Minutes of the Regular Meeting

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

**April 27, 2011**

**8:30 a.m. – 12:10 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

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

**Gerald Chertavian**, Cambridge

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

**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

Member of the Board of Elementary and Secondary Education Absent:

**Beverly Holmes**, Springfield

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

**Comments from the Chair**

Chair Banta welcomed everyone to the Board's regular meeting. The chair said the Board had a very informative special meeting the prior evening to learn about and discuss online learning and virtual schooling. Chair Banta said the meeting generated a lot of questions, and that the Board plans to spend more time on this issue

**Comments from the Commissioner**

Commissioner Chester said Board members could find an update on the House Ways & Means FY12 budget proposal behind Tab 6 in the Board packet.

Ms. Kaplan arrived at 8:35 a.m.

**Public Comment**

* Debbie Kenny from the Virtual High School Global Consortium addressed the Board on online learning.

Secretary Reville arrived at 8:40 a.m.

**Comments from the Secretary**

Secretary Reville said the Legislature is currently acting on the FY2012 budget. The secretary said containment of health care costs in the budget would have a direct impact on education.

**Public Comment**

* Doeun Kol from Lowell Community Charter Public School addressed the Board on that school.
* Tim Sullivan and Kathie Skinner from the Massachusetts Teachers Association addressed the Board on educator evaluation.
* Tina Marie Johnson and Will Poff-Webster from the Boston Student Advisory Council addressed the Board on educator evaluation.
* Melissa Granetz, Assistant Principal at the Donald McKay K-8 School in Boston, and Genevieve Quist, Stand for Children, addressed the Board on educator evaluation.
* Dan Murphy from American Federation of Teachers–Massachusetts addressed the Board on educator evaluation.
* Lisa Guisbond, National Center for Fair and Open Testing, addressed the Board on educator evaluation.
* James Horn, Cambridge College, addressed the Board on educator evaluation.
* Jonathan King, MIT, addressed the Board on educator evaluation.
* Julia Lockhart, a student, and Leslie Lockhart, parent, addressed the Board on augmentative and alternative communications.
* Jantsen Reed, a student, and Cynthia Reed, parent, addressed the Board on augmentative and alternative communications.
* Barbara Cutler, parent, addressed the Board on facilitated communication.
* Julia Landau, Mass. Advocates for Children, addressed the Board on the proposed regulations on special education and licensure.
* Monty Neill, FairTest, addressed the Board on educator evaluation.
* Tom Fortmann addressed the Board on educator evaluation.
* Linda Noonan, Massachusetts Business Alliance for Education (MBAE), addressed the Board on educator evaluation.
* Robert Fraser from the Mass. Association of School Personnel Administrators addressed the Board on educator evaluation.
* Ann O'Halloran, a former History Teacher of the Year, addressed the Board on educator evaluation.

# 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 March 21, 2011 special meeting and March 22, 2011 regular meeting.**

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

**Proposed Regulations on Evaluation of Educators, 603 CMR 35.00**

Commissioner Chester said his recommendations are a celebration of teaching and the cumulative effect that good teaching can have in closing achievement gaps. The commissioner said that for students who are behind, not having effective teaching will keep them behind. Commissioner Chester said he appreciated the experience, commitment and expertise of members of the Board's Task Force on the Evaluation of Teachers and Administrators and his recommendations incorporate their work. The commissioner said the Task Force was not as specific around the use of student performance, and his recommendations are largely focused in that area.

Commissioner Chester said his recommendations are about rewarding excellence, promoting development, setting a high bar for tenure, and shortening timelines for improvement. The commissioner said that more than two-thirds of urban school superintendents at a recent meeting said that student growth is not used in evaluation and unannounced classroom visits cannot be used. He said the opportunity costs of poor evaluation systems are huge for educators and schools and, most importantly, for students. Commissioner Chester reviewed changes made to the proposed regulations in the April 26th version that was distributed to Board members.

Dr. Howard asked what the primary changes were in the April 26th version compared to the prior version of the proposed regulations. Commissioner Chester said there were no substantive changes and that the upper left and lower right quadrants in the matrix (teacher rating in relation to student performance) were clarified.

