Minutes of the Regular Meeting

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

**February 28, 2012**

**8:33 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

**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 8:33 a.m.

**Comments from the Chair**

Chair Banta thanked members and the public who attended last night’s special meeting of the Board. The chair asked Mr. Chertavian to provide an update on the work of the Integrated College and Career Readiness Task Force. Mr. Chertavian said the task force recently held its second meeting, the goal of which was to develop a definition of what career readiness means. Chair Banta thanked Mr. Chertavian for his leadership and noted there is national interest in the work of this task force.

Chair Banta said she was pleased to attend Secretary Duncan’s visit to Boston University earlier this month where he addressed school district teams of educators, union leaders, and school committee members on educator evaluation.

**Comments from the Commissioner**

Commissioner Chester reviewed materials that were included in this month’s Board book.

Mr. Gifford arrived at 8:38 a.m.

The commissioner provided a legislative update to Board members. Commissioner Chester introduced new staff members: Manuel Monteiro, special assistant to the commissioner, and Pati Gregson, associate commissioner for vocational, workforce and college readiness programs. The commissioner said the Board would meet Quinton Dale, educator misconduct investigator, at a future meeting.

**Public Comment**

1. Norm Shacochis addressed the Board on social studies and civic education.

Secretary Reville arrived at 8:47 a.m.

1. Stephenie Perrin, chair of the Conservatory Lab Charter School’s board of trustees, and Diana Lam, the school’s principal, addressed the Board on the school’s request for review of an amendment decision.
2. Cherry Hseih, a board of trustees’ member of the Pioneer Valley Chinese Immersion Charter School (PVCICS), addressed the Board on the school’s charter renewal.
3. Sonia Molina, a PVCICS parent, addressed the Board on the school’s charter renewal.
4. Kippie Douglas, and 8th grade student at PVCICS, addressed the Board on the school’s charter renewal.
5. Dennis Quinn, a PVCICS parent, addressed the Board on the school’s charter renewal.
6. Andrew Papachristos, a PVCICS parent, addressed the Board on the school’s charter renewal.
7. Ellen Roy, the parent of a former PVCICS student, addressed the Board on the school’s charter renewal.
8. Roger Rice, executive director of Multicultural Education, Training & Advocacy, addressed the Board on the Rethinking Equity and Teaching for English Language Learners (RETELL) initiative.
9. Bob Brick, co-founder of the Paulo Freire Social Justice Charter School, addressed the Board on the school’s application.
10. Tony Pierantozzi, superintendent of the Somerville Public Schools, addressed the Board on the Somerville Progressive Charter School proposal.

**Comments from the Secretary**

Secretary Reville provided an update on the Governor’s FY13 budget proposal, including the increase in Chapter 70 funding and the Gateway Cities Initiative.

# 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 23, 2012 special meeting and January 24, 2012 regular meeting.**

The vote was unanimous.

**Key High School Indicators for Massachusetts: Reports on 2011 Graduation and High School Dropout Rates and Advanced Placement Participation**

Commissioner Chester said there is great news to celebrate in this report on the 2011 four-year graduation rate and annual dropout rate: the dropout rate has shown a steady downward trend over five years, and is the lowest rate in more than two decades. He said this progress is the result of very intentional strategies. Associate Commissioner Gregson and Administrator for College and Career Readiness Keith Westrich provided an overview of the work of the Center for Vocational Workforce and College Readiness Programs. Mr. Westrich said there has been an unprecedented spotlight on dropout prevention over the past five years, including establishment of a high level commission with ensuing recommendations. Mr. Westrich said the Department’s focus has been on increasing the four-year graduation rate and MassCore completion rate.

Mr. Westrich described the Department’s seven project initiatives in this area, which is anchored by the $15 million federal High School Initiative Grant. A total of 76 school districts and 133 schools are participating in that grant, referred to locally as the MassGrad Initiative. Commissioner Chester said a student who does not graduate within four years is greatly at risk of not graduating.

Dr. Howard suggested disseminating the data widely and encouraging community involvement and competition to drive the graduation rate even higher and the dropout rate even lower. Secretary Reville said the news is cause for celebration even while we acknowledge there is more work to be done, and the Department has been resourceful and energetic in the programs it has developed. Ms. Kaplan said she would be interested to see the AP data broken down by subgroup. Ms. Kaplan asked if high schools are required to teach students beyond four years of high school. Commissioner Chester said students who have not earned a high school diploma may attend public school through the age of 22.

