Minutes of the Regular Meeting

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

**June 25, 2013**

**8:40 p.m. – 12:40 p.m.**

**75 Pleasant Street, Malden, MA**

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

**Karen Daniels,** Milton

**Beverly Holmes**, Vice-Chair, Springfield

**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:

**Vanessa Calderón-Rosado**, Milton

Chair Banta called the meeting to order at 8:40 a.m. She recognized Ryan Casey for his participation on the Board as the student member for 2012-13. Chair Banta also recognized Vice-Chair Beverly Holmes and Gerald Chertavian, who are leaving the Board after this meeting, for their exemplary public service and leadership. Chair Banta said she was recently at the Massachusetts Teacher of the Year Awards ceremony, a memorable event at which the Commissioner, Secretary, and Governor addressed the awardees.

Commissioner Chester expressed his appreciation to Beverly Holmes, Gerald Chervatian, and Ryan Casey for their work on the Board. He said he appreciated their perspective on the effect decisions will have on students across the Commonwealth. Commissioner Chester welcomed the new student member, Daniel Brogan, and reminded Board members that Massachusetts is the only state with a voting student member elected by his or her peers. He said the U.S. Department of Education team provided positive feedback during their recent Race to the Top site visit in Worcester and Fitchburg. Commissioner Chester commented on the 20th anniversary of the Education Reform Act of 1993 and updated the Board on the Lawrence receivership, including the educator compensation plan.

Pendred Noyce arrived at 8:50 am.

Secretary Malone thanked Beverly Holmes, Gerald Chertavian, and Ryan Casey for their service. He said he has been impressed during his visits to K-12 schools around the state. The secretary said in the coming months the Governor’s focus will be on closing achievement gaps through strategic planning, improving reading proficiency by the end of grade 3, and creating pathways to workforce development.

Public Comment:

1. Maria Walzer of the Ukrainian Congress Committee of America addressed the Board on adding the Ukrainian genocide to the curriculum frameworks.
2. Anna Kurmiawka of the Ukrainian Congress Committee of America addressed the Board on adding the Ukrainian genocide to the curriculum frameworks.
3. Fran Smith of Boston United for Students Coalition addressed the Board on educator evaluation.
4. Amy O’Leary of Early Education for All addressed the Board on the 20th anniversary of education reform.

# 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 May 21, 2013 Regular Meeting.**

The vote was unanimous.

**Report from Advisory Council on School and District Accountability and Assistance**

Commissioner Chester thanked council chair Joe Esposito for his leadership on the council. Mr. Esposito commended the dedicated members of the council for their engagement and involvement and thanked Department staff for their work with the council and for incorporating the council’s feedback into the accountability framework and standards. He said the bridge between school and district assistance and accountability has been strengthened. Commissioner Chester said the funding and capacity of those two areas has diminished, but it is a priority of the Department and the Board. He noted that the Governor had supported an increase for the accountability and assistance line items. Secretary Malone said he has seen the district reviews move from identifying compliance matters to providing technical assistance. Secretary Malone thanked Senior Associate Commissioner Lynda Foisy and her team for their work with the field. Ms. Noyce asked what evidence of success we can show to underscore the importance of this work. Mr. Esposito said district improvements are evident. Ms. Foisy said a survey is given to the superintendent after the district review and Department staff meet with district leadership to analyze the report and plan next steps. She added that the Department has contracted with an outside evaluator to look at the review process.

**Update on Innovation Schools**

Commissioner Chester introduced Associate Commissioner of Charter Schools and School Redesign Cliff Chuang and Bridget Rodriguez of the Executive Office of Education (EOE). Mr. Chuang said innovation schools were created by the 2010 Achievement Gap Act. He said year-one data is available for some schools, but it is still early to have multiple measures. Ms. Rodriguez said the innovation schools initiative has been a collaboration between the Department and EOE. She said funding previously came from the Race to the Top grant, but was included in the Governor’s and Senate’s budget. She introduced Jean-Marie Cogburn of the Carlton School and Stephen Mahoney of the Springfield Renaissance School to speak about their experience as principals of innovation schools.

Ms. Cogburn said the Carlton School is small with a trimester transition schedule. She said the trimester schedule allows their large population of high needs students to advance grade levels when they are ready. She added that kindergarten enrollment occurs three times per year. Ms. Cogburn said targeted instruction changes the relationship between the teacher and the students, and includes small group instruction and data systems to track students.

