Minutes of the Regular Meeting

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

**February 28, 2011**

**8:30 a.m. – 1:35 p.m.**

**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

**Vanessa Calderón-Rosado**, Milton

**Gerald Chertavian**, Cambridge

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

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

**Beverly Holmes**, Springfield

**Jeff Howard**, Reading

**Ruth Kaplan**, Brookline

**James McDermott**, Eastham

**Dana Mohler-Faria**, Bridgewater

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

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

Chair Banta called the meeting to order at 8:30 a.m.

**Comments from the Chair**

Chair Banta welcomed the Department's new chief financial officer, William Bell. The chair said the Board will hear reports from three of its committees next month, including the Commissioner's Evaluation Committee, the Proficiency Gap Committee, and the Cross-Board Committee. Chair Banta said the Board today will review the commissioner's recommendations on new charters. The chair thanked the members of the Board's Charter School Committee for their work in advance of the meeting.

Ms. Kaplan arrived at 8:40 a.m.

**Comments from the Commissioner**

Commissioner Chester also welcomed William Bell to the Department. The commissioner said he joined Secretary Reville, Commissioners Killins and Freeland, and UMass President Wilson at last week's FY12 budget hearing of the Joint Committee on Ways & Means held at UMass Amherst. Commissioner Chester noted the continuing progress in the latest report on graduation and dropout rates. For the fourth year in a row, the state's four-year graduation rate increased in 2010, and for the second year in a row fewer than 3 percent of Massachusetts high school students dropped out of school – the lowest dropout rate in the last two decades.

**Comments from the Secretary**

Secretary Reville said the Governor submitted his FY12 budget proposal with a continued emphasis on education. The secretary said the governor's top priorities remain jobs, closing achievement gaps, reducing health care costs, and eliminating youth violence. Secretary Reville said this is a historic moment of implementing the 2010 Achievement Gap Act, anticipating action by the Board today on charter schools under the smart-cap-lift as well as an announcement soon on planning grants for in-district Innovation Schools.

**Public Comment**

* Representative Jeffrey Sanchez addressed the Board on charter schools and English language learners.

Mr. D'Ortenzio Jr. arrived at 8:45 a.m.

* Krista Piazza from Seven Hills Charter School addressed the Board on the school's renewal.
* Suzanne Buglioni from Seven Hills Charter School addressed the Board on the school's renewal.
* Kathie Skinner from the Massachusetts Teachers Association addressed the Board on the charter school recommendations.
* Jerry Mogul from Massachusetts Advocates for Children addressed the Board on the charter school recommendations.
* Will Gardner from Alma del Mar Charter School addressed the Board on the charter school recommendations.
* Joseph Yannetti from Lynn Preparatory School addressed the Board on the charter school recommendations.
* Roger Rice from Multicultural Education, Training and Advocacy (META) addressed the Board on the charter school recommendations.
* Stephanie Perrin from the Conservatory Lab Charter School addressed the Board on the school's amendment request.
* Cheryl Alexander from Bridge Boston Charter School addressed the Board on the charter school recommendations.
* Marc Kenen from the Massachusetts Charter Public School Association addressed the Board on the charter school recommendations.

# 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 January 24, 2011 special meeting and January 25, 2011 regular meeting.**

The vote was unanimous.

**Charter Schools**

**Request for Review: Pioneer Valley Chinese Immersion Charter School**

Commissioner Chester said the Pioneer Valley Chinese Immersion Charter School was first chartered in 2007. The commissioner said the school requested a charter amendment to add 120 seats, he denied the request for the reasons presented in the memo, and the school has exercised its right to seek a review of that decision from the Board.

Pioneer Valley Chinese Immersion Charter School Executive Director Richard Alcorn read a statement and said it was challenging for the school to not be able to look out five years to develop its program. Commissioner Chester said his decision is based on the fact that the school is operating under its first charter and there is not yet sufficient evidence to support the amendment. The commissioner said the school has not yet reached its maximum enrollment and has yet to undergo a comprehensive review. Commissioner Chester said the school has five years to demonstrate its success under its initial charter.

Ms. Chernow asked whether the 6th grade entry was new. Mr. Alcorn said the school is seeking to backfill vacant seats, per the new state law. Associate Commissioner Jeff Wulfson said the school was chartered for K-8 and did not require additional approval for 6th grade entry. He said the school may have made a commitment to the U.S. Department of Education but it was in anticipation of approval that the Board had not yet granted.

Secretary Reville said the state has been supportive of this school and its Chinese immersion program, and the school is not yet bumping up against its maximum enrollment. The secretary asked if there is precedent to grant an expansion amendment to a school in its first 5-year charter. Associate Commissioner Wulfson said he could not recall such a precedent. Commissioner Chester said there is great value to language immersion but it is premature to expand the school’s charter right now.

**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 denies, for the reasons presented by the Commissioner, the request by the Pioneer Valley Chinese Immersion Charter School to increase their enrollment from 300 to 420 students.**

The vote was 10-0-1. Ms. Kaplan abstained.

