**Minutes of the Regular Meeting**

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

**Tuesday, January 28, 2014**

**8:35 a.m. – 12:00 noon**

**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

**Harneen Chernow**, Vice-Chair, Jamaica Plain

**Daniel Brogan**, Chair, Student Advisory Council, Dennis

**Vanessa Calderón-Rosado**, Milton

**Karen Daniels,** Milton

**Ruth Kaplan**, Brookline

**Matthew Malone**,Secretary of Education

**James O’S. Morton,** Springfield

**Pendred Noyce**,Weston

**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 Board members. She thanked members for serving on various committees and said the charter school committee will report in February. Chair Banta called attention to the Board’s 2013 annual report. She commented on the previous night’s special joint meeting with the Board of Early Education and Care, which included excellent presentations and discussion on shared initiatives, the early literacy panel, and the common goal of preparing all students for success from early childhood through K-12 and higher education.

**Comments from the Commissioner**

Commissioner Chester reported that he recently met with the new mayors of Boston and Lawrence. He said he has received local stakeholder recommendations from the four Level 5 schools and is in the process of appointing receivers and developing turnaround plans for these schools. Commissioner Chester updated the Board on the selection of a new high school equivalency exam, HiSET. The commissioner said Massachusetts has great news on the graduation and drop-out rate: the four-year graduation rate has improved for the seventh consecutive year (85% of 9th graders earn their diploma in four years), with the greatest gains being made by special populations, and the drop-out rate is at a new low. Commissioner Chester credited the work of students, educators, schools, and districts. He recognized Jenny Curtin of the Department, for her work with school districts on re-engaging students. The commissioner called the Board’s attention to the PARCC informational documents under Tab 10. Commissioner Chester also noted the recent “60 Minutes” piece on Year Up and former Board member Gerald Chertavian, and the upcoming retirement of the Department’s Chief Operating Officer, Carole Thomson.

**Comments from the Secretary**

Secretary Malone noted the importance of last night’s joint board meeting. He said the Governor’s budget increases the Commonwealth’s investment in education, including key programs such as Chapter 70 aid, full day kindergarten, high quality early education, and programs to close achievement gaps. He said the drop-out report shows the results from investing in students. Secretary Malone informed the Board of the Governor’s safety and security taskforce and gave an update on his recent school visits. The secretary commended Commissioner Chester for working with the various professional associations and allowing school districts reasonable time to implement reforms effectively.

**Public Comment**

1. Senator Patricia Jehlen addressed the Board on the charter school cap lift.
2. Louisa Packard, Executive Director of the Trinity Boston Foundation, addressed the Board on the Dever Elementary School.
3. Erin McNeill addressed the Board on media literacy.
4. Thomas Mela, of Massassachusetts Advocates for Children, addressed the Board on student discipline.
5. Joan Meschino, of Massachusetts Appleseed Center for Law and Justice, addressed the Board on student discipline.
6. Phil Kassel, of the Mental Health Legal Advisors Committee, addressed the Board on student discipline.
7. Matt Cregor, of the Lawyers' Committee for Civil Rights and Economic Justice, addressed the Board on student discipline.
8. Teena-Marie Johnson, of the Boston Student Advisory Council, addressed the Board on student discipline.
9. Gerry Mroz of Melrose addressed the Board on gifted and advanced students.

Secretary Malone had to leave at 9:30 a.m. The Secretary's designee, Jim DiTullio, took the Secretary's place.

**Approval of Minutes**

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

**VOTED: that the Board of Elementary and Secondary Education approve the minutes of the December 16, 2013 special meeting and the December 17, 2013 regular meeting.**

The minutes were approved 8-0-2. James Morton and Vanessa Calderón-Rosado abstained.

**Amendments to Regulations on Educator Licensure and Preparation Program Approval, 603 CMR 7 (Professional Standards for Teachers)**

Commissioner Chester presented an overview of the amendments, which align the professional teaching standards in the educator licensure regulations with the standards in the educator evaluation regulations. He said the Department reviewed the comments received during the public comment period, and the amendments are now before the Board for final action.

**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, 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 Educator Licensure and Preparation Program Approval, 603 CMR 7.00, as presented by the Commissioner. The amendments streamline and update the Professional Standards for Teachers by aligning them with the standards in other initiatives such as the Educator Evaluation Framework.**

The vote was unanimous.

**Proposed Regulations on Student Discipline, 603 CMR 53**

Commissioner Chester said the Board’s vote on the proposed regulations today will initiate the public comment period. He said the intent of the new state law and these proposed regulations is to prevent unnecessary disciplinary exclusions while allowing administrators to maintain an orderly and safe school environment, and to ensure that students have opportunities to continue their education during disciplinary exclusions. Commissioner Chester said the law sets a minimum threshold for providing an education to excluded students. He noted recent guidance on student discipline from the US Department of Education and US Department of Justice.

