**Minutes of the Regular Meeting**

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

**Tuesday, December 16, 2014**

**8:30 a.m. – 12:55 p.m.**

**Department of Elementary and Secondary Education**

**75 Pleasant Street, Malden, MA**

Members of the Board of Elementary and Secondary Education Present:

**Margaret McKenna**, Chair, Boston

**David Roach**, Vice-Chair, Millbury

**Vanessa Calderón-Rosado**, Milton

**Harneen Chernow**, Jamaica Plain

**Katherine Craven**, Brookline

**Karen Daniels**, Milton

**Matthew Malone**, Secretary of Education

**Pendred Noyce**, Boston

**Mary Ann Stewart**, Lexington

**Donald Willyard**, Chair, Student Advisory Council, Revere

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

Member of the Board of Elementary and Secondary Education Absent:

**James Morton**, Springfield

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

**Comments from the Chair**

Chair McKenna welcomed members of the Board and the public. Chair McKenna noted the situation in Ferguson and New York City, and said she is reminded of the importance of education to teach children about diversity, learning to live with each other, and social-emotional development. She recapped the Monday evening special joint meeting with the Board of Early Education and Care. She noted that at the Board’s special meeting/planning retreat on December 1, the Board agreed to re-establish the Proficiency Gap Committee and to ask the Commissioner for his recommendations on expanding school nutrition programs, particularly breakfast in the classroom.

**Comments from the Commissioner**

Commissioner Chester informed the Board that the Department plans to submit an Elementary and Secondary Education Act (ESEA) waiver extension, which allows for continuation of the Level 1-5 accountability system. He said stakeholders and the Board will be involved in the process. Commissioner Chester said the Department held 18 regional sessions about PARCC around the state, led by local educators who are PARCC fellows, and also participated in a PARCC boot camp hosted by Burlington, Revere, the MA Association of School Superintendents, and the Massachusetts Teachers Association. He informed the Board of the anticipated release of the State Auditor’s report on charter authorizing.

**Comments from the Secretary**

Secretary Malone updated the Board on the transition to the new Administration. He said during his two years as Secretary, he has worked to ensure alignment among the three education sectors and visited 440 schools. Secretary Malone thanked Board members for their commitment to ensuring that “all means all.” On behalf of the Board, Chair McKenna thanked the Secretary for his support for education.

**Comments from the Public**

1. Nigar Khan, vice-president of the board of trustees, Hampden Charter School of Science, addressed the Board on the school’s progress in meeting conditions.
2. Krista Piazza, superintendent, Seven Hills Charter School, addressed the Board on the school’s progress in meeting conditions.
3. Greg Smith addressed the Board on the Restraint and Seclusion Regulations.
4. James Major, Executive Director, Massachusetts Association of 766 Approved Private Schools (maaps), addressed the Board on the Restraint and Seclusion Regulations.
5. Rick Graf, New England Center for Children, addressed the Board on the Restraint and Seclusion Regulations.
6. Barbara Madeloni, President, Massachusetts Teachers Association, addressed the Board on Level 5 schools.
7. Lindsey Murphy, Students for Education Reform, addressed the Board on English language learners.
8. Lindsey Sobel, Executive Director, TeachPlus Massachusetts, addressed the Board on educator licensure and educator diversity.

**Approval of 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 24, 2014 Special Meeting and November 25, 2014 Regular Meeting, and the minutes of the December 1, 2014 Special Meeting/Planning Retreat.**

The vote was unanimous.

**Building the Foundation for Early Literacy and Student Success**

Chair McKenna recapped the December 15th special joint meeting between the Boards of Elementary and Secondary Education and Early Education and Care, including the presentation from Dr. Ralph Smith, of the Annie E. Casey Foundation, and Amy O’Leary, of Strategies for Children. She noted that only 39 percent of low-income third-graders are proficient in reading. Chair McKenna said both boards voted to establish a joint committee on early education that will include two members from each board and will meet at least five times a year.