Dr. McDermott said he wants to entice teachers who aspire to be exemplary to work in poor districts. He said he defines teachers who aspire to be exemplary as teachers who work diligently to create powerful learning for each child in each classroom. Dr. McDermott said the evidence of this learning rests in classroom assessment that is married to dynamic instruction. He said teachers must know on what basis they are being evaluated. Dr. McDermott said he wanted to see more in this document about powerful learning.

Secretary Reville said we are making progress, despite hearing today some hyperbole and some wishful thinking. The secretary said he likes the regulations as they have been revised. Secretary Reville said the commissioner's recommendations send a loud, clear signal to teachers that evaluation is singularly important to development and that all educators need high quality feedback. The secretary said these recommendations introduce the notion of student performance as central to educator evaluation, and they make clear we mean multiple measures of performance. The secretary said the notion of student voice is important, citing path-breaking research that shows student views correlate well with student outcomes. Secretary Reville said the perfect cannot be the enemy of the good. The secretary commended the commissioner and Department staff for their work on these proposed regulations, and noted this is not the end of the process.

Dr. Calderón-Rosado said the commissioner's recommendations seem to be aligned with the Task Force's recommendations. Dr. Calderón-Rosado said she would like to see more about student feedback as an important tool and the role of parents in evaluation. Mr. D'Ortenzio Jr. said he wants to see a stronger role for student feedback in evaluation. Vice Chair Chernow said she did not hear people not wanting an evaluation system, but rather, the question is what to include and how should it be implemented. Vice Chair Chernow questioned whether this might create a disincentive to teach in hard to teach areas.

Dr. Mohler-Faria said he supported the comments of other members about the importance of student input. Dr. Mohler-Faria said this proposal is not about incremental change; this is a paradigm shift. He said we have to pay attention to all feedback and input, and that the implementation process could be either very meaningful or very problematic.

Ms. Kaplan said she was uncomfortable with rushing to a vote. She asked what would happen if the Board did not vote to send the regulations out for public comment this month. Commissioner Chester said it would delay the process and probably mean the regulations would carry over into the fall. Commissioner Chester said this topic has been in front of the Board for two years now. Ms. Kaplan said she had mixed feelings about the vote. She said she would like to hear more about what is working. Ms. Kaplan said she fears the use of multiple measures will boil down to the use of numbers. She said the quality of the evaluator should be considered. Ms. Kaplan said she was unhappy to receive the amended regulations only this morning. Chair Banta said part of the lateness in finalizing the amended regulations was the collaborative nature of the process.

**On a 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, § 38, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, to solicit public comment on the proposed Regulations on Evaluation of Educators, 603 CMR 35.00, as presented by the Commissioner.**

The vote was 7-2-1. Ms. Kaplan and Dr. McDermott voted in opposition. Vice Chair Chernow abstained.

Dr. Mohler-Faria and Dr. Calderón-Rosado had to leave the meeting at 11:15 a.m.

Deputy Commissioner Karla Baehr reviewed a few aspects of her PowerPoint on key elements of the evaluation model and three of the big implementation challenges. Chair Banta said the Board would look forward to a more detailed presentation in May.

**Amendments to Regulations, 603 CMR 28.00 (Special Education) and 603 CMR 7.00 (Educator Licensure), per Federal and State Law**

Commissioner Chester said the Board voted to send these regulations out for public comment in December 2010. The commissioner said because of some changes in the federal special education law around parental consent, we made some changes in our regulations. The commissioner recommended that the Board adopt the regulations as presented.

The commissioner said the amendment to the licensure regulations relates to teachers of students with disabilities and a change in the statute related to instruction on the appropriate use of augmentative communications. The Department recommends removal of "facilitated communication" in the regulations. The commissioner said the Department's understanding is that professional opinion on this method is unsettled.

Secretary Reville said he is sensitive to this issue for personal and professional reasons. Secretary Reville said he understood that this does not have to be put in regulation, but asked if it is the intent of the Department to put this in guidance. Department staff member Elizabeth Losee said the Department can include this in guidelines for preparation programs. The secretary asked if there was any downside to including it in the regulations. Ms. Losee said it is preferable to include such detail in guidance rather than in regulations. Commissioner Chester said regulations are harder to modify than administrative guidelines, and we want to be able to respond to rapid changes in technology and in the field. The secretary said that seems reasonable on the facilitated communication piece.

