Minutes of the Special Meeting

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

**July 21, 2010**

**8:35 a.m. – 1:05 p.m.**

**Department of Elementary and Secondary Education**

**75 Pleasant Street**

**Malden, MA 02148**

Members of the Board of Elementary and Secondary Education Present:

**Maura Banta**, Chair, Melrose

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

**Michael D'Ortenzio Jr.**, Chair, Student Advisory Council, Wellesley

**Beverly Holmes**, Springfield

**Jeff Howard**, Reading

**Ruth Kaplan**, Brookline

**Dana Mohler-Faria**, Bridgewater

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

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

Members of the Board of Elementary and Secondary Education Absent:

**Gerald Chertavian**, Cambridge

**Thomas E. Fortmann**, Lexington

**Sandra L. Stotsky**, Brookline

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

**Comments from the Chair**

Chair Banta welcomed Board members and the public to the meeting.

**Comments from the Commissioner**

Commissioner Chester referred Board members to the memo on grants he approved, under Tab 6 of the Board book. He noted two new murals hanging in the Department that were created by Thomas Burns, a Boston artist who engages students and teachers in designing and creating murals.

**Comments from the Secretary**

Secretary Reville said the Ralph C. Mahar Regional School District recently approved the state's second Innovation School, developed in cooperation with Mt. Wachusett Community College. The secretary said he met with United Way organizations in the Level 4 communities, and they have agreed to help arrange human services supports in the 35 Level 4 schools.

Secretary Reville said the commissioners and board chairs of Early Education, Elementary and Secondary Education, Higher Education, and UMass will participate in a retreat to discuss long term integration across the levels and preparation for college, among other topics. He added that the administration is hard at work in adjusting to recent budget cuts.

Secretary Reville thanked Chair Banta for her leadership of the Board and the commitment she has made to the process of adopting the Common Core Standards. The secretary said the process has been open and extensive over a couple of years. He said he hopes everyone will focus on the substance of the standards, noting that the standards must be coupled with strategies to close persistent achievement gaps.

**Public Comment**

* Charlie Baker, former Board member, addressed the Board on the Common Core Standards.
* Massachusetts Lieutenant Governor Timothy Murray addressed the Board on the Common Core Standards.
* Robert Antonucci, president of Fitchburg State College and former commissioner of education, addressed the Board on the Common Core Standards.
* David Driscoll, former commissioner of education, addressed the Board on the Common Core Standards.
* Senator Robert O'Leary, co-chair of the Joint Committee on Education, addressed the Board on the Common Core Standards.
* Andrew Chen from EduTron addressed the Board on the Common Core Standards.
* Joe Cronin from EdVestors addressed the Board on the Common Core Standards.
* David Floreen from the Massachusetts Bankers Association and the Massachusetts Financial Education Collaborative, addressed the Board on the Common Core Standards.
* Marilyn Jager Adams addressed the Board on the Common Core Standards.
* Linda Noonan, executive director of the Massachusetts Business Alliance for Education, and Jan Heager, WestEd, addressed the Board on the Common Core Standards.
* Representative William Brownsberger addressed the Board on the virtual school regulations.
* John Lunt, Greenfield School Committee Chair, addressed the Board on the virtual school regulations.
* Superintendent Susan Hollins addressed the Board on the virtual school regulations.
* Richard Hayes of the National Coalition on Public School Options addressed the Board on the virtual school regulations.

# 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 June 22, 2010 regular meeting.**

The vote was unanimous.

**Common Core Standards**

Chair Banta thanked Board members and Department staff who have been so influential in the development of the Common Core Standards. Commissioner Chester thanked Board members for being so attentive to this topic over the past year. The commissioner said the Common Core Standards are very strong, and the motion calls for us to augment them. He said Massachusetts has been very influential in the Common Core Standards, and we are a state that is recognized for having done standards right. Commissioner Chester said we have made it clear from the start that we would only adopt standards that are as strong as or stronger than our current standards.

Commissioner Chester thanked Sandra Stotsky for her work on this project and noted she was unable to attend the meeting due to injury.

Jeff Howard arrived at the meeting at 10 a.m.

Commissioner Chester said the Common Core Standards give us the opportunity to provide a clear signal to students regarding what they need in order to be college ready. He said the standards in English Language Arts (ELA) focus on literacy, reading and writing across the curriculum. The commissioner said these are core competencies for success beyond high school. He said the potential benefits for adoption include federal grant opportunities and private funders helping to implement the standards. The commissioner said if the standards are adopted, he would reconvene the curriculum panels. In the fall he would come back to the Board with the Common Core Plus, the Massachusetts-augmented standards that would be the new Massachusetts curriculum frameworks.

