Minutes of the Regular Meeting

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

**November 18, 2008**

**9:15 a.m. – 1:40 p.m.**

**Somerville High School**

**81 Highland Avenue**

**Somerville, Massachusetts**

Members of the Board of Elementary and Secondary Education Present:

**Maura Banta**, Chair, Melrose

**Harneen Chernow**, Vice Chair, Jamaica Plain

**Gerald Chertavian**, Cambridge

**Andrew “AJ” Fajnzylber**, Chair, Student Advisory Council, Brookline

**Thomas E. Fortmann**, Lexington

**Beverly Holmes**, Springfield

**Jeff Howard**, Reading

**Ruth Kaplan**, Brookline

**Dana Mohler-Faria**, Bridgewater

**Paul Reville**, Secretary of Education, Worcester

**Sandra L. Stotsky**, Brookline

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

Chair Maura Banta called the meeting to order at 9:15 a.m.

**Comments from the Chair**

Chair Maura Banta thanked Somerville Superintendent Anthony Pierantozzi, who welcomed Board members to the city. The chair said that despite the economically very challenging times, there is a lot of important work to do on behalf of students and schools, and that work will be done within the existing resources. The chair said she participated in a number of events and meetings over the past month, including the deliberations of the Board’s budget committee, the STEM Summit, the convening of all of the Board's advisory councils at the College of the Holy Cross, the Principal for a Day event, the Wallace Foundation conference in Boston, and the Future of Teaching program.

**Comments from the Commissioner**

Commissioner Chester provided an overview of the November 3, 2008 convening of the eighteen advisory councils to the Board. The commissioner thanked Chair Banta and Board members Tom Fortmann and AJ Fajnzylber for their participation. The commissioner said the meeting served as an orientation for new members and a way to honor retiring members. Commissioner Chester also gave the councils their charge for the coming year, which centers on closing the achievement gap while addressing the expectation gap by raising the quality of education so all students are ready to succeed after high school in postsecondary education and the workforce. The commissioner said the recommendations of the 21st Century Task Force, which were released later in the meeting, would be forwarded to all advisory councils.

Commissioner Chester described the Wallace Foundation’s conference in Boston on educational leadership, and reviewed for Board members the items for information provided in the Board packets, including an analysis of the MCAS achievement gap by gender. The commissioner also provided a summary of a recent Council of Chief State School Officers’ policy forum that he participated in with other chief state school officers in Austin, Texas.

**Comments from the Secretary**

Secretary Paul Reville provided an update on the search for a new commissioner of early education and care and an upcoming meeting of higher education officials on November 21, 2008 on student financial aid. The secretary said that the Governor’s Child and Youth Development cabinet met for the first time recently, and that the Readiness Project’s Finance Commission would release its formal report in mid-December.

**Report of the Task Force on 21st Century Skills**

Chair Banta recognized Secretary Reville, who read the following statement:

I convened the Task Force on 21st century skills for one reason, to help us better prepare our children, our students to succeed in our rapidly changing world. By success, I mean for them to have the skills and knowledge they need to be economically successful, to hold a job and be contributors to a 21st century economy; to be successfully prepared to function as informed, active citizens and potential leaders in a 21st century democracy embedded in a complex 21st century world; to have the knowledge, skill and dispositions to become successful heads of families or at least to have those traits we associate with family leadership; and finally, success means that all of our children should be educated in ways that prepare them to be continuous, lifelong learners.

I believed that this Board, with the support and assistance of a highly expert commission, should begin to consider how we might modify our educational strategies so as to maximize student readiness for the challenges ahead. To see the challenges of the 21st century, one need only look, for example, at our economy and the world’s economy in dire, unforeseen straits, our democracy embarking on an unprecedented new chapter and the technology revolution which is daily altering our culture and bringing change and new challenges to our families and our society. What do our students, not just your children and mine but all of our children, need to ensure that they will be ready to be successful in this brave, new world? How can we build on and complement our already strong standards in ways that serve our students more effectively?