Stephen Mahoney thanked former Springfield superintendent Alan Ingram for his work on implementing the innovation school plan. He said innovation schools are not a one-size-fits-all model and each school negotiates autonomies with the superintendent and the union. Mr. Mahoney said the autonomies in his school include an Expeditionary Learning curriculum, daily history and science classes, multi-disciplinary learning, self-designed professional development, standards-based grading and graduation requirements, and a school uniform.

Ms. Chernow asked if most students chose to stay after the conversion of the school and which autonomies are crucial. Ms. Cogburn said she did not lose any families and the waiting list has grown. She said key factors have been the multiple kindergarten enrollment periods and a stronger focus on curriculum and instruction. Mr. Mahoney said he did not lose students and has a waiting list. He said a stronger curriculum, professional development, having staff understand the goals, and linking autonomies with performance have been important elements.

Mr. Roach said the innovation school model is a promising approach for other schools, particularly urban or underperforming schools, to explore, and provides a good option along with charter schools. Commissioner Chester noted that Cliff Chuang’s portfolio as associate commissioner is school redesign, which encompasses charter schools, innovation schools, and expanded learning time. The commissioner congratulated the principals for their work.

**Virtual Schools: Report and Recommendation on Proposed Commonwealth of Massachusetts Virtual School**

Commissioner Chester said he is recommending that the Board grant a certificate to MAVA@Greenfield (MAVA) under the new virtual schools law. He said the Legislature gave the Board what it requested in terms of more state oversight and accountability for virtual schools, while carving out a different standard for Greenfield as the first virtual school in Massachusetts. Commissioner Chester said the Greenfield proposal is not strong, but the Legislature acknowledged its pioneering status. Luis Rodriguez, Director of the Office of Digital Learning, said Greenfield submitted the application in April and key concerns with the application are being addressed in the conditions that the commissioner is recommending.

Chair Banta asked what would happen if MAVA was not meeting the conditions or benchmarks. Commissioner Chester said the conditions and performance would be discussed at renewal, addressed with probation, and will be incorporated into the regulations that he will recommend to the Board. He noted that he is recommending only a three-year certificate for MAVA, not five years. Mr. Roach and Ms. Noyce expressed concern about the $6700 per pupil cost in light of the low performance of the previous Greenfield virtual school.

Secretary Malone said he supports the commissioner’s recommendation and the conditions that are included. He said online education is likely to attract many homeschoolers and superintendents have no say in who enrolls. He suggested that the Board have a future conversation on technology because the traditional model of schools is changing and we do not want to fall behind. Ms. Chernow asked what percentage of the per pupil funding is going to the school and what percent to K12, Inc., a for-profit corporation. Ms. Chernow also expressed her concern about the school’s low performance. She said at the hearing she attended, it appeared some students do need this option, and if the school had better outcomes the Board would feel better about endorsing it.

Commissioner Chester said all the concerns that Board members have expressed are appropriate and important. He said the Department and the Board are striving to find the balance between consumer protection, quality assurance, and continued innovation, operating within the law that has been enacted. The commissioner noted that the average per pupil cost in Massachusetts is about $14,000, and the school choice tuition amount is $5000. He acknowledged that this decision is not easy. Mr. Roach said the good news is that the Board and Department now have more oversight of these schools and can set expectations going forward.

**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 94, and chapter 379, section 6, of the Acts of 2012, subject to the conditions set forth below and regulations promulgated pursuant to General Laws chapter 71, section 94, hereby grants a certificate to the board of trustees of the following school, as recommended by the Commissioner:**

**Commonwealth of Massachusetts Virtual School:**

**Commonwealth Virtual School at Greenfield**

**Location: Greenfield**

**Maximum Enrollment: 1250**

**Grade Levels: K-12**

**Opening Year: FY2014**

**Pursuant to General Laws chapter 71, section 94, the Board of Elementary and Secondary Education hereby imposes the following conditions on the certificate of the Commonwealth Virtual School at Greenfield:**

