**Minutes of the Regular Meeting**

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

**Tuesday, September 26, 2017**

**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

**Katherine Craven**, Brookline

**Ed Doherty**, Boston

**Amanda Fernandez,** Belmont

**Margaret McKenna**, Boston

**Michael Moriarty**, Holyoke

**James Peyser,** Secretary of Education

**Mary Ann Stewart**, Lexington

**Hannah Trimarchi**, Chair, Student Advisory Council, Marblehead

**Martin West**, Newton

**Jeff Wulfson,** Acting Commissioner of Elementary and Secondary Education, Secretary to the Board

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Vice-Chair Morton called the meeting to order at 8:30 a.m. He said he is chairing today’s meeting at the request of Chair Sagan, who is participating remotely in the meeting by video conference. Vice-Chair Morton extended his thanks to Governor Baker for reappointing him to the Board. The Vice-Chair thanked former member Penny Noyce for her exceptional service on the Board since 2012, and recognized and welcomed two new members, Amanda Fernandez and Martin West.

Members introduced themselves. Ms. Fernandez and Mr. West both expressed their appreciation to Governor Baker for being appointed to the Board and said they look forward to serving.

Chair Sagan thanked Mr. Morton for chairing the meeting, welcomed the two members to the Board, and congratulated Mr. Morton on his reappointment. Chair Sagan acknowledged the dedicated service of former member Penny Noyce, adding that Ms. Noyce never lost sight of what was in the best interest of the students. Chair Sagan said he is the first member to test the remote participation arrangement set up under the Board’s by-laws and thanked Chief of Staff Helene Bettencourt and Department staff for providing technical assistance. Chair Sagan added that per the by-laws, any member who wants to participate remotely needs approval from the Chair; the Chair’s remote participation is subject to approval by the Secretary of Education.

**Chair Sagan then made the following statement:**

*We are fortunate to have the best public schools in the country in the Commonwealth. That did not happen by accident. It is the work of so many dedicated and capable professionals: teachers, principals, superintendents, school committee members, and so many others who work in our systems across the State. Along with those who work here, at the Department of Elementary and Secondary Education.*

*Many of our schools lead the nation and can compete with the best around the world to teach students to succeed in all facets of their lives. But we know that is not true in every community in the Commonwealth, and much of our work is about closing the stubborn achievement gaps that have persisted for way too long. That is why I am here, and I know that is why the rest of this Board is so dedicated to working together in a collaborative and respectful manner.*

*I am sorry if some decisions and actions from my personal life upset some members of the community, but first and foremost, this will not be a distraction for the work of the Board.*

*I hope that we are all about the same thing: Building and supporting great public schools in the Commonwealth. I understand that we sometimes differ on the best ways to do that.*

*As we saw last fall, and as I addressed at our September meeting in 2016, there was a lot of interest in questions that were on the ballot in Massachusetts for voters to decide. As we know, one of those questions related to some of what we work on here, charter public schools in Massachusetts. The work of granting, reviewing, renewing – and even revoking – charters comes here. But we do not decide how many charter schools Massachusetts may have in total. That comes from statute and could have been changed by a vote of the people in November of last year.

I want to take a few minutes to re-state for the record what I have already said about my involvement in some of this.*

*I am a dedicated supporter of all of the Commonwealth's public schools. That means our district schools, our public charter schools, and our turnaround schools and districts.*

*I believe that high-quality charter public schools have demonstrated that they are part of the solution to closing the achievement gap. That position is not new. I was clear about it well before I was appointed to this board.*

*It is an honor to serve with all of you as Chair of the Board of Elementary and Secondary Education. I am focused on our work to maintain Massachusetts's position as a national leader in public education. As the Chair, I carry out my responsibilities in a manner consistent with all applicable statutes and regulations. I make judgments based on what I believe will benefit students and families.

At the same time, none of us is asked to renounce our position as a private citizen when we join this Board. As I have said before I have contributed personal funds to charitable, educational and political organizations over the years. That included organizations that disclosed that I was among their financial supporters.*

*I was familiar with those groups well before Question Two was even placed on the ballot. I knew their leaders, they asked me for financial support, and I gave them some. One of those organizations disclosed last year that I had made a contribution. Another made that disclosure this year.*

*To be clear, their disclosure responsibility is their business, not a donor’s. As a donor, I have no control over their disclosure obligations or practices. I expect them to do what’s right under whatever regulations they operate under.*

*However, there is more to this that is under our control and responsibility as individuals. There is a process defined by State rules that we are expected to follow and I did.*

*The process that I followed with respect to my personal contributions is the same process that applies to all members of the Board of Elementary and Secondary Education. This process ensures that members are able to exercise their rights as private citizens consistent with their duties as public officials according to the State's ethics laws.

