Minutes of the Regular Meeting

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

**March 24, 2009**

**8:35 a.m. – 12:50 p.m.**

**Massachusetts Department of Elementary and Secondary Education**

**75 Pleasant Street**

**Malden, MA**

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

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

**Sandra L. Stotsky**, Brookline

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

Member of the Board of Elementary and Secondary Education Absent:

**Dana Mohler-Faria**, Bridgewater

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

**Comments from the Chair**

Chair Maura Banta said the Board had a productive meeting the night before on charter schools, one of many discussions on this topic. The chair said the Board has asked the Department to collect additional data and information. The chair reported on opportunities she had to represent the Board over the past month, including through meetings with Teach Plus, Teachers21, and the Rennie Center, and at a National Association of State Boards of Education and Council of Chief State School Officers meeting in Washington. The chair also had the opportunity to meet with Mike Smith from USED Secretary Arne Duncan's staff, visited the Salemwood School in Malden to learn about the Bay State Reading Program, and moderated a panel at the Massachusetts Business Alliance for Education conference. Chair Banta thanked Board members Sandra Stotsky and Tom Fortmann for their work to review the English Language Arts framework revisions, and thanked Board member Jeff Howard for his leadership in chairing the Performance and Proficiency Gap task force. The task force will meet monthly for the next twelve months to develop a set of policy initiatives and present recommendations to the Board next spring. Board members Harneen Chernow, Gerald Chertavian, Beverly Holmes, and Dana Mohler-Faria will also serve on the task force.

**Comments from the Commissioner**

Commissioner Chester said there is tremendous energy at the federal level as the Administration implements the stimulus package to support states and create an opportunity for reform. The commissioner said he was at various meetings with President Obama, Vice President Biden, and Secretary Duncan in the past month to learn more about federal efforts to invest in activities that will benefit students. The commissioner said he attended the recent swearing-in of new Higher Education Commissioner Richard Freeland, and is pleased that both Commissioner Freeland and Early Education and Care Commissioner Sherri Killins would be serving on the Board's Performance and Proficiency Gap task force. The commissioner said the Department recently released its review of the Fall River Public Schools, which is the first full report under the new statutory arrangement that brought the responsibilities of the former Office of Educational Quality and Accountability (EQA) to the Department. Commissioner Chester also talked about the review panel that is being set up to look at the Science and Technology/Engineering (STE) framework, three recent hires at the Department, and the announcements of the first two installments of the federal stimulus money.

**Comments from the Secretary**

Secretary Reville said Governor Patrick was very active in advocating for education funding as part of the American Recovery and Reinvestment Act (ARRA). The secretary said he and Governor Patrick met privately with Secretary Duncan and his senior staff, and that he and Commissioner Chester wrote a letter to Secretary Duncan commenting on a number of issues related to the legislation. Secretary Reville said the stimulus funds will not be a panacea, and the law specifies how most of the money is to be used. The secretary said we still have to make tough decisions, even with the stimulus funds. The secretary said that Early Education and Care Commissioner Killins will be sworn in later this month. The secretary talked about the recent Ways and Means Committee hearing on the FY2010 education budget presentation, the convening of a new early childhood task force, and his visit with Board member Howard and Wendell Knox to the Harlem Children's Zone.

Board member Sandra Stotsky requested that Board members receive a list of the individuals appointed to the Performance and Proficiency Gap Task Force and a rationale for their appointment. Dr. Stotsky asked that the committee be expanded to include a development or cognitive psychologist who has expertise in the area of proficiency gaps. Chair Banta said that her announcement today was done as a matter of public record, and assured Board members that they would receive the list. Board member Jeff Howard, chair of the task force, said he would consider Dr. Stotsky's request, and emphasized that the task force will reach out to individuals with relevant expertise. Dr. Stotsky also requested that regular notices of the task force's meetings be sent to all Board members.

**Comments from the Public**

* Margaret Murray, a representative of Mass Power School Users Group, addressed the Board on the use of stimulus funds and the automation of two data collection processes.
* Steve Hemman, executive director of the Massachusetts Association of Regional Schools, addressed the Board on regional transportation reimbursement.