**Charter Schools**

**Request for Charter Renewal and Amendment: Pioneer Valley Chinese Immersion Charter School**

Commissioner Chester said the Board has three requests pending from PVCICS: the school’s charter renewal and two amendments for enrollment expansions at K-8 and high school. Commissioner Chester referred Board members to a revised memo that he distributed which reflected the same recommendation as the original memo – that the school’s charter be renewed – but included a change permitting any student who is currently enrolled in 8th grade at PVCICS to continue next year in the 9th grade. Commissioner Chester said the school has many strengths and its focus on Chinese immersion is outstanding. He said his concerns relate to the governance and leadership of the school.

Deputy Commissioner Jeff Wulfson said the Department’s Charter School Office is a group of dedicated professionals who want to see schools succeed. Mr. Wulfson said the school’s board of trustees must supervise and evaluate the principal directly because the principal and the executive director are married to each other. Mr. Wulfson said the incident at the school investigated by the Department of Children and Families (DCF), where two school members were found to be neglectful, is a finding that we take very seriously. Mr. Wulfson said the school’s board of trustees needs to strengthen its oversight. He added that it is dismaying to him that the school’s board has a tendency to reject any negative findings or criticism.

Secretary Reville said the school is a good one and has a great deal to offer, and it is time to correct the areas of concern. The secretary said the flexibility shown in the commissioner’s proposal allowing current 8th graders to continue at the school next year is a good middle course. Ms. Kaplan asked how many current students will be in 9th grade next year. Alison Bagg, the Charter School Office’s accountability coordinator, said there are 7 students currently in 8th grade. Ms. Kaplan asked if the school met its conditions, would it be eligible to expand. Mr. Wulfson said it would, and the Department is sympathetic to what the school wants to do. Mr. Wulfson said the earliest the Department would consider the amendments to expand would be next fall for implementation in the 2013-14 school year. Ms. Kaplan said she appreciated the commissioner’s addition to the motion as fair under the circumstances. Ms. Kaplan said this is an innovative model and it is critical to have language immersion schools.

Mr. Chertavian asked about the Board’s responsibility in connection with the finding of neglect. Deputy General Counsel Kristin McIntosh said the finding plays a role in renewal of the charter, and the DCF finding is on appeal. Ms. McIntosh said if DCF sustains a finding in the case of a licensed educator, the Department would place the license under review. She noted that Commonwealth charter schools are not required to employ licensed educators except in the area of English language learners.

Mr. Roach said he has concerns about the disconnect between the thoughtful findings and the school’s public testimony. Mr. Roach said the testimony suggests what the Charter School Office has found and recommended is not being taken seriously by the school. Mr. Roach said he would have preferred to hear a more humble reaction from the school. Ms. Chernow said the parent and student commitment to this school is amazing but she is also concerned about the DCF finding. Ms. Kaplan asked if the DCF finding is affirmed, how it would affect the school. Ms McIntosh said it would be evidence that the Department considers. Mr. Wulfson said it is not automatic that there would be some action against the school.

Dr. Calderón-Rosado said the governance issues are similar to Gloucester Community Arts Charter School and Lawrence Public Schools, and she has strong concerns. Ms. Holmes asked about the legal appeal and the charge that the school is paying those fees. Ms. McIntosh said that would be a decision of the board of trustees and there is nothing in state law that prohibits it, however unusual it is. Ms. Holmes asked about a ruling from the State Ethics Commission. Mr. Wulfson said the conflict of interest between the executive director and the principal, who are married to each other, was discussed with the State Ethics Commission, which said the arrangement was permissible but the executive director could not supervise or evaluate the principal. Ms. Holmes asked if the executive director was formerly the chair of the board of trustees. Mr. Wulfson said yes.

**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 grant a renewal of a public school charter to the following school for the five-year period from July 1, 2012 through June 30, 2017, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**Pioneer Valley Chinese Immersion Charter School**

 **Location: Hadley**

 **Number of students: 300**

 **Grade levels: K-8**

**This renewal is explicitly conditioned as follows. Failure to meet these conditions may result in the Board placing Pioneer Valley Chinese Immersion Charter School on probation, revoking its charter, or imposing additional conditions on its charter.**