Before contributing, I requested and received an opinion letter from the State Ethics Commission on how the conflict of interest law would apply to me as a member and Chair of the Board of Elementary and Secondary Education. I have sought legal advice on how to follow the guidance I received from the State Ethics Commission, and I believe I followed that guidance.*

*Out of an abundance of caution and in the interest of transparency, I filed a disclosure with our appointing authority, the Governor, in September 2016. Furthermore, as a private citizen contributing personal funds to educational and political organizations associated with a position on Question Two, I stated that any recipient of those funds could not reference my official title and that I would not participate in fund-raising activities on their behalf.*

*I believe the actions I have taken in this matter are consistent with the requirements of state ethics laws.*

*Let me add some specifics, because some of what has been said recently by others is simply inaccurate.*

*In March of 2016 I requested an opinion from the State Ethics Commission relating to contributions I was considering making from personal funds to organizations associated with efforts to raise the statutory cap on charter schools in Massachusetts by various means, including legislation or a ballot question.*

*To underscore this point, before making any contributions, I asked the Ethics Commission for an opinion on the propriety of such contributions. Some have suggested that I either never made such a request or did so only after I made one or both of my contributions. That is simply not true. As importantly, I received an opinion – a written response – from the Ethics Commission in April of 2016. In that letter, I was advised that under the state conflict of interest law, my service as Board chair did not bar me, or my wife, for that matter, from contributing our personal funds as private citizens to any political campaign or to any advocacy group.*

*The opinion letter went on to remind me that should any matter come before this Board relating to the statutory cap on charter schools after having made such contributions, then prior to participating in such a matter, I should make a written disclosure to Governor Baker as my appointing authority. And in such a disclosure that I should state the facts of the particular matter this board would consider, and then I should go ahead and act fairly and impartially in the matter if I felt able to do so. So I did as I was advised.*

*On September 2, 2016, even though there was no matter before the Board relating to the statutory cap on charter schools, I sent a disclosure letter to the Governor, as encouraged by the guidance I received from the State Ethics Commission. I believe that disclosure was in keeping with the guidance I was given.*

*I believe it is also important to note this: My disclosure letter to the Governor was made public last year, as it should be, and it confirmed that I notified the Executive Branch of what I was doing before our September 2016 Board meeting, which was the first time we met following my making the donations in question. Then I spoke publicly at our September meeting to address questions related to my actions.*

*This board had no business from then until after the election having to do with raising the statutory cap on the number of charter public schools. Since that time no business has come before this board having to do with raising the statutory cap on the number of charter schools in Massachusetts. That is simply not what we get to decide here. We only decide, under the laws of the Commonwealth, which charters to approve, place on probation, or revoke or not renew within the limits already in place.*

*As we start a new school year, and with new members joining us, I have been encouraged by the Board’s general counsel to remind all members that the Department’s legal staff is always available to advise and assist any Board member either in filing disclosure forms where circumstances might suggest a potential conflict of interest, or in updating those forms to the extent necessary.*

*I have been criticized for not making a voluntary disclosure of my donations ahead of any disclosure by the organizations themselves. I did give careful consideration to making such a disclosure – to simply announcing that I had made donations to two organizations that supported lifting the statutory cap on charters. But I decided not to do so.*

*Why? On balance, I thought that if I went ahead and announced my donations, opponents of Question Two would accuse me of using my position as chair of the Board of Elementary and Secondary Education as a platform to help influence support for expanding the statutory cap on charter schools.*

*Yes, I did want the vote to go that way, because I thought it would be good for more families in Massachusetts. But I was clear and unequivocal with these organizations: I would not help them with fundraising and they could not use, or even reference, my involvement with the Board of Elementary and Secondary Education in any of their activities, specifically because I did not think that would be appropriate.*

*It is easy for some folks to say now that they would have praised me for making a voluntary and early disclosure. But I doubt that is what they would have done. I suspect they would have accused me of politicking from my position as chair, and I did not intend to blur those lines.*

*Again, I am sorry if some people are upset with the decision I made as I tried to balance this question. I want you to know that I believed I was erring on the side of protecting the work of this board from the perception that I was trying to influence the political process by using my position as chair.*

