Minutes of the Regular Meeting

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

**September 25, 2012**

**8:35 a.m. – 12:15 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

**Ryan Casey**, Chair, Student Advisory Council, Franklin

**Harneen Chernow**, Jamaica Plain

**Gerald Chertavian**, Cambridge

**Ruth Kaplan**, Brookline

**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 members and asked them to introduce themselves. The chair said the Board had a great session last evening on the 2012 MCAS results and new accountability reports. Chair Banta said she recently attended the Boston Private Industry Council annual meeting where Ms. Chernow was honored for her work in training and workforce development.

**Comments from the Commissioner**

Commissioner Chester said last night Board members saw results demonstrating that our students have made some good progress, but there is still a lot of work to do. The commissioner said the Department this week will roll out an expanded set of tools to flag students who are “off track” for grade-level or developmental age progress, including for high school graduation. The commissioner said districts can access data in the Early Warning Indicator System (EWIS) on students in grades 1-12 to predict their likelihood of reaching academic goals if they continue on their current trajectory.

Commissioner Chester acknowledged Deputy Commissioner Alan Ingram, the former superintendent of schools in Springfield, who started at the Department in July. The commissioner said the Department has been rolling out new resources to support local efforts to improve curriculum and instruction. He said over 200 educators have helped to develop model curriculum units, 34 of which will be available this fall. Commissioner Chester said this represents a shift in the role of the agency toward having a central role in the developing and disseminating curriculum.

Secretary Reville arrived at 8:45 a.m.

**Comments from the Secretary**

Secretary Reville said he was unable to attend last night’s special meeting because he was in New York City for the NBC education event. The secretary said Worcester Technical High School was being honored today at that event as a turnaround school. The secretary reviewed priorities of the Governor’s agenda this fall, including the Gateway Cities initiative, Innovation School grants, community colleges, and connecting career/technical education to colleges and employment. Secretary Reville said he completed an early literacy tour this summer to visit early education and care centers.

The secretary said the new budget process is underway, and we will be working harder on program budgeting. Chair Banta said she has asked Dr. Calderón-Rosado, Ms. Kaplan, and Mr. Casey to serve with her on the Board’s Budget Committee. The secretary said the Executive Office had an excellent retreat this summer with the commissioners and board chairs from early education and care, elementary and secondary education, and higher education as well as UMass. The secretary said the Administration is now developing a strategic plan for the entire education sector. Secretary Reville said the Executive Office also has established a working group to look at the next chapter of teacher preparation.

**Public Comment**

1. Norm Shacochis from the Massachusetts Council for Social Studies addressed the Board on social studies education.
2. Joan Schuman from the Collaborative for Educational Services addressed the Board on the proposed collaborative regulations.
3. Stephanie Davolos from North Central Charter Essential School addressed the Board on the school’s performance gains.
4. Paul Toner and Kathie Skinner from the Massachusetts Teachers Association addressed the Board on training for the new educator evaluation system.
5. Tom Scott from the Massachusetts Association of School Superintendents addressed the Board on educator evaluation.

Ms. Kaplan arrived at 9:10 a.m.

1. Arlyn Rossman from Massachusetts Advocates for Children addressed the Board on the transition specialist endorsement.
2. Tina Fitanidis from the Massachusetts Advocates for Children addressed the Board on the transition specialist endorsement.
3. Michael Monson from ACT Northeast Region addressed the Board on Massachusetts’s 2012 ACT results.

# 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 June 24, 2012 special meeting and June 25, 2012 regular meeting.**

The vote was unanimous.

**Annual Meeting: Election of Vice-Chair**

Chair Banta called for nominations for vice-chair. Mr. Chertavian nominated Beverly Holmes. There were no further nominations.

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

**VOTED: that the Board of Elementary and Secondary Education elect Beverly Holmes to serve as Vice-Chair of the Board, in accordance with Article I of the By-Laws.**

The vote was unanimous.

Chair Banta said Ms. Holmes has done a wonderful job as vice-chair. The chair said that in her absence, the vice-chair will run the October Board meeting. Chair Banta also thanked all of the Board’s committees for their hard work.

