**Minutes of the Regular Meeting**

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

**Tuesday, November 28, 2017**

**8:32 a.m. – 12:59 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

**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

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

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

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Chair Sagan called the meeting to order at 8:32 a.m. and the members introduced themselves.

Chair Sagan noted that Vice-Chair James Morton would not be in attendance. Acting Commissioner Wulfson updated the Board on the Governor’s signing of the Language Opportunity for Our Kids (LOOK) bill, which is designed to give school districts additional flexibility in serving English learners. The Acting Commissioner said the Department of Elementary and Secondary Education staff is currently analyzing the bill and preparing an implementation plan. He said next month’s Board topics will include an overview of the new law along with the related issue of a pilot program to provide Sheltered English Immersion training for vocational teachers who work with English learners.

Acting Commissioner Wulfson referred Board members to a memo summarizing the issues, actions taken, and anticipated next steps relating to complaints filed by representatives of a number of private schools regarding proportionate funding requirements under the federal Individuals with Disabilities Education Act (IDEA).

Ms. Craven arrived at 8:38 a.m.

Acting Commissioner Wulfson noted the Department’s report on the school climate survey pilot that was administered in spring 2017 in grades 5, 8, and 10. The Acting Commissioner updated the Board on the Department’s work relating to the 1400+ students from Puerto Rico who have enrolled in Massachusetts schools since the devastating hurricane on the island. He said the newly enrolled students are concentrated in a small number of districts. Acting Commissioner Wulfson said he participated in the Boston Plan for Excellence/Boston Public Schools Principal Partners event on November 27 and visited the Donald McKay School in East Boston, where he met with the principal and teachers and toured the school. Acting Commissioner Wulfson added that the McKay School exemplifies how our accountability system works and recognizes high performance: the school has many low-income students and English learners, and it has earned distinction as a Level 1 school.

Secretary Peyser updated the Board on Governor Baker’s announcement of actions and recommendations to combat the opioid crisis. The steps relating to K-12 schools include convening a working group on educating students about the dangers of opioids and addiction, promoting the Screening, Brief Intervention, and Referral to Treatment (SBIRT) program in middle and high schools, and establishing a trust fund to support schools in implementing comprehensive prevention and intervention programs. Secretary Peyser said more details will be presented with the Governor’s FY19 budget recommendations.

**Statements from the Public**

1. **Cecelia Doucette**, Technology Safety Educator, Ashland, addressed the Board on technology issues.
2. **Adam Goldberg**, Superintendent of TEC Connections Academy (TECCA), addressed the Board on Virtual Schools: Funding and Other Policy Issues.
3. **Judith Houle, Ed.D**., Executive Director, Massachusetts Virtual Academy at Greenfield Commonwealth Virtual School, addressed the Board on Virtual Schools: Funding and Other Policy Issues.
4. **Kerry Dunne, Ed.D**., Weston Middle and High School history teacher and department head and MA Council for the Social Studies President, addressed the Board on Curriculum Frameworks: History and Social Science Framework Revision Process.
5. **Rashaun J. Martin**, District Supervisor, Social Studies & World Languages, Haverhill Public Schools, addressed the Board on Curriculum Frameworks: History and Social Science Framework Revision Process.
6. **Louise Dube,** Executive Director, iCivics, addressed the Board on Curriculum Frameworks: History and Social Science Framework Revision Process.
7. **Roger Desrosiers,** President of the Massachusetts Center for Civic Education (MACCE) and MA State Coordinator for We the People: the Citizen and the Constitution, addressed the Board on Curriculum Frameworks: History and Social Science Framework Revision Process.
8. **Michael A. Buoniconti,** Superintendent of Schools, Mohawk Trail Regional School District and Hawlemont Regional School District, addressed the Board on renewal of the charter for Four Rivers Charter School.

**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 October 23, 2017 Special Meeting** **and the October 24, 2017 Regular Meeting.**

The vote was unanimous.

