Minutes of the Regular Meeting

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

**April 23, 2013**

**8:40 a.m. – 12:10 p.m.**

**Department of Elementary and Secondary Education**

**75 Pleasant Street**

**Malden, MA 02148**

Members of the Board of Elementary and Secondary Education Present:

**Maura Banta**,Chair, Melrose

**Vanessa Calderón-Rosado**, Milton

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

**Harneen Chernow**, Jamaica Plain

**Gerald Chertavian**, Cambridge

**Ruth Kaplan**, Brookline

**Matthew Malone,** Secretary of Education

**Pendred Noyce**,Weston

**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.

Chair Banta called a moment of silence to honor the victims of the Boston Marathon bombing.

Chair Banta said she took part in the Massachusetts Association of School Superintendents women in leadership conference, which she said was a great example of partnership between the Department and the field. Chair Banta mentioned the President’s budget and its focus on early childhood education and early college high schools. Chair Banta said the Board’s April 21 special meeting was an excellent discussion of educator evaluation and the Board heard from district representatives about progress, successes, and challenges. She said it is important to get this right, and it may take time. Chair Banta reminded Board members about the Future Ready event on May 20.

Ms. Calderón-Rosado said the Commissioner’s Performance Evaluation Committee has completed interviews of the Commissioner’s direct reports. She said the next step is the Commissioner’s self assessment, and then the committee will meet again in May.

Commissioner Chester said the Future Ready event on May 20 is aimed at bringing together various agencies and stakeholders to focus on preparing students for opportunities after high school. He updated the Board on the Department’s work with the Executive Office of Public Safety and Security and the Executive Office of Education to implement the national criminal background check law. Mr. Chertavian said background checks for school employees are warranted and care should be taken in how the information is interpreted and used. He said criminal record information is sometimes misused in private sector employment, as when juvenile records are used against a candidate. Commissioner Chester said he is sensitive to Mr. Chertavian’s comments and we need to balance school safety needs and fairness.

The Commissioner said April 22 was the deadline to file a virtual school application in the first round under the new law, and the Massachusetts VirtualAcademy at Greenfield submitted an application to the Department. He said he expects to present draft regulations to the Board in the fall.

Secretary Malone thanked the Department for supporting the Neighborhood House Charter School, the school of Boston Marathon victim Martin Richard. Secretary Malone said the Governor’s revenue package was not reflected in the House Ways and Means Committee’s budget, but he will continue to advocate for the Governor’s budget to ensure young people have access to a good education. He reported on his recent visits to UP Academy, Phoenix Academy, Pathways Early College Innovation School at Mt. Wachusett Community College, Richard Murphy School in Boston, and Boston Latin School. Secretary Malone said Massachusetts is a leader in aligning its education sectors.

**Public Comment**

1. Lisa Guisbond addressed the Board on high-stakes testing.
2. Linda Beardsley, of Tufts University, addressed the Board on high-stakes testing.
3. Desiree Ivey, of the Shady Hill School, addressed the Board on high-stakes testing.
4. Anne Clark, of Boston Arts Academy, addressed the Board on admission policies for Chapter 74-approved vocational-technical programs.
5. Alex Pratt, a student at Suffolk University, addressed the Board on support for students after traumatic events.
6. Gerry Mroz addressed the Board on gifted and talented education.

Commissioner Chester said he has commissioned a vocational-technical education working group to present recommendations on issues such as admission policies. Secretary Malone said the education sector is working with safety and mental health agencies to provide guidance to schools and that the Commissioner sent a helpful resource list to superintendents. Ms. Kaplan said the Board values the public’s comments.

**Approval of the Minutes**

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

**VOTED: that the Board of Elementary and Secondary Education approve the minutes of the March 26, 2013 Regular Meeting.**

The vote was 6-0-2. Ruth Kaplan and Pendred Noyce abstained.

**Update on Lawrence Public Schools**

Commissioner Chester said the Department was last presented an update on the Lawrence Public Schools in November 2012. He said the goal of the receivership is to transform the Lawrence schools for the benefit of the students, so that excellent education is the norm and not the exception.