Department director of special education planning and policy Marcia Mittnacht said we provide a fair amount of guidance and there is no objection to placing it in the guidance for coursework. Ms. Mittnacht said the Department shares the goal that teachers should know about augmentative teaching methods. Ms. Kaplan said she believes removing facilitated communication from the definition of augmentative communication would send the wrong message. Commissioner Chester said guidance becomes a major touchstone in the Department's review of prep programs.

Ms. Kaplan indicated that she would move to amend the original motion by adding the words "facilitated communication" after the words "mouth sticks" in 603 CMR 7.02. Ms. Kaplan said according to experts here today, the purpose of the definition is to lay out various areas of knowledge that special education teachers should have in augmentative and alternative communication. Secretary Reville said that, while sympathetic to the amendment, he would not support it. The secretary said he is taking assurances of staff that these areas will be included in guidance. Ms. Kaplan said it creates more confusion to put facilitated communication in the guidance but not the regulation. Vice Chair Chernow said it was striking to hear from students today who discussed the impact of having teachers who were not familiar with this technology.

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

MOVED: that 603 CMR 7.02 be amended by adding the words "facilitated communication" be inserted after the words "mouth sticks".

The motion failed by a vote of 1-7. Ms. Kaplan voted in support.

**On a 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, c. 71, §38G, and Chapter 299 of the Acts of 2010, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. chapter 30A, § 3, hereby adopt the amendments to 603 CMR 7.00, Educator Licensure and Preparation Program Approval Regulations, as presented by the Commissioner.**

The vote was unanimous.

**On a 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. 71B, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. chapter 30A, § 3, hereby adopt the amendments to 603 CMR 28.00, Special Education Regulations, as presented by the Commissioner.**

The vote was unanimous.

Ms. Kaplan had to leave the meeting at 11:55 a.m.

**Charter Schools: Request for Major Amendment from Lowell Community Charter Public School**

Commissioner Chester said he has had grave concerns about Lowell Community Charter Public School (LCCPS), and had initially recommended non-renewal. The Board granted the school a probationary renewal of its charter with conditions at its February 2010 meeting. The commissioner said the school is under new management and is still in the first year of its probationary period. Commissioner Chester said he is hopeful about changes that have been put in place at the school.

Commissioner Chester said LCCPS is seeking to modify the reduction in size and grade span. The commissioner said while he was at first unwilling to recommend approval of this request, after a number of conversations with school officials, he is willing to recommend that the school receive an additional year to reduce its enrollment to 610 students and to stay at K-6, rather than reducing to K-4.

Chair Banta asked about the difference between the K-4 and K-6 structure. Senior Associate Commissioner Jeff Wulfson said the main reason the original proposal called for the charter school to be K-4 was that Lowell schools have a K-4 structure. Mr. Wulfson said there seems to be significant parent demand for the two additional grades (5-6) and a desire for ELL students to have the opportunity to finish out the program. Chair Banta asked about the school's progress on meeting academic conditions. Mr. Wulfson said all we can review at this point is process, until the results of the next MCAS administration.

Commissioner Chester said this is one of the first forays into having a management firm come in and substantially take over a school that was clearly failing. Dr. McDermott asked if the Department sensed that the students are enjoying school and making progress. Alison Bagg from the Charter School Office said during her third visit to the school on April 5, she found the students to be engaged. Ms. Bagg said there was a clear cohesion to the school that had not been seen in prior visits.

**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 of the following school as recommended by the Commissioner.**

**Lowell Community Charter Public School:**

**Lowell Community Charter Public School**

**Location: Lowell**

**Number of students: 610**

**Grade levels: Kindergarten through 6**

**This amendment 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 September 2012, the school shall reduce its maximum enrollment to 610 students.**
2. **By December of 2011, Lowell Community 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 in 2010 and 2011, and**
   3. **by meeting the goals and objectives established the school’s Accountability Plan.**

**Lowell Community 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 unanimous.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:10 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**

**April 26, 2011**

**5:10 p.m. – 7:05 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

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

**Gerald Chertavian**, Cambridge

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

**Jeff Howard**, Reading

**Ruth Kaplan**, Brookline

**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:

**Vanessa Calderón-Rosado**, Milton

**Beverly Holmes**, Springfield

**James McDermott**, Eastham

**Dana Mohler-Faria**, Bridgewater

Chair Banta called the meeting to order at 5:10 p.m.