**New Charter Applicants and Requests for Major Amendments for Boston Schools**

Commissioner Chester reviewed the process for new charter school applicants and the metrics used to evaluate proven provider status. The commissioner said in recommending the allocation of seats, the Department holds back a percentage of seats to provide a buffer in year-to-year net school spending caps. The commissioner said this practice guards against seats having to be taken back or not fully funded. Commissioner Chester said that on the advice of the Board's Charter School Committee, the recommendation today allocates seats for next fall and those provisionally available through FY17.

Commissioner Chester said there were a high number of applicants this year and all had worthy aspects. He said he anticipates that by recommending the allocation of all available and provisional seats this year, the Department will not be able to accept new applications from Boston next year. The commissioner said seats would likely be available in future years if there was a decline in the buffer (holdback), an increase in spending, or any seats not used have been reclaimed.

Commissioner Chester said he would like proven providers to consider other gateway cities and he would also like districts and proven providers to make an extra effort to establish high quality options within the footprint of the district. Commissioner Chester said the 2010 legislation makes clear that charter schools must do outreach to recruit and retain underrepresented populations, including students with disabilities and English language learners (ELLs). The commissioner said the proven provider analysis focuses on past performance and must be interpreted broadly, lest we perpetuate the current picture of underrepresentation. Commissioner Chester said he is confident that the applicants he is recommending meet both state and federal guidelines, meet the recommendations of the Board's Charter School Committee, and are proven providers. Commissioner Chester said the proposed charter schools have embraced doing a better job in recruiting and serving these populations.

Commissioner Chester said the Department, through the Charter School Office, will provide enhanced training, support, and oversight to schools regarding serving students with disabilities and English language learners. He acknowledged the great work of the Department's Charter School Office.

Chair Banta asked members to talk about the public hearings they attended in Lawrence, Lynn, Salem, Chelsea, Boston, Springfield, and New Bedford. Each Board member gave a brief overview of the hearings they had chaired or attended.

Ms. Kaplan said she appreciated the Department’s statements on the strengths and weaknesses of each charter proposal. She asked how weaknesses in proposals are weighed. Commissioner Chester said a lot of time was spent reviewing the proposals; no application is perfect and none came through unscathed. The commissioner said the Department evaluates evidence that the school understands its obligations and can address weaknesses. Associate Commissioner Wulfson said the reviewers are experienced educators, the proven provider analysis presents an array of data on performance, and this is a judgment call based on analysis and a transparent process.

Secretary Reville said the almost total absence of opposition at the hearings is striking and shows the benefit of the proven provider standard. Secretary Reville asked how we as a Board can execute our responsibility to monitor these schools and hold them accountable on issues such as ELL recruitment. Commissioner Chester said there is a tension in the law regarding recruitment: schools must have a robust recruitment effort to better represent underserved populations, but students must be selected through a lottery. He noted that schools must provide appropriate programs and services, and that compliance may be too narrow a goal; we are interested in seeing effective programs and positive results. The commissioner added that by law a charter is granted for five years, and some schools that struggle in their early years turn out to be very successful.

Mr. Wulfson said the goals on ELLs, students with disabilities, and recruitment apply equally to existing charters, and noted the expanded monitoring protocol in a school's first five years. He added that the Department will be reporting to the Board on charter school enrollments, recruitment, and retention. Secretary Reville said historically charter decisions were based on faith, whereas now we can base decisions on the track record of proven providers.

Ms. Holmes asked whether the Board could grant provisional or conditional charter approvals. Commissioner Chester said the charter school statute defines the requirements and the five-year term for a charter. Mr. Wulfson said the law does not authorize the Board to grant a provisional charter. He added that each motion to grant a charter includes language about requirements and conditions the school must meet and, in a sense, every charter is provisional because the Board could revoke it.

Ms. Kaplan said schools have to have strong programs in place in order to attract parents of ELLs or students with disabilities. She said there should be a way to scrutinize these schools. Secretary Reville said the Board has tools it has not had in the past, and it must demonstrate its resolve on this and revisit the issue regularly. Mr. D'Ortenzio Jr. agreed and said all charter schools should be operating now according to the new standards.

Ms. Chernow said the law raising the cap referred specifically to recruiting English language learners and special education students. Ms. Chernow said she was concerned that a number of the applicants are not proven providers with these populations. Dr. Calderón-Rosado said she shared the sentiments expressed and that the Board committee had struggled with these issues. She agreed with the secretary about holding the schools accountable. Mr. Chertavian said the Charter School Committee will be discussing how the Board will manage issues around charter schools on an ongoing basis and would include the secretary’s suggestions about keeping schools accountable and maintaining a sense of urgency. He encouraged other members to participate in the committee.

*Alma del Mar Charter School*

Ms. Kaplan said one of the weaknesses about this school is special populations and services. Mr. Wulfson said this is an example of a new school with no track record where the Department has to rely on the application. He said it is not unusual for new groups to make vague statements about special education and other highly regulated programs. Mr. Wulfson said the Department would start right away with training for the new schools on program requirements and opening procedures, and would review the situation after the school opens. Ms. Chernow asked about New Bedford Mayor Scott Lang's comment about the cost of a charter school student. Mr. Wulfson said tuition for charter schools is based directly on the district’s reported per pupil spending.