1. **By September 30, 2012, Pioneer Valley Chinese Immersion Charter School’s board of trustees will revise and strengthen the evaluation systems for the executive director and principal to ensure regular, systematic, measureable, and transparent evaluation that aligns with best practices and provides school leaders with robust supervision and evaluation.**
2. **By April 30, 2012, Pioneer Valley Chinese Immersion Charter School’s board of trustees will engage in a self-evaluation of its own capacity and recruit additional members who have the needed expertise.**
3. **By September 30, 2012, Pioneer Valley Chinese Immersion Charter School’s board of trustees will engage in training on the roles and responsibilities of a charter school board of trustees.**
4. **The school will fully implement all elements of the corrective action plan submitted to the Department on February 5, 2012.**
5. **The school may operate a ninth grade program in FY13 provided such program is limited to students currently enrolled in eighth grade at the school.**

**Pioneer Valley Chinese Immersion Charter 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.

**Request for Review of Amendment Decision: Conservatory Lab Charter School**

Chair Banta said the school has requested a review of the commissioner’s decision on its amendment request. Commissioner Chester said the school has come a long way and has successfully met the conditions placed on it. The commissioner said this is a well-performing charter school. Commissioner Chester said his decision to deny the school’s request to expand has nothing to do with the school’s performance or value. Rather, it is based on the Board’s decision last year, when adding new charters, that we would not entertain applications for additional seats in Boston this year. The commissioner said at the time the Board told schools when we reopen the process we would do so on a competitive basis.

Ms. Holmes asked if the school had communicated to its peers its interest in securing additional seats. Mr. Wulfson said that Ms. Lam in her public testimony had indicated that she had discussions, but the Department has not gone through this process. Mr. Wulfson said the Department knows there are existing groups that want to expand and others that want to open new schools in Boston. Mr. Wulfson said a transparent and consistent process is important. Dr. Calderón-Rosado said she appreciates the recommendation by the commissioner and added that this issue begs the question of fairness. Dr. Calderón-Rosado said the school has tremendous value and a unique model, similar to PVCICS. Dr. Calderón-Rosado said the number of seats is so small that it may have little impact.

Ms. Chernow asked if the Board added seats, would those seats need to be targeted to limited English proficient, low income, and special education students. Mr. Wulfson said that as with all charter schools, there would continue to be an open admission process – but the school must develop good recruitment policies to serve as many students as possible from those groups. Mr. Chertavian wondered if the school’s 7th graders would be placed on a wait list to get into another Boston school.

Secretary Reville asked how many current 6th graders there are. Ms. Bagg said roughly 15 students are currently in grade 6, though the Department does not know their intent to enroll in 7th grade. Dr. Howard said this Board a couple years ago took the burden of these individual charter decisions off the Board and authorized the commissioner to make decisions based on policy. Dr. Howard said he supports the commissioner’s recommendation on procedural lines. Ms. Kaplan said it is the Board’s role to make this decision, and asked why the school from the outset had not asked for a K-8 configuration. Mr. Wulfson said the school was chartered in 1999 and he did not recall why the school chose a K-5 configuration at that time.

Chair Banta said this school is a wonderful model, but there are lots of other schools looking for those seats. Commissioner Chester said the Department had inquiries from schools that wanted to expand or wanted to propose new schools. Secretary Reville said the overriding principle of fairness is that we have told everyone else that additional seats are not available this year.

Dr. Calderón-Rosado made a motion to amend the school’s charter and add 30 additional seats, 15 for grade 7 and 15 for grade 8.

**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, hereby amend the charter granted to the following school as presented by the Commissioner:

***Conservatory Lab Charter School (enrollment increase from 169 to 199 students and grades served from K1-6 to K1-8)***

### Location: Boston

 Maximum enrollment: 199

 Grade levels: K1-8

 Effective year: 2012-13

The motion was defeated, 4-7. Dr. Calderón-Rosado, Ms. Kaplan, Mr. Chertavian and Ms. Chernow voted in support.

Ms. Kaplan made a motion to amend the school’s charter to add 15 seats for grade 7.

**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, hereby amend the charter granted to the following school as presented by the Commissioner:

***Conservatory Lab Charter School (enrollment increase from 169 to 184 students and grades served from K1-6 to K1-7)***

### Location: Boston

 Maximum enrollment: 184

 Grade levels: K1-7

 Effective year: 2012-13

The motion was defeated, 4-7. Dr. Calderón-Rosado, Ms. Kaplan, Mr. Chertavian and Ms. Chernow voted in support.

**New Charter Applicants**

***Baystate Academy Charter School***

Chair Banta asked Dr. Howard to report on the public hearing held in Springfield. Dr. Howard said four partner agencies were represented there, and the hearing lasted roughly half an hour. Dr. Howard said there was no opposition to the proposed charter at the hearing. Commissioner Chester said the new crop of applicants is providing new challenges for the Department around how to interpret the proven provider requirement. The commissioner said Baystate was a strong proposal, and the founders will partner with Springfield Technical Community College and work with Expeditionary Learning. The commissioner said Expeditionary Learning’s record in three charter schools is quite positive.

