Minutes of the Regular Meeting

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

**November 29, 2011**

**8:35 a.m. – 12:35 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

**Beverly Holmes**, Vice Chair, Springfield

**Vanessa Calderón-Rosado**, Milton

**Harneen Chernow**, Jamaica Plain

**Gerald Chertavian**, Cambridge

**Matthew Gifford**, Chair, Student Advisory Council, Brookline

**Jeff Howard**, Reading

**Ruth Kaplan**, Brookline

**Dana Mohler-Faria**, Bridgewater

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

**David Roach**, Sutton

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

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

**Comments from the Chair**

Chair Banta welcomed Board members to the regular meeting. The chair thanked Dr. Mohler-Faria for hosting the Board's November 2, 2011 retreat at Bridgewater State University. The chair said she and several Board members attended the Governor's Education Summit on November 9. Chair Banta distributed a list of committee memberships for the 2011-2012 year.

**Comments from the Commissioner**

Commissioner Chester said the Department submitted an Elementary and Secondary Education Act (ESEA) Flexibility Waiver Request to the U.S. Department of Education. The commissioner said he was very proud of the Department's fourth annual Curriculum & Instruction & Assessment Summit, which was held earlier in the month and was very well received. Commissioner Chester said he participated in legislative oversight hearings on Race to the Top and the implementation of the Achievement Gap Act. He noted that the Department recently identified six new Level 4 (underperforming) schools.

**Public Comment**

1. Chris Gabrieli and James Peyser addressed the Board on Level 5 designation and receivership.

Secretary Reville arrived at 8:50 a.m.

**Comments from the Secretary**

Secretary Reville acknowledged new member David Roach and welcomed him to the Board. The secretary thanked the Board members who were able to attend the Governor's Education Summit on November 9.

Mr. Gifford arrived at 8:55 a.m.

**Public Comment**

1. Arthur Lipkin from the GLBT Youth Commission addressed the Board on the FY13 budget.
2. Helen Solorzano from MATSOL addressed the Board on English language learners.
3. Richard Alcorn from the Pioneer Valley Chinese Immersion Charter School addressed the Board on the school's amendment request.
4. Carol Young, the parent of a student at Pioneer Valley Chinese Immersion Charter School, addressed the Board on the school's amendment request.
5. Anne O'Halloran from Citizens for Public Schools addressed the Board on the Gloucester Community Arts Charter School.
6. Marilyn Segal from Citizens for Public Schools addressed the Board on the Gloucester Community Arts Charter School.

# Approval of the Minutes

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

**VOTED: that the Board of Elementary and Secondary Education approve the minutes of the October 24, 2011 special meeting and October 25, 2011 regular meeting.**

The vote was unanimous.

**School and District Accountability**

* **Plan for Identifying and Intervening in Level 5 Districts – Continuing Discussion**
* **Lawrence Public Schools – Continuing Discussion and Possible Vote on Level 5 Designation**

Chair Banta asked that the minutes reflect her disclosure that a member of her family works in a Lawrence charter school. Commissioner Chester said he is recommending that the Board vote to declare the Lawrence Public Schools to be a chronically underperforming district and clear the way for receivership. The commissioner said he does not take lightly any recommendation that removes home rule from a local community. The commissioner said he did not see a path forward that was likely to produce positive results for students, short of receivership.

Commissioner Chester said concerns were heightened by the District Review Report. In addition, data show that performance at three-quarters of schools in Lawrence declined since last year, the district is in the bottom one percent of all districts in terms of ELA and math performance, and less than half of high school students in Lawrence graduate in four years. The commissioner said those outcomes combined with the qualitative review raised his sense of alarm about the district. Commissioner Chester said governance is also very problematic in Lawrence. The commissioner said many pleas for help were expressed at last evening's special meeting. Commissioner Chester said that at present Lawrence students are not well served, the district is not organized for success, and governance is dysfunctional at best.

Commissioner Chester said he has great faith that all students are capable regardless of their background. The commissioner said he has been talking to a number of potential receivers and a number of organizations with the skill set that would be essential to the success of a receiver. The commissioner outlined the proposed timeline that was included in his memo to the Board, including the expectation that a receiver would be appointed in December and assume control of the district in January. The commissioner said receivership could be approached in one of two ways: (1) to have as a goal the return of governance to the community as quickly as possible after stabilizing things; or (2) to have as a goal the transformation of the district where excellent education is the rule rather than the exception.