**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, and subject to the conditions set forth below, hereby grants a charter to the following school as recommended by the Commissioner:**

**Commonwealth Charter:**

 **Alma del Mar Charter School**

**Location: New Bedford**

**Maximum Enrollment: 360**

**Grade Levels: K-8**

**Opening Year: 2011**

**The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

*Bridge Boston Charter School*

Mr. Wulfson said this is one of two schools where the founding group has some links to private schools. Secretary Reville commended the emphasis on full service programming, which is a hallmark of the Epiphany School. He said this model could have broad applicability. Ms. Kaplan asked whether the applicant group knew the difference between SEI and ELD. Department Charter School Acting Director Barry Barnett said the school may have misused the terms in its application by not mentioning category training. Department Charter School staff member Ruth Hersh said after interviewing the applicant group the Department concluded the group is resourceful and can meet the requirements, and the Department will be providing training. Ms. Hersh said the school has a strong record in serving special education students. Dr. McDermott said he believes the school would take a similar approach to serving ELLs and the school has a record of meeting students’ needs.

**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, and subject to the conditions set forth below, hereby grants a charter to the following school as recommended by the Commissioner:**

**Commonwealth Charter:**

**Bridge Boston Charter School**

**Location: Boston**

**Maximum Enrollment: 335**

**Grade Levels: K1-8**

**Opening Year: 2011**

**The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter; provided that, in accordance with section 9 of chapter 12 of the Acts of 2010, the Commissioner may limit the school’s actual enrollment in fiscal years 2012 through 2016 to an amount less than the maximum enrollment approved herein.**

The vote was 10-1. Ms. Kaplan voted in opposition.

*Community Day Network*

Commissioner Chester said this school strongly met the proven provider standard. Mr. Wulfson said the proposal is for two new K-8 schools, and that this was the first example today of a network proposal. Mr. Wulfson said the two new schools would be clones of the existing school and would open in 2012.

**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, and subject to the conditions set forth below, hereby grants a charter to the Community Day Charter Public School – Riverside and a charter to the Community Day Charter Public School – South as recommended by the Commissioner:**

**Commonwealth Charters:**

**Community Day Charter Public School - Riverside**

**Location: Lawrence**

**Maximum Enrollment: 400**

**Grade Levels: K1-8**

**Opening Year: 2012**

**Community Day Charter Public School - South**

**Location: Lawrence**

**Maximum Enrollment: 400**

**Grade Levels: K1-8**

**Opening Year: 2012**

**The charter schools shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charters; provided that, in accordance with section 9 of chapter 12 of the Acts of 2010, the Commissioner may limit the schools’ actual enrollment in fiscal years 2012 through 2016 to an amount less than the maximum enrollment approved herein.**

The vote was unanimous.

*Edward W. Brooke Network*

Commissioner Chester said he is recommending the Board approve two of the three schools that Brooke requested. The commissioner said the school has been very successful and is outperforming both the Boston Public Schools and the state. Mr. Chertavian asked about the school's out-of-school suspension rate. Ms. Hersh said the school recognizes it is high and added the school does not issue in-school suspensions. Ms. Hersh said the key is whether the school is losing these students, and noted that of the 108 students who were suspended, only 6 left the school, and 4 of those left because they moved. Secretary Reville said that concerns about attrition were raised during the charter school smart cap lift debate. The secretary said we need to think more broadly about suspensions; this school and others seem to have success in using short-term suspensions to bring in parents and set norms for students. Dr. Howard said it would be interesting to see if suspensions go down the longer a student is enrolled.

Ms. Chernow said that looking at enrollment figures, the highest completion percentage was 58 percent, and this year it was 38 percent. She said that raises questions about proven provider status. Dr. McDermott asked if the school culture is heavy-handed about homework completion. Mr. Wulfson said Brooke is a model of high expectations and no excuses, which has been very successful with many students but is one reason that students leave the school. Ms. Kaplan said she was concerned about ELLs and special education students. Chair Banta said the Board’s Charter School Committee will be looking at attrition rates and related issues.

**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, and subject to the conditions set forth below, hereby grants a charter to the Edward W. Brooke 2 Charter School and a charter to the Edward W. Brooke 3 Charter School (Regional) as recommended by the Commissioner:**

**Commonwealth Charters:**

**Edward W. Brooke 2 Charter School**

**Location: Boston**

**Maximum Enrollment: 475**

**Grade Levels: K-8**

**Opening Year: 2011**

**Edward W. Brooke 3 Charter School (Regional)**

**Location: Boston**

**Districts in Region Boston and Chelsea**

**Maximum Enrollment: 475**

**Grade Levels: K-8**

**Opening Year: 2012**

**The charter schools shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charters; provided that, in accordance with section 9 of chapter 12 of the Acts of 2010, the Commissioner may limit the schools’ actual enrollment in fiscal years 2012 through 2016 to an amount less than the maximum enrollment approved herein.**

The vote was 7-4. Ms. Kaplan, Ms. Chernow, Dr. Calderón-Rosado, and Dr. McDermott voted in opposition.