Superintendent and Receiver for Lawrence Public Schools Jeffrey Riley introduced Seth Racine, Chief Redesign Officer, and Frank McLaughlin, President of the Lawrence Teachers’ Union. Mr. Riley presented six themes that guide the vision for the Lawrence Public Schools. He said over 1,000 students participated in the district’s acceleration academies over the February and April school vacation weeks. Mr. Riley noted the district has not received additional funding in the receivership and the city is not meeting its net school spending obligation. He said while this is a continuing concern, the early results from the receivership are very encouraging: the graduation rate has risen and the dropout rate has decreased. Mr. Riley showed a video to the Board of the students and teachers participating in the February acceleration academies.

Ryan Casey arrived at 9:35 a.m.

Mr. Racine said Lawrence has made progress in three areas: building capacity and talent in each school, executing key academic interventions, and improving systems for long-term success. He said the focus is on school planning, expanding use of partner organizations, acceleration academies, and a teacher career ladder. He said schools are planning for additional time, working with the National Center on Time and Learning. Mr. Racine said the district is working to build its capacity by expanding current providers and bringing new partners to the district. Mr. Racine also outlined the acceleration academies’ work. He said a new teacher career ladder and compensation model has been developed, focusing on holistic measures. He said the compensation system provides teachers with additional earnings opportunities. Mr. Racine outlined the novice, developing, career, advanced, and master career steps.

Commissioner Chester introduced Frank McLaughlin and invited him to present. Mr. McLaughlin introduced himself as a Lawrence teacher of 33 years and President of the Lawrence Teachers’ Union (LTU). Mr. McLaughlin said the Lawrence teachers are committed to the students and families. He said they are willing to collaborate with Mr. Riley and the Department, and cited the union’s partnership with the district in the Henry K. Oliver School turnaround initiative. He said the LTU has filed unfair labor practice charges and is concerned that collective bargaining is being destroyed. Mr. McLaughlin said the LTU does not agree with schools having individual plans or giving principals wholesale authority. He said the union also objects to merit pay because it does not work.

Mr. Roach asked what the minimum state and local budget contributions are. Commissioner Chester said Lawrence’s foundation budget is about $151 million, of which the state pays about 95%. The Commissioner said the city has not been meeting its 5% contribution obligation. Commissioner Chester said he has been tackling this with the Executive Office of Administration and Finance and the city leadership. Mr. Roach said he visited the Henry K. Oliver School and asked about the alternative school within the building. Mr. Riley said there is a partnership with the union for grades K-5 and Unlocking Potential for grades 6-8. He said the elementary school will be moving to another building. Ms. Noyce asked how extended learning time is being implemented. Mr. Riley said individual schools decide how the time is going to be used, which could include a longer school day or longer school year. Mr. Casey asked Mr. McLaughlin if the Sontag Prize for teaching has helped teacher morale. Mr. McLaughlin said there have always been opportunities for teachers including additional compensation and professional development.

Ms. Chernow said that in the special meeting presentation it was clear that labor-management collaboration was a key component to implementing educator evaluation. She said she has concerns about whether this new model will rapidly improve student gains. Ms. Chernow asked if education management companies and principals are evaluated on a similar standard. Mr. Riley said Lawrence is an AFT system and he is a union supporter and even so, things have to change. He said the career ladder rewards professionalism and does not reward unsatisfactory teachers based on their longevity. He said education management organizations are under tight scrutiny through their contracts. Mr. Riley reminded Board members that as a result of the receiver’s review he conducted in 2012, 3% of teachers and 33% of principals turned over in the first year of the receivership.

Secretary Malone said this is hard and messy work, and it is important to stay focused on the students. He commended the thoughtful work on the salary schedule and said he is encouraged by what he has seen.

Secretary Malone excused himself from the meeting at 10:45 a.m. James DiTullio, EOE General Counsel, represented Secretary Malone for the duration of the meeting.

