**Minutes of the Regular Meeting**

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

**Tuesday,** **December 15, 2015**

**8:30 a.m. – 12:30 p.m.**

**Department of Elementary and Secondary Education**

**75 Pleasant Street, Malden, MA**

**Members of the Board of Elementary and Secondary Education Present:**

**Paul Sagan**, Chair, Cambridge

**James Morton**, Vice-Chair, Boston

**Ed Doherty**, Boston

**Margaret McKenna**, Boston

**Michael Moriarty**, Holyoke

**James Peyser**, Secretary of Education

**Mary Ann Stewart**, Lexington

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

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

**Members of the Board of Elementary and Secondary Education Absent:**

**Katherine Craven**, Brookline

**Roland Fryer**, Concord

**Pendred Noyce**, Boston

Chair Sagan called the meeting to order at 8:30 a.m. and welcomed members of the Board and public. He thanked Board members and Department staff for navigating through last month’s decision on student assessment. He invited members to offer ideas for a possible Board retreat in the spring.

Commissioner Chester informed the Board of the reauthorized Elementary and Secondary Education Act (ESEA), under the title Every Student Succeeds Act (ESSA). He said the reauthorization does not undo the Massachusetts education reform agenda, and the Department will look for ways to build upon the work already underway. The commissioner said ESSA will be a topic for discussion at a future meeting. He reported that the student assessment development work is moving ahead and the Board’s assessment oversight committee will meet later in December. Commissioner Chester announced that Massachusetts received a Gates Foundation grant for educator preparation work, and an America’s Promise grant to improve graduation rates. He informed members that the Board will meet jointly with the Board of Higher Education in January to discuss matters of common interest, including the updated definition of college and career readiness incorporating civic learning. The commissioner recapped his recent school visits in Lawrence and noted that Madison Park Technical Vocational High School in Boston is convening a local stakeholder group per its new Level 4 designation.

**Comments from the Public:**

* + 1. Bob Flynn, Executive Director, and Bob Gaudet, Board of Trustees Chair, of Dorchester Collegiate Academy Charter School addressed the Board regarding the report on the school’s probation.
		2. Dr. Stephen Furtado, Executive Director of the Global Learning Charter Public School, addressed the Board regarding the report on the school’s probation.
		3. Burlington Public Schools Superintendent Dr. Eric Conti addressed the Board on the Digital Literacy and Computer Science Standards.
		4. Shereen Tyrell, Executive Director of the Massachusetts Technology Leadership Council’s Education Foundation, addressed the Board on the Digital Literacy and Computer Science Standards.
		5. Ryan Mack, Facebook’s Engineering and Site Manager, addressed the Board on the Digital Literacy and Computer Science Standards.

**Approval of Minutes**

Chair Sagan requested two corrections to his comments on page 4, and the minutes were corrected. Secretary Peyser commented that the Board’s vote on the hold-harmless provision is intended to hold districts harmless on negative consequences based solely on the use of test scores.

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

**VOTED: that the Board of Elementary and Secondary Education approve the minutes of the November 16, 2015 Special Meeting and November 17, 2015 Regular Meeting.**

The vote was unanimous.

**Update on Holyoke Public Schools**

Commissioner Chester addressed the recent Disability Law Center (DLC) report regarding the Therapeutic Intervention Program (TIP) at the Peck School. Commissioner Chester said he had grave concerns before the district was placed into receivership, including concerns about special education programs. He said he visited the district in June, noted issues at the TIP program, and began working with Receiver Stephen Zrike to correct them immediately and stabilize the program. Commissioner Chester said there were changes in staffing and Receiver Zrike brought in organizations with expertise such as Center School, School Works, and EDC to review and work with TIP and special education generally. The commissioner said the Department and the district are working closely with the DLC and the other agencies involved, with the goal of ensuring a safe and strong program. Commissioner Chester noted that the Department worked with the DLC on revising the regulations on restraint and seclusion; the new regulations that the Board adopted will take effect on January 1, 2016.

Ms. McKenna asked if the Department received complaints prior to the DLC report. Commissioner Chester said the Department required Holyoke to move the program out of an isolated setting in school year 2012-2013, and the Department’s Program Quality Assurance office investigated a complaint from spring 2015 and directed corrective action, which was completed.

Receiver Zrike said the TIP program, and special education programs overall, are pressing issues in Holyoke. He said he is deeply troubled by the allegations and is taking them very seriously. He has assured parents and the public that students are safe at the school after many changes were made, and he will be meeting with families this week. Chair Sagan said the first concern is to be sure students are safe and fix any deficiencies. Receiver Zrike agreed and added that communication with and responsiveness to families will also continue to be a priority.

Mr. Moriarty noted his involvement as a Holyoke School Committee member with the 2012 restructuring of the TIP program, and his prior service as general counsel for the Center School. He said the DLC report outlines very serious concerns, and he is disappointed the Program Quality Assurance findings did not go further. Mr. Moriarty said the Board and Department have a serious responsibility for overseeing the district and he is pleased that efforts were already underway prior to the DLC report. Ms. McKenna requested information on the number of Holyoke teachers licensed in special education and licensure waivers for special education teachers.