*I have also been accused by some of working either to undermine public schools or to somehow privatize our public schools for my own financial gain – or even trying to do both. Now I want to address that.*

*First, in Massachusetts charter schools are public schools. That is always the case. The majority serve some of our most distressed communities. They are providing educational opportunities for families that are desperate for this help. They often do so in innovative ways that, somehow, the rest of the system has not been able to deliver.*

*Tens of thousands of young people are still waiting for such opportunities, so I believe it is critical that we should serve them with better district schools and high-quality charters. How can we be complacent and force these families wait any longer?*

*Further, every one of our charter public schools is chartered as a public entity that is accountable to serve its local community, to serve its families, and to serve the state. None can be commercial or a for-profit-entity of any kind. We carefully monitor their practices and performance. If anyone thinks a single charter is acting outside of, or in some way is operating against, our regulations, then bring the information forward.*

*I would hope that everyone understands that not all charter schools in America are alike or have to follow the same rules. There are significant differences in how the states with charters have implemented them. In some states, charters are regulated apart from district schools, and held to different stands by different authorizers. That is not true here. We have a single authorizer for charter schools in the Commonwealth. That is this board. We hold all public schools to high standards, including charters. We’ll close down any that are unable to live up to their charters. We have already done so.*

*Some accuse me of reflexive support for any charter school. For the record, during my service on this board, I have already voted to close one charter and denied another’s request to expand. That certainly angers some folks on the other side of this issue.*

*Second, to the question of whether I have personal gain from all of this. For me and most of my colleagues on this board, this is a volunteer assignment, not a paying job.*

*I just want to make sure everyone understands that we are here as unpaid volunteers. We give our time because we believe this is important work. But we are not paid to be here, or for the time we spend on public education business beyond these monthly meetings either. We accept this readily.*

*Personally, I come from the business world, but I keep that part of my life isolated from this work. As an investor, I do not make investments in educational businesses. If, by any chance, a business in which I had an interest was doing business with DESE, then I would disclose it and recuse myself from any deliberations or decisions related to that business. But I do not believe such a situation has come up and I doubt it will.*

*Similarly, as you know, but particularly for the benefit of our new board members who are joining us for the first time today, my wife and I have been involved for many years with the MATCH charter school in Boston. Indeed, prior to my appointment to this board in 2015, my wife had volunteered at MATCH, and for the past several years she has volunteered as a member of the board of the Sposato Graduate School of Education, which has an affiliation with MATCH. No question specifically involving MATCH has come before the Board for a decision since I joined, and I would immediately recuse myself from any deliberations or decisions should that occur.*

*Now some very personal thoughts.*

*I have been incredibly fortunate in my life. First, to be able to have the time to serve here with all of you, and to have been asked to do so. Second, to have more resources than I ever imagined I would have, and, with my wife, to have the privilege of giving much of it away in a manner consistent with our values. Frankly, it is more than that. It comes from a deep moral obligation we feel to help the community that has welcomed our family to be a part of it.*

*Sure, I do get a bit miffed that some people are saying or implying that I am somehow a bad actor or self-serving. I give freely of my time to this work. I give away some of my own resources to support groups that I believe will assist my neighbors, some nearby and some all across the State, and most, if not all, I will never meet. As long as I am able, I will continue to do so.*

*Finally, I want to note that individual members of this board have diverse views and often strong opinions on various education policy issues – from charter schools to curriculum, from school and district turnaround to educator evaluation, just to name a few. This diversity of opinion is a great strength for the Board and the public we serve.*

*Consistent with that principle and with state and federal law, Board members and other public employees retain their rights as private citizens to contribute personal funds to a political campaign or an advocacy group for a cause they believe in.

I am deeply committed to serving the young people of the Commonwealth and their families. They expect a great deal from us – and we are bound legally and morally to strengthen educational opportunities for each and every student in the Commonwealth. I want to see us meet their needs.*

*I take seriously the oath that I took – and each one of us took – when we assumed our position on this Board. We swore to uphold and execute the laws and Constitution of the Commonwealth and of the United States. As Chair of the Board of Elementary and Secondary Education, I can, will, and do carry out my public responsibilities within that framework of laws and with a commitment to act fairly, impartially, and in the best interest of students. I have followed those principles since I was first appointed to the Board in 2015, and I will continue to do so.*

Vice-Chair Morton thanked Chair Sagan for his comments and turned to Acting Commissioner Wulfson for his report. The Acting Commissioner congratulated Mr. Morton on his reappointment and Ms. Fernandez and Mr. West on their appointment to the Board. He expressed his thanks to Penny Noyce for her service to the Board.

