Minutes of the Regular Meeting

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

**May 22, 2012**

**8:40 a.m. – 12:30 p.m.**

**Brookline High School**

**115 Greenough Street**

**Brookline, MA**

Members of the Board of Elementary and Secondary Education Present:

**Maura Banta**, Chair, Melrose

**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

Member of the Board of Elementary and Secondary Education Absent:

**Beverly Holmes**, Vice Chair, Springfield

Chair Banta called the meeting to order at 8:40 a.m.

**Comments from the Chair**

Chair Banta welcomed everyone and said the Board was pleased to be holding its meeting at Brookline High School, where student member Matthew Gifford is a senior. Chair Banta welcomed Brookline Superintendent William Lupini. Dr. Lupini congratulated Mr. Gifford on his year of service as a Board member. Dr. Lupini recognized John Ritchie, Interim Headmaster at Brookline High, and Alan Morse, Chair of the Brookline School Committee. Dr. Lupini provided Board members with an overview of the Brookline Public Schools and its efforts to close achievement gaps, encourage students to go into teaching, and plan for expanded enrollment throughout the district. Chair Banta thanked Dr. Lupini and the high school for hosting the meeting.

Chair Banta recognized Mr. Gifford and commended him for his personal leadership, the example he has set for other students, and his demonstration of the importance of a student voice in educational policy matters. Commissioner Chester said Mr. Gifford has been a dedicated Board member. Commissioner Chester also thanked Dr. Lupini for his leadership and his educational ideas. Ms. Kaplan thanked Mr. Gifford for his service and said she hopes he stays engaged in education and public policy.

Chair Banta said she was honored to be part of a recent charter school granting ceremony which took place at the Christa McAuliffe Regional Charter Public School in Framingham. The chair said she also represented the Board on a panel on college and career readiness sponsored by Associated Industries of Massachusetts.

Chair Banta asked for reports from the Board’s committees. Ms. Chernow said the Proficiency Gap Committee this month received an update on the state’s new Progress and Performance Index (PPI). Ms. Chernow said Department staff also presented a number of data points and models for how data will be delivered to schools. Ms. Chernow said the committee will recommend that the data be brought to the Board’s next retreat.

Dr. Mohler-Faria arrived at 9:00 a.m.

Dr. Calderón-Rosado provided an update on the work of the Committee on the Commissioner’s Annual Performance Evaluation, saying that the same criteria would be used this year as in 2011. Dr. Calderón-Rosado said committee members would soon interview Department senior staff about the commissioner’s performance over the past year. Mr. Chertavian said the Integrating College and Career Readiness Task Force met for the last time this month and will present its recommendations at the June Board meeting. Mr. Chertavian thanked Secretary Reville, Chair Banta, and Ms. Chernow for their participation, and said he hopes this work will act as an important catalyst.

**Comments from the Commissioner**

Commissioner Chester provided an overview of the recent release of the state’s 2011 grade 8 science results from the National Assessment of Educational Progress (NAEP). The commissioner said Massachusetts students again performed at a very high level. The commissioner said he attended the statewide Race to the Top conference on May 1, and was privileged to visit Sharon High School on May 8 to name Kathleen Turner, a high school French teacher, as the 2013 Massachusetts Teacher of the Year.

Commissioner Chester said he expects to bring recommendations to the Board on the advisory councils in June or next fall. The commissioner said the Department anticipates needing only a limited number of new members. The Department is interested in streamlining the process and reviewing how best to balance the value added with the level of effort by staff to keep so many advisory councils going. Commissioner Chester said he expects Lawrence Receiver/Superintendent Jeff Riley to attend the June Board meeting. The commissioner provided an overview of his recent trip to China and the educational exchange conference in which he participated.

Dr. Howard arrived at 9:15 a.m.

Commissioner Chester said he was recently invited by Ms. Kaplan to meet a delegation of mayors and school officials from Israel. The commissioner said the work on the educator evaluation implementation continues, and tomorrow he will join a state team that will present at a labor-management conference in Cincinnati.

**Comments from the Secretary**

Secretary Reville thanked Mr. Gifford for his service and continuing interest in public affairs and education. The secretary provided an update on the Senate Ways & Means budget proposal. Secretary Reville thanked Mr. Chertavian for his leadership on the Integrating College and Career Readiness Task Force. The secretary said the Administration is linking together education, economic development, and workforce development components to build more effective pathways for young people. The secretary said he recently met with leadership at the National Center on Time and Learning to discuss the organization’s Time to Succeed campaign. Secretary Reville said he had an interesting discussion with the Israeli delegation around innovation.