Mr. Chertavian congratulated the team on the early results being seen in Lawrence. He said the Commissioner had cautioned the Board that receivership would not be easy. He said the law expects something other than the typical process; it gave the Board and the Commissioner the responsibility to address the needs of the students. He said two years of bargaining in Boston resulted in little progress on their teacher contract, and he does not want to see that happen in Lawrence. Mr. Chertavian noted that the Lawrence receivership is an extraordinary case and does not represent a dismantling of unions.

Mr. Roach agreed with Mr. Chertavian that Lawrence is a particular situation. He said the Board respects the historic role of unions and in fact this model provides great opportunity for teachers. Mr. Roach said if the teacher evaluation works well, many teachers are likely to ask for this kind of system. Mr. Roach asked if principals have the capacity to execute the district plans. Mr. Riley said he is optimistic about the leadership now. He noted that the high school principal is responsible for the evaluation of 40 teachers, but has the assistance of an assistant principal, curriculum directors, and an electronic evaluation system for iPads. Ms. Kaplan said leadership is critical and the Board saw through the special meeting presentation that teacher surveys, document sharing, and communication had a positive impact.

Commissioner Chester thanked Department staff for their work in support of the Lawrence receivership. He thanked the presenters and said we are all here to turn the district around for the benefit of the students.

Proposed Amendments to School Finance Regulations, 603 CMR 10.00 (Reimbursement for Transportation for Homeless Students and Technical Amendments)

Commissioner Chester said the proposed regulations will provide reimbursement for homeless student transportation, per the FY2013 budget. He said with the Board’s approval, the Department will invite public comment on the proposed regulations and bring them back to the Board for a final vote in June.

Jay Sullivan, Executive Director of School Finance and District Support, said reimbursement for homeless transportation is a budget line item in the FY2013 budget for the first time. School districts provide the transportation per the federal McKinney-Vento Homeless Education Act. Ms. Kaplan asked how homeless transportation is operated. Debra Comfort, Associate General Counsel, said homeless students have the right to stay in their school of origin and are entitled to be transported there by the district where they are living temporarily. She said it is usually a shared cost between the two districts, and students cannot go beyond an hour of travel. Commissioner Chester said Danvers, Beverly, and Peabody are most affected by this because those communities have motels used by the state for temporary housing. Ms. Comfort said due to the difficult economic times the number of homeless students has increased. Mr. Chertavian asked for the total number of homeless students in the state. The Commissioner said he would follow up.

**VOTED: that the Board of Elementary and Secondary Education, in accordance with M.G.L. c. 69, § 1B, and St. 2012, c. 139, s. 2, line item 7035-0005, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, to solicit public comment on proposed amendments to the School Finance Regulations, 603 CMR 10.00, as presented by the Commissioner. The proposed amendments concern reimbursements to cities, towns, and regional school districts for the cost of transportation of homeless students as required by the federal McKinney-Vento Act and make other technical amendments.**

The vote was unanimous.

**Student Learning Time: Proposed Delegation of Authority to Commissioner to Approve Waivers for Innovative Programs**

Commissioner Chester said the proposed delegation of authority to the Commissioner would authorize him to approve waivers of innovative programs, such as dual enrollment or early college high schools, where the program model differs from the typical school schedule. Some of these programs are based on a college academic calendar rather than on the standard 180-day, 990-hour secondary school schedule. He said he would report to the Board periodically on the waivers.