Acting Commissioner Wulfson said following the weather-related events in Texas, Florida, and Puerto Rico, the Department is continuing to monitor the situation and provide assistance and support to students and schools. Mr. Moriarty said anything we can do to mitigate issues for those students will be hugely important. Acting Commissioner Wulfson updated the Board on the lawsuit brought by a group of parents against the Holyoke Public Schools and the Department regarding provision of translations and interpretive services in special education cases. He said a hearing was held in federal district court and the judge did not rule on the motion for a preliminary injunction but asked the parties to report back by October 10 as to whether they are able to resolve or narrow the issues. The court scheduled an evidentiary hearing for October 20 if no resolution is reached.

Acting Commissioner Wulfson noted that the Board packet includes information about charter authorization. He notified the Board on September 25 that the Department has invited the founders of two proposed charter schools to move to the next stage of the 2017-2018 charter school application process and submit a full application for the new charter schools they have proposed. Final applications are due by November 1, 2017. After the Department receives the applications, staff and external review panelists with expertise in education, business, law and governance will review and evaluate them. The Board will hold public hearings in the areas where the founding groups propose to open a school and the Department will review any public comment submitted. Acting Commissioner Wulfson will then review all of the materials and make a recommendation to the Board as whether any of the proposals should receive a charter. The Board will vote at its February 2018 meeting.

Acting Commissioner Wulfson said the Board will receive a request later this fall from the Bentley Horace Mann School in Salem to waive a regulation requiring the collective bargaining unit to sign off on the Horace Mann charter school’s accountability plan. Because this is a regulatory rather than statutory requirement, it is within the Board’s purview.

Vice-Chair Morton thanked Acting Commissioner Wulfson for his continued leadership.

Secretary Peyser welcomed the new members and congratulated Mr. Morton on his reappointment. Secretary Peyser acknowledged the work of Penny Noyce and said it has been an honor to have served with her. Secretary Peyser also expressed appreciation for Chair Sagan’s comments and his transparency with the Board and the public, and added that he looks forward to working with Chair Sagan in the years ahead.

**Statements from the Public**

1. **Gerry Mroz**, parent, addressed the Board on Summary of Data on School District Programs for Gifted and Talented Students.
2. **Jacob Barandes**, parent, addressed the Board on Summary of Data on School District Programs for Gifted and Talented Students.
3. **Audrey Winkler**, parent, addressed the Board on Summary of Data on School District Programs for Gifted and Talented Students.
4. **Rick Rogers**, Assistant Director, Massachusetts School Administrators’ Association, addressed the Board on the new association and extended an invitation to the MSAA’s Inaugural Celebration in October.
5. **Tim Nicolette,** Executive Director, **Massachusetts** Charter Public School **Association, addressed the Board** to introduce himself as the new executive director.

Ms. Stewart had a question on the charter school dissemination grant. Acting Commissioner Wulfson said Cliff Chuang, Senior Associate Commissioner, would follow up after the meeting.

Ms. Craven arrived at 9:25 a.m.

**Approval of Minutes**

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

**VOTED: that the Board of Elementary and Secondary Education approves the minutes of the August 15, 2017 Special Meeting.**

The vote was by roll call, as required by 940 CMR 29.10 (7) (c), the Open Meeting Law regulations relating to remote participation. The vote was 9-0-2. Ms. Fernandez and Mr. West abstained.

**Update on Commissioner Search**

Chair Sagan updated the Board on commissioner search activities since the Board last met on August 15. He said the procurement of a search firm has been completed. He said the Department received several responses to the RFP and one stood out above the others. Chair Sagan said Bill Bell, Senior Associate Commissioner of Administration and Finance, informed him that the search firm Korn Ferry has been selected and Ms. Rosa Morris will lead the search.

Chair Sagan said he spoke to Ms. Morris regarding next steps, which include scheduling interviews with each Board member. He added that Ms. Morris is experienced in these types of searches and will help to create a job description in consultation with the Board and with input from the field. He said Ms. Morris intends to reach out to the state education associations and other groups and she will also create a web survey to invite public input.