1. **No later than July 15, 2013, the Massachusetts Virtual Academy at Greenfield Commonwealth Virtual School will submit bylaws to the Department of Elementary and Secondary Education for review, amendment if necessary by the Massachusetts Virtual Academy at Greenfield Commonwealth Virtual School, and approval.**
2. **No later than August 1, 2013, the Massachusetts Virtual Academy at Greenfield Commonwealth Virtual School will submit a draft contract with K12, Inc. to the Department of Elementary and Secondary Education for review, amendment if necessary by the Massachusetts Virtual Academy at Greenfield Commonwealth Virtual School, and approval.**
3. **The Massachusetts Virtual Academy at Greenfield Commonwealth Virtual School shall establish prior to opening and shall operate a program of special education in a manner consistent with all applicable federal and state laws and regulations. The school will demonstrate that it has met this condition through, at a minimum, an inspection visit conducted by the Department.**
4. **The Massachusetts Virtual Academy at Greenfield Commonwealth Virtual School shall establish prior to opening and shall operate a program for English language learners, including recruiting such students and enrolling applicants, in a manner consistent with all applicable federal and state laws and regulations. The school will demonstrate that it has met this condition through, at a minimum, an inspection visit conducted by the Department.**
5. **No later than December 1, 2013, the Massachusetts Virtual Academy at Greenfield Commonwealth Virtual School will submit a CMVS annual goals plan. The plan must set specific measurable goals for student achievement and college and career readiness that should include but are not limited to the Department’s Progress and Performance Index (PPI). The plan will be reviewed and approved by the Department, and the Department will assess the school’s annual progress towards these goals and report on progress to the Board each year.**
6. **No later than September 1, 2014, the Massachusetts Virtual Academy at Greenfield Commonwealth Virtual School shall complete the alignment of its curriculum to the Massachusetts curriculum frameworks. (**[**http://www.doe.mass.edu/frameworks/current.html**](http://www.doe.mass.edu/frameworks/current.html)**).**

**In addition to these conditions, the Commonwealth Virtual School at Greenfield, like all Commonwealth of Massachusetts virtual schools, must also comply with the terms of its certificate and, should a change be desired, request and receive approval from the Commissioner in advance of implementing any change. The Commissioner shall review and report to the Board on success or lack of success of the Commonwealth Virtual School at Greenfield in meeting the conditions imposed on its certificate and, based upon his review, shall recommend such further action as he deems appropriate.**

**The Commonwealth of Massachusetts virtual school shall be operated in accordance with the provisions of General Laws chapter 71, section 94; regulations governing Commonwealth of Massachusetts virtual schools; 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 certificate.**

The motion was approved 9-1-0. Pendred Noyce voted in opposition.

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

Commissioner Chester gave an overview and said the regulations are back before the Board for a final vote after having been out for public comment. He said the state budget has funded reimbursement for homeless transportation. Jay Sullivan, Director of the Department’s Center for School Finance and District Support, said reimbursement will be processed and distributed in a short time period.

**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 St. 2012, c. 139, s. 2, line item 7035-0005, 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 School Finance regulations, 603 CMR 10.00, as presented by the Commissioner. The 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.

**Annual Performance Evaluation of the Commissioner: Report from Committee on Commissioner’s Performance Evaluation**

Chair Banta thanked Vanessa Calderón-Rosado, chair of the committee, and other committee members for their work on the evaluation. Mr. Chertavian explained the evaluation process, which includes a self evaluation by the Commissioner, interviews with his direct reports, and a review of the performance of the Department. He said that it was a very productive year for the Department and great progress has been made. Mr. Chertavian said there is continued improvement in student performance and the Department has developed a strong system of support for districts over the last five years. He said educator evaluation, the charter process, RETELL, the Lawrence receivership, reform of educational collaboratives, Level 4 and 5 schools, and integrating college and career readiness are very significant and challenging initiatives and Commissioner Chester is driving them forward.

Mr. Chertavian said the Commissioner earned high marks on leading the Department, with committee members commenting favorably on his leadership on the issue of transgender students, his ability to listen, and the Department’s staff diversity. Mr. Chertavian said the Board feels very well supported by the Commissioner; he is responsive to their concerns and his weekly reports show transparency and energy in governance. He also noted the Commissioner’s outreach to the field and his national leadership role in CCSSO and PARCC. Mr. Chertavian concluded the report stating that the committee recommended an overall “outstanding” rating for the Commissioner.