Jenny Caldwell Curtin of the Department’s Office of College and Career Readiness went through the April 17th memorandum to the Board. Chair Banta said she is very much in favor of these innovative programs. Ms. Noyce asked about the criteria to approve the programs. Patricia Gregson, Associate Commissioner of Vocational, Workforce, and College Readiness Programs, said there is one pending request for a waiver and the Department expects a few more. Bob Bickerton, Senior Associate Commissioner, said the criteria are being developed and will focus on the program model and results, while the Student Learning Time regulations focus more on inputs. He said the Department is collecting better data on innovative programs. Mr. DiTullio said Secretary Malone is enthusiastic about the Gateway to College model and he understands these requests cannot wait for a monthly Board decision, as they may become more frequent. Mr. Chertavian asked how many schools might apply. Ms. Gregson said there are five Gateway to College programs, and more dual enrollment programs. Mr. Chertavian said this is an opportunity for the Board to learn from these programs. Ms. Kaplan agreed and said time requirements should be looked at in more detail, particularly at the high school level. Mr. DiTullio said it would be helpful to have a list of various authorities delegated to the Commissioner.

**VOTED: that the Board of Elementary and Secondary Education authorize the Commissioner, in accordance with General Laws c. 15, § 1F, paragraph 3, to act on behalf of the Board in granting waivers of any requirements set forth in the Student Learning Time regulations, 603 CMR 27.00, to encourage innovative programs and schedules intended to improve student learning; provided that the Commissioner shall report to the Board periodically on the waiver process and standards and on any waivers that he has granted or denied under 603 CMR 27.06(1).**

The vote was unanimous.

**Appointment to Advisory Council on School and District Accountability and Assistance; Proposed Delegation of Authority to Commissioner**

Commissioner Chester recommended that the Board approve the appointment of Supterintendent Mayo-Brown to the School and District Accountability and Assistance Advisory Council. He said he is also suggesting the Board delegate this authority for future advisory council appointments. He said he will continue to inform the Board of openings and appointments and will encourage Board members to submit nominations.

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws Chapter 15, § 1G, hereby appoint Superintendent Meg Mayo-Brown to the School and District Accountability and Assistance Advisory Council, as nominated by the Massachusetts Association of School Superintendents and recommended by the Commissioner. The appointed member shall serve for a three-year term, concluding June 30, 2016.**

The vote was unanimous.

Ms. Noyce asked how the advice of the advisory councils is used. Commissioner Chester said the councils have a Department staff liaison, council chairs have presented to the Board, and the Board receives the annual reports from the advisory councils. He said he has charged the advisory councils to focus on Board priorities. Mr. Casey asked about the nomination process. Commissioner Chester said nominations are not limited to just the Board; the invitation is posted on the Department’s website and sent to professional organizations. Ms. Calderón-Rosado recommended the Board be given information when seats are open and she encouraged outreach so that the councils have diverse membership. Ms. Kaplan recommended the list of councils and the Board’s vote on the councils be done in the same month. Commissioner Chester said he will continue to provide the Board with an updated list.

**VOTED: that the Board of Elementary and Secondary Education authorize the Commissioner, in accordance with General Laws c. 15, § 1F, paragraph 3, to act on behalf of the Board in appointing and reappointing members to Board advisory councils established under state or federal law, including General Laws c. 15, § 1G; provided that when vacancies are to be filled the Commissioner shall invite nominations from the Board as well as other organizations, and provided further that the Commissioner shall report to the Board periodically on all such appointments and reappointments.**

The vote was 8-0-1. Ruth Kaplan abstained.

**FY2014 Education Budget Proposal from House Ways & Means Committee**

Commissioner Chester said the House Ways & Means Committee (HWM) FY14 budget fell short on the Board’s priorities. He said the amendment process is going on now. Bill Bell, Chief Financial Officer, said the HWM budget did not include the Board’s priorities for RETELL training (for teachers of English Language Learners), accountability reviews, school and district turnaround assistance, and flexibility within line item language. He said amendments were consolidated last night. Mr. DiTullio said higher education’s budget looks positive, but early education’s budget was below FY2013 levels. He said early education was hit the hardest, but there were some notable areas of concern for K-12, as well.  Specifically, the House budget contained no financial support for innovation schools and underfunded targeted assistance. Mr. Bell said the RETELL initiative year three requires additional funding. He said the House ends their debate this week and then the Senate budget is released in early May. Ms. Calderón-Rosado said this news is very disheartening. She asked how this would impact the RETELL discussions with the Department of Justice. Commissioner Chester said the budget is not final yet, but the Department of Justice would most likely see this as a lack of commitment to the initiative. Mr. Bell said the Department needs an additional $1.5 million for RETELL. Commissioner Chester said he will update the Board as soon as new information is received.