Secretary Malone suggested that the Board invite Dr. Nonie Lesaux back sometime in 2015 to update the Board on the Early Literacy Commission. Ms. Chernow said poverty is a large part of the issue. Ms. Noyce suggested simplifying data sharing between early education and K-12, and connecting with libraries, especially for summer programs. Ms. Calderón-Rosado said the joint EEC-ESE work is promising, and noted that early education and care does not have a teacher quality certification system parallel to K-12. Ms. Craven suggested reviewing these issues in connection with the foundation budget. Commissioner Chester said the Chapter 70 allocation provides a per-pupil increment of about $6500 for low-income students and English language learners, which does not necessarily mean additional services for those students. He said the new federal early education and care grant has great potential to knit together schools and private providers, and the five districts chosen for the grant are proof points for promising practices. Chair McKenna said the Board will discuss the foundation budget at an upcoming meeting.

Secretary Malone left the meeting at 9:45 a.m. The Secretary’s designee, James DiTullio, took his place.

**Amendments to Regulations on Restraint and Seclusion, 603 CMR 18 and 603 CMR 46**

Commissioner Chester said after an extensive public comment period and a public hearing, the regulations are now being brought to the Board for final review and adoption. He summarized key issues that have been revised in the final regulations based on the public comment, including seclusion and time-out, the emergency nature of physical restraint and prohibition of prone restraint except in limited circumstances, in-depth training, individual student review, administrative review, and reporting to the Department. Commissioner Chester said the stakeholder input greatly improved the final regulations, which are intended to go into effect on January 1, 2016. He added that the final regulations are aligned with the Department of Early Education and Care’s (EEC) regulations.

Mr. DiTullio said the restraint regulations cover challenging issues and the Board and Department found an appropriate middle ground. He said the current regulations had been unchanged since 2001, and the new regulations will ensure better data to make informed decisions. Mr. DiTullio said the goal of aligning the regulations of EEC and ESE was achieved last week when the EEC Board approved their regulations.

Chair McKenna asked for a motion to adopt the regulations as presented.

On a motion duly made and seconded, it was:

MOVED: that the Board of Elementary and Secondary Education, in accordance with   
M.G.L. c. 69, § 1B, and c. 71, § 37G, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, hereby adopt the amendments to the Physical Restraint Regulations (603 CMR 46) and conforming amendments to the Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs, 603 CMR 18.

Ms. Craven commended the Department for carefully reviewing the regulations, and asked how results would be tracked. Senior Associate Commissioner Russell Johnston said the Department would collect much more data to ensure a better understanding of how special populations are affected. Ms. Daniels commended the Department for due diligence and attention to the opinions of professionals and parents. She said training is key. Vice-Chair Roach noted that the Department received 77 reports of restraints, out of 7,000 children in the most restrictive settings, and it is important to keep in mind that restraint is used in very rare occurrences. Vice-Chair Roach said the regulations are a responsible approach. Ms. Stewart said these regulations as well as others should be reviewed every three to five years. She requested eliminating “emergency” in six places in the regulations and keeping restraint as a “last resort” in every instance. Mr. Johnston said public comment leaned toward keeping the term “emergency” in the regulations.

Mr. DiTullio said the EEC regulations use the term “emergency” in the same places, and cautioned against creating a misalignment. Ms. Daniels suggested the regulations stand as drafted and the topic be addressed in guidance.

On a motion duly made and seconded, it was:

MOVED: that the Board of Elementary and Secondary Education amend the main motion, so that before adopting the regulations as presented, the Board shall strike the word “emergency” from the regulations each time it appears (e.g., in 603 CMR 46.01(3)).

The motion failed by a vote of 2-8. Ms. Stewart and Ms. Chernow voted in favor.