# Approval of the Minutes

Board member Beverly Holmes asked that the record reflect that her vote at the February 24, 2009 meeting against the granting of a charter to Gloucester Community Arts Charter School was not based on the merit of the founding group's mission, but rather on the conditions set forth in the motion. Ms. Holmes said she believes there should be no conditions when granting a charter, and that a charter group should have total support to be successful.

Board member Jeff Howard asked that revised language be added to remarks attributed to him in paragraph 3 on page 4.

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

**VOTED: that the Board of Elementary and Secondary Education approve the minutes of the February 24, 2009 regular meeting as amended.**

The vote was unanimous.

**Update on State Education Budget and Federal Stimulus Funding for Education**

Chair Banta thanked the governor, secretary, commissioner, and Department staff for their hard work on this year's budget. Commissioner Chester said there is much interest in how districts should include federal stimulus funds in next year's budgets. The commissioner said the Department issued guidance on March 19 and now has a page on its website devoted to updates and information on ARRA. The commissioner said it is important that districts use the funds not only to shore up but also to invest strategically. The commissioner has directed districts to invest at least 50 percent of stimulus funds in strategic educational investments in line with the President's goals around data systems, college and career readiness standards, teacher effectiveness, and turning around the lowest performing schools.

Commissioner Chester said that if the Legislature level funds Chapter 70, the governor will commit to use the stabilization funds to bring 166 school districts up to foundation.

Secretary Reville said the governor's top priority has been to preserve and protect core services from harmful erosion, and to encourage the kinds of reforms and improvements that will lead to a closing of gaps in performance. The secretary added that the work ahead will be done in collaboration with the Legislature, and the federal stimulus funds have created an exciting opportunity to move forward while addressing the revenue shortfall.

Board member Tom Fortmann said it would be helpful if the list of ARRA funds by district distributed to members included a couple more columns, including total chapter 70 aid and per pupil aid. Board member Ruth Kaplan asked whether the 50/50 guidance was a recommendation or a requirement for districts. Commissioner Chester said that the federal law provides some discretion to grant recipients but also requires the state and local recipients to sign some assurances about the use of the funds. The commissioner noted in conjunction with MASS, he would be meeting with superintendents and business managers in Marlboro on March 30 to explain what the Department knows about the funds and to offer an opportunity for attendees to ask questions.

Vice Chair Harneen Chernow said this begs the question of the whole foundation formula, and that we see schools that don't have the resources and capacity to address the needs of high poverty students. Commissioner Chester said the touchstone is the foundation formula, and the governor's proposal is to get every district to foundation. The commissioner said one of the major sources of funding is IDEA, and we will encourage districts to increase their capacity to serve students with disabilities close to home without outsourcing and to build more regional capacity.

Board member Gerald Chertavian said that we have consistently underestimated the effect of poverty on education. Dr. Howard said that one of the topics the Performance and Proficiency Gap Committee will address is funding formulas and resource requirements.

**Measuring Student Progress in Massachusetts: Development of the Growth Model**

Commissioner Chester said the development of a growth model is exciting because it will allow us to measure individual youngsters' progress through the system over time. The commissioner said the growth model would take away an excuse that is often heard in the conversation about student performance. Deputy Commissioner Jeff Nellhaus made a presentation on the growth model, describing the derivation of the metric and how results can be used by districts, schools, teachers, and parents. Secretary Reville commended the Department and noted that the development of a growth model was a long time coming. He said the complexity reflected in the discussion is indicative of the challenge facing the Department to present results in ways that educators can use and to provide clarity on best practices and interventions. Deputy Commissioner Nellhaus said the Department is engaged in a pilot study this spring with several districts to see what types of interpretive materials are needed to support the data.

Dr. Howard asked if the model would always use a 2-year history. Deputy Commissioner Nellhaus said the model could use as much data as is available. Dr. Fortmann asked if the prior year's result was weighted higher. Deputy Commissioner Nellhaus said usually the previous test score gets the most weight. Ms. Kaplan asked how transience could be factored in. Associate Commissioner Bob Bickerton said the Department is conducting a pilot with several districts to come up with an interpretive set of guides. Deputy Commissioner Nellhaus said in the future, schools could use the growth percentile to review their progress relative to other schools, and to help determine what is needed to move students to proficiency.