**Sydney Chaffee, Massachusetts and National Teacher of the Year**

Chair Sagan welcomed Sydney Chaffee and congratulated her, noting her recognition honors all teachers. Ms. Chaffee discussed her domestic and international travels over the months since being named National Teacher of the Year and related a story about a former student who is now a teacher. She outlined four platform priorities she created for herself this year: education as a tool for social justice, because it empowers students with skills to work towards a more equitable world; educators’ role in ensuring high standards and high quality education for all students;

integrating arts into other disciplines to deepen students’ learning and build their confidence; and teachers as lifelong learners who take risks and learn from failures.

Ms. Chaffee talked about the importance of social and emotional learning. She said teachers want to be trusted as experts and there sometimes is a disconnect between practitioners and policymakers. Ms. Chaffee encouraged the Board to think about how to engage more educators in the policy conversation. She added that the Board must continue to keep the needs of students at the center of every conversation.

In response to questions from Board members, Ms. Chaffee said the Department’s teacher advisory council helps teachers feel empowered. She encouraged more outreach to teacher networks and active efforts to engage teachers in discussions, as some other states have done. In terms of professional development, Ms. Chaffee said it is important to ask teachers what they need because a lot of professional development is top down. She added teachers are effective at designing and leading professional development. Mr. Doherty congratulated and thanked Ms. Chaffee on behalf of the teachers he represents.

**Update on Commissioner Search**

Chair Sagan said he is pleased with the progress made so far and noted November 27 was the first meeting of the Preliminary Screening Committee with Rosa Morris from Korn Ferry. Chair Sagan said the schedule is aggressive but the process will take as long as is needed. He added Ms. Morris has done a lot of outreach within the state and across the country and is pleased with the response so far. Chair Sagan said the Preliminary Screening Committee will meet again on December 18, 2017, and he has asked Board members to hold dates in January for potential finalist interviews.

Chair Sagan gave members the questions that finalists were given as homework in the last commissioner search. He said the Board should prepare questions to see what the candidates are thinking beyond their resume. Chair Sagan noted that many people are interested in the position and he is optimistic we will have strong candidates within this timeline, leading to a possible vote on the candidate at the January Board meeting. Chair Sagan said he or Rosa Morris could follow up if members have questions or suggestions.

At 10:00 a.m., Chair Sagan called for a short break.

Chair Sagan reconvened the meeting at 10:15 a.m. and welcomed Lawrence Receiver Jeff

Riley, Senior Associate Commissioner Russell Johnston, and Ventura Rodriguez, Associate Commissioner for the Statewide System of Support.

**Lawrence Public Schools: Update from Receiver Jeff Riley; Acting Commissioner’s Plan**

Acting Commissioner Wulfson noted that Mr. Riley has announced he will step down from his position at the end of the school year. Mr. Riley said accepting his appointment as receiver from Commissioner Chester six years ago has been the best experience of his professional career. Mr. Riley reviewed the district’s high school graduation and dropout rates, noting that since 2011 the graduation rate has improved nearly 20 points and the dropout rate has decreased by half. He discussed the importance of the school facility improvement projects, the arts and enrichment opportunities for students, and the active efforts to recruit and retain excellent staff, noting the increase in staff who live in Lawrence and who better reflect the demographics of the student body.

Mr. Riley thanked the Board, stating Lawrence could not have made these strides without the Board’s support. He acknowledged there is more work to be done. He noted Level 5 receivership does not come with additional funding, suggesting that should be revisited. Mr. Riley also noted the city of Lawrence is now in better fiscal shape and should be asked to contribute more; the state pays 96 cents of each dollar for the Lawrence Public Schools. Mr. Riley said the district must continue to address persistent achievement gaps, and he believes continued receivership under a board with more local voices is a positive step.