Associate Commissioner John Bynoe said the Department received initial input, even before the public comment period, from principals, superintendents, collaboratives, advocates, and others. He said the regulations are about keeping students engaged in learning and encouraging less drastic consequences than exclusion for low-level offenses. Mr. Bynoe said the Department will be producing additional guidance and has already increased data collection and analysis around student discipline.

Ms. Kaplan asked about the Boston Public Schools code of conduct mentioned during the public comment period and about procedures for students and parents who are not English speakers. Dianne Curran, the Department’s Deputy General Counsel, explained that each district has its own policies and not all districts have the same level of resources. She added that the regulations provide for notices to students and parents in the primary language of the home and require interpreters when needed at disciplinary hearings. Ms. Chernow noted her concern over the use of suspensions in some charter schools and advocated looking critically at their rates during the renewal process. Mr. Roach asked about funding for quality in-district programs. Commissioner Chester said there is no specific funding source in the state budget, but districts could use other funding sources. He said the Department’s cost study looked at three different models. The commissioner said the Department will disseminate information about promising models, including use of educational collaboratives as service providers.

In response to Ms. Kaplan’s question, Ms. Curran said districts may have different codes of conduct, but the regulations outline minimum requirements for due process and the opportunity to receive educational services. In response to Mr. Morton’s question on data collection, Mr. Bynoe confirmed there is uniform data collection and reporting on an incident by incident basis, and the law directs the Department to analyze the data and identify districts with high data points.

Mr. DiTullio said the regulations are a very good effort, and include early input from key groups. He said student discipline is a tough issue, and the regulations strike the right balance between keeping order in the school and safeguarding each student’s civil rights and right to due process. Mr. Roach said schools are willing to address these complicated issues, but they need the resources to do so.

**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 M.G.L. c. 71 § 37H and § 37H ¾, 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 Student Discipline Regulations, 603 CMR 53, as presented by the Commissioner.**

The vote was unanimous.

**Update on State Education Budget**

Commissioner Chester provided an overview of the Governor’s proposed education budget for FY2015. Chair Banta noted budget increases for extended learning time and other areas. Bill Bell, Chief Financial Officer, described the legislative budget process. He noted that the Governor has proposed a $100 million increase in Chapter 70 state aid, among other increases.

Mr. Roach expressed concern about the budget proposal to consolidate education data services within Executive Office of Education. He said the Board needs this function for the accountability system and many other decisions. Commissioner Chester agreed this is a big concern because data analysis is the backbone of the Department’s work. Ms. Chernow commented that data analysis is integral to the Board’s discussions and decision making. She said she is concerned with this move, especially under a new administration. Mr. DiTullio said the move is simply a consolidation, not a cut in funding. Ms. Chernow said the Board’s proficiency gap committee relies on data analysis from the Department, and the transfer does not make sense. Deputy Commissioner Wulfson said the budget writers may have confused technology infrastructure and data analytics, and the Department is encouraging them to look at this again.

Ms. Noyce said there is a responsibility to increase the Department’s resources to support the whole system. Mr. Bell said the FY2015 budget proposal essentially level funds the Department. Deputy Commissioner Wulfson said the Department still relies on federal funds for over 50% of staff and the likelihood of declining federal funds is a concern through fiscal year 2016 and beyond. Commissioner Chester added that almost 98% of the state education budget goes out to schools. Ms. Calderón-Rosado asked about reductions in line items for academic support services and targeted assistance and their impact on the Department reaching its goal to narrow achievement gaps. Commissioner Chester said the grants for districts are in high demand, the programs have a track record of success, and the cuts are of great concern.

Ms. Kaplan noted an increase in the student assessment account along with the decrease in support programs. Commissioner Chester said the slight increase for assessment is a one-time increase to allow districts to choose between MCAS or PARCC during the pilot phase. Mr. DiTullio said the budget is seen as a whole, some items with substantial increases and some with decreases. He said the Department is one of the only agencies seeing increases in accounts due to the Governor’s focus on education.

Commissioner Chester gave the Board an update on the technology bond bill in the Legislature and federal e-rate funding. He said the e-rate funding should be resolved by June, with a likely requirement for state and local matching funds. The commissioner added that the Board deliberately adopted a phase-in approach on PARCC to deal with these issues.

Ms. Kaplan had to leave the meeting at 11:15 a.m.