Ms. Stewart raised concerns about parental consent, defined in section 46.02. Marty Mittnacht, Director of the Office of Special Education, said the Department received public comment on the topic, which seems to be primarily directed at approved private special education schools, since public schools cannot place conditions on admission of students. Ms. Mittnacht said the final regulations clarify that consent is necessary to administer a prone restraint under new §46.03(1)(b), and that a parent’s refusal to give consent to the use of prone restraint is not a basis for denial of admission or continued service. Ms. Mittnacht added that this change aligns with the EEC regulations, which include similar language. Chair McKenna noted that the language does not guarantee admission; it simply means this cannot be the deciding factor.

Ms. Stewart moved to strike section 46.03(1)(b)) from the regulations as presented. The motion failed for lack of a second.

Ms. Chernow suggested including language that appeared in the initial proposed amendment, in section 46.03: “However, for students who present with repetitive self-injurious behaviors, the principal may propose to the parent a separate written agreement for the use of restraint on an emergency basis over a limited and specified period of time.” Ms. Calderón-Rosado said this seems contrary to the notion of reducing the use of restraints. Commissioner Chester said the goal is to move away from using physical restraint as a regular tool. Mr. DiTullio said it would be best to address this issue in guidance.

On a motion duly made and seconded, it was:

MOVED: that the Board of Elementary and Secondary Education amend the main motion, so that before adopting the regulations as presented, the Board shall insert in section 46.03 the following sentence: “However, for students who present with repetitive self-injurious behaviors, the principal may propose to the parent a separate written agreement for the use of restraint on an emergency basis over a limited and specified period of time.”

The motion failed by a vote of 3-6-1. Ms. Stewart, Ms. Chernow, and Mr. Willyard voted in favor. Ms. Noyce abstained.

Mr. Willyard suggested clarifying the use of the term “repeatedly” in guidance. Associate Commissioner agreed. Mr. Willyard moved to strike the term “repeatedly” from the regulation. The motion failed for lack of a second.

**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, § 37G, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, hereby adopt the amendments to the Physical Restraint Regulations (603 CMR 46) and conforming amendments to the Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs, 603 CMR 18.**

The vote was unanimous.

Mr. DiTullio thanked the Department, and particularly Deputy General Counsel Dianne Curran, for their excellent work on the regulations.

**Progress Report on Educator Diversity Initiative and Commissioner's Action Plan**

Commissioner Chester gave an overview of the Department’s Educator Workforce Diversity Initiative. He said the Department is committed to identifying and promoting effective strategies to: (1) build the capacity of schools and districts to recruit and retain a diverse cadre of talented and qualified educator candidates and (2) ensure that the Commonwealth's educators work effectively with students from diverse backgrounds. He said the Department convened a task force of stakeholders, the Massachusetts Advocates for Diversity in Education, which presented recommendations leading to the Department’s April 2014 action plan. Today’s update is a progress report on the Department’s action plan.

Associate Commissioner Heather Peske reviewed data on teacher and student demographics and the educator pipeline. She noted three overarching strategies: reviewing educator preparation program data; developing cultural proficiency of the educator workforce; and decreasing the disproportionate use of suspensions for students of color and developing positive school climates. Cynthia Mompoint, of the Department’s Educator Policy and Preparation office, said the Department has increased the transparency of the diversity data for Massachusetts educator preparation programs by making data publicly available, conducting organizational reviews, and issuing summary reports that include recruitment and admission of diverse cohorts of candidates.

Chair McKenna expressed concern that the MTEL tests may be a barrier and questioned whether they predict classroom performance. Ms. Noyce suggested an analysis of MTEL questions, and a push to strengthen mathematics preparation for elementary teachers. Ms. Calderón-Rosado suggested emphasizing the cultural proficiency elements of RETELL. Ms. Chernow asked about educator evaluation data and disproportionate ratings for teachers of color. Ms. Peske said that statewide data show a higher percentage of educators of color in the exemplary category.