Acting Commissioner Wulfson explained that Lawrence was our first district receivership and while it was a difficult and controversial decision, the state had a constitutional and statutory duty to step in and the Lawrence schools are in a much better place than they were six years ago. The Acting Commissioner said the next phase of receivership will include a new governance structure consisting of a partnership board, reporting to the Commissioner, that will assume duties as receiver starting July 1, 2018 and oversee a new superintendent to be hired by the board. Acting Commissioner Wulfson briefly described the expected composition of the board, which will include 5-7 members, and said Mayor Rivera has agreed to serve as a member.

Ms. McKenna asked Mr. Riley about funding for summer programs. He explained the district has used local funds and community partnerships plus support from outside foundations. In response to Mr. Moriarty’s question about increasing the current graduation rate, Mr. Riley said he expects continuing gains in academic performance will help. He noted that 300 high school students from Lawrence are participating in early college programs. Ms. Craven congratulated Mr. Riley on the district’s successes and asked about lessons learned that can be passed on to other districts. Mr. Riley said the teachers have been a great source of strength; he retained 90 percent of the district’s teachers and gave them opportunities to have a voice and collaborate, focusing on what is best for the students. Mr. West asked about the long-term plan for school governance. Mr. Riley said all options should be open, including an appointed school committee as in Boston. Mr. Doherty commended Mr. Riley for the good work he has done in Lawrence.

Mr. Moriarty said he would look to see significant gains in grade 3 English Language Arts performance before he votes to end any receivership. Mr. Riley agreed on the importance of early education and early literacy, noting that English learners may need more time to reach proficiency.

Chair Sagan thanked Mr. Riley and said the Board looks forward to hearing from him again at a future meeting. Chair Sagan asked Acting Commissioner Wulfson to update the Board by the next meeting on the New Bedford schools in light of the resignation of Superintendent Pia Durkin effective at the end of the school year.

Chair Sagan clarified his earlier comment relating to the Commissioner search, stating Ms. Morris rather than Chair Sagan will solicit feedback from members regarding potential questions for candidates.

**Board of Elementary and Secondary Education FY2019 Budget Proposal and Report from**

**the Board’s Budget Committee**

Senior Associate Commissioner Bill Bell and Budget Director Julia Jou were introduced and then Ms. Craven presented the Budget Committee’s report on recommended priority areas for the Board’s FY19 state budget request. Ms. Craven outlined priority areas including: fund education aid at the highest possible level based on available revenues for FY19; provide the Department capacity to develop a civics course in the 8th grade; increase resources to improve early literacy; promote greater interagency resource coordination for the benefit of students; support the Department’s continued efforts to increase school breakfast participation; recommend a Commonwealth study of the needs of gifted and talented students; and increase the current fee structure for an educator license, which has remained constant since 1998. Mr. Bell added that the Department is working with the Governor’s and Secretary’s office on the impact that the influx of students from Puerto Rico will have on local aid.

Secretary Peyser said he would abstain from the vote, because by law the Board’s recommendation is transmitted to his office to inform his recommendations to the Governor.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with Mass. Gen. Laws chapter 69, § 1A, approve the budget priorities for the FY2019 education budget as recommended by the Board’s budget committee and the Commissioner, and direct the Commissioner to convey these recommendations and priorities to the Secretary of Education, the Governor, and the Legislature.**

The motion passed 10-0-1. Secretary Peyser abstained.

**Proposed Amendments to Regulations on MCAS and Competency Determination, 603**

**CMR 30.00, for Classes of 2021 and 2022**

Acting Commissioner Wulfson welcomed Associate Commissioner Michol Stapel and Lucy Wall, Legal Counsel. He explained this is a continuing discussion of the topic he presented last month and is designed to ensure fairness for students during the transition to next-generation MCAS high school assessments and potential new standards for high school graduation. He recommended that the Board vote to solicit public comment on proposed amendments to the regulations that govern the competency determination (CD) for high school graduation, to establish the interim CD standard for the classes of 2021 and 2022. Acting Commissioner Wulfson said the Board may raise the bar for future classes, after seeing the results from the new high school tests. He said superintendents and principals have expressed support for this interim standard: that to be eligible for a high school diploma, the classes of 2021 and 2022 will be held to a level of achievement on the next-generation MCAS high school tests equivalent to the CD standard on the current MCAS high school tests. Acting Commissioner Wulfson said he expects to bring the regulations back to the Board for a final vote in February.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L. c. 69, § 1B, hereby authorizes the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, to solicit public comment on the proposed amendments to the Competency Determination Regulations, 603 CMR 30.00, as presented by the Commissioner.**