Chair Sagan said he will appoint a preliminary screening committee, including outside advisors, to review the initial list of applicants in confidence. He stressed the importance of confidentiality at the early stage to encourage strong candidates to apply. The finalists will be made public. Chair Sagan said he hopes to have a draft job description for the October meeting of the Board.

Ms. Stewart asked if the Chair was ready to name the members of the committee. Chair Sagan said he will make that decision in the next few weeks. Ms. Stewart said she was unclear about the Board’s role in selecting a search firm. Chair Sagan said the process was discussed at the August 15 Board meeting, after which the Department posted the RFP; three submissions were received and one stood out. He said the engagement of the search firm is a standard Department procurement and contracting matter. Chair Sagan said Ms. Morris will reach out to each Board member to request input on the job description. Chair Sagan said he intends to announce the members of the search preliminary committee by the October Board meeting, along with a draft job description and a website that the public can use to submit comments regarding qualifications for the next commissioner. Vice-Chair Morton thanked the Chair for the update.

**Report from Safe Schools Program for Lesbian, Gay, Bisexual, Transgender, Queer and Questioning (LGBTQ) Students**

Acting Commissioner Wulfson said when we talk about K-12 schools in Massachusetts leading the nation, that leadership includes providing a safe and welcoming environment to all students. He added that Massachusetts schools educators have been addressing issues of LGBTQ students in a calm and professional manner and we are very proud of that work. The Acting Commissioner introduced Cliff Chuang, Senior Associate Commissioner, and noted the panel was scheduled to present at the June meeting and the Board is pleased to welcome them back.

Mr. Chuang introduced Rachelle Engler Bennett, Associate Commissioner, to explain how the Department’s Office of Students and Families works with the MA Commission on LGBTQ Youth to promote a safe and healthy learning environment for all students. Ms. Bennett introduced panelists Roger Bourgeois, Commission member and former Greater Lowell Regional Vocational Technical School Superintendent, and Jeff Perrotti, Director of the Safe Schools Program for LGBTQ Students. Mr. Bourgeois thanked the Department, Mr. Chuang, and Ms. Bennett for their support and also recognized the work of the late Commissioner Chester who said he got his strength from the students. Mr. Bourgeois said his son, Mark, was one of those students. Mr. Bourgeois talked about struggles his son faced in his early life, being perceived as gay, and said his son used to talk about being broken and not able to be fixed. Mr. Bourgeois said his son is doing well now, and his experience makes Mr. Bourgeois’s work in this area personal; his goal is to make sure all students feel they are not broken.

Mr. Perrotti thanked Acting Commissioner Wulfson and the Board and Department staff for their support. Mr. Perrotti said the students’ and parents’ voices are at the core of this work and this program is a model for the rest of the country. Mr. Perrotti introduced four students: Brandon, a high school student; Jules, a sophomore in high school; Landen, who graduated last year from high school; and Kimma, who started high school last month. The students spoke about their experiences and the positive impact this program has had on their lives. Mr. Perrotti introduced a video clip of Kimma’s parents telling their story. Both Kimma’s and Jules’s parents spoke about the pride they have for their children and their appreciation for this program.

Ms. Stewart thanked the students and parents for sharing their stories and asked about a plan to update the health education framework. Acting Commissioner Wulfson said the Department is working on a timetable to review and update the framework.

Mr. West thanked the panel for sharing their stories and asked the students how they were able to connect with the support they needed. They said groups like the Boston Alliance of GLBT Youth (BAGLY) provided information on their rights and resources available and eventually connected them to Mr. Perrotti. Acting Commissioner Wulfson noted that the Massachusetts Association of School Superintendents (MASS) has been a leader in this work, along with the Massachusetts Interscholastic Athletic Association (MIAA) and the **Massachusetts Secondary School Administrators’** Association (MSSA). Ms. Trimarchi thanked the students for their advocacy and applauded then for their grassroots efforts. As chair of the State Student Advisory Council, Ms. Trimarchi said she looks forward to working with the students in the future. Vice-Chair Morton concluded the discussion by thanking the students and parents for sharing their experiences, and expressed his gratitude to Mr. Bourgeois for sharing his son’s story and Mr. Perrotti for his work on behalf of the students.

Vice-Chair Morton announced a break at 10:30 a.m. He reconvened the meeting at 10:40 a.m.