Dr. Calderón-Rosado said this is a strong application, but she was concerned about how it addresses the needs of families whose first language is not English. Ruth Hersh, the Department’s coordinator of new school development in the Charter School Office, said there are strengths and weaknesses in that section. Ms. Hersh said if the Board decides to grant the charter, the school is legally required to provide a plan for English language learners. Ms. Hersh added that the school would have to hire a licensed ELL instructor and will develop a recruitment and retention plan. Ms. Kaplan asked to what extent the applicant met the proven provider requirement. Mr. Wulfson said the law requires that the applicant group demonstrate the ability to serve these populations in at least one school.

Secretary Reville asked if Expeditionary Learning is the managing partner. Mr. Wulfson said they are an education support services company that will provide support and curriculum resources, but will not manage the school. Secretary Reville asked about the group’s relationship with the Baystate Health Care organization. Ms. Hersh said the school’s board of trustees would be a totally separate entity. Secretary Reville asked if the school would be managed by Baystate, and Mr. Wulfson said no. Ms. Hersh said the board of trustees would have to develop a contract with Baystate Health and the Department would have to approve it.

Ms. Holmes asked about financial and organizational support. Ms. Hersh said there is no longer a start-up grant for charter schools; the school will have a year to prepare because it is scheduled to open in 2013.

**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:**

**Baystate Academy Charter Public School**

**Location: Springfield**

**Maximum Enrollment: 560**

**Grade Levels: 6-12**

**Opening Year: 2013**

**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 2013 through 2017 to an amount less than the maximum enrollment approved herein.**

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

***Dudley Street Neighborhood Charter School***

Chair Banta said she serves on the board of the Boston Plan for Excellence, and accordingly would recuse herself from the discussion and vote on the Dudley Street Neighborhood Charter School. Ms. Holmes asked Ms. Chernow to report on the public hearing. Ms. Chernow said the people who came were mostly from the partnering organizations as well as the Dudley Street Neighborhood Association. Ms. Chernow said the theme of the remarks was around engaging the community in the planning process to grow the school. Commissioner Chester said this was a strong application and an interesting partnership. Mr. Wulfson said we have seen Horace Mann charter schools struggle over the years, and so it is heartening to see the strong support and engagement by Boston Public Schools Superintendent Carol Johnson and her staff.

**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 Charter III:**

**Dudley Street Neighborhood Charter School**

**Location: Boston**

**Maximum Enrollment: 325**

**Grade Levels: K1-5**

**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 10-0-1. Chair Banta abstained.

***Lowell Collegiate Charter School***

Chair Banta asked Ms. Kaplan to report on the public hearing. Ms. Kaplan said there were 13-14 speakers, the majority of whom were in support of the proposal. Ms. Kaplan said the Lowell superintendent of schools and the local union president spoke in opposition to the proposal. Ms. Kaplan said what concerned her was learning about the proprietary nature of materials created by SABIS.

Commissioner Chester said the applicant group’s board of trustees demonstrated an understanding that the buck stops with them and they are not a front for an educational management organization (EMO). Commissioner Chester said the applicant group from Lowell demonstrated that fact, in contrast to another applicant group from Springfield. Commissioner Chester said the results at the existing Springfield SABIS school are very strong. The commissioner said in the Holyoke charter school, the proficiency rates are on par with the district, and growth rates outpace the district as well as the state. Mr. Wulfson said that Massachusetts does not grant the charter to the EMO, but state law permits a charter school board to contract with a non-profit or profit EMO.

Mr. Roach asked if we were satisfied with what the school is prepared to do with English language learners and special education students. The commissioner said he was satisfied that SABIS has demonstrated success, though we cannot perfectly predict the future. Mr. Wulfson said we can look for evidence of how they have worked with those groups in other settings. Mr. Chernow asked how SABIS is addressing weaknesses identified by the Charter School Office. Mr. Wulfson said the Charter School Office flags weaknesses both large and small, and if the weaknesses are large enough the commissioner does not recommend the school. He said the Department’s oversight continues after a school is chartered, and there is evidence in existing schools that SABIS is able to serve these populations.