**Public Comment**

1. Jennifer Levi, Transgender Rights Project Director at Gay & Lesbian Advocates & Defenders (GLAD), addressed the Board on the proposed regulations related to non-discrimination based on gender identity.
2. Erin Buzuvis, Center for Gender & Sexuality Director at Western New England University School of Law, addressed the Board on the proposed regulations related to non-discrimination based on gender identity.

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

The vote was unanimous.

**Presentation by Outgoing 2012 Massachusetts Teacher of the Year Adam Gray**

Commissioner Chester introduced Adam Gray, who a year ago was named the 2012 Massachusetts Teacher of the Year. Mr. Gray finished five years as a mathematics teacher at Monument High School in Boston last year, before moving on to teach at Boston Latin School this year. The commissioner said Mr. Gray is an example of a dedicated, can-do teacher who believes in students, reaches out to families, and sets high expectations for all students.

Mr. Gray made a presentation to the Board that focused on his work at Monument High School, which had been one of Boston’s lowest performing schools. Mr. Gray said that attendance had been a major issue for the school, with 65 percent of sophomores missing at least 20 days of school, and 77 percent of 10th graders failing at least half of their classes during the freshman year. Mr. Gray shared his personal stories about reaching out to one student and her mother to encourage the student to show up for class.

Mr. Gray said students are looking for safety, love, and a sense of belonging. He said educators need to acknowledge the challenges students have but cannot use those challenges as an excuse.

Chair Banta asked about opportunities Mr. Gray had this year as Teacher of the Year. Mr. Gray said he had the opportunity to engage other teachers and think about ways to increase the voice of teachers. Secretary Reville thanked Mr. Gray for his presentation and his passion and reflection and asked Mr. Gray what policy advice he could offer. Mr. Gray said Monument High had the second highest suspension rate and fifth lowest attendance and graduation rate in Boston, and most of the staff were stuck in survival mode. He said teacher leaders and school leaders need access and training on use of data and strategic planning, and we need more solutions-oriented people in schools. Mr. Gray noted the teacher attendance rate at Monument High School was only 80%.

Dr. Howard said Mr. Gray is clearly a storyteller, and uses data exceptionally well. Dr. Howard asked Mr. Gray if he ever made a similar presentation at Monument High. Mr. Gray said this was not part of the school’s culture and many teachers do not like to see the data. He said he would bring in teachers who want to see the data and act on it.

Mr. Chertavian thanked Mr. Gray for educating and inspiring the Board. Mr. Chertavian asked about Mr. Gray’s relationship with his union. Mr. Gray said he did not think the union leadership reflected its membership, particularly teachers with 0-15 years of experience, though having the union is important. Mr. Gifford asked if Mr. Gray had presented to students and parents. Mr. Gray said he had done so at his current school. Ms. Kaplan asked about other strategies to help get students to school. Mr. Gray said relationships matter and students need to feel challenged and have a reason to care. Commissioner Chester thanked Mr. Gray and expressed his profound gratitude for his work and commitment.

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

Commissioner Chester said the Department is taking some additional time to finalize the Regulations on Educator Preparation and Training Required for Sheltered English Immersion (SEI) and he expects to present the regulations to the Board in June. Commissioner Chester said the presentation today would set the broader context for the regulations within the comprehensive RETELL initiative. He noted the various components of the initiative highlighted in his May 16th memo. Among other things, the commissioner said the Department has entered into an agreement to join the World-Class Instructional Design (WIDA) consortium, through which the state will transition to English proficiency standards and assessment that will better prepare English language learners (ELLs) to meet the Board’s English language arts and mathematics standards.

Senior Associate Commissioner Robert Bickerton said stand-alone professional development is not enough, and the interrelationship among all the components is key. He said the Department received almost 200 comments on the proposed regulations and participated in 38 different forums. Mr. Bickerton said the Department and most of the participants focused on solutions, which was very constructive.

Secretary Reville said he appreciates putting the regulations in the broader context. He said he is convinced that on average ELLs need more instructional time than we typically provide to students. The secretary asked if the Department sees any opportunities for the extension of learning time. Esta Montano, the Department’s director of the Office of English Language Acquisition and Academic Achievement, said the field recognizes the challenge of teaching content and language to English language learners. Ms. Montano said summer programs and after-school or extended day programs can be helpful. Associate Commissioner of Curriculum and Instruction Julia Phelps said districts may use Title III federal funds for differentiated schedules.