The chair said this is one of many conversations the Board will have about virtual education. Commissioner Chester welcomed and introduced four panelists for tonight's discussion, including:

1. Dr. Susan Lowes, Director of Research and Evaluation, Institute for Learning Technologies at Teachers College, Columbia University;
2. Susan Patrick, President and Chief Executive Officer of the International Association for K-12 Online Learning (iNACOL);
3. Susan Hollins, Superintendent of Public Schools in Greenfield, MA;
4. Kim Rice, Co-Chair, Advisory Council on Educational Technology and Assistant Chief Operating Officer, Boston Public Schools.

Commissioner Chester reviewed some background material with Board members. The commissioner said tonight's discussion would focus on virtual schools as a subset of online learning.

Dr. Lowes said that virtual schooling is growing very rapidly and now extends to 39 states. Dr. Lowes said a lot of growth depends on a state's funding mandates, and that there has been large growth in supplemental online learning (one or more online courses in a regular setting). Dr. Lowes said the Virtual High School is a unique and wonderful institution. She said 27 states have at least one full-time virtual school. Dr. Lowes said the two models are self-paced, one-to-one teacher-student relationship and cohort-paced, one-to-many teacher-students.

Dr. Lowes said this is a young field that is fast emerging. Dr. Lowes said successful online students have certain characteristics – they are motivated, organized, good time managers, have technological skills, and good academic preparation. She said most successful students are prepared in advance in environments conducive to learning.

Kim Rice acknowledged other members of the Advisory Council on Educational Technology who were in the audience. Ms. Rice said there are many shapes and sizes to online learning, and there needs to be some human interaction for students. Ms. Rice said there are a variety of teaching, learning, and delivery models, and that motivation is a catalyst for success. Ms. Rice said that state leadership can help with quality programs, assisting stakeholders in understanding varied online learning models, and preparing students to be college and career ready. She said leadership is needed in four main areas: (1) quality online courses and programs; (2) quality online teaching; (3) technology access; and (4) policy changes. Ms. Rice showed a video about online learning in Plymouth and discussed Boston's work around credit recovery.

Greenfield Superintendent Susan Hollins said that the district in starting a virtual school wanted to reach out to students with no options, including those with debilitating diseases, who were pregnant, those who had been bullied, working students, dropouts, and students who are actors and models. Superintendent Hollins acknowledged the principal of MAVA@Greenfield, Tracy Crowe. Superintendent Hollins said the school serves 309 students in K-8. The superintendent said if a student does not participate after 15 days, the school will send that student back to his/her sending school.

Superintendent Hollins said that among the school's accomplishments during its first year are: (1) figuring out a report card system; (2) creating a policy on late enrollment; (3) developing a 40-hour training program for teachers; (4) establishing community events where all students come together; (5) emphasizing student-teacher relationships; (6) creating an online PTA; and (7) shipping out computers and materials to students within 48 hours. Superintendent Hollins said that 44 percent of districts are refusing to pay tuition for their students who are attending MAVA@Greenfield. The superintendent said one of the biggest sources of confusion is that this is your school, not just a course. Superintendent Hollins said she believes the district has set a high standard for the first virtual school in Massachusetts.

Chair Banta asked about billing. Senior Associate Commissioner Jeff Wulfson said the Department has been in discussion with the district and members of the Legislature about the possibility of bringing virtual schools under the school choice program. Mr. Wulfson said that would require legislative action. Secretary Reville asked the panelists about the state's role in relation to quality control. Secretary Reville said that under current law, the state has no role.

Dr. Lowes said you have to hold virtual schools to the same standard as site-based schools, not to a higher standard. Ms. Patrick said governance roles in states are a challenge in how to evaluate programs. Ms. Patrick said that many states have adopted national quality standards. She said there are lots of models for oversight. Chair Banta asked which states are leading the way in terms of quality. Ms. Patrick said the question is does every student have access to quality. She said Minnesota does well with oversight and data collection, and Colorado has set up strong functionality.

Vice Chair Chernow asked about the challenges of attrition and how to address those. Vice Chair Chernow said it is hard to imagine kindergarteners in a virtual school from a socialization perspective. She also asked if homeschooled children are enrolling in this virtual school. Dr. Lowes said attrition is a big issue from the beginning, and that it is important to have someone in the school and someone in the home supervising the child. Dr. Lowes said she sees more pre-work being done before a student is allowed to take a course. Ms. Rice said two main models are credit recovery, which is vendor product and student directed, and logon model, where students have already failed or dropped out.