**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:**

**Lowell Collegiate Charter School**

**Location: Lowell**

**Maximum Enrollment: 1,200**

**Grade Levels: K-12**

**Opening Year: 2013**

**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 2013 through 2017 to an amount less than the maximum enrollment approved herein.**

The vote was 6-3-2. Dr. Mohler-Faria, Dr. Howard, Secretary Reville, Chair Banta, Ms. Holmes and Mr. Gifford voted in support. Dr. Calderón-Rosado, Ms. Kaplan and Ms. Chernow voted in opposition. Mr. Chertavian and Mr. Roach abstained.

***Paulo Freire Social Justice Charter School***

Chair Banta asked Ms. Holmes to report on the public hearing. Ms. Holmes said this was the second year that the founding group had submitted an application. Ms. Holmes said there was excellent representation from the community and educators, all of whom spoke in support of the proposal during the two-hour hearing. Commissioner Chester said the group has strengthened its application since last year, and that two founders who had led the development of the Pioneer Valley Performing Arts Charter Public School (PVPACPS) were established as the proven provider.

Mr. Wulfson said that during public comment on Monday evening, the Board heard from Roger Rice of META who argued that PVPACPS did not serve any significant number of English language learners. Mr. Wulfson said the law identifies a number of different categories of special populations, and the Department expects to see evidence with some of those categories. Mr. Wulfson said the school’s co-founder, Mr. Brick, acknowledged during public comment this morning that the school will need to seek out partnerships. Mr. Wulfson said the founders had experience with special education, low income and Hispanic students.

Mr. Roach asked about the anticipated attrition rate. Ms. Hersh said the Department thought it was high and had asked about this figure. Ms. Hersh said the applicant group said the number was reasonable based on experience. Ms. Kaplan asked about the school’s social justice curriculum. Ms. Hersh said it is a self-made, integrated curriculum, and every part of the curriculum incorporates aspects of social justice.

**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:**

 **Regional Commonwealth Charter:**

**Paulo Freire Social Justice Charter School**

**Location: Holyoke**

**Districts in Region Holyoke, West Springfield, Chicopee, Westfield, South Hadley, and Northampton**

**Maximum Enrollment: 500**

**Grade Levels: 9-12**

**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 2013 through 2017 to an amount less than the maximum enrollment approved herein.**

The vote was 8-0-3. Ms. Kaplan, Ms. Chernow and Mr. Roach abstained.

Commissioner Chester said there were two final applications that he did not recommend: the Springfield Preparatory Charter School and the Somerville Progressive Charter School. The commissioner said the Somerville proposal had strengths as well as weaknesses, and he invited the school to work on its application.

Dr. Mohler-Faria had to leave at 12 noon.

**English Language Learners: Proposed Regulations on Educator Preparation and Training Required for Sheltered English Immersion (RETELL Initiative)**

Chair Banta asked for a motion to go into executive session in accordance with Mass. General Laws chapter 30A, section 21, paragraph 3, to discuss strategy with respect to potential litigation on the proposed English language learner (ELL) regulations.

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

**VOTED: that the Board of Elementary and Secondary Education go into executive session to discuss strategy with respect to potential litigation on the proposed ELL regulations.**

Chair Banta called the roll for the vote. The vote was unanimous. The Board went into executive session at 12:05 p.m.

At 12:50 p.m., Chair Banta asked for a motion to return to open session.

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

**VOTED: that the Board of Elementary and Secondary Education return to open session.**

The vote was unanimous.

Chair Banta said the Board had an excellent and informative session on the RETELL initiative last night at the special meeting. The chair said the Board heard that the path of ELLs is not always smooth, and it is important to integrate language support with content. Commissioner Chester said the Board’s vote today would launch a public comment period to create a Sheltered English Immersion (SEI) endorsement for educator licensure and license renewal. The commissioner reviewed the proposal set forth in his memo dated February 21, 2012. He said this initiative is critical to closing proficiency gaps. Commissioner Chester said the Department continues to have discussions with the Department of Justice and will do extensive outreach to the field and continue to work with the panel of experts who are assisting in developing the course for the SEI endorsement.

Ms. Kaplan suggested an edit on page 8 of the proposed regulations related to reordering the text on recognizing the significance of native language speakers and collaboration with families. Ms. Kaplan said some core academic subjects like foreign languages and arts are not included in the definition of core academic teachers, and suggested every teacher should have this training, including teachers of vocational education. Senior Associate Commissioner Robert Bickerton said a different set of regulations governs licensure of vocational education teachers. Department legal counsel Dianne Curran said academic teachers in vocational technical schools would be covered by these proposed regulations. Executive Office of Education General Counsel Jim DiTullio asked if the Department would have to create a separate process to include vocational education teachers in the training. Mr. Bickerton said it would be a separate process.