Commissioner Chester said the Department is seeking to expand instructional time through the Lawrence district turnaround plan and more generally through the Expanded Learning Time grant and federal 21st century community-learning grant. The commissioner said part of the state’s NCLB flexibility waiver was to be able to integrate the 21st century grant program more effectively with the school day. Chair Banta asked about providing an extra year for ELL students. Ms. Montano said it depends on the population of students, the family, and the literacy they bring from their native country.

Ms. Chernow said it was not clear how this professional development could be done with so few resources. Commissioner Chester said $900,000 is needed for FY13. Secretary Reville said there is a general recognition that money is going to be needed. Dr. Calderón-Rosado said she too was concerned about the budget.

Commissioner Chester said the Department would begin piloting the SEI teacher training program this summer, refine the training based on the pilot, and then roll it out more broadly starting in the fall. Ms. Kaplan asked if there would be time to send a letter to legislative leaders on the importance of this funding. Commissioner Chester said he would like to think that such a letter was not needed, but it would not hurt. Ms. Kaplan moved that the Board communicate to legislative leaders the importance of adequately funding this professional development. Chair Banta wondered whether such a letter would do any good, adding that the commissioner and the Department have been clear about the need for the funding. Secretary Reville said he remains confident the resources will be found to do this. Commissioner Chester said his concern about such a letter would be unintended consequences.

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

**MOVED: that the Board of Elementary and Secondary Education send a letter to the leadership of the Massachusetts General Court to communicate the importance of providing adequate funding for the training and professional development for core academic teachers of English language learners and school administrators who supervise such teachers.**

The vote was 6-3-1. Ms. Kaplan, Dr. Howard, Dr. Calderón-Rosado, Mr. Chertavian, Ms. Chernow, and Mr. Gifford voted in support. Dr. Mohler-Faria, Chair Banta, and Mr. Roach voted in opposition. Secretary Reville abstained.

Ms. Kaplan asked if the course would address the attitude of teachers and others who work with ELLs. Ms. Montano said the course includes a module on socio-cultural and socio-emotional issues so teachers can learn about students’ culture and its intersection with teaching.

**Proposed Amendments to School Finance Regulations, 603 CMR 10.00**

Deputy Commissioner Wulfson said these regulations have not been revised in a decade, and it is timely to update them because it is now harder to do extraordinary maintenance projects within a $100,000 limit. He said the aim is to strike a balance but not go too high on such a limit. The deputy commissioner said the law allows school districts to prepay special education expenses in advance of recurring services, but is unclear what happens if those expenses extend across fiscal years. The deputy commissioner said a recent court ruling affirmed that districts can prepay those expenses, and the proposed regulation reflects that approach. Deputy Commissioner Wulfson said the final amendment would update the mileage reimbursement to reflect current rates. This state reimbursement program has not been funded in a number of years but the change would be in place in case it is ever reinstated.

Chair Banta asked about transportation for Metco students. Deputy Commissioner Wulfson said Metco is not considered school choice, and districts provide transportation with receiving districts covering part of the cost.

With the Board’s approval, the regulations would be sent out for a public comment period before coming back to the Board for a final vote in September.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L. c. 69, § 1B; c. 70, §§ 3 and 11; c. 71B, § 2; C. 72, § 6; and c. 76, §§ 12A and 12B, 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 School Finance and Accountability, 603 CMR 10.00, as presented by the Commissioner.**

The vote was unanimous.

**Virtual Innovation Schools: Waiver Request from the Greenfield School Committee**

Commissioner Chester said the Greenfield virtual school is now completing its second year of operation. The Board had granted Greenfield a one-year waiver last year to enable the school allow current 8th graders to continue at the school as 9th graders. The cap on the size of the school continued. The Board also had endorsed a set of recommendations to the Legislature.

Commissioner Chester said his recommendation is to continue on the path the Board established a year ago and allow Greenfield to permit currently enrolled 8th and 9th graders to continue at the virtual school as 9th and 10th graders. The commissioner did not recommend that the school be allowed to open for new students in grades 9-12. The motion would also waive the 25 percent enrollment requirement for resident children and reduce that to 2 percent for Greenfield.

Deputy Commissioner Wulfson introduced Susan Hollins, the superintendent of schools in Greenfield. Dr. Hollins said the district is finishing its fourth year of involvement with the virtual school, which includes two years of planning and two years of operation. Dr. Hollins said the district opened the virtual school in Year 1 with six days notice. Dr. Hollins presented a report on student enrollment. She said 9 percent of students have some medical condition which prevents them from attending a traditional school, 44 percent have some unique learning disability, and 12.5 percent of students did not feel safe in their previous school. Dr. Hollins added that 27 percent of students attending the virtual school said their prior schools were not advanced enough for their needs. Dr. Hollins said the virtual school is serving students who lack other options, including students who participate in arts or competitive sports, students with medical conditions, students who had been in an unsafe learning environment, and pregnant students.