**Every Student Succeeds Act: Update on Status of State Plan**

Acting Commissioner Wulfson said as the Board knows, the Department received final approval last week for our ESSA state plan. He acknowledged the work of the Department staff, as well as the staff from the U.S. Department of Education and U.S. Education Secretary DeVos, who accommodated the Department after the Commissioner’s passing. The Acting Commissioner said the plan reflects our high standards, expectations, and values. Acting Commissioner Wulfson introduced Associate Commissioner Rob Curtin and acknowledged the work of Matt Pakos, who recently left the Department.

Mr. Curtin updated the Board on the ESSA plan, including additional revisions requested by the U.S. Department of Education and next steps. He presented slides outlining the process. With respect to calculation of average scale score, Mr. Curtin explained that the revision agreed upon was to calculate an achievement value that illustrates the degree of proficiency demonstrated on each assessment. The achievement value will represent the percentage of the scale score range “covered” by the average scale score for the school and assign a percentile (1-99) for each school’s achievement value. Another issue on which the U.S. Department of Education provided feedback relates to small schools. Mr. Curtin said the Department revised the plan to combine student-level data starting in 2017 and in subsequent school years for each indicator until the minimum group size is met. In response to a question from Mr. West, Mr. Curtin said this applies to 40 or so schools. Mr. West noted this may be something to watch going forward.

Acting Commissioner Wulfson acknowledged the attendance of Senator Pat Jehlen at today’s meeting.

Mr. Curtin said the Board will be discussing future accountability system design, including weighting of indicators, later in the year. He said the Board’s recent amendment to 603 CMR 2.00, the regulations on Accountability and Assistance for School Districts and Schools, allows the Department to refrain from placing certain schools into Levels 1-3 at the beginning of the 2017-18 school year. It applies to one year only and affects schools serving grades 3-8 that administered Next-Generation MCAS tests in spring 2017. He added that it does not affect high schools serving grades 9-12 that did not administer Next-Generation MCAS.

Mr. Curtin further explained that schools and districts administering Next-Generation MCAS in grades 3-8 that have participation rates below 90% will be placed into Level 3 and schools serving a combination of grades 3-8 and 9-12 that have persistently low graduation rates for any group will be placed into Level 3. In addition, all other Next-Generation MCAS schools meeting participation and graduation rate requirements will not receive a school percentile, Progress and Performance Index (PPI), or accountability and assistance level (1-3). Mr. Curtin said the week of October 16 has been identified tentatively as the week for the public release of school, district, and state assessment and accountability results.

Ms. Stewart asked whether there was other feedback from the U.S. Department of Education in addition to the two items discussed today. Mr. Curtin referred to the update that the Board received at the August meeting. Ms. Stewart requested a redline version of the changes and Mr. Curtin said he would forward it. Mr. West, along with Chair Sagan, commended the Department on their work.

**Student Assessment: (a) Update on Next-Generation MCAS**

Acting Commissioner Wulfson noted that in November 2015, just 22 months ago, the Board voted to develop a next-generation MCAS test. He said it has been a huge undertaking for the Department and the first tests were administered successfully in spring 2017. He introduced Michol Stapel,Associate Commissioner, and Bob Lee,MCAS Chief Analyst, to provide an update on MCAS and then to discuss planning for the high school competency determination.

Ms. Stapel explained that the first next-generation MCAS ELA and mathematics tests were administered to students in grades 3-8 in spring 2017. About 250,000, or 60 percent, of students in grades 3-8 took the computer-based version of the test. For grades 4 and 8, where schools were required (with few exceptions) to administer the computer-based tests, more than 93 percent of students took the test on a computer. Computer-based testing was very successful, with only minor technical issues being reported. Acting Commissioner Wulfson said while there was a learning curve, it was helpful that many schools had experience administering the PARCC tests on computers.

Ms. Stapel reviewed the tentative 2017 MCAS reporting calendar and the plan for parent/guardian reports. She reviewed the next-generation MCAS achievement level descriptors that the Board had approved, and described the purpose and process of standard setting.

Mr. Lee explained that the panelists for the standard setting were fully engaged in building a coherent system across grades. He said the Board will receive a more detailed explanation of state results at the special meeting in October, and projected that the next-generation MCAS results will look more like the Massachusetts 2015 NAEP results, with about half of students meeting or exceeding expectations. Mr. Doherty said that could be a problematic message and we need to portray it accurately. Ms. Fernandez asked what guidance the Department is providing for schools. Acting Commissioner Wulfson said the Department is working with superintendents on an FAQ to help put the information in context. Mr. Moriarty noted the importance of messaging and transparency. Ms. Trimarchi asked about information and resources for students. Ms. Stapel said the Department is also preparing materials for students.