Secretary Reville commended the Department, saying a growth model has been a long time coming. He noted the complexity of the model was reflected in today's discussion and is indicative of the challenge to understand its potential and use it. The secretary said a growth model can be presented in ways that educators can use and provide clarity on best practices and interventions. Deputy Commissioner Nellhaus said the pilot this spring will allow the Department to see the types of interpretive materials that will be necessary to support the data.

Mr. Chertavian said this is the foundation to drive inquiry and what we do to support schools. Mr. Chertavian said 70 percent of the value of these systems comes in implementation, rather than development. He asked about the capacity and people to plan and roll this out. Deputy Commissioner Nellhaus said the Department would encourage districts to invest in training staff around this model, and that the Department would develop training for districts. Commissioner Chester said capacity will be a big issue for the Department. The commissioner said while we are not moving as aggressively as we'd like in terms of regional capacity, the Department is determined to move ahead and bring technical assistance and support to districts.

Dr. Fortmann said he was impressed by the power and potential of this analysis, and said he hopes the Department could use the model to go after the Administration's competitive "race to the top" funds. Ms. Kaplan said this is an extremely complex model, and added that she hopes we would go beyond the numbers and be able to show student progress based on their writing or a portfolio.

Board member AJ Fajnzylber suggested preparing a guide for parents when they get their report. Associate Commissioner Bickerton said he hopes there will be a parent report.

Chair Banta said that today's presentation demonstrates the power of data and the importance of understanding what we can learn from the data.

**Comments from the Commissioner**

Commissioner Chester said he has asked Lehigh University professor Perry Zirkel to work with the Department as it addresses the USED finding that the Massachusetts structure for special education appeals must be modified to make it fully consistent with federal law. The commissioner said Professor Zirkel will meet with interested parties in Massachusetts to get their input, look at options used in other states, and present possible options to him. The commissioner will then report back to USED on how the state will proceed. The goal is to have an effective appeals process for parents and school districts that is consistent with federal law.

**Charter School Policy – Recap of Special Meeting**

The Board held a brief discussion to recap the previous night's special meeting on charter school policy. Chair Banta said the Board has asked the commissioner to gather certain information and come back with recommendations. Mr. Fajnzylber suggested setting up a comment forum to gather additional feedback.

**Progress Report on Mathematics Curriculum Framework Revision Process**

Deputy Commissioner Nellhaus presented a report on progress in updating the *2000 Mathematics Curriculum Framework*. He said the two most significant changes identified are: (1) the reorganization of the current standards in grades K-8 to prepare students for full-year Algebra by grade 8; and (2) to suggest that the framework outline a body of standards at the high school level to create a bridge course before Algebra II as well as a set of standards for students who complete Algebra II and are not on a calculus track but wish to continue their coursework in their senior year. Deputy Commissioner Nellhaus said that from here, based on input, the Department would move to the second phase where it would invite and review suggestions and modify the framework accordingly. Board members requested the opportunity to have further input before the draft revised framework is finalized.

Ms. Kaplan asked about students whose first language is not English and what guidance could be given to teach LEP students. Deputy Commissioner Nellhaus said the Department wants to include a section on literacy. Mr. Fajnzylber said last year's Student Advisory Council included students who were disillusioned by math, and commended the group for finding alternatives for students looking for electives or for those who didn't want to take calculus.

Dr. Fortmann said this is a good report. He requested the opportunity to provide more input before the draft is finalized. Dr. Stotsky said the report is well written and coherent. She asked that future changes be tracked so Board members could follow the changes. Dr. Stotsky asked about intentions for grade 8. Deputy Commissioner Nellhaus said the group hasn't reached a conclusion yet about the final recommendation, but it would not require all students to take algebra and would not be too dissimilar to the current version. Dr. Stotsky asked whether there was a way to have an authentic, optional end-of-course Algebra I test. Deputy Commissioner Nellhaus said the question is one of resources and the purpose of the test.