Dr. Howard asked how long it would take to achieve the second objective of real excellence. Commissioner Chester said this is not a 2-3 year proposition, but something longer, easily 4-5 years. The transition would be judged by the outcome measures that are developed. Dr. Howard asked if the commissioner was putting the prestige of the Department on the line to deliver results for students. Commissioner Chester said we signed up to serve the children, and they are not well served now. He added there is no guarantee, except a guarantee that business as usual will not get us different outcomes.

Secretary Reville asked why the state-local partnership was not successful, what tools are needed, what is the Department’s capacity for this work, what the role of the school committee will be, and what the exit strategy will entail. Commissioner Chester talked about rethinking the use of time and the calendar as one key strategy. The commissioner said the Achievement Gap Act allows us to look at the basic structures of time, staffing, and social-emotional supports along with the academic side. The commissioner said this requires a wholesale assessment of the way the district operates now. Commissioner Chester said the statute gives to the receiver all the authority of the superintendent and the school committee, including oversight of the budget. The commissioner said state taxpayers pay 98 percent of the school bill in Lawrence. A receiver will look at how dollars are spent. Commissioner Chester said the Department's reach is limited by its staffing and resources, and this effort will stretch us.

Commissioner Chester said the required participation is spelled out in statute, and as we go forward, it will be important to have local officials engaged in the process although their role would be different than before. The commissioner said the unions are also critical and it is important that we celebrate the excellent teaching that occurs in Lawrence. With respect to the exit strategy, Commissioner Chester said the law anticipates this, and the turnaround plan would identify the benchmarks and outcome measures. The commissioner said the receiver is a key party in the whole venture and has to be involved in the planning. Secretary Reville said this is a stretch for us and a risk. The secretary said we have extraordinary tools from the Achievement Gap Act, and the challenge and urgency of the matter justifies our taking on this risk.

Mr. Gifford asked how students would be affected next week if the Board approves the commissioner's recommendation. Commissioner Chester said that students will not experience anything tangibly different next week. The commissioner said it is critical that the student voice be taken into account. Dr. Calderón-Rosado asked about the role of the elected school committee and the unions. Commissioner Chester said the school committee would continue to exist but no longer would have authority. The commissioner said he expects the school committee will be consulted and updated. Commissioner Chester said with respect to the contract, the law anticipates the process to be parallel to the process for turnaround schools, with respect to the district turnaround plan in relation to the collective bargaining agreement.

Commissioner Chester said he is concerned about misinformation in Lawrence, and reiterated that he does not favor mass firings of teachers. Ms. Kaplan said last night's meeting was very informative, and there was an overall consensus about the need for intervention of some kind. Ms. Kaplan asked about the process to select a receiver. Ms. Kaplan said she would want to see a successful track record of work with the English language learner population. Commissioner Chester said he has had a number of people come forward to him willing to take the assignment. Secretary Reville said there is a considerable track record of success in urban school/district turnaround when the right tools are in place, as distinct from the record of state success without adequate tools.

Ms. Kaplan raised her concern that there has not been more public vetting of this decision. Ms. Kaplan asked if the Board has the authority to remove the mayor as school committee chair. Commissioner Chester said the Board does not have that authority. Ms. Kaplan asked about the powers of the receiver. Commissioner Chester said the receiver would have all the authority of the superintendent and school committee.

Ms. Chernow said the situation in Lawrence looks grave in terms of education governance and leadership. She said if you take away leadership and governance, Lawrence looks comparable to a number of other Level 4 districts. Ms. Chernow said the challenge for her is that the Level 5 designation is about addressing a particular piece of the district review. Ms. Chernow said there are real fears about wholesale firing. Ms. Chernow said that as we have heard over the years from the student member of the Board, labels have meaning and repercussions. Commissioner Chester said his asking the Board to take action on Lawrence is not an indication that he is confident where Fall River and New Bedford are headed. The commissioner said there is a confluence of factors in Lawrence right now, including the fact that the mayor had asked the state to place the district into receivership.

Mr. Chertavian thanked the commissioner and his team, and said that based on the District Review and the comments heard last evening, he would support the commissioner's recommendation. Mr. Chertavian said there is no hope for success without being bold. Chair Banta said we are here because of disappointing results and a system that has been broken for years. The chair said her fear is that if we take no action, we are creating an opportunity gap for students. Dr. Mohler-Faria said he supports bold action in this situation, and receivership is the answer. He said the Board has to create the environment for the students to succeed.