I asked the Task Force to examine our standards, assessments and accountability systems and advise us on how they might be modified to meet the challenges ahead. I asked the members to consider how we might better prepare teachers and curricula to guarantee that they were ready to educate and guide our students to preparedness. With this report, the Task Force has exceeded my expectations and given the Board and the Commonwealth much to consider as we move to improve public education in Massachusetts.

I believe this work will complement, not replace or compensate for, the education reform work so many of us have been deeply engaged in for the past two decades. We are proud of our achievements to date but let’s be honest; we must recognize we have a long way to go to realize our dream of a fully excellent, equitable school system. Exhibit A in this case are persistent, troubling, achievement gaps: we have a higher floor for subgroups than most states but our gaps are as wide or wider than those in most other states. We are still failing far too many students, losing too many through dropping out, numbing too many with boredom and ill preparing so many that alarming numbers of our graduates are incapable of doing un-remediated college work or successfully completing post-secondary education. Advocates of the status quo must face these disturbing facts and acknowledge our failures even while celebrating our successes. We have a long way to go.

On top of these facts, our employers are telling us, more urgently with each passing year, that we are not preparing enough of our students to do the jobs of the present and future. They tell us too few can make coherent oral presentations, solve complex problems using either creativity or technology, too few understand the complexities of the US in its relationship to the other countries of the world, too few can work effectively as part of a group or team and too few have the motivation and work ethic needed for success. This commission was a direct response to the pleas of employers, on whom the future of our economy depends, to update our education system by making it broader and more rigorous in its expectations.

Our education reform work is not finished. Some would have us hang a “mission accomplished” banner on Massachusetts, but we are not done. We can do better. Some apparently think that various tools of education reform, our standards, our assessments and our accountability systems, are so highly perfected and successful in their effects that they should be regarded as sacrosanct, but we disagree. We can do better. We must do better. Doing well is not good enough.

We can learn from our rich experience. We can build on our successes and recalibrate on the basis of our failures. We can move forward, and I am confident that the Task Force’s work will show us the way. And for this I am very grateful to Chairman Chertavian and all the members for their service, their insight and their recommendations. Thank you for your report.

I look forward to a civil, public discourse on these recommendations and others which focus on the challenge of building a genuinely 21st century system of education for our students. We need to engage these topics and one another and then move forward with a sense of urgency as our students and educators are waiting for us to act on their behalf. Governor Patrick and I commend the Board for its willingness to boldly face the challenges and undertake the work ahead. We are confident that working together we can and will do better to ensure that each and every one of our students is educated for success. A decade and a half ago, the Commonwealth set out on a mission to make “every child a winner”. Today, we take another step toward delivering on that audacious promise.

Board member and Task Force Chair Gerald Chertavian thanked fellow Board members Fortmann, Fajnzylber, and Harneen Chernow as well as the other Task Force members for their time and contributions. Mr. Chertavian introduced a panel of local business and education leaders – Donna Capella, regional president of Verizon; Gary Gottlieb, president of Brigham & Women’s Hospital; and Keith Motley, chancellor of UMass-Boston – who addressed the Board on the importance of 21st century skills.

Ms. Capella said that Verizon, which has 13,000 employees across the Commonwealth, is concerned about how well we are preparing students to compete. She endorsed the idea that academic rigor and 21st century skills ought to be combined. Ms. Capella said students should be provided a solid base of applied skills, and attending to 21st century skills does not mean we are deemphasizing academic skills. She said students need all those skills to compete in the fast-paced, challenging marketplace of today.

Dr. Gottlieb said the 21st century skills approach provides an opportunity to help students develop a special set of skills that include innovation, team building, and international awareness. Dr. Gottlieb said higher education and employers want to support students and schools by conveying what is expected in college and in the workplace.

Chancellor Motley said the goal of his university is to have 100 percent of students who enter graduate with the knowledge and skills to meet the demands of today’s economy. The chancellor said the kinds of skills students should possess include technological proficiency, writing that includes the ability to present and analyze an argument, develop an idea and be persuasive, quantitative skills, inquiry, multiple modes of working and learning, language skills in addition to English, and an appreciation of other cultures.