Board member Beverly Holmes asked about the problem solving samples in the new structure. Deputy Commissioner Nellhaus said sample questions will be expanded at all grade levels, and there will be examples where language doesn't become a problem. Dr. Howard said he gets the impression there is an 8th grade Algebra standard, but we are pulling back because some suggest that 8th grade Algebra is not right. Commissioner Chester said we have to tread cautiously, and noted the large-scale experiment in California where despite a mandate, half the students did not take a course that was even close to the curriculum.

**Proposed Revisions to Graduation Rate Standard for FY09 AYP Determinations**

Commissioner Chester discussed his recommendation of the graduation rate standards to be used in the 2009 Adequate Yearly Progress (AYP) determination and noted that the proposal was refined based on the Board's discussion in February. The Board voted to approve the following standard:

* a four-year graduation rate of 65 percent applied to the 2008 graduation cohort, or
* a five-year graduation rate of 70 percent applied to the 2007 graduation cohort, or
* a two percentage point increase in the four-year graduation rate from the 2007 cohort to 2008 cohort.

Commissioner Chester said this standard is not intended to be aspirational nor is it intended to lower expectations. Rather, he said, this recommendation sets a reasonable target that will identify schools with the lowest graduation rates so the state and district can focus on improving them. The commissioner said our goal is to continue to raise the bar as we move forward.

Mr. Chertavian said that to him, this is not a standard, but rather a pragmatic, unacceptable and somewhat embarrassing expectation. He said calling it a standard is ironic. Commissioner Chester said this target sits within the federal requirement, and is designed with the intent of continuing to raise the base as we move forward. The commissioner referred Board members to the material under Tab 9 of the Board book which summarizes dropout prevention and recovery activities.

Dr. Howard asked how Massachusetts comes out compared to other states if the Board adopts this standard. Commissioner Chester said that if the graduation rate is looked at in the aggregate, Massachusetts is one of the top performing states in the nation with a rate just above 82 percent. Nationwide the average rate is around 70 percent. The commissioner said that if you disaggregate the data, you get a different story. Commissioner Chester said we are tracking in the right direction after seeing two straight years of improvement in the on-time graduation rate.

Dr. Fortmann said the 5-year graduation rate is important, adding that an additional year added 3 percentage points to the overall rate, 6 percentage points for Hispanic students, and 7.5 percentage points to the graduation rate for LEP students. Ms. Kaplan said a 5-year rate could be an incentive for high schools to keep kids in school. Ms. Kaplan said we need to send the message that we have zero tolerance for failure to complete high school.

Ms. Kaplan moved that a friendly amendment be added to the motion stating that "The Board does not intend that this vote in any way reflects its aspiration for a higher graduation rate in the future." The Board voted in favor of Ms. Kaplan's amendment by a vote of 7-3. Chair Banta, Dr. Howard, and Dr. Stotsky voted in opposition.

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

**VOTED:        that the Board of Elementary and Secondary Education approve**

**the following minimum graduation rate standard to be submitted to the U.S. Department of Education as the required Adequate Yearly Progress (AYP) target for FY09 AYP determinations in Massachusetts under the federal No Child Left Behind Act. Each of the three alternative criteria is subject to approval by the U.S. Department of Education. Upon approval of any or all of the criteria by the U.S. Department of Education, all public high schools in the Commonwealth shall meet or exceed one of the following criteria so approved:**

* **a four-year graduation rate of 65 percent applied to the 2008 graduation cohort, or**
* **a five-year graduation rate of 70 percent applied to the 2007 graduation cohort, or**
* **a two percentage point increase in the four-year graduation rate from the 2007 cohort to 2008 cohort.**

**The Board does not intend that this vote in any way reflects its aspiration for a higher graduation rate in the future.**

The vote was 8-1-1. Chair Banta voted in opposition. Mr. Fajnzylber abstained.