Chair Banta said Beverly Holmes would be chairing the May meeting in Franklin.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:10 p.m., subject to the call of the chair.**

The vote was unanimous.

Minutes of the Special Meeting

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

**April 22, 2013**

**5:10 p.m. – 7:00 p.m.**

**Department of Elementary and Secondary Education**

**75 Pleasant Street**

**Malden, MA 02148**

Members of the Board of Elementary and Secondary Education Present:

**Maura Banta**,Chair, Melrose

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

**Harneen Chernow**, Jamaica Plain

**Gerald Chertavian**, Cambridge

**Ruth Kaplan**, Brookline

**Matthew Malone,** Secretary of Education

**Pendred Noyce**,Weston

**David Roach**, Sutton

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

Members of the Board of Elementary and Secondary Education Absent:

**Beverly Holmes**, Vice Chair, Springfield

**Vanessa Calderón-Rosado**, Milton

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

Chair Banta welcomed Board members and thanked Department staff for planning an update on educator evaluation, a topic that is of great interest to the Board. Commissioner Chester introduced Deputy Commissioner Alan Ingram and Associate Commissioner for Educator Quality Heather Peske. Commissioner Chester said all Race to the Top districts are in their first year of implementation and non- Race to the Top districts will begin implementation next school year. Deputy Commissioner Ingram said the new educator evaluation system brings great opportunities as well as some challenges, and the Department is working closely with the field.

Ms. Peske outlined the goals of the educator evaluation system. She said that educator evaluation in the past was inconsistent and was not focused on giving constructive feedback and highlighting best practices. Ms. Peske outlined the evaluation framework and described the priorities: place student learning at the center, promote growth and development, recognize excellence, set a high bar for tenure, and shorten timelines for improvement. She said that performance rating data from 2011-12 among cohort 1 Level 4 schools showed 86% of teachers received an overall rating of proficient or exemplary. Ms. Peske introduced the first panel speaking about the challenges and opportunities of educator evaluation: Michelle Davis, teacher and Co-President of the West Springfield Education Association; Russell Johnston, Superintendent of West Springfield Public Schools; and Kristan Rodriguez, Assistant Superintendent of Chelmsford Public Schools.

Ms. Rodriguez said Chelmsford chose to adapt the model system and the feedback from teachers has been very positive. She said the evaluation system allows for autonomy in setting goals and promotes collaboration among teams of teachers, teachers and administrators, districts with the state, and districts with each other. She said Chelmsford is partnering with 25 districts, 3 educational collaboratives, and the Northeast Regional Readiness Center.

Ms. Davis said educator evaluation discussions in West Springfield have been built on clear and open communication between teachers and the administration. She said collaboration between the teachers’ association and the superintendent has proved to be successful. Ms. Davis added that frequent surveys allow teachers to be a part of the process.

Supterintendent Johnston said trust, ongoing collaboration, and frequent meetings have been important factors in West Springfield. He said a teacher and administrator piloted the evaluation system initially and a steering committee of representatives from each school was formed. Mr. Johnston said any news or documents produced by the union or district administrators are shared. He said a suggested list of artifacts, research highlighting the standards, and alignment of teacher and principal elements have also been part of the collaboration, with a focus on elements specific to West Springfield. Mr. Johnston said the challenges include a lean administrative structure and building capacity to do frequent observations. He said WestEd has been a helpful partner for professional development.

Chair Banta opened the meeting up to questions. Mr. Roach asked what would help to address capacity issues. Mr. Russell said principals need to set priorities and understand what is critical and what is not. Ms. Rodriguez said in her district there is a ratio of about one administrator to twenty teachers. She said protocols were developed and principals and administrators organized their time and communications to cut down on administrators’ meetings.