Dr. Hollins said the virtual school operates on $5,000 per student. The school offers every student a computer and printer, and reimburses low income students for Internet service. Dr. Hollins said the school has set up four testing locations across the state for students to participate in MCAS testing. Students must have someone at home to verify the work is being done. There is on average 5 ½ hours of work per day, and the school has tightened attendance guidelines. Dr. Hollins said students are not able to go to the next level of their work until they pass the lesson they are working on at 80 percent mastery.

Mr. Roach asked if the district’s arrangement with K12, Inc. and the contract around payment was per capita or a general contract. Dr. Hollins said 85% of the $5000 per pupil charge goes to K12. The superintendent said the district is not breaking even, noting that the cost is more like $6,500 per student. Mr. Roach noted that the district is losing money on this arrangement. Dr. Hollins said the contract is holding the district harmless, and K12 is absorbing the loss. Mr. Roach asked how special education costs work. Dr. Hollins said the sending district pays 100% of the special education cost but can work out arrangements. She said the school serves about 5 percent students with disabilities, and that the student’s Education Plan usually needs to be amended. The virtual school accepts students with disabilities if the IEP team believes this will work.

Mr. Chertavian asked about the school’s low growth percentiles. Dr. Hollins said she didn’t think last year’s data meant anything. Mr. Chertavian said if the school’s growth percentiles were high, the district probably would be promoting that. Dr. Hollins said students come and go the first year, and the school is better now with an enrollment team. Mr. Gifford asked about the school’s outreach to students, and if that is harder as enrollment grows. Dr. Hollins said this outreach is a priority, and that students get to know other students online.

Ms. Chernow asked how many students came from a public school and how many from home-schooling. Dr. Hollins said she would send the Board that information. She said not more than one percent come from any district, and students come from 200 different towns. Commissioner Chester thanked Dr. Hollins for her presentation. The commissioner said his recommendation is to not authorize an expansion of enrollment at this time; the 500-student cap would remain.

Ms. Kaplan asked if enrollment would increase once the Legislature acts on virtual schools. Dr. Hollins said she believes no more than two percent of the population would enroll, and that most students want to be in a regular school. Deputy Commissioner Wulfson said this is consistent with the research that there is a two percent natural market for virtual schools. Dr. Hollins said she believes more districts will use virtual courses in their schools. Mr. Chertavian said he appreciates the spirit of innovation to do something new, and recommended we get ahead of this and invest necessary time, resources, and thought because this should be a state enterprise. Chair Banta said she appreciates everyone’s hard work on this issue.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with 603 CMR 48.03(4), hereby waive the requirement of 603 CMR 48.05(2)(b) for the Massachusetts Virtual Academy (“MAVA @ Greenfield”) for the 2012-2013 school year for students in grades K-8, in accordance with the innovation plan approved by the Greenfield School Committee; provided that at least 2% of the enrollment at said school shall be residents of the town of Greenfield; and provided further that the school may serve non-resident students in grades 9-12 who were enrolled in the school during the 2011-2012 school year.**

The vote was unanimous.

**Update on FY 2013 Education Budget**

Commissioner Chester said his memo to the Board summarizes the Senate Ways and Means Committee budget proposal. The commissioner said the K-12 sector is supported across leadership in the state. Department CFO Bill Bell said education represents 14.6 percent of the budget. Mr. Bell said the Department filed a number of amendments in areas of concern, particularly around district accountability and MCAS supports. Mr. Bell said the Senate debate begins tomorrow.

Ms. Kaplan asked when was the most effective time for the Board’s letter on funding for training and professional development of teachers of English language learners. Mr. Bell said now. Dr. Calderón-Rosado said she was concerned about the lack of dedicated funding for the Department’s charter school office, especially after the action to lift the charter school cap.

Mr. Bell said the Senate’s proposal has a healthy main administration account for the Department, as well as funding for greater oversight for collaboratives. He said it would also eliminate certain restrictions of some larger state grant programs. Dr. Calderón-Rosado asked about the kindergarten grants. Commissioner Chester said those support districts in offering full-day kindergarten and improving the quality of their programs.

**Proposed Schedule for Regular Board Meetings through June 2013**

Chair Banta said the Board will vote on the proposed schedule for regular Board meetings through June 2013 at its next regular meeting in June. The chair asked Board members to hold Monday evenings prior to each regular meeting for the possible scheduling of special meetings.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:30 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