**Information on New Virtual School Applicant**

Commissioner Chester said the virtual school applicant will be discussed at the Board’s meeting next month. He noted that the proposed regulations on virtual schools are out for public comment. Mr. Roach thanked the Department for making clear that child abuse reporting requirements apply to virtual schools. Luis Rodriguez, the director of the office of digital learning, addressed questions about the pending application and the learning management system. He noted the process for virtual schools is similar to the process for charter schools: any contract with a learning management system provider must be reviewed and approved.

**Information on New Charter Applicants**

Commissioner Chester gave a brief overview of the review process and criteria. He said in the next few weeks he will review the strengths and weakness of applicants and begin the final evaluation process with the charter school office. Associate Commissioner Cliff Chuang described the interview and evaluation process. Mr. DiTullio asked about the two Fall River applications. Mr. Chuang reminded Board members that because of the cap in Fall River and Lynn, the Department will bundle together any major amendments/expansions with any potential new charters in those cities when the recommendations come to the Board in February. Ms. Chernow asked if proven provider status applied to expansion requests in cap lift districts. Mr. Chuang confirmed that it does. Chair Banta said the Board’s charter school committee is meeting next month, and also Board members who attended public hearings on any new charters being recommended will report on the hearings at the February meeting.

**Report on Conditions and Recommendation for Probationary Status: Global Learning Charter Public School**

Commissioner Chester said Global Learning was granted a charter in 2007 for grades 5-12 and now serves 500 students. He said at the point of renewal, conditions were imposed focusing on a program for English language learners and improving academic outcomes for all students. Commissioner Chester reported that academic performance is alarming and is trending in the wrong direction. He said he expects better performance from a charter in its second charter period. The commissioner said the school needs a clear signal that it must improve results for students or risk losing its charter.

Mr. Chuang said the timing of the notice is important so the school can accelerate its progress. Mr. Morton asked if charter schools on probation receive additional support. Commissioner Chester said it is an interesting conundrum; charters are given more autonomy with the expectation that they have to deliver high quality education, although as a Level 3 charter school it has access to targeted assistance funds and other resources. Ms. Chernow said the charter school law intended for charter schools to be models of innovation, and some do not seem to be fulfilling that purpose. Ms. Chernow suggested the Board should discuss how long charters should be given to turn around performance and meet conditions. Commissioner Chester said charter schools have multiple purposes, and his recommendation for probation for this school shows his concern.

Mr. Brogan said this charter school is a Level 3 school within a Level 4 district, and asked how its performance compares to New Bedford High School. Mr. Chuang said it is doing better than New Bedford High School but is not a high performing school. Mr. Chuang added that the school has begun to take action to address its problems and is showing signs of improvement.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.13(4), hereby places the Global Learning Charter Public School on probation and directs the school to meet the following terms of probation, as recommended by the Commissioner:**

1. **No later than April 30, 2014, the school shall submit to the Office of Charter Schools and School Redesign a comprehensive evaluation of the school’s mathematics and English language arts programs conducted by an external consultant, accepted and approved in advance by the Department.**
2. **No later than June 15, 2014, the school shall submit to Department, and receive approval from the Department for, an action plan that specifies strategies to improve mathematics and English language arts performance. The action plan must include a timetable for the implementation of actions, must set deadlines for the completion of key tasks, and must set clear and specific implementation benchmarks to allow the school’s board of trustees and the Office of Charter Schools and School Redesign to monitor implementation.**
3. **The school must demonstrate that it is an academic success by September 30, 2015, by providing evidence that the school has met or is making substantial progress toward meeting benchmarks in its approved Accountability Plan and, in particular, has demonstrated significant and sustained academic improvement in mathematics and English language arts.**

**In addition to meeting the terms of probation, Global Learning Charter Public School, like all charter schools, must also comply with the terms of its charter. The Commissioner shall review and report to the Board on the success or lack of success of Global Learning Charter Public School in meeting the terms of probation and its charter and, based upon his review, shall recommend such further action as he deems appropriate.**

The vote was unanimous.