Mr. Chertavian thanked Ms. Capella, Dr. Gottlieb, and Chancellor Motley and said it is important that the Board understand their views as they are our clients. Mr. Chertavian said there have been tremendous changes in our economy as it has moved from manufacturing to services, and we need to see to it that students graduate from high school ready for college and careers. He said there is a need to embed 21st century skills and knowledge in our classrooms, to create conditions to support teachers, and to determine how to assess 21st century skills.

Mr. Chertavian presented a PowerPoint overview and recognized the Task Force subgroup leaders, Paul Toner, Vice President of the Mass. Teachers Association; Charles Fadel of Cisco, Inc.; Kathy Ennis, Executive Director of Primary Source; and Eric Schwarz, President and CEO of Citizen Schools. Ms. Ennis (Teacher Preparation and Professional Development) talked about the need to create a working environment that educators will find fulfilling and to focus on strengthening the teaching profession. Mr. Fadel (Standards and Workforce Development) talked about the Partnership for 21st Century Skills, of which his company Cisco was a founding board member, and which Massachusetts was the fifth state to join. Paul Toner (Assessment and Accountability) said there is a need to integrate the measurement of 21st century skills throughout MCAS. Mr. Toner said his subgroup also recommended revamping the U.S. History exam to focus both on content and 21st century skills, developing a growth model component, and creating a locally evaluated senior project before graduation. Mr. Schwarz said the need for 21st century skills is clear and urgent, and talked about the recommendations for placing up to 1,000 artists, scientists and engineers in residence part-time in schools, building on the success of Expanded Learning Time schools, and creating demonstration districts (5) and schools (10).

Chair Banta said the Board would have the opportunity to discuss the report in much more detail in December, so that this important topic would be given the time and attention it deserves. After polling members, the chair said the Board would hold a special meeting on Monday evening, December 15, 2008 to continue its discussion of 21st century skills.

Ms. Kaplan said the report did not appear to address the role of families and parents in developing 21st century skills. Ms. Holmes asked why more high performing college graduates from diverse backgrounds are not entering the education field, and whether the proposals would have a positive impact. Ms. Ennis and Mr. Toner responded and said the proposals are a good start.

Dr. Stotsky recommended that higher education faculty in specific disciplines should be involved in reviewing the frameworks and determining how 21st century skills might be embedded.

Dr. Mohler-Faria complimented the task force and said these recommendations are very timely. Dr. Mohler-Faria said that higher education struggles with these issues, and some students clearly are better prepared than others.

Vice Chair Chernow said the process to come up with the recommendations was very interesting, as was the public forum where there was widespread interest and support. Dr. Fortmann said this is a big, important topic, and the Task Force’s report is a good starting point for further discussion by the Board. Dr. Fortmann made three observations: (1) while 21st century skills do not lend themselves to precise definition, the Task Force agrees that we must maintain high academic standards and complement rather than replace them; (2) the overlap between mathematics and 21st century skills is significant and presents a great opportunity; and (3) the report raises interesting questions about the balance of attention to recruitment of exceptional new teachers vs. development of current teachers. Dr. Fortmann said he would send Board members some further thoughts prior to the next Board meeting. He also suggested seeking input from the public and from the advisory councils. Mr. Fajnzylber said he appreciated participating on the Task Force and the recommendations are in line with what students need.

Commissioner Chester and Chair Banta congratulated and thanked the members of the Task Force for their work in developing the white paper and recommendations.

**National History Teacher of the Year**

Chair Banta, Commissioner Chester, and Secretary Reville recognized David B. Mitchell, a history teacher at Masconomet Regional High School, for being named the 2008 *Preserve America* History Teacher of the Year, and presented him with a citation.

# Approval of the Minutes

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

**VOTED: that the Board of Elementary and Secondary Education approve the minutes of the October 21, 2008 regular meeting and the October 20, 2008 special meeting.**

The vote was unanimous.