*Excel Network*

Commissioner Chester said Excel is a proven provider. Mr. Wulfson said this is a network proposal to serve more than one municipality, and as such receives preference under the statute. Mr. Wulfson said the application does not fully reflect what we know about the school’s performance. Commissioner Chester encouraged Board members to review the dashboard sheet of proven provider data. Ms. Chernow said META had commented that the ELL students served at the school were not newcomers. Ms. Chernow asked whether if the Board could get information on levels of limited English proficiency and a school's Massachusetts English Proficiency Assessment (MEPA) data. Commissioner Chester said it is an established fact that charter schools generally have not served enough ELLs; even so, this school has achieved exceptional results.

**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, and subject to the conditions set forth below, hereby grants a charter to the Excel Academy Charter School – Chelsea and a charter to the Excel Academy Charter School – Boston II as recommended by the Commissioner:**

**Commonwealth Charters:**

**Excel Academy Charter School - Chelsea**

**Location: Chelsea**

**Maximum Enrollment: 224**

**Grade Levels: 5-8**

**Opening Year: 2011**

**Excel Academy Charter School – Boston II**

**Location: Boston**

**Maximum Enrollment: 448**

**Grade Levels: 5-12**

**Opening Year: 2012**

**The charter schools shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charters; provided, in accordance with section 9 of chapter 12 of the Acts of 2010, the Commissioner may limit the schools’ actual enrollment in fiscal years 2012 through 2016 to an amount less than the maximum enrollment approved herein.**

The vote was 9-2. Ms. Kaplan and Ms. Chernow voted in opposition.

*KIPP Academy Network*

Commissioner Chester said KIPP currently serves the Lynn community and is proposing to serve Boston. He said KIPP has a strong track record. Ms. Chernow asked if the commissioner to comment about KIPP not making Adequate Yearly Progress (AYP) last year. The commissioner said that under the federal requirements, more and more schools are not meeting AYP. Dr. McDermott said he loves the culture at KIPP, even if it is not the type of school to which he would send his children. Commissioner Chester said the Department does not make prejudgments about a school’s educational methodology; some parents are very interested in this approach. Chair Banta said the Board is interested in getting both a qualitative and quantitative review of attrition at charter schools.

**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, and subject to the conditions set forth below, hereby grants a charter to the following school as recommended by the Commissioner:**

**Commonwealth Charter:**

**KIPP Academy Boston Charter School**

**Location: Boston**

**Maximum Enrollment: 588**

**Grade Levels: K-8**

**Opening Year: 2012**

**The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter; provided that, in accordance with section 9 of chapter 12 of the Acts of 2010, the Commissioner may limit the school’s actual enrollment in fiscal years 2012 through 2016 to an amount less than the maximum enrollment approved herein.**

The vote was 9-1-1. Ms. Chernow voted in opposition. Ms. Kaplan abstained.

*Lynn Preparatory*

Commissioner said he pulled his recommendation for this school's proposal last year over concerns about private school-public school conversion. The commissioner said the Department has done the rebuttable presumption analysis required by the regulations and he is recommending a modification of the school's original proposal to allow it to open K-3 and add grades over time to ensure capacity and mitigate the likelihood of the existing private school ceasing to exist. Ms. Chernow asked how the school is or is not connected to Hathaway. Mr. Wulfson said there is a clear connection as the Hathaway leaders are the leaders of the founding group. Mr. Wulfson said a change in this year's application is that the board of trustees at the Hathaway School indicated their intent to stay open. Mr. Wulfson said the Department is requiring a staggered opening and as long as Hathaway stays open, conversion is not an issue.

Dr. Howard said the hearing in Lynn left him with serious concerns about the intentions here. Dr. Calderón-Rosado said she shares the concerns of Dr. Howard and Ms. Chernow, and said she does not see enough separation between the two schools.

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

MOVED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, and subject to the conditions set forth below, hereby grants a charter to the following school as recommended by the Commissioner:

**Commonwealth Charter:**

**Lynn Preparatory Charter School**

Location: Lynn

Maximum Enrollment: 324

Grade Levels: K-8

Opening Year: 2011

The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter; provided that during fiscal year 2012, the school will be limited to grades K-3, and provided that the school may include two additional grades each subsequent year in accordance with the following growth plan:

 Fiscal year 2012: K-3;

 Fiscal year 2013: K-5;

 Fiscal year 2014: K-7;

 Fiscal year 2015: K-8

The motion failed by a vote of 5-6. Dr. Calderón-Rosado, Ms. Kaplan, Dr. Howard, Ms. Chernow, Ms. Holmes, and Mr. D'Ortenzio Jr. voted in opposition.

*MATCH Network*

Commissioner Chester presented an overview of the application. Ms. Chernow said she is impressed at the innovative and positive approach of MATCH in partnering with Community Day. Secretary Reville also commended the partnership. He noted that MATCH is one of several charter schools with high expectations where one consequence is that some students decide to go back to district schools that have lower expectations. Ms. Kaplan said there is limited description of what the school will do on behalf of special education students. Commissioner Chester said MATCH has strong performance data for students with disabilities.