Commissioner Chester said cultural proficiency is a substantial dimension of RETELL and Massachusetts has set high standards for educator licensure, as it has for students. He said the differential pass rates on the MTEL exams unfortunately are not different from the rates in other sectors, and the issue is educational opportunity and preparation, not ability. He said the Department is working to strengthen preparation for students and for educators, who prepare the next generation of students. Chair McKenna said she favors higher standards for teachers and the question is whether we have set the right standards. She noted there has been success with some programs that prepare paraprofessionals for teaching, and thereby increase the diversity of the educator workforce.

Vice-Chair Roach noted the cost of higher education is another barrier to getting more students of color and low-income students into teaching careers. He suggested there should be a dedicated state scholarship program for those who will teach in Massachusetts. Commissioner Chester said there will be further discussion of educator preparation and licensure at the March Board meeting.

Vanessa Calderón-Rosado left the meeting at 11:30 a.m.

**Presentation by Commission on LGBTQ Youth**

Commissioner Chester introduced Associate Commissioner John Bynoe; Roger Bourgeois, Superintendent of Greater Lowell Regional Vocational School; Charlene Cook, Principal of Hardy Elementary School, Wellesley; Kristina, Georgetown High School student; Manny Ikomi, Northeast Metropolitan Regional Vocational Technical School senior; and Julian Cyr, Chair, Massachusetts Commission on LGBTQ Youth.

Mr. Cyr said the Commission, established in 1993, is mandated to investigate the use of resources from both the public and private sectors to enhance and improve the ability of state agencies to provide services that protect and support the health and safety of lesbian, gay, bisexual, transgender, queer and questioning (LGBTQ) youth in the schools and communities of Massachusetts, with a focus on suicide prevention and violence intervention policies regarding harassment and discrimination against LGBTQ youth. He commended the Department for being a national leader in supporting LGBTQ youth. He asked the Board to consider endorsing updated recommendations from the Commission.

Kristina recounted her experience transitioning within a safe school environment. She noted support from staff and students that allowed for her to feel safe and comfortable. Manny Ikomi spoke about his coming out to his friends and family, and the significant support he received from his school. Charlene Cook said she oversaw the successful transition of a student in her school, using the Department’s guidance on gender identity. Supt. Roger Bourgeois recounted his son’s personal experience. He said the safe schools program makes schools safer for *all* students and saves lives.

Commissioner Chester said he will bring the LGBTQ recommendations back to the Board. He said the students and parents are an inspiration. Commissioner Chester noted that the Board took courageous action to endorse gender identity guidance for K-12 schools in Massachusetts a few years ago. Ms. Daniels recounted her experience as a principal in similar situations; she said she is thankful the Department is providing support to school leaders. Chair McKenna said she appreciates the Department’s work to support youth, parents, and educators.

**Update on Level 5 Schools**

Commissioner Chester noted a recent *Boston Globe* article on Level 4 schools and partnerships entered into by districts. He commented that most Level 4 schools made good progress after four years of turnaround work. Commissioner Chester updated the Board on a joint city-state agreement for Springfield’s middle schools, which will be overseen by a seven-member board to which the Commissioner appoints four members. He said he is hopeful about the arrangement, which the Springfield Educators Association and the Springfield School Committee have endorsed. The Commissioner added that for the Dearborn School in Boston, a Level 4 school, Boston has identified a turnaround partner, has carved out school-level autonomies, and the Boston Teachers Union is on board with the plan.

Senior Associate Commissioner Russell Johnston presented the second quarterly report on the Level 5 schools. He said school culture, parent engagement, progress monitoring, and use of data have improved at each of the four schools. He reviewed criteria for a school to exit Level 5 status. In response to Vice-Chair Roach’s question, Mr. Johnston said teachers in the Level 5 schools get additional time for both horizontal and vertical curriculum planning. He added that the teachers are very engaged in the turnaround work as a team. In response to Chair McKenna’s question, Commissioner Chester said all schools have specific exit criteria tailored to their starting points and goals.