Vice Chair Holmes said it is difficult to accept any defense for a system that has been failing the children for more than a decade. Vice Chair Holmes said this will not be easy, and the focus has to on providing the children of Lawrence with the best opportunity to get the education that they deserve.

Ms. Chernow moved to amend the main motion to state that prior to the Board taking a vote on designating the Lawrence Public Schools a Level 5 district, the Board schedule a special meeting in Lawrence to hear from community members and teachers. Ms. Chernow said the feeling from the community is that the Board was acting without coming to Lawrence and meeting with the community. Dr. Howard asked if the Department has spent time in Lawrence. The commissioner said Department staff have spent a lot of time in the city and have heard a great deal from members of the community.

Secretary Reville said he was sympathetic to the impulse behind the motion but it would postpone our taking action. Secretary Reville said the Board got a lot of testimony and he was not sure the Board would learn anything new in another meeting. The secretary said that should the Board vote today, the way to satisfy this request is to hold the kind of meeting Ms. Chernow describes as an opening of the process. Secretary Reville said from the beginning it will be important to engage the community. Dr. Mohler-Faria said he does not think a delay would bring us a different result, and that the real issue after the vote is to open up to the community.

Dr. Howard said this is a decision of great importance to us to put a district in receivership. Dr. Howard said it is good to pay respect to the city, and that he would favor the amendment to the main motion. Commissioner Chester said if the Board voted to designate Lawrence a Level 5 district, we would have a very visible presence in Lawrence almost immediately.

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

**MOVED: that the Board of Elementary and Secondary Education delay its vote on whether to designate the Lawrence Public Schools a "chronically underperforming" school district until the Board has scheduled a special meeting in the city to hear from the community and teachers.**

The motion failed. The vote was 3-6-2. Ms. Kaplan, Ms. Chernow, and Dr. Howard voted in support of the motion. Mr. Gifford and Dr. Calderón-Rosado abstained.

Ms. Kaplan said she preferred a more surgical intervention that addressed leadership. Ms. Kaplan said looking at the data, the district has seen some modest improvement. Ms. Kaplan said this is really about the strength of the superintendent, and the district needs a strong superintendent search done well. Ms. Kaplan said she was skeptical of an outside group or person being able to achieve transformational change.

Dr. Howard asked that the minutes reflect his disclosure that his organization did some work in Lawrence back in 2005 that concluded by 2007. Dr. Howard said that Lawrence High School lost its accreditation in 1997, a clear signal of failure 15 years ago. Dr. Calderón-Rosado said this is the most difficult decision she has faced as a Board member, and that the Board heard a great variety of comments. Dr. Calderón-Rosado said it was disheartening to hear so many people come to talk about problems without offering any solutions. Dr. Calderón-Rosado said as a Latina, she feels outraged that the students, 90% of whom are Latino, are so poorly served. Dr. Calderón-Rosado said the receiver needs to be a strong leader who understands the issues of English language learners.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with Mass. Gen. Laws chapter 69, § 1K, and 603 CMR 2.06, having considered all required factors (including the findings of the district review team, multiple quantitative indicators of district quality, and testimony presented by school district and municipal officials, representatives of teachers, parents, and other interested parties), and having reviewed and discussed the Commissioner’s recommendation, hereby declare the Lawrence Public Schools to be a chronically underperforming (Level 5) district and direct the Commissioner to take action consistent with law as needed for the benefit of Lawrence students, including appointment of a receiver for the district.**

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

**Update on Innovation Schools**

Secretary Reville and Bridget Rodriguez, director of planning and collaboration at the Executive Office of Education, and Marlon Davis, the Department’s director of charter schools and school redesign, made a presentation on Innovation Schools, a key component of the Achievement Gap Act of 2010. Innovation Schools are in-district public schools that operate with increased autonomy and flexibility around curriculum, budget, school schedule and calendar, staffing policies and procedures, district policies, and professional development. Innovation Schools receive the same per-pupil allocation as other district schools, may be a new school or a conversion from an existing school, and are approved locally by the school committee. Each school remains under district oversight; the state is not involved in granting approval. The Executive Office of Education and the Department support the development of these schools with planning grants and implementation grants. To date, 20 schools have been approved, 18 of which are in operation and 2 of which will open next fall.

**Proposed Amendments to Regulations on Innovation Schools, 603 CMR 48.00**

The Board discussed proposed amendments to provide additional definitions and clarify the approval process for new or conversion Innovation Schools.