**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, and subject to the conditions set forth below, hereby grants a charter to the following school as recommended by the Commissioner:**

**Commonwealth Charter:**

**MATCH Community Day Charter Public School**

**Location: Boston**

**Maximum Enrollment: 700**

**Grade Levels: K1-12**

**Opening Year: 2011**

**The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter; provided that, in accordance with section 9 of chapter 12 of the Acts of 2010, the Commissioner may limit the school’s actual enrollment in fiscal years 2010 through 2016 to an amount less than the maximum enrollment approved herein.**

The vote was unanimous.

The Board also considered an amendment request from MATCH for enrollment expansion of 50 students. Mr. Wulfson said MATCH is making efforts to reduce attrition and backfill vacant seats with new students.

**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 (enrollment increase from 500 to 550 students)*

###

**Location: Boston**

**Maximum Enrollment: 550**

**Grade Levels 6-12**

**Effective Year: 2011**

**Provided that, in accordance with section 9 of chapter 12 of the Acts of 2010, the Commissioner may limit the school’s actual enrollment in fiscal years 2012 through 2016 to an amount less than the maximum enrollment approved herein.**

The vote was unanimous.

*Roxbury Prep Network*

Commissioner Chester said Roxbury Prep is a proven provider and has an outstanding track record. The commissioner said in the approval recommendation the Department has added two pieces that were not part of the school's original proposal: (1) that the school will come back in a year with a request to consolidate into a single charter; and (2) that students enrolled in grades 5-8 can continue to have access through grade 12 while ensuring that the school will also admit students who have not previously attended the network’s middle schools. Commissioner Chester said he is concerned given the backfill requirements of the new statute that the school would have no backfill obligations after grade 8; hence the 250-student minimum enrollment in grade 9.

Secretary Reville said he likes the consolidation approach and that we are now creating mini charter school districts with capacity through a range of schools to serve students. Dr. Howard said these are new models where a group of middle schools feed into the same high school. Dr. Howard said if the model is successful, it would put great pressure on Boston Public Schools to match these results.

Dr. McDermott said he is concerned that this is a form of tracking. Ms. Kaplan said she had concerns about ELL students at this school. Secretary Reville said all the teachers have taken SEI 1 training. Ms. Chernow said the potential of creating mini districts causes concern that the toughest students will remain in the Boston Public Schools. Secretary Reville commented that aggregating schools makes them better able to serve a range of students. Mr. Wulfson said that as a result of the 2010 Achievement Gap Act, charter schools can now join existing educational collaboratives or form new ones.

**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, and subject to the conditions set forth below, hereby grants a charter to Grove Hall Preparatory Charter School and a charter to Dorchester Preparatory Charter School and amends the charter granted to the Roxbury Preparatory Charter School as recommended by the Commissioner:**

**New Commonwealth Charters:**

**Grove Hall Preparatory Charter School**

**Location: Boston**

**Maximum Enrollment: 600**

**Grade Levels: 5-12**

**Opening Year: 2011**

**Dorchester Preparatory Charter School**

**Location: Boston**

**Maximum Enrollment: 600**

**Grade Levels: 5-12**

**Opening Year: 2012**

### Charter Amendment:

### Roxbury Preparatory Charter School (enrollment increase from 300 to 600 students and grades served from 6-8 to 5-12)

###

**Location: Boston**

**Maximum Enrollment: 600**

**Grade Levels 5-12**

**Effective Year: 2011**

**The charter schools shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charters; provided that the Board of Trustees of the schools will return to the Board of Elementary and Secondary Education no later than September 2011 to seek an amendment to consolidate the charters; provided that not less than 250 students shall be enrolled at the start of 9th grade; and provided that, in accordance with section 9 of chapter 12 of the Acts of 2010, the Commissioner may limit the schools’ actual enrollment in fiscal years 2012 through 2016 to an amount less than the maximum enrollment approved herein.**

The vote was 8-1-2. Dr. McDermott voted in opposition. Ms. Kaplan and Ms. Chernow abstained.

Chair Banta said because she had to leave, Vice Chair Chernow would chair the rest of the meeting. Chair Banta stated that if she were able to stay at the meeting, she would recuse herself from the upcoming discussion and vote on UP Academy because she recently learned that a family member had interviewed there.

Chair Banta had to leave the meeting at 12:15 p.m.

*Veritas*

Commissioner Chester said Springfield is not up against net school spending caps and therefore this school does not have to meet proven provider status. Ms. Holmes said the school is partnering with Building Excellent Schools. Mr. Wulfson said that is a strength of the application. On the issue of serving students with IEPs, Commissioner Chester noted that many of the higher performing charter schools rely less on labeling or special education identification and more on instructional savvy. Secretary Reville said it is worth reviewing these practices and results to see if they should be more widespread. Dr. McDermott said that approach is used at University Park School in Worcester, and sometimes it is better to focus on the individual child rather than a label. Ms. Kaplan said this issue is more complex. Commissioner Chester agreed that it is complex and said the Board will hold a special meeting on special education the evening before the regular meeting in May.