Dr. Calderón-Rosado asked if charter school teachers are included under these regulations. Ms. Curran said they are. She said some but not all charter school teachers are licensed. Those who are licensed would be covered under the regulations pertaining to educator licensure and preparation program approval (603 CMR 7.00) and educator license renewal (603 CMR 44.00). Charter school teachers who are not licensed would be covered under a new section in 603 CMR 14.00 that refers to all core academic teachers. Ms. Curran said chapter 14 includes charter schools.

Ms. Chernow asked about including vocational education teachers in this work. Ms. Chernow moved to ask the commissioner to report back to the Board with a process and plan for teachers in vocational education programs who need SEI training.

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

**VOTED:        that the Board of Elementary and Secondary Education direct the commissioner to report back to the Board with a plan for expanding the RETELL initiative to include vocational-technical educators licensed under 603 CMR 4.00.**

The vote was unanimous.

Mr. DiTullio said the Board’s vote on proposed regulations today would be a strong first step that begins a public comment process and it should yield valuable input. Ms. Kaplan expressed her concern over whether ELL students had appropriate access to content for the past ten years, particularly in view of high stakes testing. Ms. Kaplan said she would like to see data from 2003 to the present on the Competency Determination rates for ELLs in relation to other students. Commissioner Chester said if there is a notion that Question 2 began a period of reduced educational attainment for ELLs, there is no evidence to support that. Commissioner Chester said the challenge is that we have not delivered for ELLs the way we should, in Massachusetts and in the U.S. as a whole. He cautioned that setting lower standards for some students would formalize a second-class education for those students. Dr. Howard said the reason we know that ELLs are not all getting the education they need is because of the MCAS, without which there would be no pressure to respond. Dr. Howard said the RETELL initiative shows the state is stepping up to its responsibility.

**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 c. 71A, 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 Regulations on Educator Licensure and Preparation Program Approval, 603 CMR 7.00; Licensure Renewal (603 CMR 44.00); and Education of English Learners (603 CMR 14.00), as presented by the Commissioner. The proposed amendments relate to the RETELL initiative as outlined in the Commissioner’s February 21, 2012 memorandum.**

The vote was unanimous.

Chair Banta said that due to time constraints, the Board would not take up an agenda item on the ESEA Flexibility Waiver Request.

Mr. Chertavian had to leave at 1:15 p.m.

**Update on Level 5 District Designation for Lawrence Public Schools**

Commissioner Chester said he would be in Lawrence on Thursday to conduct a school visit and to hold meetings with Superintendent Riley. The commissioner said the local stakeholder group has been established to make recommendations on the district turnaround plan and has started meeting.

**FY2013 Education Budget Proposal from the Governor**

Commissioner Chester reviewed a PowerPoint presentation on the FY13 budget.

Ms. Kaplan had to leave at 1:20 p.m.

Commissioner Chester said funding for the ELL effort is not in the Governor’s budget, nor is funding for charter school administration or program staffing. Commissioner Chester said there are many things the Governor supported, including increases in local aid, targeted assistance and accountability and collaborative oversight. Ms. Chernow said she was disappointed there was nothing in the budget proposal about bullying prevention. Department CFO Bill Bell said the Governor’s Commission has dedicated funds in an Administration & Finance (ANF) line item, and the Department is seeking funds to enhance the Commission’s work.

Ms. Holmes asked about personnel restrictions and program accounts. Mr. Bell said the Department used to be able to fund personnel through program accounts, but in FY08 the Legislature put in restrictions. Mr. Bell said the Department is looking to restore the previous authorization.

Dr. Calderón-Rosado asked about charter school administration. Commissioner Chester said the Department has sought dedicated funding for three years, without which the Department has had to cobble together funding from multiple sources.

**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 27, 2012**

**5:05 p.m. – 7:00 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

**James DiTullio**, Designee for the Secretary of Education

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

**Ruth Kaplan**, Brookline

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

Members of the Board of Elementary and Secondary Education Absent:

**Jeff Howard**, Reading

**Dana Mohler-Faria**, Bridgewater

**David Roach**, Sutton

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

Chair Banta welcomed the Board to its special meeting. The chair said there would be two parts to the agenda: (1) hearing public comment on the new charter applicants; and (2) an initial discussion on the proposed regulations on educator preparation and training required for sheltered English immersion.