**Update on PARCC**

Commissioner Chester said the Board will have to decide on the PARCC assessment next fall and he wants to ensure the Board has access to all information it deems necessary before it makes this important decision. Commissioner Chester briefly reviewed a timeline for Board discussions and decisions between now and the winter of 2015-2016.

**Report on Conditions: Seven Hills Charter Public School and Hampden Charter School of Science**

Commissioner Chester said he is recommending the removal of conditions placed upon Seven Hills Charter Public School and Hampden Charter School of Science. He said at its February 2013 meeting, the Board voted to authorize the Commissioner to act on its behalf in granting charter renewals that do not involve probation; approving charter amendments that do not involve changes in grade span, maximum enrollment, or district served; and removing or continuing conditions imposed on charters of charter schools; provided that the Commissioner reports to the Board in advance of such actions. He said the Board had decided to delegate these actions to cut back on the amount of time the Board spends on charter school matters. Ms. Stewart said she believes it is important to discuss these topics publicly.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby removes the conditions from the charter of the Hampden Charter School of Science because the school has met the conditions imposed in February 2014.**

**Hampden Charter School of Science 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.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby removes the condition from the charter of the Seven Hills Charter Public School because the school has met the condition imposed in January 2013.**

**Seven Hills 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 8-0-2. Ms. Chernow and Ms. Daniels abstained.

General Counsel Rhoda Schneider recognized James DiTullio’s contributions to the Executive Office of Education and the Board of Elementary and Secondary Education. Chair McKenna and Commissioner Chester thanked Mr. DiTullio for his service.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 1:10 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 Joint Meeting of the**

**Board of Early Education and Care and the   
Board of Elementary and Secondary Education**

**Monday, December 15, 2014, 5:00 p.m.-7:00 p.m.**

**Medford High School Auditorium**

**489 Winthrop St, Medford, MA 02155**

Members of the Board of Early Education and Care Present:

**Jay Gonzalez,** Chair

**Sharon Scott-Chandler**

**J.D. Chesloff**

**Elizabeth Childs**

**Joni Block**

**Katie Joyce**

**Matthew H. Malone,** Secretary of Education

**Eleonora Villegas-Reimers**

**Joan Wasser Gish**

**Mary Walachy**

**Thomas L. Weber**, Commissioner of Early Education and Care, Secretary to the Board

Members of the Board of Elementary and Secondary Education Present:

**Margaret McKenna**, Chair, Boston

**David Roach**, Vice-Chair, Millbury

**Vanessa Calderón-Rosado**, Milton

**Harneen Chernow**, Jamaica Plain

**Katherine Craven**, Brookline

**Karen Daniels**, Milton

**Matthew Malone**, Secretary of Education

**James Morton,** Springfield

**Pendred Noyce**, Boston

**Mary Ann Stewart**, Lexington

**Donald Willyard**, Chair, Student Advisory Council, Revere

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

Early Education and Care (EEC) Board Chair Gonzalez called the meeting to order at 5:15 p.m.

Medford Superintendent Roy Belson welcomed the two boards to Medford High School and spoke about some of the district’s initiatives in early education and other areas.

**Campaign for Grade Level Reading – Presentation by Dr. Ralph Smith, Annie E. Casey Foundation**

Elementary and Secondary Education (ESE) Board Chair McKenna introduced Dr. Ralph Smith of the Annie E. Casey Foundation and Amy O’Leary of Strategies for Children. Dr. Smith is the Senior Vice President and Managing Director of the Campaign for Grade-Level Reading, which unites partners across the nation to make reading proficiency by the end of third grade a priority and to improve school readiness, attendance, and summer learning.

Dr. Smith said Massachusetts has the opportunity to lead the nation in closing the achievement gap, and to do so, we need to set measurable results and have shared ownership and accountability. Dr. Smith said the Campaign for Grade-Level Reading is now working in six communities in the Commonwealth: Pittsfield, Springfield, Worcester, Holyoke, New Bedford, and Boston. He outlined three essentials for success: (1) quality teaching for every student every day; (2) seamless systems of care, services, and family support; and (3) ways to address deeply unprepared students, students who miss 10 percent or more of the school year, and the summer slide. Dr. Smith said Massachusetts can prove excellence is compatible with equity.