**2011-12 Achievement and Accountability Overview**

Chair Banta reviewed the Board’s discussion from the previous evening related to the release of the 2012 school and district MCAS data and the new accountability reports under the state’s No Child Left Behind waiver. Ms. Kaplan said it was a very informative session, but she is concerned the system is complex and hard to understand. Ms. Kaplan added that she believes many aspects of schools are not measurable in quantitative ways. Commissioner Chester said the displays are not necessarily designed with parents or lay people in mind, and the Department can work on a more user-friendly display.

Commissioner Chester said parents view schools in a very personal way, and as a parent the most important aspect for him is the relationship his son has with his teachers. With respect to the accountability reports, the commissioner said Level 4 schools are stuck; based on four years of data, students are reading and doing math at very low levels. He said most superintendents see this as a call to action and know intensive effort is needed to turn around those schools for the benefit of the students.

Dr. Calderón-Rosado said she reviewed the accountability data on the department’s website and it makes sense though it could be simplified. Ms. Chernow said she is uneasy about grading schools. Ms. Chernow asked about the use of federal funds, and whether reserving those funds is a state or district decision. Commissioner Chester said this is a change from previous years and more flexibility is allowed under the state's NCLB waiver. The commissioner said we believe districts can make better use of those dollars, and the plan is to apply those dollars to the lowest performing schools.

Ms. Kaplan asked whether the Department factored in the number of students going from warning/failing to proficiency. Commissioner Chester said we are tracking the reduction in the number of students at warning/failing and giving schools extra credit for moving students out of the bottom performance category. Secretary Reville said the data reports focus on the central academic mission of schools. The secretary said schools can do a better job of targeting resources where they are best needed.

Mr. Casey said some districts may be better than others in communicating about the accountability levels. Commissioner Chester said awareness of the new system will grow. The commissioner said the Department is currently developing tools to help parents understand the data.

**Educator Evaluation: Report on Implementation**

Commissioner Chester reminded Board members that in Massachusetts, teacher evaluation is a mandatory subject of collective bargaining. The commissioner said districts have largely adopted the model contract language in which all the state associations participated. Commissioner Chester said we are at a critical stage because about half of the districts have not yet reached agreement. The commissioner said the Massachusetts Teachers Association at the state level is supportive of getting this done, but a number of districts report that local MTA representatives have not been cooperative. Commissioner Chester said some sticking points are language around substantial compliance, unannounced observations, and the duration of improvement plans for unsatisfactory teachers.

The commissioner said that earlier today MTA President Paul Toner had characterized the Department’s decision around training as a reduced commitment. The commissioner said prior to the passage of June legislation (MTA/Stand for Children), there was no obligation around training. The Legislature mandated training for the first time in the new law and directed ESE to define what the mandatory training should be. Commissioner Chester said we consulted with the associations and decided the mandatory training is four hours for teachers and 11 hours for evaluators, although districts are free to provide additional training beyond these essentials.

Deputy Commissioner Ingram said the new evaluation system provides an unprecedented opportunity to address educator effectiveness. Deputy Commissioner Ingram reviewed a PowerPoint presentation with Board members. He said that 100 out of 235 Race to the Top districts have submitted their collective bargaining agreements to the Department. Commissioner Chester introduced Ron Noble, a new staff member in the Office of Educator Preparation.

Commissioner Chester said first and foremost, this is a growth and development opportunity for the vast majority of teachers. The commissioner said he visited South High School in Worcester last week to meet with 10-12 teachers and department chairs. The commissioner said they see evaluation as an opportunity to look at the new curriculum frameworks and how to implement them. The commissioner said the school is using evaluation as a tool to set goals and focus on curriculum and instruction.

Mr. Roach said these changes don’t come easily, and we need to be insistent but patient. He added that most educators see the new system as a positive development. Secretary Reville commended the Department and the field. The secretary said we need to keep up the sense of urgency. He said the main concern was training for the evaluators. Secretary Reville asked what was planned for the training. Deputy Commissioner Ingram described the four-hour and 11-hour programs. He said evaluation is not a new function for school administrators, and the Department used professional judgment on what is essential. Ms. Chernow said she is concerned about the disconnect between the MTA and the Department on training. Commissioner Chester said we've put forward what is appropriate and reasonable. The commissioner said the Department will gather feedback and make adjustments where needed.