Commissioner Chester invited Jason Zimba and Susan Pimental, two of the Common Core Standards writers, to the presenters' table, along with representatives of each of the state's curriculum review panels – Diane Kelly from Revere and Glenn Stevens from Boston University for the Math panel; and Elise Frangos from MassInsight and Loretta Holloway from Framingham State College for the ELA panel.

The representatives from the Math panel said the panel concluded that both the Common Core Standards and the Massachusetts standards were strong – five of the reviewers found the Common Core Standards stronger, while two thought the Massachusetts standards were stronger. Both sets of standards are rigorous and accessible. The panel had some concerns about pacing on computation, and there was a 5-2 split regarding algebra readiness for grade 8.

The representatives of the ELA panel said that with one dissent, the panel supports the Common Core Standards. Ms. Frangos said she was pleased with the focus on skills of composition and rhetoric. She said the annotated writing samples are very helpful. Ms. Frangos said she would like the pre-K component to be added per the commissioner's proposal. Ms. Frangos said there will be the need for new assessments, professional development, and texts to assure the standards can come to life. Ms. Holloway said she was pleased with the emphasis on writing, especially beyond the five-paragraph essay, as well as the emphasis on independent reading and text complexity.

Commissioner Chester thanked members of both panels for their time and expertise. The commissioner also commended staff at the Department who contributed to the Common Core Standards, including Deputy Commissioner Jeff Nellhaus, Julia Phelps, Sue Wheltle, Barbara Libby, and Sharyn Sweeney. The commissioner said all of them have worked relentlessly to ensure that the Common Core Standards are high standards. The commissioner said the state's experts see a high level of alignment with the Massachusetts standards, with a few exceptions.

Commissioner Chester introduced Mr. Zimba and Ms. Pimental, who last came to a Board meeting in March with teams of teachers to discuss a previous draft of the standards. Ms. Pimental said Massachusetts showed steadfast commitment, and the team made sure the standards are strong. Ms. Pimental discussed specific changes from the March draft to the final standards. She thanked Board member Sandra Stotsky for assisting with references to founding documents. Ms. Pimental said the final standards include technical reading and writing, including samples. She said the progressions are greatly improved from the March draft, thanks to the Massachusetts team.

Mr. Zimba said there was great collaboration with Massachusetts as a partner in this endeavor and the team addressed the weaknesses in the March draft. He said jargon was removed, math facts by grade 3 emphasized, and high school standards greatly improved and clarified. Mr. Zimba said the Common Core now has fewer standards and is more focused. He said the document was tightened up to enhance the measurability of standards. Mr. Zimba said there are now clearer mathematical progressions, and a focus on numbers and operations in the early grades.

Commissioner Chester said while support for the Common Core Standards is not unanimous, noting that the Pioneer Institute was present, still there were many supporters, including the Fordham Foundation. Commissioner Chester said the evidence is overwhelming that the Common Core Standards are at least as strong as the Massachusetts standards, if not stronger.

Chair Banta thanked Board members for their involvement. The chair said Dr. Stotsky did not send a statement because she had expected to be here, but we do know that she has been opposed. Chair Banta said Board member Gerald Chertavian sent in an endorsement for adoption of the Common Core Standards, as did Board member Tom Fortmann. Dr. Fortmann also provided notes for the panels to review certain items.

Board member Michael D'Ortenzio Jr. asked about assessment. Commissioner Chester said we are not ending MCAS. The commissioner described the state's participation as part of two multi-state assessment consortia, and said we would see where those initiatives lead. Mr. D'Ortenzio Jr. said this is an opportunity to broaden the assessment and improve it. He asked if the Board adopted Common Core Plus, how would the Plus be assessed? Commissioner Chester said we are at the start of a multi-year process. If the Board adopts the Common Core Standards, the Department would augment them through the fall; then if the Board adopts the new frameworks, the Department would adjust MCAS. The commissioner said the assessment consortia will be useful if they add value.

Board member Beverly Holmes thanked everyone for all the work on this. Ms. Holmes said she appreciated the emphasis on writing, speaking, and listening. She asked how Massachusetts will continue to lead and not just be part of the pack, and also how the Common Core Standards would help us close the achievement gap. Secretary Reville said our leadership comes from our performance on NAEP, SAT, TIMSS, and ACT. He said we can continue to be first in the nation on these new standards, whereas we lose our relevance and leadership if we are not part of this national standards movement.