Board members in turn each offered their comments. They said the Commissioner is an excellent leader and they appreciate his effective communication, ability to consider various points of view, and skill in executing the Board’s and Department’s mission. Members also said the Commissioner listens to, considers, and supports the field, as well as continuing to propel Massachusetts to the top nationally. Secretary Malone commended the Commissioner and the Board and said he supports the recommended evaluation and merit increase. Chair Banta said the Commissioner is a leader who maximizes the value of the people he leads.

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

**VOTED: that the Board of Elementary and Secondary Education approve the Commissioner’s FY2013 performance rating of “outstanding” as recommended by the Board’s committee. Further, that the Board approve a salary increase for the Commissioner of 3.75%, effective July 1, 2013.**

The vote was unanimous.

Commissioner Chester said the evaluation was very humbling. He thanked and commended the Board and Department staff.

**Delegation of Authority to Commissioner to take Necessary Action between Board Meetings**

Commissioner Chester said this is an annual delegation to allow for necessary action between today’s meeting and the September meeting of the Board. He said a special meeting of the Board could be called is the situation warranted it.

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

**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 approving any matters that are not otherwise covered by the Board’s previous delegations of authority and that require Board action between June 25, 2013 and the next regular meeting of the Board in September 2013; provided that the Commissioner shall notify Board members in advance of any such action and shall report to the Board on any matters that have been so approved.**

The vote was unanimous.

**Schedule for Regular Board Meetings through June 2014**

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

**VOTED: that the Board of Elementary and Secondary Education approve the schedule of regular meetings through June 2014, as presented by the Commissioner.**

The vote was unanimous.

**Educator Evaluation: Report of Educator Evaluation Data Advisory Committee**

Commissioner Chester said the 2012 educator evaluation law created an educator evaluation data advisory committee. He introduced his designee on the committee, Associate Commissioner Carrie Conaway. Ms. Conaway gave the Board an overview of the data collection and analysis goals, and the committee charge. The committee’s recommendations for the Department were: create reports that support the values of the educator evaluation system; ensure that reports are clear, relevant, and reflective of local context; convey consistent messages about the appropriate and accurate use of educator evaluation data; report evidence of implementation and impact on practice; maintain confidentiality of individual educators’ ratings; support research on implementation and outcomes of the educator evaluation framework; and conduct additional analysis. The committee also made recommendations for districts and educator preparation programs.

Secretary Malone excused himself at 12:05 p.m.

Ms. Chernow said the report was thoughtful and raises some good questions. Commissioner Chester said evaluation is a local responsibility and the state’s role is to promote it as a growth opportunity and provide standards and technical support to the field. Chair Banta asked if the Department is planning to bring this report to higher education institutions. Commissioner Chester said the Department has been engaging in discussions with pre-service programs on a number of topics, and he has sent the report to Higher Education Commissioner Richard Freeland.

**Update on FY2014 State and Federal Education Budget**

Chief Financial Officer William Bell said the Department is waiting for the Legislature’s conference committee to release their budget. He said a priority of the Department and Board is funding for the RETELL initiative, for which we requested $3.3 million. With respect to federal education funds, Mr. Bell said there has been a $32 million reduction . He said 60% of the Department is federally funded. Mr. Roach said the Department needs the funding to continue to deliver support and assistance to districts.

Chair Banta thanked all Board members for their thoughtful participation.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:40 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**

**June 24, 2013**

**5:05 p.m. – 6:55 p.m.**

**75 Pleasant Street, Malden, MA**

Members of the Board of Elementary and Secondary Education Present:

**Beverly Holmes**, Vice-Chair, Springfield

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

**Harneen Chernow**, Jamaica Plain

**Gerald Chertavian**, Cambridge

**Karen Daniels,** Milton

**Ruth Kaplan**, Brookline

**Matthew Malone,** Secretary of Education

**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:

**Maura Banta**,Chair, Melrose

**Vanessa Calderón-Rosado**, Milton

**Pendred Noyce**,Weston

Vice-Chair Holmes called the meeting to order at 5:05 p.m. Vice-Chair Holmes said Board members would be hearing about the progress and next steps for the 34 Cohort One Level 4 schools. She thanked the superintendents and district representatives for addressing the Board.