**New Charter Applicants**

Public Comment

1. Paul Georges, president of the United Teachers of Lowell, addressed the Board on the Lowell Collegiate Charter School proposal.
2. Jean Franco, Superintendent of the Lowell Public Schools, addressed the Board on the Lowell Collegiate Charter School proposal.
3. Roger Rice, executive director of Multicultural Education, Training & Advocacy, addressed the Board on the Paulo Freire Social Justice Charter School and its proven provider status.

**English Language Learners: Proposed Regulations on Educator Preparation and Training Required for Sheltered English Immersion (RETELL Initiative)**

Commissioner Chester said the Department is proposing amendments to three sets of regulations to ensure that teachers are prepared and trained to support academic achievement of English language learner (ELL) students. The commissioner said tomorrow the Board will vote on his recommendation to solicit comment on the proposed regulations. Commissioner Chester introduced Senior Associate Commissioner Robert Bickerton, Associate Commissioner Julia Phelps, Esta Montano, director of the Department’s Office of English Language Acquisition & Academic Achievement, Dr. Nonie Lesaux of Harvard University, and Dr. Diane Staehr Fenner of DSF Consulting / UMass Boston Applied Linguistics Department.

Commissioner Chester made a PowerPoint presentation to the Board. The commissioner said ELLs are a major focus of the Board’s Proficiency Gap Task Force, and closing this gap depends on teachers having the knowledge and skills necessary to instruct ELLs. The commissioner said that is what the Rethinking Equity and Teaching for English Language Learners (RETELL) is about. He presented data about the growth of ELL enrollment in the Commonwealth.

Ms. Montano said there are two components of ELL education: (1) the actual learning of English as a second language (ESL) and (2) the more challenging part where ELL students have to learn academic content through English (sheltered English immersion or SEI). Ms. Montano said teachers have to deliver content in a way that is accessible. Ms. Montano said within the ELL population, there are many prototypes – some students are well prepared, while some have never been in school. Ms. Montano said until now, the Department has used category trainings to provide teachers with skills and knowledge for SEI. Those trainings were recommended but not required. Ms. Montano said while the category trainings were an excellent first step, the research has evolved since those trainings were introduced.

Ms. Montano said the three touchstones of this initiative are that it benefits ELLs, it is grounded in research, and it is feasible to implement. Ms. Montano said the Department is proposing that over a four-year period (September 2012 to June 2016), all core academic teachers and administrators will earn the SEI endorsement to their license. Ms. Montano said the rollout would start in the highest incidence districts. Ms. Montano said the endorsement would be earned through a course of study for all core academic teachers. There would also be a SEI endorsement for administrators.

Dr. Calderón-Rosado asked about the distribution of ELL students by grade. Ms. Montano said there is a higher incidence in K-5. Dr. Calderón-Rosado asked about licensure requirements for charter school teachers. Ms. Montano said the regulations will apply to charter school teachers as well as teachers in traditional public schools. Ms. Kaplan said ideally every teacher and anyone engaged with ELLs, including guidance counselors, librarians and physical education teachers, should be included in this requirement. Mr. Bickerton said there will be two stages, the first with core academic teachers with ELLs in their classroom, and then additional professional development as part of licensure renewal that will have an impact on every educator in the Commonwealth. Ms. Kaplan asked if that includes vocational education teachers. Mr. Bickerton said teachers of core academic content in the vocational technical schools will need to obtain the required SEI endorsement.

Dr. Staehr Fenner said ELLs are heterogeneous. She said ELLs must develop language along with mastering academic content. Dr. Staehr Fenner said examples of factors that affect the heterogeneity of ELLs include level of literacy in a native language, culture, age at arrival to school, socio-economic, familial support and trauma. Dr. Staehr Fenner said RETELL will help give teachers skills to diagnose each child and adjust instruction accordingly. She said RETELL is tailored to ELLs but will help all teachers to instruct all students effectively in academic language.

Dr. Staehr Fenner said the overarching goals of the course will be: (1) all content teachers understand and accept responsibility to teach language and content simultaneously; (2) concepts that bridge World Class Instructional Design and Assessment (WIDA) EDL standards and the Massachusetts curriculum frameworks incorporating the Common Core State Standards; and (3) develop academic language skills that enable students to access the content. Dr. Staehr Fenner said the focus will be on activating and building on students’ background knowledge.

Dr. Lesaux said English proficiency by grade 3 does not guarantee English proficiency in the middle grades or later, and struggles in the middle and upper grades are primarily language-based ones. She said all students need rich language learning environments and adequate support to accelerate learning.