**Update on Lawrence Public Schools Receivership**

Commissioner Chester introduced Senior Associate Commissioner Lynda Foisy as well as Manuel Monteiro and Liza Veto from the Department. The commissioner acknowledged the Joint Resolution Committee (JRC) decision that he released late in the day yesterday. Commissioner Chester provided an overview as to why Lawrence was placed in receivership, and the separate pathway that the statute identifies for addressing Level 4 schools in a receivership to address aspects of the collective bargaining agreement. The commissioner said he had instructed the receiver and the union to engage in a joint resolution process in July. Commissioner Chester said he received the JRC's report on September 4.

Commissioner Chester said there were matters that the parties agreed on, matters agreed on previously, and matters not agreed on that were left for the commissioner's determination. The commissioner said he met face-to-face with the JRC. Commissioner Chester said the two areas that were not resolved by unanimous decision of the JRC and were left to him were compensation and working conditions.

Commissioner Chester said the district's plan is very much one of school-based decision making. The plan adds more time for students and teachers, and teachers deserve more compensation to work more hours. But the commissioner also noted that Lawrence is an under-resourced, high need district and any financial commitments must be sustainable. The commissioner described the key components of the turnaround plan. Commissioner Chester noted that no teacher or administrator is compelled to take an assignment in a Level 4 school.

Ms. Foisy said Ms. Veto is the Department's key liaison in Lawrence and has been very involved in the planning and development of the turnaround plan. Ms. Foisy said Mr. Monteiro has a long history of experience in human resources and bargaining. Ms. Veto said the receiver, Jeff Riley, placed a priority on making improvements to facilities – and there was a noticeable difference as students returned to school this fall. Ms. Veto said Commissioner Chester attended the district's summer graduation where 79 students received a diploma. This year, at least 80 students who had previously dropped out have returned to school. Ms. Veto said all schools opened on time, including the new Phoenix Academy for students at risk of dropping out of school. Ms. Veto said this summer principals and assistant principals participated in a full week of professional development that included three days on curriculum and instruction and two days on educator evaluation. The week prior to school opening, three days of professional development were provided for the 150 teachers new to the district

Mr. Monteiro said he provides support to the receiver around labor relations and human resources. Mr. Monteiro said a central goal has been to build relationships and trust, while focusing on the mission and building capacity within the district.

Mr. Roach asked about the enrollment at Phoenix Academy. Ms. Veto said the enrollment is approximately 100 students out of a possible 125 seats.

**Proposed Regulations on Educational Collaboratives**

Commissioner Chester introduced Deputy Commissioner Jeff Wulfson, Chris Lynch, director of school governance, and Jay Sullivan, director of school business services. Ms. Lynch presented an overview and said the proposed regulations carry out the provisions of the new law. Ms. Lynch said the law increases the Department's accountability and oversight of collaboratives as well as responsibilities of the member school committees. Ms. Lynch said the Department would collect annual reports and audits from the collaboratives. She said there are 28 collaboratives right now. Mr. Roach asked about the limitation on carryover of surplus funds. Mr. Sullivan said the proposed regulation sets a 25% limit for carryover to provide cash flow for collaboratives without holding over too much local money from year to year.

**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. 40, § 4E, as amended by Chapter 43 of the Acts of 2012, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, to solicit public comment on the proposed Regulations on Educational Collaboratives, 603 CMR 50.00, as presented by the Commissioner.**

The vote was unanimous.

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

Commissioner Chester said these are the regulations that the Board already sent out for public comment, and no further changes are recommended. Mr. Sullivan said the amendments are largely technical. Mr. Sullivan said the substantive change has to do with the definition of extraordinary maintenance. The threshold had been up to $100,000 per project and now will increase to $150,000. The regulations also permit school districts to prepay special education tuition crossing two fiscal years.

**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, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, hereby adopt the amendments to the Regulations on School Finance and Accountability, 603 CMR 10.00, as presented by the Commissioner.**

The vote was unanimous.

**Proposed Regulations on Transition Specialist Endorsement (Educator Licensure)**

Commissioner Chester introduced Deputy Commissioner Ingram, Claudia Bach, director of the Office of Educator Preparation, Policy, and Leadership, Liz Losee, the Office of Educator Preparation's assistant director, and Marty Mittnacht, director of Special Education Planning & Policy Development. The commissioner said the action today is for the Board to vote to send proposed new regulations out for public comment. Commissioner Chester said this would be a voluntary endorsement that some educators might choose to pursue, to assist students with disabilities in the transition to adult life.