Ms. McKenna informed the Board she had to leave the meeting but wanted to alert members about a survey by a taskforce at the Tisch School at Tufts University relative to civics. Ms. McKenna said she hopes it will be helpful to the Department in connection with the update to the history and social science curriculum framework. Ms McKenna also requested clarification from Acting Commissioner Wulfson on a mandate relative to breakfast in the classroom. The Acting Commissioner said he will come back to the Board with information on that matter.

Ms. McKenna and Chair Sagan (via remote participation) left the meeting at 11:55 a.m.

**Student Assessment: (b) Planning for High School Competency Determination Standard**

Ms. Stapel introduced Associate General Counsel Lucy Wall. Ms. Stapel provided background information on the Competency Determination (CD), noting that in October 2016, the Board voted to maintain the current CD requirements through the class of 2020. Acting Commissioner Wulfson said the class of 2021 is in ninth grade this year and we want to ensure fairness and adequate notice of any changes to the CD standard.

Ms. Stapel outlined the four recommendations during the transition to next-generation MCAS, which include the following: update the CD regulations to state that students in the classes of 2021 and 2022 will be held to an interim passing standard; provide reasonable notice to students entering grade 9 regarding the assessments they will take and standard they need to meet in order to earn the CD; update the CD regulations to establish a similar transition plan for the high school science tests (first administration in spring 2020); and continue to review and revise other regulations and policies, as needed, including retest policies, and scholarship programs (Adams and Koplik). Ms. Stapel said this would ensure fairness during the transition period for each graduating class, with adequate notice to students, parents, and educators.

Acting Commissioner Wulfson said we are not yet making any recommendations for what the CD should be for the class of 2023 and beyond. Ms. Stapel walked the Board through an anticipated timeline for Board decisions and proposed CD requirements for ELA/Math, by class.

Secretary Peyser left the meeting at 12:05 p.m.

**Summary of Legislative Process and Significant Pending Bills**

Acting Commissioner Wulfson introduced Jessica Leitz, Director of External Partnerships, to present an overview on how we engage in and connect to the legislative process. The Acting Commissioner noted this item was suggested by Ms. McKenna. Ms. Leitz presented highlights from the memo, stating we are near the midpoint of the legislature’s two-year session. Ms. Leitz identified pending legislation on topics of interest to the Board, including civics, school breakfast, English learner instruction, assessment and accountability, and turnaround work. She gave a brief summary of the legislative process.

Acting Commissioner Wulfson explained that as an executive branch agency, the Department does not advocate on pending legislation as statewide education organizations and advocacy groups may do. Rather, the Department serves more as a technical expert, providing factual information and identifying potential problems or issues. The Acting Commissioner said the Department assists the Education Committee and legislators when drafting bills and has a good reputation for being non-partisan. He concluded by explaining that the Department respects the separation of powers and our role is to carry out the legislation that is enacted. Mr. Moriarty asked if the Department has input and or advice when it comes to unfunded mandates. Acting Commissioner Wulfson said we can advise, but the Division of Unfunded Mandates in the State Auditor’s office has authority to address these questions from municipalities and school districts.

Mr. Doherty said he understands the Board usually does not take a position on legislation but in the past, the Board has taken a position on certain ballot questions. He said the Board may wish to take a position sometime in the future on the proposed question for the 2018 ballot that would increase the income tax for those who have an income over a million dollars, with those funds allocated to education. Mr. Moriarty commented that transportation advocates are also looking for that funding. Mr. Doherty responded that the funds would be restricted to only two areas: education and transportation.

**FY2018 Budget Overview; Process and Timelines for FY2019 Budget**

Julia Jou, Budget Director, informed the Board that the Department has filed an FY18 spending request with the Executive Office of Administration and Finance and is awaiting approval. Ms. Jou added that the Department is working with the Governor’s office on supplemental funding for student assessment. She said in October, the Board’s Budget Committee will meet to discuss possible budget priorities the Board may wish to propose for FY19, and the Board will vote on those 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 12:30 p.m., subject to the call of the Chair.**

The vote was by roll call, as required by 940 CMR 29.10 (7) (c), the Open Meeting Law regulations relating to remote participation. The vote was unanimous.

Respectfully submitted,

Jeff Wulfson

Acting Commissioner of Elementary and Secondary Education

and Secretary to the Board