 **The proposed amendments would establish an interim passing standard for students in the classes of 2021 and 2022 in English language arts and mathematics. The proposed amendments would also update outdated language and references in the regulations.**

The vote was unanimous.

Mr. West noted that additional discussion will be needed to determine where the bar will be

set after the transition period. Acting Commissioner Wulfson said those discussions should

begin soon.

**Proposed Amendments to Special Education Regulations, 603 CMR 28.10, to Align with**

**ESSA Foster Care Provisions**

Acting Commissioner Wulfson introduced Teri Williams Valentine, Director of Special Education Planning and Policy, and Josh Varon, Legal Counsel, to answer questions on his recommendation that the Board vote to solicit public comment on proposed amendments to the Massachusetts special education regulations (603 CMR 28.10) pertaining to the assignment of school district responsibilty for students with disabilities who are in foster care. Acting Commissioner Wulfson noted these state regulations need to be aligned with the new provisions in the federal law concerning students in foster care and their right to remain in their school of origin if that is determined to be in their best interest. Ms. Valentine provided an overview of the current regulations and explained that the goal of the proposal is to clarify school district responsibilities, reconcile a conflict with the Every Student Succeeds Act (ESSA), and make the regualtions simpler, consistent, and more predictable.

Acting Commissioner Wulfson noted that these cases can be complex but the numbers are not large. Ms. Valentine explained that the Department receives approximately 200 requests a year to resolve disputes over fiscal and programmatic responsibility for students with disabilities who are in foster care, and each case is fact-specific. Mr. West asked if ESSA requires information to be provided to parents. Ms. Valentine said the Department has been working with the Department of Children and Families to provide guidance and will disseminate additional information. Acting Commissioner Wulfson added that apart from the special education issues, a challenge in these cases is transportation funding for students who are in foster care in one community and are attending their school of origin in a different community.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L. c. 69, § 1B, hereby authorizes the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, to solicit public comment on the proposed amendments to the Special Education Regulations, 603 CMR 28.10, as presented by the Commissioner.**

# The proposed amendments would clarify programmatic and financial responsibility for the special education services of students in foster care; resolve a conflict between the current state regulation and new provisions in federal law relating to students in foster care; and simplify, and provide consistency and predictability for, the process of assigning responsibility to school districts for the special education of students in foster care.

The vote was unanimous.

**Virtual Schools: Funding and Other Policy Issues**

Acting Commissioner Wulfson introduced Senior Associate Commissioner Cliff Chuang and Kenneth Klau, Director of the Office of Digital Learning, to provide an overview of the framework of virtual schools and how they are funded. Acting Commissioner Wulfson explained that he plans to bring a recommendation next month that the Board increase the per pupil tuition rate for each Commonwealth Virtual School. Mr. Chuang provided a brief explanation on the current tuition rate, noting that virtual schools in Massachusetts are set up differently than in other states. Mr. Klau provided an overview of definitions, key requirements, services the virtual schools provide to special populations, governance, and funding.

Chair Sagan asked how we verify that these students are Massachusetts residents and are meeting participation requirements. Mr. Klau explained that the parent informs the virtual school of the intent to enroll their child and the virtual school communicates that to the district, which verifies that the student is from that district. Mr. Klau explained that students log in, the virtual schools have contact with both students and parents, and through their management system they are able to track students in real time. Mr. Klau continued by explaining the role of the Board, the application process, the certificate amendment process, the accountability review process, and key indicators to access and equity.