Amy O’Leary of Strategies for Children presented data from the National Assessment of Educational Progress showing, among other things, that 75 percent of low-income children in Massachusetts (and 80 percent nationally) do not reach reading proficiency by the end of grade three.

Secretary Malone discussed the work of the Early Literacy Commission, including the commission’s recommendations for early intervention strategies, interagency collaboration, and strategic planning. Ms. Chernow (ESE) asked Dr. Smith what shared accountability would look like. Dr. Smith said the starting point would be a shared EEC-ESE goal starting before kindergarten. Mr. Chesloff (EEC) asked about the connection between mathematics and reading. Dr. Smith said children need reading ability to access other subjects such as mathematics and science. In response to Mr. Morton’s (ESE) question on summer programs, Dr. Smith said the elements include libraries, museums, teachers, and summer nutrition programs. He advocated creating an infrastructure to ensure summer programs for all needy children.

ESE Chair McKenna thanked Dr. Smith and Ms. O’Leary for their presentations and for all their work.

EEC Chair Gonzalez welcomed Governor Deval Patrick to the joint board meeting, and said Governor Patrick is the education governor who made sure the stimulus package included education funds and worked to eliminate early education waiting lists. ESE Chair McKenna said the Governor’s commitment to education is clear; he has always focused on children and the good work happening in education.

Governor Patrick addressed the boards and members of the public. Recalling his sixth-grade teacher in Chicago, the Governor said nothing substitutes for a great, well prepared teacher who brings his or her commitment to students. Governor Patrick thanked the boards for their service and for doing their work with great integrity.

**Overview of EEC-ESE Collaboration on Early Learning and Possible Next Steps**

EEC Chair Gonzalez said the boards will establish a joint committee, comprised of two members of each board, to ensure alignment on strategies to help all children become proficient readers by the end of grade 3.

EEC Commissioner Tom Weber introduced Donna Traynham (ESE), Betsy Edes (EEC), Carol Nolan (EEC), and Saeyun Lee (Department of Higher Education) to discuss interagency initiatives and collaboration. Sayeun Lee briefly summarized joint initiatives, including work with the National Governors Association Early Learning Policy Academy; development of comprehensive preschool and kindergarten standards in the domains of *Social-Emotional Development* and *Approaches to Play and Learning;* revisions to the Birth-Kindergarten Curriculum Guides; and Massachusetts Kindergarten Entry Assessment.

On a motion duly made and seconded, it was:

**VOTED: to establish a joint committee of the Board of Early Education and Care and the Board of Elementary and Secondary Education to collaborate and align strategies from birth to grade 3 to help all children become proficient readers by the end of grade 3. The joint committee, comprised of two representatives from each board, is to meet five times per year.**

The vote was unanimous.

EEC Commissioner Tom Weber reported on the $15 million Preschool Advantage Grant that the U.S. Department of Education and U.S. Department of Health and Human Services recently awarded to Massachusetts. The grant will support state and local efforts to build, develop, and expand high-quality preschool programs so that more children from low- and moderate-income families enter kindergarten ready to succeed in school and in life. He thanked ESE Commissioner Chester and his staff for their partnership.

Chair McKenna and Chair Gonzalez thanked Secretary Malone for his service and partnership on behalf of the students of Massachusetts.

On a motion duly made and seconded, it was:

**VOTED:**  **that the Board of Early Education and Care and the Board of Elementary and Secondary Education adjourn the meeting at 7:00 p.m., subject to the call of the chairs.**

The vote was unanimous.

Respectfully submitted,

Mitchell D. Chester

Commissioner of Elementary and Secondary Education

and Secretary to the Board