ongoing collaboration among the Departments of Early Education and Care, Elementary and Secondary Education, and Higher Education is producing real alignment across the education continuum.

**Public Comment**

1. Representative James Lyons addressed the Board on the guidelines on gender identity.
2. Donna Colorio of the Worcester School Committee addressed the Board on the Partnership for Assessment of Readiness for College and Careers.
3. Melody Phelps of the Gardner School Committee addressed the Board on the guidelines on gender identity.
4. Kelly Kulsrud of Strategies for Children addressed the Board on student performance in English Language Arts at the lower grades.

**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 June 24, 2013 Special Meeting and June 25, 2013 Regular Meeting.**

The vote was unanimous.

**Annual Meeting: Election of Vice-Chair**

Chair Banta asked Board members for their nominations. Mr. Roach nominated Harneen Chernow and Ms. Noyce seconded the motion.

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

**VOTED: that the Board of Elementary and Secondary Education elect Harneen Chernow to serve as Vice-Chair of the Board, in accordance with Article I of the By-Laws.**

The vote was unanimous.

**2012-13 Achievement and Accountability Overview**

Chair Banta said last night’s special meeting on the 2013 assessment and accountability results was extremely informative and productive. The Chair said schools are doing well, but not all are seeing the same level of sustained improvement. She said too many students are leaving high school unprepared and are placed into remedial higher education courses, and grade 3 and 4 reading performance continues to be a concern. Chair Banta said the presentation on Level 4 and Level 5 decisions was excellent and showed the importance of early adoption of effective strategies and fidelity in implementing them.

Ms. Chernow said the special meeting was a great presentation and discussion. She asked for clarification on the steps for schools remaining in Level 4 and the determination process for continued flexibilities. Commissioner Chester said the Achievement Gap Act anticipated that schools released from Level 4 would need continued assistance. He noted that schools and districts outline what components of their turnaround plan need to be sustained. The Commissioner said the state is committed to ensuring that schools moving out of underperforming status do not end up in the same scenario a year or two later. Mr. Roach said he is concerned about the capacity of the Department to execute this critical work without adequate budget support. He asked about reliance on outside contractors. Commissioner Chester said the Department has partnered with organizations that have expertise in accountability research and evaluation, and a history of successful turnaround work.

Commissioner Chester said the Board heard a lot of data and metrics at the special meeting. The Commissioner said he is proud that under the Board’s leadership, Massachusetts has developed an accountability system that identifies problematic areas and provides assistance directly to schools and districts. He said that performance tracking is an obligation to do better for our students. Secretary Malone commended the Department for providing worthwhile assistance that is making a difference for schools. The Secretary said districts rely on the Department’s capacity to assist them with turnaround efforts and implementing initiatives.

**Educator Evaluation: Update on Implementation and Proposed Technical Amendment to Regulations**

Commissioner Chester reminded the Board of its role in the educator evaluation process, including convening a taskforce to inform the policies that the Board adopted through its regulations. The Commissioner said today's vote is related to the implementation of the educator evaluation framework and would authorize the Commissioner to adjust dates in the regulation for good cause. The vote today will release the proposed regulations for public comment. The Commissioner said the Department is responding to concerns from the field to ensure that evaluations are done well. Commissioner Chester said the 2013-2014 school year would be a pilot year for the impact of student performance and district determined measures. He said the Department is providing a variety of resources to districts to support their work in this area.

Associate Commissioner Heather Peske said there has been much progress on educator evaluations since the report last spring. She said the Department has been committed to providing supports to educators and districts such as model District-Determined Measures (DDMs), professional development, curriculum support, and training for evaluators. Ms. Peske said the regulations are designed to phase in evaluation processes over time. She gave an overview of the system and the timelines, as set forth in the Commissioner’s memo to the Board. Ms. Peske said the original timeline for implementing DDMs was September 2013, but the Department wants to ensure districts have time to understand and implement the process well.

Mr. Roach said he is concerned with the capacity of the districts to implement this part of the evaluation system. He said the first model guide for DDMs was released a week ago. Ms. Peske said the first guide the Department issued was seen as too technical so the Department created an updated guide. Commissioner Chester said in hindsight the timeline was not realistic and the Department is working to correct this. Mr. Roach said districts vary in their capacity to build middle management to support the evaluations. Ms. Peske said working group sessions have been ongoing and the Department is continuing to provide resources.