**Charter Amendment Request from MATCH Charter Public School**

Commissioner Chester said the request for this amendment by the MATCH Charter Public School had come forward earlier when Boston was up against the 9 percent cap. Since then, with the revocation of the charter for Uphams Corner Charter School, this request can be accommodated.

Vice Chair Chernow asked why if 40 students drop out between grades 6 and 12, those seats are not filled with wait list slots. She asked about the role of wait list seats in charter schools. Associate Commissioner Wulfson said the school sets its own enrollment pattern and plans for a certain amount of attrition. Commissioner Chester said that the Vice Chair raised a good point, and that most high schools don't have the option to not accept students who transfer in after grade 9.

The Board voted to approve an amendment request from MATCH Charter Public School in Boston to increase its maximum enrollment by 40 additional seats.

**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 following school as presented by the Commissioner:**

### MATCH Charter Public School (maximum enrollment increase from 460 to 500 students)

**Location: Boston**

**Maximum enrollment: 500**

**Grade levels: 6 through 12**

**Effective year: 2009-10**

The vote was 9-0-1. Ms. Kaplan abstained.

**Next Meeting**

The next regular meeting of the Board of Elementary and Secondary Education is scheduled for Tuesday, April 28, 2009 at a location to be determined.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:50 p.m., subject to the call of the chair.**

The vote was unanimous.

Respectfully submitted,

Mitchell D. Chester

Commissioner of Elementary and Secondary Education

and Secretary to the Board

Minutes of the Special Meeting

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

**March 23, 2009**

**6:15 p.m. – 8:45 p.m.**

**Massachusetts Department of Elementary and Secondary Education**

**75 Pleasant Street**

**Malden, MA**

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

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

**Sandra L. Stotsky**, Brookline

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

Member of the Board of Elementary and Secondary Education Absent:

**Dana Mohler-Faria**, Bridgewater

Chair Maura Banta called the meeting to order at 6:15 p.m.

Chair Banta thanked Board members for submitting questions on charter school topics they would like to have addressed at the special meeting. Commissioner Chester said the Department tried to design a session that would focus on the broader framework of charter schools. Secretary of Education Paul Reville made a presentation on the alternative approaches to educational governance in Massachusetts, which include Commonwealth Charters, Horace Mann Charters, Pilot Schools, Commonwealth Pilot Schools, and Readiness Schools (in development).

Associate Commissioner Jeff Wulfson and Charter Schools Director Mary Street made a presentation centered on four major policy topics: (1) statutory objectives for charter schools; (2) accountability; (3) enrollment; and (4) funding. Associate Commissioner Wulfson said the reasons cited nationally for the development of charter schools include: to create choice within public schools, to increase opportunities for learning, to encourage innovative teaching, to encourage parent involvement, to create new opportunities for teachers, and to create competition to drive improvement. The statutory objectives of the Massachusetts Education Reform Act drew upon many of those reasons.

Commissioner Chester said the education system needs to do a better job of replicating practice that is working, and that is true in charter schools and traditional public schools. The commissioner said he intends to strengthen the Department's capacity to identify and promote best practices.

Secretary Reville said the Legislature left us with unresolved dilemmas around two broad competing theories of action: (1) that charter schools were to be a network of laboratories for school improvement, limited in number, highly developed, and producing ideas and practices that would migrate back to the mainstream system; and (2) that charter schools would establish the leading edge of a parallel system.

The Board engaged in a discussion about charter schools and asked for additional information or clarification on a number of issues. Among the areas identified for follow- up by the Department were: asking parents why they choose charters; analyzing the credentials of teachers in charter schools; looking at student performance across schools, including charter schools, and employing the growth model to draw comparisons. Chair Banta said the Board identified some key policy questions including how to determine whether charter schools make a difference, and how the Board could best use its time in future charter discussions.

Chair Banta asked the Department to collect additional data to address Board members' questions, and asked Commissioner Chester to come back to the Board with a recommendation on options for the Board to handle charter school policy in the future.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 8:45 p.m., subject to the call of the chair.**

The vote was unanimous.

Respectfully submitted,

Mitchell D. Chester

Commissioner of Elementary and Secondary Education

and Secretary to the Board