**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, § 92, 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 amendments to the Innovation Schools Regulations, 603 CMR 48.00, as presented by the Commissioner.**

The vote was unanimous.

**Board Committees for 2011-2012**

Secretary Reville said he supports the task force on career readiness that Gerald Chertavian will chair. The secretary also said he would recuse himself from the vote on the FY13 budget because of his role in receiving the recommendations from the education agencies.

Secretary Reville had to leave the meeting at 11:55 a.m.

Gerald Chertavian, who will chair the Task Force on Integrating College and Career Readiness, thanked Keith Westrich from the Department and Alisa Seewald from Year Up for their help to date in moving this initiative forward. Mr. Chertavian distributed a framework that the task force will use and made a presentation on the group's charge. Mr. Chertavian said it is increasingly important to think how career readiness manifests itself. He said it is rare today for someone to just go to college and not have to work. With the increased cost of higher education, many young adults have to work while they are in school. Mr. Chertavian said this is a question of how to feed your belly and also your brain. Mr. Chertavian said we have thought a lot about college readiness, but less about career readiness. The task force will discuss what types of policies the Board might promote or recommend. Mr. Chertavian said all people need to be able to work and all people need a postsecondary education. The task force will look at how to define career readiness, what are the standards that fit into our core career development plan, and how value is found in multiple pathways. The task force will meet five times between January and May 2012, and then make a presentation to the Board in June.

Chair Banta reminded Board members that all are welcome to attend committee meetings. The chair said she is very excited about the task force. Ms. Kaplan asked if the task force would look at not just postsecondary education but training as well. Mr. Chertavian said it would. Ms. Kaplan said it would be important for the task force to understand ELL issues, special education, STEM, and the role of creative arts. Ms. Kaplan said students need to acquire many “soft skills” as part of their high school education. Mr. Chertavian thanked Ms. Kaplan for her comments and said they will help to broaden the work of the task force.

**Board of Elementary and Secondary Education Budget Proposal for FY 2013**

Chair Banta said the Board's Budget Committee had a couple of meetings in October and November to review and discuss a maintenance budget request and priorities for expanded funding. Chair Banta said that among the priority issues are closing the proficiency gap, Chapter 70, circuit breaker, turnaround efforts, and increased literacy resources. Commissioner Chester said the Board would see echoes of this morning's conversation in the Board's budget priorities. The commissioner also noted that 60 percent of the Department's staff salary accounts come from federal dollars.

Ms. Chernow said that two areas not reflected in the budget request are wraparound supports and school and classroom culture. Ms. Chernow said she would like to include school and classroom culture as a priority and to include training on bias and safe schools programs for GLBT youth. Commissioner Chester said he supports the training effort and that in priority #2 (Increased Assistance for District and School Turnaround), it is reasonable to assume some increased funding would support wraparound services. Ms. Kaplan asked whether specific language could be inserted in #2 about wraparound services. Commissioner Chester said the priorities speak to what is consistent with the conditions for school effectiveness that are included in the Board’s regulations. James DiTullio, general counsel at the Executive Office of Education and the Secretary's designee, said that wraparound services are already a priority for the Governor and EOE.

Commissioner Chester said this vote establishes the Board's priorities and authorizes the commissioner to transmit them to the Secretary and Governor and convey them to the Legislature. The commissioner said the vote directs him to advocate on behalf of these priorities.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with Mass. Gen. Laws chapter 69, § 1A, approve the budget priorities for the FY 2013 education budget as recommended by the Board’s budget committee and the Commissioner, and direct the Commissioner to transmit these recommendations to the Secretary of Education, the Governor, and the Legislature.**

The vote was 10-0-1. Mr. DiTullio abstained.

**Amendments Proposed for Charter Schools**

Commissioner Chester said that he had received ten requests for major charter amendments, and he is recommending two of those requests. The commissioner said the other eight schools have the ability to appeal his decision not to recommend approval. The two amendment requests that the commissioner recommended were for enrollment increases. Marlon Davis, director of charter schools at the Department, said that both schools were well within the cap for which they are chartered. Commissioner Chester said we routinely invite local district officials to comment on amendment requests, and noted that the Board has received copies of the comments that the Department received from Salem officials.

**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:**

 ***Hill View Montessori Charter Public School (enrollment increase from 296 to 306 students)***

 **Location: Haverhill**

 **Maximum enrollment: 306**

 **Grade levels: K-8**

 **Effective year: 2012-13**

The vote was unanimous.