**Consolidation Request of Excel Academy Charter School, Excel Academy Charter School-Chelsea, and Excel Academy Charter School-Boston II**

Commissioner Chester said high performing networks of charters, such as Match and Roxbury Preparatory Charter School, are anticipated and encouraged by the 2010 amendments to the charter school statute. He said the proposal to consolidate the Excel charter schools resolves a conflict between the idea of a charter network and the requirement for an admissions lottery to any charter school. Mr. Chuang said the Department has worked with the charter school networks to address legal and operational issues. He said the consolidation approach maintains site level accountability and allows a single board of trustees to manage the campuses, while providing more flexibility for families in admissions and allowing for more efficient transportation planning. Mr. Chuang added that Excel has committed to backfilling seats up through tenth grade, as a condition of its consolidated charter.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby amend the charter granted to the following school as presented by the Commissioner:**

**Excel Academy Charter School**

**(total enrollment of1344 students with a limit of 748 seats from Boston—reflecting the consolidation of the seats currently allocated to three schools: Excel Academy Charter School (448 seats), Excel Academy Charter School – Chelsea (448 seats), and Excel Academy Charter School – Boston II (448 seats)—under the one Excel Academy Charter School’s Charter); provided further that the school shall submit minor amendments required under consolidation, including an enrollment policy that stipulates backfilling vacancies through 10th grade.**

**Locations: Boston and Chelsea**

**Districts in Region: Boston and Chelsea**

**Maximum enrollment: 1344, with a limit of 748 seats from Boston**

**Grade levels: 5-12**

**Effective fiscal year: 2015**

Commissioner Chester brought to the Board’s attention the Department’s educator evaluation study, included under Tab 8. He informed the Board that civic engagement is February’s special meeting topic. He also informed the Board of the recent announcement of a US Department of Education school improvement grant of $7.2 million for Massachusetts.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:00 noon, 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 Joint Special Meeting**

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

**the Massachusetts Board of Early Education and Care**

**Monday, January 27, 2014**

**5:00 p.m. – 7:05 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

**Harneen Chernow**, Vice-Chair, Jamaica Plain

**Daniel Brogan**, Chair, Student Advisory Council, Dennis

**Karen Daniels,** Milton

**Matthew Malone**,Secretary of Education

**James O’S. Morton,** Springfield

**Pendred Noyce**,Weston

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

Members of the Board of Elementary and Secondary Education Absent:

**Vanessa Calderón-Rosado**, Milton

**Ruth Kaplan**, Brookline

**David Roach**, Sutton

Members of the Board of Early Education and Care Present:

**Jondavid "JD" Chesloff**, Chair, Arlington

**Joni Block**, Foxborough **Elizabeth Childs**, Brookline  
**Matthew Malone**, Secretary of Education

**Sharon Scott-Chandler**, Natick

**Cheryl A. Stanley**, Springfield **Eleonora Villegas-Reimers**, Belmont **Mary Walachy**, Westfield **Joan Wasser Gish**, Newton

**Thomas Weber**, Commissioner of Early Education and Care, Secretary to the Board

Members of the Board of Early Education and Care Absent:

**Chi-Cheng Huang**, Vice-Chair, Lincoln

**John Polanowicz**, Secretary of Health and Human Services

Chair Banta of the Board of Elementary and Secondary Education (ESE) called the meeting to order at 5:00 pm. Chair Banta welcomed members of both boards to the meeting. She noted the importance of a joint meeting to discuss shared initiatives and the common goal of preparing all students for success. Secretary Malone said he is pleased the boards are meeting jointly to discuss kindergarten readiness, early literacy, and ways to close proficiency gaps. He said Governor Patrick’s budget invests in high quality early childhood education, and the Commonwealth is continuing to work across agencies to create a seamless education system from birth to adulthood.

Chair Chesloff of the Board of Early Education and Care (EEC) thanked Secretary Malone for promoting the joint work, as well as ESE Commissioner Chester and Chair Banta for their continued work with the Department of EEC. He said tonight’s meeting is historic, and celebrates the EEC-ESE partnership. EEC Commissioner Weber said this meeting speaks to strengthening the connection between early education and K-12 to build school readiness and success for all children. ESE Commissioner Chester said Massachusetts has positive results to show, including continuing progress in increasing high school graduation and reducing drop-out rates, but there are still very real gaps. He added that the gaps begin early, and the EEC-ESE collaboration is addressing those gaps, especially for young children who need access to rich language and activities to develop their knowledge.

Donna Traynham, ESE staff member, gave the boards an overview of the Race to the Top Early Learning Challenge kindergarten entry assessment. The elements of the assessment system include screening measures, formative assessments, measures of environmental quality, and measures of the quality of adult-child interactions. Carole Nolan, EEC staff member, said the goal is to provide teachers with data and a framework to improve their instruction and help them understand their students’ needs. She said the formative assessment is an observation-based exercise, not a traditional assessment. Ms. Nolan said the Early Learning Challenge builds upon strategies already in place, based on research and evidence, to gauge if students are meeting important benchmarks. The assessments touch upon all developmental domains, including social-emotional development, approaches towards play and learning, and physical development. Saeyun Lee of the Executive Office of Education said the initiatives are linked to readiness and the goal to prepare all students for success. She said the assessments are a tool for educators.