Commissioner Chester said the state does not give up leadership by working with others. The commissioner said the proficiency gap is about how standards are being experienced by all students, not about whether we have the right standards. He added that adopting the standards is just the start of the process.

Board member Dana Mohler-Faria thanked the Board and the Commissioner for the work on this issue over the past year. Dr. Mohler-Faria said that results depend on clear goals. He said other nations are outpacing us in education, and we have to move forward and help all students be ready for college, career, and life. Dr. Mohler-Faria said the Common Core Standards should be the floor. He said that at Bridgewater State, he sees many students who got a 3.0 GPA in high school and Proficient or Advanced on MCAS who still need remediation in ELA and math.

Vice Chair Harneen Chernow said that Board members were inundated with information and reports. The vice chair said she really appreciated the panel reports. Vice Chair Chernow said change is difficult, but no framework should be static. She said what really matters is what goes on in classrooms. The vice chair asked how we will decide on the 15 percent. Vice Chair Chernow said she was intrigued that E.D. Hirsch supports the Common Core Standards. She asked how this will affect the other frameworks, and said that pre-K / early literacy needs to be a strong component.

Commissioner Chester said the Department will reconvene the panels and charge them with recommending the augmentation. The commissioner said the recommendations will come back to the Board, input will be sought from educators statewide, and then the Board will adopt the final standards. Commissioner Chester said the other frameworks are on a revision cycle, and added that ELA / literacy will cut across the other frameworks.

Chair Banta said she has been involved in this process for more than a year. The chair said she would support the Common Core Standards, and that maintaining the status quo would make Massachusetts irrelevant.

Secretary Reville said that he and the Governor are committed to the Education Reform Act of 1993 and the equity logic of standards-based reform. The secretary said we need the highest possible standards and a robust opportunity for every child; the Common Core Standards are as high as or higher than our standards, and we can augment them where we see fit. The secretary said he was impressed with the work of the panels that the commissioner convened at the Board's request. He said the emphasis on STEM is vital. Secretary Reville said that all business groups are supporters, as are the former commissioners and secretary. The secretary said there is a remarkable degree of overlap with the Massachusetts standards, which indicates the degree of our collaboration with the Common Core Standards. The secretary said a uniform standard is the way to get equity, and that Massachusetts should be front and center because we have a proven track record. Secretary Reville said the MCAS changes anytime we revise curriculum frameworks, but that changes should be relatively few and simple. The secretary said these standards are higher, broader, and deeper and will prepare students well.

Board member Ruth Kaplan said that Massachusetts has a tendency towards exceptionalism ("We're #1"), but there is always room for improvement and learning from others' best practices. She recommended that financial literacy be discussed broadly. Ms. Kaplan said she is interested in broadening the definition of proficiency beyond multiple-choice questions and a five-paragraph essay to include speaking and listening skills. Ms. Kaplan said we will need a reality check when the new standards roll out to see the impact on students with different learning needs.

Board member Jeff Howard said the quality of thinking of fellow Board members has helped him to learn a lot. Dr. Howard said high standards are a huge first step in obliterating gaps among groups. He noted that students in affluent communities have always had the benefit of high standards. He said clear high standards are a first step, and must be accompanied by resources to close the gaps and assessment, reporting, and accountability for results. Dr. Howard said this is proficiency gap work. He congratulated everyone who has been involved in this process, and said Massachusetts is indeed a leader, and we shouldn't define our leadership in terms of being the highest performing state; real leadership is leading in developing high standards and in learning how to get all students to achieve those high standards.

Mr. D'Ortenzio Jr. asked what it means for standards to be internationally benchmarked. Mr. Zimba said the writers paid close attention to a large body of research from TIMSS and other studies as well as the standards of other high performing countries. Mr. Zimba said the math syllabi of Singapore, Hong Kong, Korea, and Japan were collected and digested for topics such as mathematical coherence. Mr. D'Ortenzio Jr. was concerned that enhancing the Common Core Standards with standards for new courses would count against the 15 percent. On the question of the 15 percent augmentation allowance for states, Mr. Zimba said this would be a common sense judgment, and that adding pre-K standards and calculus probably would not count against the state's 15 percent.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with Chapter 69, Sections 1D and 1E of the General Laws, adopt the 2010 Common Core State Standardsto replace the current Massachusetts curriculum frameworks in English Language Arts and Mathematics, contingent upon augmenting and customizing the Common Core State Standards within the 15 percent allowance. Specifically:**