**Comments from the Public**

* Pat Schettini, Reading Public Schools Superintendent, and Elaine Webb, Reading School Committee Member, addressed the Board on 21st century skills.
* Marc Kenen, executive director of the Massachusetts Charter Public School Association, addressed the Board on charter school accountability.
* Marilyn Segal, Citizens for Public Schools, addressed the Board on the budget.
* Lisa Guisbond, FairTest and Citizens for Public Schools, addressed the Board on 21st century skills and the budget.
* Norma Shapiro, ACLU, addressed the Board on the budget.
* Gary Maestas, Plymouth Public Schools Superintendent, addressed the Board on the Rising Tide Charter School.

**Board of Elementary and Secondary Education Budget Proposal for FY 2010**

Chair Banta presented the Board’s budget proposal for FY 2010 and thanked the members of the Board’s budget committee, Gerald Chertavian, Tom Fortmann, and Jeff Howard, for their time and effort and Board members Stotsky and Fajnzylber for their comments and input. Commissioner Chester said the numbers in the maintenance column of the budget worksheet are a moving target as the Commonwealth anticipates future revenue and tracks incoming revenue. He added that there may be a need to double the size of the cut for the maintenance budget.

The commissioner said the budget reflects several principles including a consolidation of related programs and accountability for results rather than targeting funds to specific programs or entities. The budget gives ESE discretion in terms of what kinds of services would be most helpful. Mr. Chertavian added that the goal is focusing on outcomes rather than programs. Dr. Stotsky said that many programs never had independent evaluations built into statute. The commissioner said that ESE currently has little or no leverage on many line items.

The commissioner said the expansion budget identifies the Board’s priorities for increased investment should additional revenues become available. Secretary Reville said it is important for the Administration to know what the Board's priorities are. Dr. Fortmann said the consolidation of items makes sense for it gives the Commissioner more flexibility.

Vice Chair Chernow said she was disappointed that the adult learning center line item was not increased in the expansion budget. Commissioner Chester responded to the vice chair's question about interdisciplinary health education in the expansion budget, noting this would restore a grant program that was last funded in FY 02. Ms. Kaplan asked about the line items for professional development for math and for professional development for English language learners and students with disabilities in the expansion budget and the commissioner responded, noting that federal funds also support professional development.

In response to a question from Dr. Stotsky about funding for district turnaround partners, the commissioner said funds for turnaround partners are from both state and federal sources. Associate Commissioner Lynda Foisy said that a large part of America’s Choice funding comes from the Targeted Assistance line item, and the cost is supplemented by other federal funds including Title I. The district (Holyoke) also uses some of its local money. Commissioner Chester said the Department is continuing to review and refine the turnaround process.

Mr. Fajnzylber said students are concerned about the achievement gap, funding for METCO, professional development funds for English language learners and students with disabilities, and funding for the student advisory council. Chair Banta said the Board has to set priorities in presenting any expansion items, and that entails hard choices. The chair said that all 18 advisory councils had their budgets cut to $0. The chair and Commissioner Chester said they appreciate Mr. Fajnzylber’s advocacy on behalf of students.

**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, § 1A, as amended by Chapter 27 of the Acts of 2008, approve the FY 2010 budget proposal and authorize the Commissioner to transmit its budget recommendations to the Secretary of Education.**

The vote was 8-2-1. Ms. Kaplan and Mr. Fajnzylber voted in opposition. Secretary Reville abstained.

**MCAS Performance Appeals: Amendments to Regulation 603 CMR 30.05 (Performance Appeals in Science)**

In September the Board adopted amendments to the MCAS performance appeals regulations to allow students in the class of 2010 and beyond who have not yet passed the high school Science and Technology/Engineering MCAS test to file a performance appeal in that subject area. The Board solicited public comment on the amendments, and received only one comment from the Massachusetts Association of Vocational Administrators (MAVA) regarding what constitutes a science course.

MAVA requested that the Department revise the eligibility criterion that requires a student to be enrolled in a STE class in the year in which an appeal in STE is filed, so that it would read "they must be enrolled in a science course, a Chapter 74 related theory course, or a formal science remediation program during the year in which an appeal in STE is filed." MAVA's rationale is that students in Chapter 74 vocational technical programs could be enrolled in one of several different types of science-related courses other than a standard full-year science course in grade 11 or 12.