Chair Sagan asked about the contract changes both schools had made with their vendors. Mr. Chuang said both school boards have been aggressive in negotiating with service providers. Judith Houle, Ed.D., Executive Director, Massachusetts Virtual Academy at Greenfield Commonwealth Virtual School and Adam Goldberg, Superintendent of TEC Connections Academy (TECCA), spoke to the Board about their schools and the status of vendor contracts. The two school directors also responded to questions from Mr. Moriarty about the high rates of student churn and absenteeism, and from Mr. Doherty about whether the approximately 1700 students enrolled in virtual schools are proportionally spread across early elementary to high school. Both Ms. Houle and Ms. Goldberg said most students are in grades 7-12, with low income students representing 50 percent and 45 percent respectively of their student enrollment.

Chair Sagan noted that virtual schools are an experiment that is worth pursuing and examining, and he thanked the panelists for the information. Acting Commissioner Wulfson said he will bring his recommendation on the tuition rate to the Board in December.

**Curriculum Frameworks**

**a. History and Social Science Framework Revision Process – Overview and Next Steps**

**b. Report on Implementation of English Language Arts, Mathematics, and Science and Technology/Engineering Frameworks; Plan for Review of Arts Framework and Comprehensive Health Framework**

Acting Commissioner Wulfson introduced Heather Peske, Senior Associate Commissioner; David Buchanan, Consultant; Ron Noble, Director of Strategy and Integration; and Susan Wheltle, Consultant, to provide an overview on the history and social science framework revision process and the plan to review and update the arts and comprehensive health curriculum frameworks. The Acting Commissioner noted that the Board’s Civic Engagement Task Force had set an important direction for the history/social science framework revision, and called the Board’s attention to the letter they received from legislators concerning civic education.

Ms. Peske voiced her appreciation to the educators who serve on the review panel. She provided a brief history of the Massachusetts learning standards and why they matter. Mr. Buchanan presented a timeline and background on the review process. Ms. Wheltle explained the priorities of emphasizing civics education and developing students’ deeper understanding by improving rigor, clarity, and coherence of the standards. Mr. Buchanan highlighted what would be included in the new grade 8 civics curriculum. Ms. Fernandez asked if the revised framework would include social and emotional learning. Ms. Wheltle noted that in the working draft it is included as one of the guiding principles and offered examples. Mr. Moriarty commented that the proposed civics course looks wisely structured for grade 8. Secretary Peyser added his commendation to the panel and staff and said while the Board has not yet seen the full document, these excerpts are strong. He noted while the core of the current framework remains, the grade 8 civics course is the key change and it is the right choice.

Chair Sagan asked about assessment. Acting Commissioner Wulfson said no decisions have been made yet but the Department is reviewing research and considering various options, including project-based assessment. He noted that adding a full scale assessment will take resources and the Department hopes to have some additional resources in FY19 to flesh out assessment ideas. Ms. McKenna commended the panel for emphasizing a civic course for all 8th graders. Chair Sagan asked about responding to the letter from the legislators. He and Acting Commissioner Wulfson agreed they will prepare a response and keep the legislators informed about the framework revision. Acting Commissioner Wulfson said he expects to bring the revised history/social science framework to the Board in January 2018 for further discussion and a vote to send it out for public comment.

Ms. Peske informed the Board that the Department will convene a panel of educators in 2018 to review and revise the 1999 arts curriculum framework, anticipating a revised draft in the fall of 2018 and a Board vote on the final document in spring 2019. She said the Department’s timeline to review and revise the comprehensive health framework is similar but a few months behind. Mr. Noble presented some key points from the memo on implementation of the English language arts, mathematics, and science and technology/engineering frameworks, including parent guides and instructional support networks for districts.

Chair Sagan thanked the panelists.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:59 p.m., subject to the call of the Chair.**

The vote was unanimous.

Respectfully submitted,

Jeff Wulfson

Acting Commissioner of Elementary and Secondary Education

and Secretary to the Board