Ms. Kaplan asked how long it would take to get the endorsement. Ms. Losee said right now, it is designed as four graduate level courses. Ms. Mittnacht said Lesley and UMass are building programs, and as the commissioner noted earlier, this is a value-added opportunity. Ms. Kaplan suggested it might make sense for guidance counselors to get this endorsement too. Ms. Mittnacht said the proposed regulations track the statute, which specifies certain educators and rehabilitation counselors.

**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, § 38G-1/2, as amended by Chapter 51 of the Acts of 2012, 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, as presented by the Commissioner. The proposed amendments would establish standards for the Transition Specialist Endorsement.**

The vote was unanimous.

**Process and Timelines for FY2014 Budget and Possible Legislative Proposals**

Chair Banta said the Board's Budget Committee (Chair Banta, Dr. Calderón-Rosado, Ms. Kaplan, and Mr. Casey) will meet in October prior to that month's regular meeting. Chair Banta said all members of the Board are welcome to join in the discussion. Commissioner Chester said the Board has to vote by its November meeting on a set of budget priorities. The commissioner said he and the committee would bring final recommendations to the Board in November.

Commissioner Chester noted that about 60 percent of the Department's payroll comes from federal sources. The commissioner said the federal number is a moving target. Mr. Roach said each year we go through the budget process without effectively addressing the capacity of the Department. He urged the Board to advocate for more state funding for the Department to meet its expectations and responsibilities.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:15 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**

**September 24, 2012**

**5:10 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

**Ryan Casey**, Chair, Student Advisory Council, Franklin

**Gerald Chertavian**, Cambridge

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

**Ruth Kaplan**, Brookline

**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:

**Harneen Chernow**, Jamaica Plain

Chair Banta called the meeting to order at 5:10 p.m. and welcomed Board members. Commissioner Chester said the purpose of tonight’s special meeting was to review the results of the 2012 MCAS administration and the new accountability reporting under the state’s No Child Left Behind (NCLB) flexibility waiver. Commissioner Chester noted the new posters hung on the walls of the Board meeting rooms to celebrate Massachusetts’s success and the student performance gains over the past decade.

Commissioner Chester introduced Bob Bickerton, senior associate commissioner; Bob Lee, MCAS chief analyst; Rob Curtin, director, Education Data Services; and Matt Pakos, director, School Improvement Grant Programs.

MCAS Results

Commissioner Chester said the 2012 MCAS results show there is much to be proud of, but also a lot of work to do. He noted the 5-year achievement trends in grades 3-8 and in the percentage of students proficient or advanced in grade 10. Mr. Bickerton and Mr. Lee reviewed a PowerPoint presentation on the results. Mr. Bickerton said the state’s NCLB flexibility waiver gives us a new way to talk about subgroups with the creation of a high needs subgroup, which includes an unduplicated count of all low income students, students with disabilities, and English language learners or former English language learners.

Dr. Vanessa Calderón-Rosado arrived at 5:20 p.m.

Mr. Lee reviewed the assessment results, noting that small gains over a period of 5-10 years represent true, cumulative gains. Commissioner Chester said that over time, the state has moved the needle in Massachusetts on achievement; more students are reading well and doing math well.

Commissioner Chester also said the Commonwealth would participate in the 2012 Programme for International Student Assessment (PISA). The commissioner said PISA is a very forward looking assessment that measures how 15-year-old students apply their knowledge of math, reading, and science. Ms. Kaplan asked whether students with disabilities and English language learners participate. Mr. Bickerton said a representative sample of the state is required.

Chair Banta said the MCAS data at the school and teacher level is impressive. Chair Banta asked why the grade 3 MCAS results in reading have not moved in a positive direction. Mr. Bickerton said some key federal programs that have been implemented have not shown dramatic results here or elsewhere. Commissioner Chester said the flat results mirror a similar trajectory nationally. The commissioner said grade 3 is an assessment of comprehension, and many of our early grade reading programs are not sufficiently focused on comprehension. He said the new English language arts curriculum framework will help because of its emphasis on reading for content and writing in response to reading. Commissioner Chester said another key factor is early language development; low income students enter kindergarten with a significant vocabulary gap.