**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, and subject to the conditions set forth below, hereby grants a charter to the following school as recommended by the Commissioner:**

**Commonwealth Charter:**

**Veritas Preparatory Charter School**

**Location: Springfield**

**Maximum Enrollment: 324**

**Grade Levels: 5-8**

**Opening Year: 2012**

**The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was 8-0-2. Ms. Kaplan and Ms. Chernow abstained.

*Boston Green Academy*

Commissioner Chester said this is a proposal to open a Horace Mann charter school. Mr. Wulfson said all three Horace Mann charter school proposals being recommended today have demonstrated great cooperation and engagement with the districts. Mr. Wulfson said this is exactly the model we are trying to encourage. Dr. McDermott asked about the trauma-informed school philosophy. Ms. Hersh said all the staff are trained to help identify students who have experienced trauma, to address their needs.

**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, and subject to the conditions set forth below, hereby grants a charter to the following school as recommended by the Commissioner:**

**Horace Mann III Charter:**

**Boston Green Academy Horace Mann Charter School**

**Location: Boston**

**Maximum Enrollment: 595**

**Grade Levels: 6-12**

**Opening Year: 2011**

**The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

*Salem Community*

Commissioner Chester said Salem Community is a proposed high school aimed at serving at risk students.

**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, and subject to the conditions set forth below, hereby grants a charter to the following school as recommended by the Commissioner:**

**Horace Mann III Charter:**

**Salem Community Charter School**

**Location: Salem**

**Maximum Enrollment: 125**

**Grade Levels: 9-12**

**Opening Year: 2011**

**The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

*UP Academy*

Commissioner Chester said this is a proposed 6-8 middle school in Boston.

**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, and subject to the conditions set forth below, hereby grants a charter to the following school as recommended by the Commissioner:**

**Horace Mann III Charter:**

**UP Academy Charter School of Boston**

**Location: Boston**

**Maximum Enrollment: 500**

**Grade Levels: 6-8**

**Opening Year: 2011**

**The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

**Charter Renewal Proposed for Seven Hills Charter Public School**

Commissioner Chester said that Seven Hills Charter School opened in 1996 and has been renewed twice. The commissioner said there is considerable concern about the school and its track record is not where it needs to be. He said the Board had not previously put any conditions on the school. The commissioner said he considered non-renewal as an option, but believes the school's leadership understands the gravity of the situation.

Dr. McDermott said the superintendent stated that the school would be underperforming if in the Worcester Public Schools. Mr. Wulfson said the school is underperforming and the Department wants to make certain the school has fair notice of its deficiencies. Ms. Kaplan said the implication is that low performance may be due to students with disabilities and ELLs. Dr. Howard asked if the school's leadership had taken steps to address problems earlier. Mr. Wulfson said it had done so over the last charter period. Secretary Reville said he supports this recommendation, which includes clear standards and short timelines. Mr. D'Ortenzio Jr. said the school’s leadership seems weak.

**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 places Seven Hills Charter School on probation and grants a renewal with three conditions on the school’s charter for the five-year period from July 1, 2011 through June 30, 2016, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**Seven Hills Charter Public School**

 **Location: Worcester**

 **Number of students: 666**

 **Grade levels: K-8**

**This probationary status and charter renewal is explicitly conditioned as follows. Failure to meet these conditions may result in revocation of the charter or imposition of additional conditions.**

1. **No later than March 31, 2011, Seven Hills Charter Public School shall submit to, and receive approval from, the Charter School Office the following:**
	1. **a comprehensive school self-evaluation that determines the strategies to be used to address academic underperformance of the school. The self-evaluation and subsequent corrective actions should include, but not be limited to:**
		* 1. **a comprehensive evaluation of the school’s current academic program, and a plan to implement proven curricular and instructional programs;**
			2. **a comprehensive evaluation of school leadership and a plan to staff an effective administrative structure; and**
			3. **a comprehensive evaluation and plan for any necessary development of the board of trustees to ensure that the members have the skills and experience required to implement changes in leadership and programs and to oversee the school on an ongoing basis.**

**The evaluation must include an action plan with a timetable for the implementation of corrective actions, must set deadlines for the completion of key tasks, and must set clear and specific implementation benchmarks to allow the Charter School Office to monitor implementation.**

1. **No later than May 31, 2011, Seven Hills Charter Public School shall have completed the process to receive approval from the Charter School Office for an Accountability Plan, including objectives and measures regarding academic success, organizational viability, and faithfulness to charter in alignment with the implementation benchmarks of the self-evaluation.**
2. **By December of 2012, Seven Hills Charter Public School shall demonstrate that it is an academic success by:**
	1. **meeting academic growth targets in English language arts and mathematics, as established by the Department of Elementary and Secondary Education, or**
	2. **achieving Adequate Yearly Progress in the aggregate and for all statistically significant subgroups in English language arts and mathematics by 2012, and**
	3. **by meeting the goals and objectives established in the school’s Accountability Plan.**

**Seven Hills Charter Public 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 6-2-2. Dr. McDermott and Mr. D'Ortenzio Jr. voted in opposition. Ms. Kaplan and Ms. Chernow abstained.