Chair Banta asked what the Department has learned from other states. Ms. Montano said Arizona requires teachers to have four credit hours, or six credit hours for those hired after August 2006; in California, teachers must take 45 clock hours in an approved program and take a test to get their credentials; in Florida, there is different training for different categories of teachers; and in New York, teachers must take six credits. Mr. Bickerton said the states use different program models so comparison is difficult.

Ms. Holmes asked what would be different five years after this initiative is launched. Ms. Montano said all core academic teachers would know how to shelter content for ELLs and the students would be doing better academically. Dr. Lesaux said in classrooms, discussions will play a larger role, and writing will be a larger proportion of instructional time and more connected to the content. Dr. Lesaux said there will also be more opportunities to develop language.

Commissioner Chester asked Dr. Lesaux about the longitudinal study that found by the time students got to late middle school or early high school, many were lagging in academic performance. The commissioner asked how that relates to the question of how many years it takes students to become proficient in English. Dr. Lesaux said the key is the right instruction and richer language environments for these students. Dr. Lesaux said the rates of growth suggest this is not a learning problem; it is essential to embed language supports in the instruction of content.

Ms. Kaplan asked if the new educator evaluation regulations address the skills of teachers to teach ELLs. Mr. Bickerton said the goal is to have a unified professional development plan for educator evaluation and license renewal. Ms. Kaplan asked why it was fair to require ELLs to take the MCAS test as a graduation requirement. Commissioner Chester said if one group is held to a lower standard, their education and life chances would be diminished.

Mr. Bickerton reviewed the Department’s plans to update educator preparation programs to meet the proposed new knowledge and professional practice standards and implement licensure changes. Ms. Phelps said the Department continues to discuss the plan with the Department of Justice. She said the Commissioner’s Panel will review the implementation plan and pilot the course this summer and roll it out more completely in fall 2012. By July 2016, all ELLs will be taught by a SEI-endorsed teacher.

Ms. Chernow asked if we have the capacity to train 25,000 teachers and if the Governor’s budget includes resources for this. Commissioner Chester said the estimated cost to prepare 25,000 SEI teachers and administrators at no cost to them is $7 million over four years. The commissioner said he has been advocating for these funds and that they are not in the Governor’s budget proposal because we did not know the amount at the time the budget was prepared. Mr. DiTullio said the Governor and ANF Secretary are well aware of this issue and the price tag involved. Dr. Calderón-Rosado asked about the first year budget, which the commissioner said was about $900,000. Commissioner Chester said he understands this is a professional, ethical and legal obligation, and the budget process has a ways to go. Dr. Calderón-Rosado asked how this would be integrated in teacher preparation programs. Mr. Bickerton said new approved courses would be expected to be in place by June 2013.

Ms. Kaplan asked whether the course will address the emotional and psychological aspects of being an English language learner. Ms. Montano said that is built into the curriculum, and teachers need to know their learners. Dr. Staehr Fenner said the first part of the course would help teachers see that ELL students are not deficient but have strengths that we need to value as educators.

Mr. Chertavian asked how many hours or credits the course would be. Mr. Bickerton said we believe this fits into a single graduate course, or three credits. Mr. Bickerton said we would look at hiring well qualified instructors and some of the course would be online. Mr. Chertavian said the projections seem low and work out to about $93 per credit. Commissioner Chester said we would not be paying the overhead costs that factor into college courses. Ms. Chernow asked about the mix of live instruction and the online aspect. Dr. Staehr Fenner said the plan is to have a blended course that is 50/50 online and in person. She said the online piece would be a guided interaction. Ms. Phelps said we will identify specific instructors who are qualified to teach the course. Ms. Phelps said that in addition to the course, other components of the RETELL initiative will include SEI coaching, data systems and evaluations, and reviewing current educator licensure regulations for ESL teachers.

Ms. Montano said Massachusetts would be the 28th state to join the WIDA consortium. This is a new system of standards, curriculum and instruction for ELLs, including a new English language proficiency state assessment (ACCESS), and will include technical assistance to districts.

Mr. Chertavian said the conditions to be productive in society have changed radically, and 25 percent of children in the U.S. under the age of 5 speak Spanish. Mr. Chertavian said this is a matter of justice and increasingly important for our global competiveness. Dr. Calderón-Rosado said she was impressed that Brockton made literacy the core for every teacher and every subject, and even the physical education teachers had to work on literacy. Dr. Calderón-Rosado suggested that approach could be a model for other districts.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 7:00 p.m., subject to the call of the chair.**

The vote was unanimous.

Respectfully submitted,

Mitchell D. Chester

Commissioner of Elementary and Secondary Education