Ms. Chernow asked panelists about the size of their districts and special populations. Ms. Chernow also asked for clarification on the negotiation process and how student performance is incorporated. Ms. Davis described their negotiation process, in which a small team of teachers met with the superintendent and others over 5-6 days to tailor the document to the needs of the district. She said West Springfield’s student population is 3,800 with 50 percent receiving free/reduced price lunch and 27 percent English Language Learners/Former English Language Learners. Ms. Rodriguez said Chelmsford’s negotiations were similar, with an array of members and representatives present. She said several committees formed and they adapted the model evaluation system. Ms. Rodriguez said her district’s student population is 5,500 students with 9.8 percent receiving free/reduced price lunch and 11percent English Language Learners/Former English Language Learners.

Secretary Malone said he is seeing excellent collaborative work going on in districts. He said every system is at a different state of readiness, and in some cases implementation will be more difficult. Secretary Malone thanked the Department for its support to districts.

Mr. Casey asked if there was a format and standard for unannounced visits. Ms. Rodriguez described her observation of principals as they observed teachers. Ms. Kaplan asked about the time commitment expected from teachers. Ms. Davis said teachers in her district work in teams to write their goals for students and themselves. She said early adopters of the system were able to guide those new to the system. Ms. Rodriguez said her district used videos and professional development training to assist teachers with self-assessment. Commissioner Chester said West Springfield went at implementation as a group process and incorporated the evaluation process into each school’s improvement goals, which is powerful.

Associate Commissioner Peske introduced the second panel, which included Beth Kaake, a teacher and President of the Fitchburg Education Association; Tara Clark, Principal of the Zanetti School in Springfield; Ross Wilson, Deputy Superintendent of Boston Public Schools; and Christina Porter, Director of Humanities, Revere Public Schools.

Mr. Wilson introduced himself as a former teacher and principal in the Boston Public Schools. He said Boston is in year one of full implementation, and has 5,500 teachers and administrators. He said Boston’s previous educator evaluation system was inconsistent. Mr. Wilson said Boston tracks and measures evaluation results through an online system. He said the district is using the data to support teachers. Mr. Wilson said the Boston Educator Effectiveness team went to every school to ensure communications were clear.

Ms. Kaake said 5,000 students, 450 teachers, and 9 schools make up the Fitchburg Public Schools, with 80-90 percent qualifying for free or reduced price lunch. Ms. Kaake said the district used interest based bargaining and established an educator evaluation committee comprised of teachers and administrators. She said training has been done by the Massachusetts Teachers Association.

Ms. Porter said Revere has 11 schools and 70 percent of students qualify for free or reduced price lunch. She said in Revere the teachers, union representatives, teacher leaders, and administrators have been involved in implementing the evaluation system and sharing ideas.

Ms. Clark said her Level 4 school in Springfield is in year two of the evaluation system, which has been challenging due to teacher turnover. She said teachers need specific feedback to improve their practice.

Mr. Gerald Chertavian excused himself from the meeting at 6:40 p.m.

Ms. Noyce asked how administrators handle teacher observations when in unfamiliar content areas. Ms. Porter said in her district, administrators may be paired with department heads or others familiar with the content area for some observations. Chair Banta asked how unannounced visits are received. Ms. Kaake said as teachers become more accustomed to the process, the culture of the school changes and trust is built. Secretary Malone said he has visited the districts represented by the panel and encouraged them to share their practices with other districts. He thanked them for their presentations.

Ms. Noyce asked if other initiatives besides evaluation are included in professional development. Mr. Wilson said the professional development for educator evaluation serves as a frame into which other initiatives can be incorporated. Ms. Clark said her district is connecting RETELL with the professional development on evaluation because both are about improving teacher practice.

Commissioner Chester thanked the district representatives for sharing their experiences and insights with the Board. He said the educator evaluation system is both a challenge and an opportunity for districts to create growth and development for their staff members as well as for their students.

**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

and Secretary to the Board