**Report on Conditions: Conservatory Lab Charter School, Lowell Middlesex Academy Charter School**

Commissioner Chester said that Conservatory Lab Charter School could request a review of the decision to deny its amendment request for expansion. Mr. Wulfson said that is not practical now, given that there are no seats left in Boston this year and the school does not meet proven provider status. Commissioner Chester presented data on proven provider and said although the school has met the conditions it has not yet demonstrated a pattern of strong performance.

**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 removes the conditions imposed in January 2009 on the charter of the Conservatory Lab Charter School because the school has met the conditions.**

The vote was unanimous.

Commissioner Chester summarized the condition that had been placed on Lowell Middlesex Academy Charter School and his recommendation to remove that condition.

**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 removes the condition imposed in January 2010 on the charter of the Lowell Middlesex Academy Charter School because the school has met the condition.**

The vote was 9-0-1. Dr. Howard abstained.

Ms. Kaplan had to leave the meeting at 12:50 p.m.

**District Accountability Reviews: Process and Next Steps**

Commissioner Chester said today's discussion was in preparation for next month's presentation on the completed reviews of four school districts – Gill-Montague, Randolph, Holyoke, and Southbridge. Deputy Commissioner Karla Baehr said most of this discussion has to do with the accountability side of the Department's accountability and assistance triangle. Department administrator Eva Mitchell said the first reviews were conducted during the 2008-09 school year and focused on integrating the findings with useful recommendations for districts. Deputy Commissioner Baehr said accountability should be the highest form of assistance, and the superintendent of Malden had called this type of review "stunningly informative."

Secretary Reville said he was impressed with how much the Department has covered with one-third of the previous funding. The secretary asked what force the recommendations have and whether exiting from status is a purely statistical calculation. Deputy Commissioner Baehr said that districts have limited capacity to develop accelerated improvement plans and they lack capacity around program management. Deputy Commissioner Baehr said the Department's Accelerated Improvement Plan Manual has helped to tighten the planning process, build capacity and strengthen monitoring at Level 4. Districts will develop accelerated improvement plans and the Department will provide resources around jointly selected planning management support. There will also be a separately appointed monitor in Ms. Mitchell's unit. The process will include a report to communities and much more public accounting. Deputy Commissioner Baehr said the process will be piloted with Level 4 districts, and then the DSACs will make it available to all Level 3 districts next fall. Dr. Baehr said the force of the reports comes from the power of our findings, the clarity and persuasiveness of our recommendations, and how publicly we share the significance of the findings and the importance of following through on the recommendations. Commissioner Chester added that the ultimate lever is the authority to declare a district as Level 5.

Dr. Calderón-Rosado thanked the Department for the good work around accountability. She asked about the different types of reviews identified in Attachment 2 of the Board materials. Dr. Howard asked why promising practices in Attachment 4 are labeled as such. Ms. Mitchell said reviews are intended to find promising practices if they exist, and the extent to which districts are lucky or leading. Dr. Howard said he would like to see a pipeline of this information back to the Proficiency Gap Committee. Ms. Chernow said the Board would discuss this topic in more depth at its March meeting.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 1:35 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**

**February 28, 2011**

**2:05 p.m. – 4:00 p.m.**

**Department of Elementary and Secondary Education**

**75 Pleasant Street**

**Malden, MA**

Members of the Board of Elementary and Secondary Education Present:

**Vanessa Calderón-Rosado**, Milton

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

**Gerald Chertavian**, Cambridge

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

**Beverly Holmes**, Springfield

**Jeff Howard**, Reading

**James McDermott**, Eastham

**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:

**Maura Banta**, Chair, Melrose

**Ruth Kaplan**, Brookline

**Dana Mohler-Faria**, Bridgewater

Vice Chair Chernow called the meeting to order at 2:05 p.m.

Ms. Chernow provided an overview of the special meeting to look at educator evaluation and hear from members of the Board's Educator Evaluation Task Force. Commissioner Chester welcomed members of the task force who were in the audience. He said the winter weather and snow closings have caused a delay in scheduling the final meetings of the task force. The commissioner said he would bring the task force's final set of recommendations to the March Board meeting. Commissioner Chester said he would also bring his initial response to the recommendations and then will likely present his own recommendations at the April meeting.

Associate Commissioner David Haselkorn gave a PowerPoint presentation on the work of the task force and its preliminary recommendations. Mr. Haselkorn said the purpose is: (1) to focus on professional growth and measurement; (2) to change the culture of the school; (3) to reflect an inquiry driven process; and (4) to strengthen administrator and teacher evaluation. Mr. Haselkorn said that self-reflection is the beginning of the process, and includes reflection on practice, on student outcomes, and on a plan for the coming year.