Commissioner Chester said the Department found, through previous work with underperforming schools, that success is hinged upon districts being involved in the process. Commissioner Chester introduced Senior Associate Commissioner Lynda Foisy, Jesse Dixon, and Rebecca Shor of the Accountability and Targeted Assistance Office. Ms. Foisy gave the Board an overview of the timeline of Level 4 schools. She said the three-year exit determination process will rely on student performance, conditions for school effectiveness, and district systems of support. Mr. Dixon said half of the Level 4 schools are on track to meeting their annual goals. He said most have implemented the same practices and had access to the same resources, as seen from the *Emerging Practices in Rapid Achievement Gain Level 4 Schools* and *School Redesign Grant - Management Briefing Memo* reports.Mr. Dixon outlined findings and foundational practices highlighted in the reports.

Ruth Kaplan arrived at 5:25 p.m.

Ms. Foisy introduced Boston Superintendent Carol Johnson and Orchard Gardens K-8 School Principal Andrew Bott. Superintendent Johnson said she has been supported by the Commissioner and Department staff throughout the turnaround process. She identified some key aspects of Boston’s turnaround work, including strong leadership in the underperforming schools, identifying the conditions under which great leaders can work, providing them the tools and supports needed, and engaging stakeholders. She said flexibilities and autonomies were needed to build the staff and the conditions of the schools with the support of the district.

Harneen Chernow arrived at 5:35 p.m.

Andrew Bott said the autonomies given through the 2010 Achievement Gap Act made the difference in his school. He outlined some of the decisions made at the school level, including people and staff, expanded time, the use of data and outside partners, reallocation of funds, and the addition of arts and physical education. Superintendent Johnson said the district is trying to replicate these practices district-wide.

Mr. Chertavian asked what supports are key for students who are off-track. Mr. Bott said his school worked closely with school staff and collaborated with outside partners. He said Boston partnered with City Year to provide additional assistance to students aligned with the work in the classroom. Superintendent Johnson said the work in schools is modeled on the same practices, but looks different based upon the school’s mission. Ms. Kaplan asked how parents were engaged. Mr. Bott said the school prepared reports for families on their child’s performance, which were available in different languages and color coded for easy reading. Superintendent Johnson said the district offers a “parent university” with translators and business and faith based partners so parents have a one-stop shop for questions and information. Secretary Malone said he visited Orchard Gardens and was impressed by the school’s leadership, shared decision making, and decisions based upon data. He said their work is changing how we think about schools coming out of turnaround and sustaining progress.

Ms. Foisy said the Department met with superintendents of at-risk schools to discuss concerns and present the option of preemptively restarting their school using a state–approved turnaround operator. Ms. Foisy introduced Springfield Superintendent Daniel Warwick, Sean Gallagher of Ed Labs, Holyoke Superintendent Sergio Paez, and Project GRAD CEO Daryl Odgen to speak about their preemptive restart partnerships.

Superintendent Warwick said some schools within the district were moving rapidly and others were not. He said this prompted the district’s partnership with Ed Labs, along with the data from schools that Ed Labs had worked with previously and a visit to them. Mr. Gallagher said Ed Labs has studied and researched schools that were closing the achievement gap. He identified human capital, management, more instructional time, data-driven instruction, high expectations, and tutoring as key components of their work. Superintendent Warwick said the partnership and commitment of the district, school leadership, staffing flexibilities, a new teacher contract, and educator evaluations have been a part of their turnaround work.

Superintendent Paez said he is new to the district, but has been assessing the challenges in Holyoke. He said the collaboration with Project GRAD has started at the central office to ensure the district, teachers, and organization are on the same page. Mr. Ogden said their work in Holyoke will create a 21st century high school. He said the planning is underway to implement a master schedule, double blocking of core content, connecting course theories to applied learning, daily common planning time for teachers, and professional development. Mr. Ogden explained the college access and career readiness plans for all students, including partnerships with higher education and career/technical organizations.

Secretary Malone said the approach and best practices being used by these districts could be replicated in other schools and districts. He said the early college model is being implemented at Roxbury Community College and Madison Park High School. Mr. Roach asked about the use of physical education and art. Superintendent Warwick said an additional 45 minutes was added to the schedule for tutoring and to schedule blocks for art and physical education. Mr. Ogden said Dean Vocational Technical School is Project GRAD’s first vocational school turnaround project. He said the labs need to be updated, which is part of their turnaround plan to ensure students graduate with the skills needed for their future. Mr. Roach said the Board will be watching the turnaround effort with great interest.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 6:55 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