Secretary Peyser said the issues that the DLC identified confirm the Board’s decision on receivership. He thanked the DLC for investigating the complaints, and thanked Liza Hirsch for coming forward with her concerns. Chair Sagan said the Board and the Department have a special responsibility to students in Level 5 districts and schools and the Board must know of problems early. The commissioner agreed; he said he will include TIP in the monthly updates on Holyoke and will also communicate urgent matters in between the monthly reports.

Senior Associate Commissioner Russell Johnston updated the Board on other work that is going on to improve school programs and services in Holyoke, including the development of school-based operational plans, a fuller school day with more enrichment time for students, and family engagement.

**2015 District and School Accountability Determinations**

Commissioner Chester updated the Board on the 2015 school and district accountability and assistance results, and congratulated the 45 Commendation Schools for their progress and achievement. He said 4 schools exited Level 4, 14 remain in Level 4, 1 school has been designated as Level 4, and several districts moved out of Level 3.

Senior Associate Commissioner Russell Johnston gave Board members a recap of the accountability and assistance system under the ESEA flexibility waiver, which has an overall goal of reducing proficiency gaps by half by 2017. He explained the hold-harmless approach to accountability this year due to the two-year PARCC test drive; approximately 12 percent of PARCC districts were held harmless. Mr. Johnston reviewed the six cohorts of Level 4 schools, the majority of which exited Level 4. He said several schools remaining in Level 4 are engaged with turnaround partners or in-district receivers.

In response to Mr. Willyard’s question, Commissioner Chester said the Department’s accountability and assistance system is outlined in state law and operates under a federal waiver that will not be necessary under the new ESSA. Ms. Stewart commented that the Board should take stock of the current system and discuss metrics besides academics. In response to Ms. McKenna’s question, Commissioner Chester said after further discussions with leadership it was clear that Madison Park Vocational-Technical High School was heading into a new planning phase, and the Level4 designation gives the school added leverage to move forward.

**Southbridge Public Schools: District Review Report and Possible Next Steps**

Commissioner Chester said the Board declared Southbridge Public Schools a Level 4 district in 2004. He said he recently visited the district and his observations did not suggest that the district review was inaccurate.

Rob Curtin, Director of Education Data Services and the Center for School & District Accountability, reviewed the district’s enrollment, demographics, and student performance data. Data included: Southbridge’s four-year graduation rate of 62.9 percent as compared to the state rate of 86.1 percent; annual dropout rate of 4.4percent as compared to the state rate of 2.0 percent; over 10 percent of all Southbridge students and 19 percent of students at Southbridge Middle/High School were suspended at least once in 2015; and 34 percent of students at Southbridge Middle/High School failed at least one course in 2015. He reviewed the district review process and standards. He reviewed findings on leadership and governance, curriculum and instruction, assessment, human resources and professional development, student support, and finance and asset management.

Commissioner Chester said he is deeply troubled by the outcomes of students in Southbridge and is considering a Level 5 designation. He said during his district visit, adults talked about children who are not “normal,” and they stated the district could do better with more time to turn things around. He said eleven years after the initial Level 4 designation, he is gravely concerned about the students in the district and all the issues identified in the report.

In response to questions regarding the district’s leadership, Mr. Curtin said the district has had 7 superintendents and 43 different school and district leaders since 2011. He said the town council voted no confidence in the school committee last spring; since then, new members of the school committee were elected. Chair Sagan said the Board may hold a special meeting in Southbridge on January 25 if necessary and appropriate.

**Report on Condition for Cape Cod Lighthouse Charter School and Proposed Amendment**

Commissioner Chester said he is recommending that the Board vote to remove the condition from Cape Cod Lighthouse Charter School's charter and approve the changes to decrease its grade span and maximum enrollment, as requested by the school.

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby amends the charter granted to the following school, as presented by the Commissioner:**

 ***Cape Cod Lighthouse Charter School (grades served changed from 6-12 to 6-8; maximum enrollment changed from 400 to 260)***

Location: Harwich

Maximum Enrollment: 260

Grades Served: 6–8

Effective year: FY2016

**Further, the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby removes the one condition on the school’s charter, as recommended by the Commissioner.**

**The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

**Report on Probation for Global Learning Charter Public School**

Commissioner Chester said he is recommending that Global Learning Charter Public School be removed from probation, but operate under a continuing condition designed to ensure sustained academic progress.

**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 Global Learning Charter Public School from probation because the school has substantially met the conditions imposed in January 2014.**

**Further, the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby extends one condition on the school’s charter, as recommended by the Commissioner. Failure to meet this condition may result in placing the school on probation, revocation of the charter, or imposition of additional conditions. The condition is as follows:**

**Global Learning Charter Public School must demonstrate that it is an academic success by September 2016 by providing evidence that the school has met or is making substantial progress toward meeting the benchmarks in its approved Accountability Plan and, in particular, is demonstrating continuous and sustained academic improvement.**

**Global Learning Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

**Report on Probation and Next Steps for Dorchester Collegiate Academy Charter School**

Commissioner Chester said DCACS is in its seventh year of operation and the school’s lackluster academic success and failure to meet the condition imposed in 2014 is concerning. Associate Commissioner Chuang said the school is consistently the lowest performing charter school in Boston, with high attrition and low demand.