Secretary Malone said that he understands there are concerns from the field, which are now being addressed and brought forward through this proposed regulatory change. He said the educator evaluations have put pressure on districts, and allowing for flexibility will ensure they can walk before running. Ms. Chernow said she is pleased to see the proposed change, because the goal is a valid process that improves teaching and learning. Ms. Chernow asked about the status of contracts. Ms. Peske said 26 percent of districts adopted the model language that the Department and statewide professional associations produced last year, 68 percent made slight changes to the model language, and 7 have not submitted. Commissioner Chester said the Department is continuing to work with the statewide associations on model contract language and the effort may or may not be successful.

Dr. Calderón-Rosado asked about the use of student feedback. Ms. Peske said the Department is in the process of developing model instruments for 2014, as well as focus groups piloting the use of student feedback. Ms. Kaplan said she is concerned that the messaging around the “needs improvement” category should be clear. Commissioner Chester said the prior state of evaluations labeled the vast majority of educators as exemplary and provided little or no meaningful feedback. He said the new system and rubrics are designed to be more discerning and contribute to professional growth and continuous improvement.

**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, § 38, 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 amendment to the Regulations on Evaluation of Educators, 603 CMR 35, as presented by the Commissioner. The proposed amendment would add a new section 35.11 (10), allowing the Commissioner to adjust dates in the regulations for good cause.**

The vote was unanimous.

**Initial Discussion of Plan for Administering MCAS and PARCC Student Assessments**

Commissioner Chester said he expects to have a series of discussions with the Board this fall about PARCC, beginning today, and he will keep the Board informed about the assessment development. He said he expects to ask the Board in November to vote on a timeline for a two-year transition to PARCC. Senior Associate Commissioner Bob Bickerton presented a PowerPoint outlining the Board’s statutory requirement to set state standards for student academic performance, standards for high school graduation, and adopting assessment systems. Mr. Bickerton reminded the Board of their involvement in adopting the curriculum frameworks and the 2010 updates to the English language arts, writing, and mathematics standards.

Commissioner Chester said PARCC is focused on course-specific standards leading to college and career readiness and provides opportunities for students to demonstrate their mastery of skills and abilities, where current assessments fall short. The Commissioner stated that the collaboration between K-12 and higher education is unprecedented, and higher education has made a commitment to the assessment. Mr. Bickerton gave the Board an overview of the PARCC field test. He said students were randomly selected; superintendents were notified in September; and there will be two testing windows using either the computer based or paper-and-pencil test.

Ms. Chernow noted concern that some districts have the technology capabilities and others do not. Commissioner Chester said the variation in technology is substantial; some buildings have broadband and a one-to-one initiative and some do not even have a basic broadband connection. He said the Department is working with the federal government and the Massachusetts School Building Authority to ensure all schools have adequate levels of technology. Secretary Malone noted that there is great disparity with regards to technology and we must be flexible with our expectations. Mr. Bickerton said the time commitment for the performance and end of year assessments in English language arts and mathematics is slightly over ten hours. Ms. Noyce asked for the estimated cost per student. Commissioner Chester said the estimate depends on the number of students taking the test, but is currently fifteen dollars. Mr. Brogan cautioned about the potential for students to hack the online test.

Commissioner Chester said this is the first of several conversations with the Board about PARCC. He reminded Board members that in 2008 there was a re-bid on a new assessment for Massachusetts that incorporated online items, but with deep budget cuts it was not possible to proceed. He said collaborating with other states in the PARCC consortium in developing the assessment significantly decreases our cost, while allowing for a high quality assessment that will improve instruction.

**Report on the Status of the Public Education Financing System in Massachusetts**

Deputy Commissioner Jeff Wulfson said the status report was mandated by the Achievement Gap Act and provides an overview of the Chapter 70 program, including the history, key provisions, and examination of the aid distribution. Roger Hatch, Director of School Finance, said the funding formula ensures adequate and equitable school funding for all students. Mr. Hatch said the Chapter 70 formula has three major components: a foundation budget, local contribution, and net school spending. Each community’s ability to pay differs depending on their local wealth, which is determined by property values and personal income. Chair Banta asked if additional funds are given to districts for English language learners. Ms. Noyce asked how funding is decided per student for low income or English language learner status. Mr. Hatch said the foundation budget provides an additional increment, although it is difficult to measure actual cost. Mr. Wulfson said categories are set up by accounting codes, while new data systems could link spending and other educational and qualitative data the Department collects. Secretary Malone said special education funding often sets up a fight between parents and districts over services because of funding, not over what is best for the child. He said ensuring the 95 percent funding requirement is met, is a way to address this. Mr. Wulfson said the 95 percent funding requirements should not be a starting point for districts, 100 percent of net school spending should be the goal.