Superintendent Hollins said students are coming in from both brick and mortar schools and homeschooling. Superintendent Hollins said their plan for next year is to add a teacher corps advisor, a school psychologist, and a counselor to talk to parents. Superintendent Hollins said some parents of kindergarteners like virtual schooling because their children are immature socially but ready for more educationally, so they choose a virtual school over a brick-and-mortar school. Ms. Kaplan noted that different districts have different entry rules about kindergarten. Superintendent Hollins said the district is trying to follow state policy on school choice for the entry age for kindergarten. Ms. Rice said the system of rolling admissions is difficult for Boston. She said the Boston Public Schools had no opportunity to budget for an additional $100,000 to the virtual school.

Superintendent Hollins that MAVA@Greenfield was cleared to open around August 19, 2010. The superintendent said the school takes students as they come in, but that it requires 180 days of attendance. Superintendent Hollins said the school has an operations manager, full-time secretary, principal, and program administrator, as well as 10 teachers (5 full-time and 5 part-time).

Mr. Chertavian asked if districts or states should run virtual schools. He said it makes more sense to him for states to oversee this. Ms. Patrick said 39 states have virtual schools, and 11 do not have state virtual schools. She said 82 percent of school districts make available online learning. Ms. Patrick said that creating online courses is fairly expensive to do well. She said that Mexico has had its entire K-12 content digitized since 2004.

Dr. Lowes said the issue of teacher accreditation, requiring a teacher to be certified in the state in which he/she is teaching, has created a roadblock. Superintendent Hollins said she thinks the role of the state is to facilitate innovation. She said there are not many models where the state is the provider. Ms. Rice said the goal is to engage learners, share content, and establish digital citizens. Ms. Rice said online learning can solve problems by extending the school day and reaching students who cannot come into the building.

Mr. Chertavian had to leave the meeting at 6:45 p.m.

Ms. Rice said the state helps to identify policies. Secretary Reville said the state has little control over quality standards because it does not have an authorizer role. The secretary said if we get overly standardized at the state level that will quash innovation, which we do not want to do. Secretary Reville said that the charter school model allows the state to have purview over what is proposed, without standardization. The secretary asked whether we should propose a statute and exercise current authority to set standards. Ms. Rice said she and the advisory council would be glad to work with the state on how best to support that. She said there are models in vocational and charter schools.

Mr. D'Ortenzio Jr. said he agrees with the secretary that we are lacking the oversight, and while the competition and innovation are healthy, the state can do more to provide leadership. He asked if other states have discussed age requirements. Ms. Patrick said this discussion always comes up. Ms. Patrick said all states with age requirements have lifted them to make the schools full K-12. She said there are over 2 million enrollments across the country, and this allows students to have options.

Vice Chair Chernow said the question of definitions is interesting in that supplemental online learning has a very specific goal, but for virtual schools it is not clear what our role is.

Dr. Howard had to leave the meeting at 6:55 p.m.

Ms. Kaplan said no one tonight talked about global education and exchange opportunities. Ms. Kaplan also asked about the practical use of online learning, and said she is still having a hard time picturing a typical day in a virtual school. MAVA@Greenfield Principal Crowe said both a learning coach (parent) and a student have an account and both must log on during the day. The student gets assignments and a schedule for the week to work through. Principal Crowe said the flexibility of the model allows that student to do math all day Monday or do 45 minutes of one subject, 45 of another, etc. Superintendent Hollins said they monitor everything the students do, and the students have to do about an hour per subject.

Commissioner Chester thanked the four panelists and thanked Superintendent Hollins for making a commitment in terms of running the school that looks out for students who are not well served in the current system and collecting data for us. The commissioner said the state has an odd statutory structure with respect to virtual education. Commissioner Chester said this option is appropriate for only a small number of students. He said we have the district as the authorizer, but would it make more sense to have the state do it if there is a small target audience. The commissioner said these questions go to quality control and right now the state has a limited role in quality control.

Chair Banta thanked the panelists and the members of the Board for a very informative discussion.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 7:05 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