Mr. Doherty said the school has a high number of special education students, and requested to see comparisons with other schools. Ms. McKenna said the school was designated for a specific demographic group and should not be punished for taking special education students. Mr. Chuang noted that the demographic data and comparisons in the materials did not show a higher number of special needs students. In response to Mr. Willyard’s question, Mr. Chuang said the school might have information on why parents did not re-enroll their children. Secretary Peyser said the site visit report narrative regarding classroom observations were mostly positive. He asked if the review process provides enough insight. Allison Bagg, of the charter school office, said 2014-2015 was the first time the school had solid academic leadership, and therefore showed some academic improvements. Chair Sagan said members are struggling with the data and like comparisons with other charter schools and traditional schools. He asked the Department to review and reconcile the data and present it to the Board before a vote on this matter.

**Proposed Digital Literacy and Computer Science Standards**

Commissioner Chester said this is an initial discussion on the draft Digital Literacy and Computer Science (DL&CS) Standards, and he plans to bring the draft standards back to the Board in January 2016 for further discussion and a vote to release them for public comment. He thanked all the people and organizations that were involved in the public-private partnership, with a particular thank you to James Stanton of MassCAN.

Mr. Stanton said meaningful participation in modern society requires fluency in the uses and impact of technology for living, learning, and working.He presented data on jobs for computer science and information technology, the national gap between jobs and students with the skills, and low enrollment of minorities in the field. Jake Foster, the Department’s STEM Director, reviewed the structure and details of the standards, as well as the adoption timeline. Mr. Stanton said MassCAN received $1.5 million with an industry match to provide professional development, identify good curriculum, align course offerings with the standards, and continue public awareness.

Mr. Moriarty suggested adding information to the ethics and law section about the legal consequences for use and misuse of digital media, noting that the potential consequences of transmitting inappropriate images of minors and sexting could include criminal penalties.

Ms. Stewart suggested incorporating media literacy into all the standards, especially in connection with civic participation. Secretary Peyser asked that details be added to the standards sufficient to support computer science courses.

**District and School Accountability Determinations**

Ms. McKenna asked for clarification relating to the comment Secretary Peyser made earlier today, when the Board approved the minutes of the November Board meetings, about the hold-harmless provision for districts when the next-generation statewide assessment is administered for the first time in 2017. She said her concern was the use of the word “solely.” In response, Commissioner Chester said he believes everyone is on the same page: In 2016, we are continuing the precedent from 2015 for PARCC districts and accountability status would not be lowered except for moving to Level 5. In 2017, when every district is using the next-generation assessment for grades 3-8, no district would have its accountability status change because of the test scores, but status could change based on other metrics. Chair Sagan concurred, stating that test scores would not count in the 2017 accountability determinations but other factors would count, so the fact of the new test in 2017 does not give a pass on accountability. Ms. McKenna thanked the Chair and Commissioner for the clarification. Secretary Peyser agreed, and apologized that his earlier comment may have caused confusion.

**Foundation Budget Review Commission Recommendations**

Deputy Commissioner Jeff Wulfson said the Foundation Budget Review Commission was created by the Legislature in 2014 to review and make recommendations on the Commonwealth's school funding formula. He said two major recommendations from the Commission relate to the calculation of employee benefits and special education costs. He also noted the recommendation for additional funding for English language learners and low income students. He said the Commission’s recommendations now go to the Governor and Legislature.

In response to Ms. Stewart’s question, Mr. Wulfson said addressing the areas of special education and health insurance would free up funding for instruction. Mr. Doherty said the Commission has agreed that the foundation budget is insufficient. He suggested the Board should address the funding issue and support action by the Legislature on the proposed constitutional amendment to raise the income tax on earners over $1 million to fund education. Commissioner Chester agreed to look into this for discussion at a future meeting. He noted that the Board has supported legislative action in other matters as well. Mr. Moriarty said there should be a regular and ongoing review of the foundation budget.

**Other Items for Information**

Commissioner Chester noted the Board’s budget transmittal letter to the Secretary of Education, the advisory council annual reports, and an update on civic learning. In response to Ms. Stewart’s question, Commissioner Chester said the process for advisory councils varies depending on the statutory language that created the council and current needs and capacity; most are active and provide feedback to our offices on future or current initiatives. He added that the Department creates new advisory groups as needed to address priorities that the Board has set, citing the recent creation of a new Civic Learning group. Mr. Moriarty said he is interested in the recommendations from the arts education council. Mr. Willyard thanked the Commissioner for regularly attending the State Student Advisory Council meetings.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:30 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