Mr. Haselkorn said the key question around growth is does it meet the federal expectation for using student growth as a significant factor in evaluation. He said possible issues for a Board discussion would include: (1) the use of student learning and growth as a significant factor; (2) state requirements versus local decision making; (3) the role of peer assistance; (4) the impact of administrative workload; (5) dealing with variability in conditions and resources; (6) the challenges of implementing and monitoring the system; and (7) longer-range implications for educator preparation and licensure.

Commissioner Chester welcomed a panel that included the following task force members: Tom Scott from the Massachusetts Association of School Superintendents; Paul Toner from the Massachusetts Teachers Association; Dan Murphy from the American Federation of Teachers – Massachusetts; Linda Noonan from the Massachusetts Business Alliance for Education; John D'Auria from Teachers21; and Caitlin Hollister from the Murphy School in Boston.

Mr. Scott said the work this group is doing is critically important because the evaluation system is largely broken. He said the focus should be on a culture of continuous improvement. Mr. Scott listed a few key issues: any new system should not compromise evaluators’ exercise of judgment under existing statutes; evaluators’ time should be prioritized; the state should set baseline requirements for all districts and limit the issues for bargaining; evaluators need standardized training; and amendments to the statute should be considered.

Mr. Toner said the MTA put out its own proposal several months ago. Mr. Toner said this has been a fair and transparent process. He said he favors allowing human judgment and is supportive of multiple measures of student learning.

Mr. Murphy said the task force was a good process. He said student learning, broadly defined, is an essential category of evidence. Mr. Murphy said the most valid measures of student learning are those at the school level including teacher-designed assessments. Mr. Murphy said MCAS and other off-the-shelf assessments were not designed to measure teacher effectiveness.

Ms. Noonan said that ensuring an effective teacher in every classroom is one of MBAE's goals. She stated her concern that the task force has not met the challenge laid out by the Board. Ms. Noonan said she agreed with Commissioner Chester that effective evaluative systems recognize and promote excellence, and are not about “gotcha.” Ms. Noonan said a new evaluation system is needed rather than tweaking what we have. Ms. Noonan said teacher evaluation has to focus on results, not process and inputs. She said she favors using the same parameters and measures statewide, which might require statutory changes. Ms. Noonan said the teacher evaluation system must be administered statewide to be effective and not district-by-district.

Mr. D'Auria said he is excited about the work of the task force and the members agree that teaching and learning are connected. Mr. D'Auria said the biggest challenge in implementation is to calibrate the four-level rating system so that evaluators in different settings would be using the same rating system.

Ms. Hollister said that as a Boston teacher, she has been evaluated once in six years. She said that often evaluation is viewed as something that is done to teachers. Ms. Hollister suggested that peer assistance and peer review models are opportunities for professional growth and should be considered.

Ms. Holmes had to leave the meeting at 3:10 p.m.

Dr. Howard asked task force members to identify the three toughest issues. Mr. D'Auria said one is the built-in tension between using a formula vs. using one’s judgment. Mr. Scott said one issue is whether the multiple indicators are absolutes, another is whether we have the resources to make this work, and third is whether we have the desire and will to create a statewide system to evaluate teachers. Ms. Skinner said implementation will be the toughest issue. Mr. Scott said process issues should be left for collective bargaining but everything else should be set through statewide standards. Ms. Noonan said that in an effort to resolve differences, we are coming up with compromises that will not meet the need. Ms. Noonan said there is not enough emphasis on cultivating the best and the brightest.

Secretary Reville said Ms. Hollister’s situation illustrates a real problem if we put teachers in the classroom and do not evaluate them. The secretary said we are building a system and need to strike the right balance between qualitative and quantitative measures. Secretary Reville said he is interested in knowing the extent of the Board’s authority, what we need to leave to local authorities, and the resource implications. He suggested emphasizing areas of greatest need, especially new teachers.

Mr. Scott said whatever the Board does must be sustainable. He said 15-18% of administrators turn over each year. Commissioner Chester said there will be a start-up cost, but he has trouble viewing educator evaluation and teaching and learning as requiring an incremental cost. Ms. Hollister and Ms. Skinner suggested rethinking how we use professional development time and resources. Ms. Noonan said this is an investment that should yield cost savings.

Mr. Chertavian asked if the task force has heard from outside experts beyond school experts. Mr. Haselkorn responded that the task force has heard from a number of experts. Mr. Chertavian said this is about change management, and the ability to pilot the new system is important. He suggested over-investing in training and early implementation and leadership as well as striving for simplicity in the system.

Mr. Chertavian had to leave the meeting at 3:50 p.m.

Mr. D'Ortenzio Jr. asked about the role of student and parent input. Ms. Skinner said input from parents and students would be a mandatory element of evaluation, but not necessarily how to collect it.

Commissioner Chester said he appreciated hearing from everyone and appreciated the work that the task force has done. The commissioner said two areas where it will be important to hear where the task force lands are: the parameters of what will be the statewide standards vs. what gets left to local bargaining, and the use of student performance data in evaluation. The commissioner said to him this latter issue is critical, and we have to show where and how we protect students from ineffective teaching as well as protecting the adults.

Vice Chair Chernow thanked the task force and Board members for the discussion.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 4:00 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