Secretary Malone left the meeting at 12:00 noon**.** James DiTullio, the Secretary's designee, represented Secretary Malone for the duration of the meeting.

Commissioner Chester said on average, 70 percent of a district’s budget is spent on salaries. He said the Chapter 70 formula does not direct how the funds are spent, and noted that more senior, most costly teachers are often in schools with fewer low-income students and ELLs. Commissioner Chester said the state funds 95 percent of the Lawrence school budget, the largest state contribution. He said Lawrence’s teacher compensation plan is a new approach to looking at district allocations. Commissioner Chester said there is very little correlation between spending levels and student performance.

RETELL Update

Commissioner Chester reminded Board members that in order to improve instruction for ELLs, and ultimately to improve their achievement, the Department introduced the Sheltered English Instruction endorsement (SEI) for teachers and administrators. He said after the first round of courses the Department substantially revamped the course based upon the feedback. The Department is committed to training 30,000 educators over four years and enrolled 10,000 this school year.

Jonathan Landman, Associate Commissioner for Teaching and Learning, said 100 new instructors have been trained and are now available for this fall. He said an online course registration is now available and information has gone to the field. Chair Banta said a teacher has shared her experience of the training with her, and is on a first name basis with Department staff because of the responsiveness, outreach, and planning. Ms. Kaplan asked if educator preparation programs are part of the pathways to endorsement. Mr. Landman said yes, that the preparation program requirements are built into the regulations. Mr. Roach said the evaluation report recommendations were substantial. He expressed concern about difficulties in the pilot phase of the training for 2000 educators. Commissioner Chester said the Department is committed to continuous improvement, and has learned from the pilot. Ms. Noyce said this is moving in the right direction and commended the Department for being responsive to the critical evaluation.

Regulations on Background Checks for School Employees

Commissioner Chester said he believes Massachusetts is the last state to pass a national background check law for educators. He said the Federal Bureau of Investigations required the state to make changes to the law in order to have access to their database. Commissioner Chester said emergency regulations would need to be adopted in order for the new legislation to be implemented this fall. He said major stakeholders have given feedback, and a vendor to administer the fingerprinting has been chosen. Ms. Kaplan asked if school volunteers would be required to receive a national background check, which might dissuade school volunteers die to the cost. Deputy Commissioner Wulfson said it is a discretionary decision for the district to make. Mr. DiTullio said this initiative has been a massive undertaking of the Department and Department of Early Education and Care. He said there will be challenges with having over 100,000 educators and school personnel fingerprinted, but this is the right thing to do to ensure the safety of our students. He said the departments will continue to work with the field on this. Mr. Brogan asked about the type of background information districts would receive. Department legal counsel Lucy Wall responded that they will receive criminal history data other than juvenile or sealed convictions. Mr. Wulfson said districts are responsible for setting a policy for decision making on the data they receive.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L. chapter 69, § 1B and chapter 71, § 38R, as amended by St. 2013, c 77, hereby adopt the Regulations on Criminal History Checks for School Employees, 603 CMR 51.00, as presented by the Commissioner.**

**Further, in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, the Board finds that the immediate adoption of these regulations is necessary for the preservation of public safety and general welfare, and that observance of the requirements of prior notice and public comment would be contrary to the public interest. The Board directs the Commissioner to provide notice and an opportunity for public comment on the emergency regulations, in accordance with the requirements of G.L. c. 30A, §3, within the next three months.**

The vote was unanimous.

**Process and Timelines for FY2015 Budget**

Bill Bell, the Department's CFO, provided an overview of the FY2015 budget timeline and process. He said federal sequestration will play a role in planning. Chair Banta said the budget committee is a useful tool for understanding the budget process and transmitting the priorities of the Board and the Department. Commissioner Chester said the Board will vote on priorities at the November 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**

**September 23, 2013**

**5:10 pm- 6:55 pm**

**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

**Daniel Brogan**, Chair, Student Advisory Council, Dennis

**Vanessa Calderón-Rosado**, Milton

**Harneen Chernow**, Jamaica Plain

**Karen Daniels,** Milton

**Matthew Malone,** Secretary of Education

**Pendred Noyce**,Weston

**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:

**Ruth Kaplan**, Brookline

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

The Chair welcomed the Board back from the summer break and said tonight's special meeting would focus on an update on the first cohort of Level 4 schools and the 2013 MCAS results.