Commissioner Chester said that he already has authority under the existing regulation to waive, for good cause, any one or more of the eligibility requirements, upon the written request of the superintendent. (603 CMR 30.05 (4) states: "Upon the written request of the superintendent, the Commissioner of Education may for good cause waive one or more of the eligibility requirements listed in 603 CMR 30.05 (3).") Superintendents may submit an eligibility waiver request that includes evidence such as a course syllabus to demonstrate how a "Chapter 74 related theory course," for example, incorporates applied science. The commissioner said the Department shared this explanation with MAVA executive director David Ferreira, and Mr. Ferreira was comfortable that the waiver provision would provide appropriate flexibility to deal with these individual cases.

**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 and 1D, 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 Regulations on Massachusetts Comprehensive Assessment System and Standards for Competency Determination, 603 CMR 30.00 (section 30.05), as presented by the Commissioner. The amendments concern procedures for MCAS performance appeals for Science and Technology/Engineering.**

The vote was unanimous.

**State System of Accountability: Charter School Review and Renewal Process and Standards**

Commissioner Chester said the Board will consider 11 charter school renewals this year, and that today’s agenda includes a discussion of the charter school renewal process in preparation for those actions and as part of the continuing discussion of the state’s system of accountability and support.

Associate Commissioner Jeff Wulfson presented a PowerPoint on charter school accountability. He said that Massachusetts, unlike other states, has only one charter school authorizing body, the Board of Elementary and Secondary Education. He said Massachusetts has a reputation nationally for a very rigorous charter school accountability system. The state’s review of charter schools focuses on the school’s faithfulness to its charter, its success in academic progress, and its organizational viability. In addition to reviewing each charter every five years for renewal, the board has authority to close charter schools that are not performing. The Board and Department’s oversight of charter schools serves in place of the oversight that local school committees retain for traditional public schools.

Associate Commissioner Wulfson described the Board's three renewal options for charter schools: renew for another five-year term, renew with conditions and/or place the school on probation (which triggers annual ESE reviews), or not renew a school’s charter. He listed the charter schools currently operating with conditions and the schools up for renewal this year. He briefly described the process in a school's charter is revoked or not renewed.

Commissioner Chester reiterated that the Department is rethinking the whole approach to accountability, and that he is very interested in including growth or value-added measures. The commissioner said he is rethinking the accountability triggers for schools, including charter, using additional measures around what is minimally acceptable performance. Those measures might include several years’ worth of data, a look at proficiency rates with a minimum threshold to gauge whether a school is on target, and the notion of a value-added measure. Dr. Mohler-Faria said he supports this approach, which is child focused.

Secretary Reville said two recurring criticisms he hears about charter accountability relate to student attrition and accumulating financial reserves. Associate Commissioner Wulfson said that all charter schools account for funds and submit per pupil spending reports. He explained that if a charter school does fundraising itself, the funds are co-mingled; if it has a separate fundraising arm (501-C-3), those funds are accounted for separately. The associate commissioner said the typical charter school does not have excessive reserves, but a few are outside the norm and bear further review. Charter School Director Mary Street said the Department does not monitor the movement of students back to district schools from charter schools unless a parent files a complaint. Ms. Street said that student turnover is considered in reviewing school performance, and high attrition rates could be a red flag that the school is not functioning well.

**Charter Schools**

## Rising Tide Charter School

Commissioner Chester presented his recommendation for approval of the Rising Tide Charter School's request for amendment to expand the school. Board member Fajnzylber said that students are concerned about the expansion of facilities and the current location of the school. He asked about the long-term implications of the loan process. Associate Commissioner Wulfson said acquiring or building facilities is a major problem for charter schools. The associate commissioner said that the Rising Tide Board of Trustees understands that major fundraising would be involved with a new facility, and has talked about taking an extra year and not opening the 9th grade until 2010.