Mr. Roach asked for a summary of the comment received from the Salem mayor and superintendent. Deputy Commissioner Jeff Wulfson said in both cases the concerns are related to the fiscal impact on the district.

**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:**

 ***Salem Academy Charter School (enrollment increase from 308 to 372 students)***

 **Location: Salem**

 **Maximum enrollment: 372**

 **Grade levels: 6-12**

 **Effective year: 2012-13**

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

**Update on Level 4 Schools**

Commissioner Chester provided an overview of the materials on Level 4 schools in the Board packet.

Mr. Chertavian and Dr. Mohler-Faria had to leave the meeting at 12:30 p.m.

Ms. Chernow inquired about an update on educator effectiveness for a future meeting. Commissioner Chester said such an update is scheduled for December. Dr. Calderón-Rosado said she would like to know how these schools progress, and how the results are broken down by different groups, including ELLs and students of color. Mr. DiTullio discussed the extraordinary work being done at the Murkland School in Lowell.

Ms. Kaplan asked about the new Level 4 schools in Lawrence and their relationship to the receiver. Commissioner Chester said those schools would be included in the receiver’s turnaround plan for the district.

Chair Banta reminded Board members about the upcoming public hearings on charter school finalists, and distributed guidelines for those hearings.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:35 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**

**November 28, 2011**

**5:05 p.m. – 7:25 p.m.**

**Malden Government Center**

**City Council Chamber**

**200 Pleasant Street**

**Malden, MA**

Members of the Board of Elementary and Secondary Education Present:

**Maura Banta**, Chair, Melrose

**Beverly Holmes**, Vice Chair, Springfield

**Vanessa Calderón-Rosado**, Milton

**Harneen Chernow**, Jamaica Plain

**Gerald Chertavian**, Cambridge

**Matthew Gifford**, Chair, Student Advisory Council, Brookline

**Jeff Howard**, Reading

**Ruth Kaplan**, Brookline

**Dana Mohler-Faria**, Bridgewater

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

**David Roach**, Sutton

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

Chair Banta called the meeting to order at 5:05 p.m.

Chair Banta welcomed the Board and members of the Lawrence community to the special meeting. She welcomed the Board's newest member, David Roach. Commissioner Chester said he has had concerns about a number of school districts, especially Lawrence. The commissioner said the outcomes for students in Lawrence are very low and declining, and fewer than half of high school students graduate in four years. The commissioner acknowledged the considerable state aid to the district and the dedicated teachers and administrators in the district and said despite their efforts, the results for students are not tolerable. He noted that he has met with school committee members, legislators, and others to discuss possible next steps. Commissioner Chester said his goal is to transform the Lawrence Public Schools from a district of low performance to one where students routinely achieve strong educational outcomes.

Chair Banta invited public comment from the audience. The following individuals addressed the Board on the Lawrence Public Schools and the possible recommendation for Level 5 status:

1. Massachusetts State Senator Barry Finegold
2. Massachusetts State Representative Paul Adams
3. Homayoun-Mali, a parent
4. Ed Warnshuis
5. Jean Zembruski, president of the Lawrence Administrators Association
6. Brenda Rozzi
7. Pavel Payano, Lawrence School Committee member
8. Kevin Thompson
9. Frank McLaughlin, president of the Lawrence Teachers' Union
10. Patricia Mariano, a former Lawrence Public School principal
11. James Blatchford, Lawrence School Committee member-elect
12. Mary Lou Bergeron, Lawrence Interim Superintendent of Schools
13. Maria De Lacruz
14. Jennifer Cooper, Lawrence School Committee member-elect
15. Lisa Stott, an 8th grade English teacher at the Wetherbee School
16. Macerkin Max Sepulveda, a parent
17. Martina Cruz, Lawrence School Committee member
18. Jane Valentine
19. Chally Ramos
20. Mark Gray, Lawrence School Committee member
21. Martha Sybert
22. Christina Dibenedetto, principal of the High School Learning Center
23. Massachusetts State Representative Marcos Devers
24. Massachusetts State Representative David Torrisi
25. Lawrence Mayor William Lantigua

Chair Banta reminded Board members that they received packets with additional written testimony that had been submitted. The chair thanked the audience for attending tonight's special meeting. Commissioner Chester also thanked the audience. The commissioner said he heard the intense passion and interest that the community has in its schools. The commissioner said he takes this very seriously as he would any matter that would limit a community's home rule. Commissioner Chester said he would make a recommendation to the Board in the morning. The commissioner said we are committed to serving the students in Lawrence.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 7:25 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