Commissioner Chester said Massachusetts has seen a steady climb in results and a decade of improvement. He said the current assessment does not give accurate signals to parents and students about whether students are ready for college and careers. Commissioner Chester said the tenth grade achievement gap has narrowed as well as the low income achievement gap. He said the results were not strong in grade 3 and grade 4 English language arts (ELA). Commissioner Chester gave an overview of the one year results and seven year trends in ELA, Mathematics, and Science and Technology/Engineering in grades 3 through 10. He said there has been some narrowing of the achievement gaps, but they remain large in ELA and Mathematics. The Board heard an update on the MCAS results in the Commissioner’s districts, which have shown improvement in mathematics.

Dr. Noyce asked what courses grade 10 students are taking and why we are seeing grade 4 ELA down and grade 5 improvements. Commissioner Chester said the Department is now tracking this. He said small up or down movements in results over a one year period are less relevant than results over a significant amount of time. Chair Banta asked if we have heard from the field why third and fourth graders are struggling. Commissioner Chester said there are clear and large gaps among students in exposure to vocabulary, reading, ideas, and knowledge, which creates a challenge from the start. He said quality pre-school was supported by the Governor, but gaps remain, particularly with cuts in federal funding. Dr. Calderón-Rosado said the overall results are encouraging, but the flat results at some grades are a puzzle. She asked if our standards are too high in certain subjects. Commissioner Chester said he is not a proponent of lowering our expectations, and national assessments are reflective of our high standards being successful. He said schools and districts are making continuous improvement toward meeting their goals.

Secretary Malone said investment in early education is a priority that has shown results. He said in Gateway Cities this is a particular challenge, and Massachusetts has 30,000 children on its early education wait list. Secretary Malone said there has been alignment of priorities between the Departments of Early Education and Care and Elementary and Secondary Education. He said he recently visited Kuss Middle School, which moved out of Level 4, and saw their promising practices, which should be scaled statewide. Secretary Malone said the Commonwealth has seen 12 years of consistent growth, which is good news for the field. He said the Governor thanked every educator for their hard work in a message this week.

Commissioner Chester said schools and districts are classified based on their performance in the aggregate, in subgroups, and student participation. He said a statewide goal for each school is to cut their proficiency gap in half over a six-year period. He noted that 50 commendation schools were recognized for their performance.

Senior Associate Commissioner Lynda Foisy gave a PowerPoint presentation outlining the school and district accountability system and decisions. She reminded Board members of the districts within the four cohorts of Level 4 schools. Ms. Foisy said exit criteria are based upon student performance, conditions for school effectiveness, and district systems of support. Rebecca Shor of the Accountability and Targeted Assistance Office said exit assurance statements are required of schools exiting Level 4 to identify ongoing sustainability efforts and continued monitoring. Ms. Shor said fourteen schools are exiting to Level 3, 2 or 1; fifteen schools are remaining in Level 4; and four are under consideration for Level 5.

Commissioner Chester said the Level 4 schools were stuck with low or consistently low achievement. He said the Department is being deliberate about keeping schools on an improvement trajectory and being careful about not allowing schools to slip back. Ms. Shor said schools remaining in Level 4 have come close to their performance targets and have made progress, but need more time to make dramatic improvements. She said some schools have opted to partner with a turnaround operator. This fall all Level 4 schools will develop a new or modified turnaround plan and state monitoring visits will continue. Commissioner Chester will revisit the level designations based on 2013-2014 school year data next fall.

Liza Veto of the Accountability and Targeted Assistance Office said schools under consideration for Level 5 are low performing and not showing signs of substantial improvement over time. Before the Commissioner places a school in Level 5, members of the school community have an opportunity to meet with the Commissioner. Ms. Veto said the Commissioner decides who will work to lead the turnaround effort in the district, as well as indicating how the turnaround plan will be implemented.

Ms. Chernow asked what about the schools that are not making progress. Commissioner Chester said the majority are making good progress. He said the Department engaged districts that were not making progress after two years. Those schools brought in turnaround partners. Ms. Foisy said the emerging practices report showed that it was the level and fidelity of strategies that yielded results, not just the strategies themselves. She also highlighted that climate and culture changes, urgency, teacher focus and support, and strategies implemented in year one yielded success.

Secretary Malone said the Commissioner has made tough decisions this week, and did so with skill and care. He said there are schools that can do this work, particularly those with a focus on classroom instruction, using data, and creating professional learning communities. Commissioner Chester said some schools have shown a strong trajectory, but it is not universal. He said the Achievement Gap Act provides important tools and authorities for districts to intervene with their lowest performing schools. He said he will listen very deliberately as he is making Level 5 decisions and will keep the Board informed as we proceed with this work.

**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

and Secretary to the Board