Ms. Lee introduced Albert Wat of the National Governors Association (NGA) Center for Best Practices. Mr. Wat gave the boards an overview of the NGA’s policy academy, through which Massachusetts and several other states are working together on reform initiatives. Mr. Wat said Massachusetts has a history of a strong commitment to early education, and is working to establish a more coherent early education system and align policies around statewide goals. The primary strategies for Massachusetts are: the creation of a birth-to-grade-three definition of college and career readiness; enhancement of early learning standards; and exploration of an assessment for young children. Ms. Lee said the policy academy was an opportunity to accelerate work already happening in the Commonwealth and create a framework to maintain strategies. She said the goals include preventing achievement gaps before they begin, establishing core competencies, and providing clear messages to parents and the community.

ESE board member Mr. Morton asked about health support and intervention services for very young children. Ms. Lee said the Governor’s Readiness Cabinet is establishing a framework for comprehensive support services specific to individual communities. In response to Chair Chesloff’s question about educator preparation programs, Ms. Nolan said training in observation skills is part of educator preparation programs for early childhood teachers, but has not necessarily been part of school level training in the past. She said professional development opportunities for educators and administrators are now being offered, and the educators who participate can then bring back their knowledge and experience to their schools and districts.

In response to Chair Banta’s question about the value of assessment for very young children, Ms. Traynham said the assessment is not a traditional paper-and-pencil test, but a more natural observation of children’s activities and interactions. Ms. Wasser Gish of the EEC board asked where Massachusetts stands nationally with regards to this work. Mr. Wat said Massachusetts is ahead of the curve with an infrastructure and foundation in place. Ms. Childs of the EEC board asked about inter-rater reliability in doing observational assessments of young children. Ms. Traynham said teachers are being trained to use data and assessments appropriately.

Secretary Malone said his position has allowed him to see the importance of early childhood education, particularly as it relates to literacy. He introduced Dr. Nonie Lesaux, Professor at the Harvard Graduate School of Education and co-chair (with Secretary Malone) of the legislatively established Early Literacy expert panel. Dr. Lesaux gave the boards an overview of the panel and its charge. She said the panel is focused on promoting children’s language and literacy development and building adult capacity around language and literacy screening and assessments to monitor progress. Dr. Lesaux said although Massachusetts has impressive student achievement on national assessment results, there is a wide achievement gap for low-income students and by race and ethnicity, and concern about our grade 3 reading results. Dr. Lesaux gave the boards an overview of the panel’s five-part framework for comprehensive reform, including building young children’s language and vocabulary, and supporting reading in early care settings as well as in schools, homes and families, and communities.

Chair Banta asked how the panel is going to address the variety of issues that affect young children, especially those with serious challenges. Dr. Lesaux said the panel’s strategy and goals have been carefully constrained to a focus on language development and reading, while acknowledging the relevance of other issues, such as nutrition. EEC board member Ms. Walachy said she hopes the panel is bold and provides guidance on what is needed. ESE board member Ms. Noyce asked about strategies for English language learners. Dr. Lesaux said high quality language development and reading instruction are key for these students. ESE Commissioner Chester noted that Dr. Lesaux has been helpful to the Department of ESE in designing the Sheltered English Instruction curriculum for academic content teachers of English language learners.

Chair Chesloff commented that the cross-agency collaboration will ensure activities are not redundant. ESE board member Ms. Chernow asked about community literacy strategies. Dr. Lesaux said libraries are a high touch point with a built-in interest for literacy skill, and the panel is also considering other community institutions that reach young children, such as churches. EEC board member Ms. Villegas-Reimers asked about educator preparation programs. Dr. Lesaux said building the knowledge of educators and support personnel is essential, through educator preparation and otherwise, and adult capacity is a major focus for the panel.

Secretary Malone said the panel is focused and bold. He said connecting early education all the way through to higher education will ensure that our students are prepared for success. He said the Governor is committed to finishing this important work. Chair Banta outlined next steps for the boards, including development of a joint EEC-ESE college and career readiness definition that addresses young children, assisting educators to use data and assessment results, and continuing to stay informed about the EEC-ESE interagency work. She said she and Chair Chesloff will bring back specific recommendations to their respective boards.

Chair Banta and Chair Chesloff thanked the presenters and board members and adjourned the meeting at 7:05 pm.

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

**VOTED: that the Board of Elementary and Secondary Education and the Board of Early Education and Care adjourn the meeting at 7:05 p.m., subject to the call of the chairs.**

The vote was unanimous.

Respectfully submitted,

Mitchell D. Chester

Commissioner of Elementary and Secondary Education

and Secretary to the Board of Elementary and Secondary Education