Accountability Reports

Mr. Pakos reviewed major changes under the state’s NCLB flexibility waiver. That waiver enabled the Commonwealth to unify its accountability and assistance system while maintaining Massachusetts’s track record in setting high standards and expectations. The NCLB goal of 100 percent proficiency by 2014 is replaced with a new goal to reduce proficiency gaps by half by 2017. NCLB accountability status labels (improvement, corrective action, restructuring) will no longer be used. The Department will only use accountability and assistance levels for all schools. Adequate Yearly Progress (AYP) is replaced with a new performance measure – PPI or the Progress and Performance Index – that incorporates student growth, science, and other indicators. And a new High Needs subgroup will hold schools accountable for the combined performance of low income students, students with disabilities, and English language learners or former English language learners.

Commissioner Chester said the new PPI provides targets that are customized for each school; those further behind have to make greater progress. Mr. DiTullio asked if the effort to reduce proficiency gaps will also affect achievement gaps. Commissioner Chester said yes, closing the proficiency gap for each group will, over time, reduce achievement gaps.

Mr. Curtin said a school percentile will now be reported to show a school’s percentile rank relative to all schools in the same grade span. Mr. Curtin said this responds to the calls for greater transparency in reporting how schools compare to other schools across the state. Mr. Curtin said the commissioner requested a measure of continuous improvement, so extra credit was adding to the index to reward schools that are moving students beyond proficiency into advanced. Mr. Curtin said according to state law, the Department is required to place the lowest 20 percent of schools in at least Level 3.

Mr. Curtin said the accountability and assistance framework defines the new level designations. The state's five-level accountability and assistance system, established under the Achievement Gap Act of 2010 and elaborated in the Board’s regulations, classifies schools into Levels 1-5 as follows:

* Level 1: Meeting gap narrowing goals
* Level 2: Not meeting gap narrowing goals
* Level 3: Among lowest performing 20% of schools (including schools with the largest proficiency gaps)
* Level 4: Among lowest achieving and least improving schools
* Level 5: Chronically underperforming schools

Ms. Kaplan asked if every school in Level 1 and Level 2 is required to have proficiency gap narrowing goals. Mr. Curtin said that all schools in the state must have goals to cut their proficiency gaps in half by 2017. Mr. Casey asked if schools in Level 3 could still be meeting their own goals. Mr. Curtin said yes, it is possible for a school to be meeting its own goals and to be among the lowest performing 20 percent of schools. Mr. Curtin said the Department also identified 64 Commendation Schools for high achievement, high growth, and/or success in gap narrowing.

Mr. Curtin also talked about the use of federal funds according to a school’s level designation. Commissioner Chester said this is significant for districts, because until now they have been required to reserve funding for supplemental education services (SES) and school choice. The commissioner said few students have exercised the school choice provision, and the quality and impact of SES is all over the map. Commissioner Chester said districts now have more flexibility, and while they can choose to provide choice and SES as in the past, they must now focus on the lowest performing schools.

Dr. Vanessa Calderón-Rosado asked if charter schools are included in the new accountability system. Mr. Curtin said yes. Dr. Calderón-Rosado asked how the field is absorbing the data and changes. Mr. Curtin said the Department has done outreach to schools and districts. Ms. Kaplan said this is very complex for a parent or community member to understand. Commissioner Chester said he is hopeful the signals are clearer than in the past. The commissioner said there is always a tension between providing full information and simplicity. Ms. Kaplan asked if the Department has a Questions & Answers document. Mr. Curtin said there is a Frequently Asked Questions document on the Department’s website.

Chair Banta said educators report this makes more sense to them, and it helps with outside resources because they know more specifically what the issues are. Commissioner Chester said most educators in the state felt that AYP was not helpful and not representative of what they were accomplishing. Deputy Commissioner Alan Ingram said the Department has done webinars, met with associations, and done a lot of outreach. He said the new system is complex but measurably a much better system. Mr. Chertavian said there are different audiences, and the question is whether parents can figure out how their own children are doing. Mr. Chertavian said that Ms. Kaplan’s question is valid in asking how the information as presented can help parents advocate for their own children. Ms. Kaplan said she favors an approach that encourages parent involvement by helping parents understand the basis for the accountability system.

**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