1. **The Commissioner shall reconvene the Curriculum Framework Review Panels for English Language Arts and Mathematics and the panels that he convened to review the Common Core State Standards, and direct them to consider specific standards and other features to strengthen and augment the Common Core State Standards, including but not limited to the following:**
   1. **English Language Arts: Pre-K standards such as those contained in the working draft of the revised Massachusetts standards (2010); guiding principles for the construction and evaluation of English language arts curricula such as those contained in the current Massachusetts framework (2001); suggested authors, illustrators and literary works such as those contained in Appendices A and B of the current Massachusetts framework (2001); and selected standards relating to the identification of characteristics of literary genres such as those contained in the working draft of the revised standards (2010).**
   2. **Mathematics: Pre-K standards such as those contained in the working draft of the revised Massachusetts standards (2010); standards related to arithmetic computation and automaticity of number facts in grades K-5; clarification of the prerequisite standards that will prepare students for Algebra I; sample problems that illustrate expected depth of understanding of the standards; and clarification of the intent of the Common Core high school standards designated with a “+” symbol.**

**2. No later than October 2010, the Commissioner shall present his recommendations for augmenting and customizing the Common Core to the Board and, subject to Board approval, shall solicit public comment. Following the public comment period, the Commissioner shall present to the Board the final Common Core State Standards including the Massachusetts-specific augmentation for the Board’s approval. Upon approval by the Board, the final documents shall be the new Massachusetts Curriculum Frameworks for English Language Arts and Mathematics.**

The vote was unanimous.

Dr. Mohler-Faria and Dr. Howard had to leave the meeting at 11:45 a.m.

**Regulations on Virtual Innovation Schools, 603 CMR 48.00**

Chair Banta said the Board heard some public comment earlier today on the virtual school regulations. The chair said this is the second time the Board has looked at these regulations. At the June meeting the Board expressed some reservations and wanted to make sure the right guidelines were in place. Commissioner Chester said the revised regulations were designed to be responsive to the concerns Board members raised about limits on enrollment, financial impact on districts, and the rationale of districts in sponsoring these schools. Commissioner Chester said the law is unique in that it makes the local school district rather than the state the authorizer or a virtual innovation school.

Commissioner Chester said the regulations include four types of controls on this new experiment. The first control is to limit the size to 500 students for a single school. The second is that at least 25 percent of school's enrollment shall come from the sponsoring district, or 10 percent if the school serves a specialized population. Commissioner Chester said this was consistent with the statutory design to promote innovation within a district. The commissioner said this would also alleviate a concern that a district might be motivated solely or primarily by fiscal gain. The third control is to limit each district’s tuition mandate to 2 percent of the population of students from any sending district. The fourth control is to require school districts to provide the Department with any and all data, information and background on the program so we can evaluate the program. Commissioner Chester said the key is to find the right balance. He referred Board members to the written comments that had been distributed.

Vice Chair Chernow said the framework from other states was very helpful. She noted that the moratorium on virtual schools that some states have imposed reinforces the need to proceed with caution. The vice chair said the commissioner's memo reflected the concerns raised by Board members last month. Vice Chair Chernow said she appreciated the Board taking this matter so seriously, but also understood the challenge of implementing a virtual school.

The vice chair asked whether Greenfield was looking at the 25 percent or 10 percent enrollment control. Associate Commissioner Jeff Wulfson said their proposal was not yet clear. Chair Banta asked if it is up to the Board to define a niche population. Associate Commissioner Wulfson said the state does not have a role in approving these schools; rather this would be in the innovation plan for the school. Mr. D'Ortenzio Jr. asked how the 25 percent enrollment control was derived, noting he is concerned that, in some cases, it might prevent virtual schools from being able to open. Commissioner Chester said it was based on the notion that the innovation school model is intended to be primarily for students in the district and that it should not be mainly about revenue enhancement.

Ms. Kaplan said she would like a deeper understanding of what these virtual innovation schools are, their purpose, the students they are targeting, and how the school would address the needs of at-risk students. Ms. Kaplan said she did not want the school to be a dumping ground for special needs students, nor did she want to place too many obstacles to something that could be innovative and benefit children with special learning needs. Ms. Kaplan said she was inclined to let the school move forward and review the results of this experiment.

Chair Banta said the reason the Board is voting on the regulations today is to enable the school to open in the fall. General Counsel Rhoda Schneider said if the Board adopts the regulations, the regulations themselves have a waiver provision. General Counsel Schneider said first, section 48.03(3) (b) speaks to requests for an innovation plan that may conflict with laws that govern other schools. Those requests would go to the commissioner. Second, section 48.03(4) relates to waivers of these regulations on virtual schools. General Counsel Schneider said if the Board adopts the regulations as presented and the Greenfield School Committee asks for a waiver, the request goes to the commissioner, who makes a recommendation to the Board. She noted that the Board has the authority to delegate any duties to the commissioner.