**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 amend the charter granted to the Rising Tide Charter Public School as presented by the Commissioner:**

### Rising Tide Charter Public School (maximum enrollment increase from 320 to 700 students and grade span increase from grades 5-8 to grades 5-12)

**Location: Plymouth**

**Maximum enrollment: 700**

**Grade levels: 5 through 12**

**Effective year: 2009-10**

The vote was 8-3. Vice Chair Chernow, Ms. Kaplan, and Mr. Fajnzylber voted in opposition.

## Boston Renaissance Charter Public School

The commissioner recommended that the Board provide Boston Renaissance with an extension of the conditions of probation, with continued monitoring by the Department. In response to a question from Ms. Kaplan, Associate Commissioner Wulfson explained that putting a school on probation expresses the Board's serious concern in addition to specific conditions.

Commissioner Chester said he visited the school before deciding on whether to support its request for an extension of the conditions of probation, and the recommendation is more stringent than the school's original request. The commissioner said he is not comfortable with the current status, but the school has started to demonstrate that it is making progress.

Dr. Howard asked why the school’s enrollment was reduced to 880 students. Associate Commissioner Wulfson said that in the Board’s judgment, the school was too large, the grade span was too large, and the building was unworkable. The associate commissioner said if the Board voted down the commissioner’s recommendation, the school would not be in compliance with the Board’s conditions. It would also be difficult for the school to get financing and move to a new facility. Ms. Holmes asked how the school’s probation status would affect its ability to move into a new building. Associate Commissioner Wulfson said it would be challenging but the school leader is optimistic about acquiring a purchase and sale agreement for the land.

Commissioner Chester said there is evidence that the school is moving in the right direction.

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

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.13 (4), hereby approves the following changes to the terms of probation for Boston Renaissance Charter Public School:**

* + - **Extension of the deadline for relocation of the school from September 2009 to September 2011.**
    - **Extension of the deadline for reducing enrollment from 1,240 students to 880 students from September 2009 to September 2011, in accordance with enrollment of no more than 1,178 students in September 2009, 1,100 students in September 2010, and 880 students in September 2011. Should the school anticipate, prior to the submission of pre-enrollment, relocation at the beginning of a school year prior to September 2011, enrollment must be reduced to 880 students. Enrollment must be reduced without terminating the enrollment of any student currently attending the school.**
    - **Extension of probation until as the Board determines whether the school’s charter will be renewed in FY10.**

**Boston Renaissance Charter 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.

Vice Chair Chernow had to leave the meeting at 1:30 p.m.

**Proposed Amendments to Vocational Technical Education Regulations, 603 CMR 4.00**

Commissioner Chester said the recommendations before the Board would create a vocational technical license for construction crafts and align the licensure provisions more closely in several areas with the Educator Licensure and Preparation Program Approval Regulations, 603 CMR 7.00, and the Recertification Regulations, 603 CMR 44.00, especially regarding inactive and invalid licenses. The proposed amendments will be brought back to the Board for a final vote in January 2009.

Dr. Stotsky said she was pleased to see the two-year registered apprentice program, and asked how many programs have apprenticeships that lead to journey worker status. Jeff Wheeler, the Department's director of career and technical education, responded.

Ms. Kaplan and Mr. Chertavian commented that many vocational technical schools are leading the way in demonstrating best practices to develop 21st century skills.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L. chapter 69, §§ 1B, 1D and 1F and chapter 74, § 2, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. chapter 30A, § 3, to solicit public comment on the proposed amendments to the Vocational Technical Education Regulations, 603 CMR 4.00, as presented by the Commissioner. The proposed amendments concern standards for licensure of vocational-technical educators.**

The vote was unanimous.

**Next Meeting**

The next regular meeting of the Board of Elementary and Secondary Education is scheduled for December 16, 2008 at the Department of Elementary and Secondary Education in Malden, with a special meeting scheduled for Monday evening, December 15, 2008.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 1:40 p.m., subject to the call of the chairman.**

The vote was unanimous.

Respectfully submitted,

Mitchell D. Chester

Commissioner of Elementary and Secondary Education

and Secretary to the Board