Secretary Reville said he appreciated the constructive comments from Greenfield. The secretary said the whole area of virtual education is an important topic that the Board should discuss at greater length. Secretary Reville said the Legislature's design for innovation schools was amended to include virtual schools, and it is incumbent on the Board to guide this experiment. He said he was inclined to amend the motion to give the commissioner the authority to act on behalf of the Board on the waiver request from Greenfield if required.

Secretary Reville moved that the motion be amended to grant the commissioner the authority to assess a waiver application from Greenfield and make a decision on behalf of the Board. Vice Chair Chernow seconded the motion.

Ms. Holmes asked about the reference to innovation schools as academies within an existing school. General Counsel Schneider said that question is about the innovation school model generally; it would permit a school within a school, with a distinctive theme. Ms. Holmes asked whether virtual schools would be similar to online learning at the adult level. Associate Commissioner Wulfson said in a virtual school, a student would take all or most courses through that method of instruction, which could involve opportunities for collaborative work among students online and in person. He said teachers must be certified. Ms. Holmes asked if there were any age limits. Associate Commissioner Wulfson said neither the statute nor the regulations have any restrictions, and the advisory committee recommended no age limits. Associate Commissioner Wulfson said there are some examples of successful virtual schools at the elementary level, but parental supervision is necessary.

Chair Banta asked whether the Board would need to revisit the regulations if other school districts wanted to open virtual innovation schools after September. Commissioner Chester said any virtual school opening mid-year would be subject to the regulations unless a waiver request was made and approved. The commissioner said he expects to review in 2011 what we have learned in the first year of implementation.

Mr. D'Ortenzio Jr. said he sympathizes with the views presented and asked if the first virtual school might crowd out others. Deputy Commissioner Nellhaus said another district considering a virtual school could ask the commissioner for a waiver. Associate Commissioner Wulfson mentioned that Hadley might be considering this. Vice Chair Chernow asked about a school opening mid-year. Associate Commissioner Wulfson said Hadley has expressed interest, has issued a RFP, and has discussed this with vendors. Associate Commissioner Wulfson said there is a discussion in the field about whether the first school would have an advantage.

Commissioner Chester said he sensed the Board’s caution and some unease. He recommended that the Board adopt the motion with the amendment, and then the Board could revisit the issues at a later date when all members are present.

Ms. Kaplan asked if Greenfield's target is a specialized population. Associate Commissioner Wulfson said the school district has not yet presented its plan. He said the regulatory framework, referring to two types of virtual schools, is intended to be responsive to issues that the Board had raised. Commissioner Chester said the statute mentions virtual schools only briefly, and directs the Board to adopt regulations. Mr. D'Ortenzio Jr. asked if the secretary's amendment was specific to Greenfield, understanding that we would have to wait until the next Board meeting if another school district wanted a waiver. Associate Commissioner Wulfson said that was correct.

**On an amended motion duly made and seconded, it was:**

**VOTED: that the Board of Elementary and Secondary Education, in accordance with M.G.L. c. 69, § 1B, and c. 71, § 92, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. chapter 30A, § 3, hereby adopt the Regulations on Innovation Schools, 603 CMR 48.00, as presented by the Commissioner. The proposed regulations implement the statute on innovation schools, M.G.L. c. 71, § 92, added by section 8 of chapter 12 of the acts of 2010.**

**Further, that the Board direct the Commissioner to report to the Board in 2011 and annually thereafter on the status of Virtual Innovation Schools in the Commonwealth and, based on the report, to recommend any amendments to the innovation schools regulations and statute that he deems appropriate.**

**Further, that the Board grant the Commissioner the authority in the case of the Greenfield Public Schools to act on any waiver request in the absence of a Board meeting prior to the start of the 2010-11 school year.**

The vote was unanimous.

**Update on FY2011 Budget**

Commissioner Chester said the Department cannot sustain current staffing levels with the funding the Department is receiving for FY2011, and he is looking at restructuring. Ms. Kaplan asked about the open position for a new director of English language learners. Commissioner Chester said that position has been filled.

**State Student Advisory Council End-of-Year Report**

Mr. D'Ortenzio Jr. asked to defer his annual report until more Board members are present. Chair Banta said the Board would take up this item at its September meeting.

Chair Banta said staff would canvass Board members on dates for a fall retreat.

**Next Meeting**

The next regular meeting of the Board of Elementary and Secondary Education is scheduled for Tuesday, September 21, 2010 at the Department of Elementary and Secondary Education in Malden.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 1:05 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