**Minutes of the Special Meeting**

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

**Monday, June 9, 2014**

**3:05 p.m. – 10:40 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

**Vanessa Calderón-Rosado**, Milton

**Karen Daniels,** Milton

**Ruth Kaplan**, Brookline

**Matthew Malone,** Secretary of Education (by James DiTullio, Designee)[[1]](#footnote-1)\*

**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 3:05 p.m. She reviewed the agenda for the special meeting: the Board’s consideration and deliberation on appeals that have been filed in connection with the Level 5 school turnaround plans for three schools: the Holland Elementary School and Dever Elementary School in Boston; and the Morgan Elementary School in Holyoke. Chair Banta noted that Secretary Malone is not present for the appeals of the two Boston Level 5 school plans, to avoid the appearance of a conflict of interest. Chair Banta summarized the Secretary’s letter for the record. (The letter is attached.)

At the Chair’s request, Rhoda Schneider, General Counsel, outlined for the Board the statutory appeal process. Ms. Schneider clarified that this meeting is not a review of whether a school should be classified as a Level 5 school, nor a review of who should be selected as the external receiver for the schools. She said state law directs the Commissioner to create a turnaround plan for each Level 5 school and the superintendent, school committee, or local union can appeal to the Board regarding one or more components of the plan. Ms. Schneider said the Board serves as an appellate body and based on the appeal it may, by majority vote, modify the plan if it determines that: such modification would further promote the rapid academic achievement of students in the applicable school; a component of the plan was included, or a modification was excluded, on the basis of demonstrably false information or evidence; or the commissioner failed to meet the requirements of subsections (m) to (p), inclusive, of G.L. c. 69, §1J.

Ms. Schneider summarized her legal memo addressing two questions the Board had asked about its role in considering an appellant’s proposed modification of a provision in the Commissioner’s turnaround plan for a Level 5 school. She said the Board may adopt all or only a portion of the appellant’s proposed modification, if it chooses to do so. She added that to stay consistent with the Board’s appellate role under the statute, the Board may not go beyond the appellant’s proposed modification, either by revising it in a substantive way, or by proposing its own changes to the turnaround plan. Ms. Schneider said the Board does not function as a writer of the plan or as a school committee with respect to Level 5 schools; rather, its role is to give thoughtful consideration to the appeals, discuss and deliberate the appellant’s proposed modifications, and decide by majority vote whether to adopt any of the appellant’s proposed modifications, or parts of them, based on the standards in the statute.

Chair Banta laid out the protocol for the meeting, noting that Board members have had the opportunity to review all the written materials and supporting documents. She said the appellant could address the Board for up to ten minutes, to highlight the key points in the appeal, then the Commissioner and his designees would respond, and then Board members would discuss the modifications the appellant has proposed and could direct questions to the appellant or to the Commissioner. She suggested taking the proposed modifications in the order each appellant presented them, and said the Board could discuss the modifications without making a motion. Chair Banta said if there is no motion and second on a particular proposal, the Board would move on; per the statute, the plan remains as is unless the Board votes to modify it, and the Board’s decision regarding an appeal is final.

Chair Banta asked Commissioner Chester to walk the Board through the materials, and he did so.

In response to a question from Ms. Kaplan, Ms. Schneider explained that for each school, the commissioner’s memo addresses the educational rationale and policy issues, while the legal memo from Attorneys Deborah Steenland and Lucy Wall addresses the statutory basis for various parts of the plan.

Chair Banta said two of the issues – compensation plan and dispute resolution – that the Boston Teachers Union (BTU) has raised are common to both the Holland and Dever plans. She said the Board is prepared to treat each school appeal separately, but presumably the discussion and resolution of the two issues with respect to Holland would also resolve those issues with respect to Dever.

**Holland Elementary School and Dever Elementary School Compensation Model and Dispute Resolution Process**

Attorney Mark Esposito, on behalf of the Boston Teachers Union, addressed the Board. He said the compensation plan and grievance process are common to the Holland and Dever turnaround plans. He said the compensation plan is punishing to teachers and the proposed conditions will scare them away. Mr. Esposito said the Board should overturn the compensation plan for both the Holland and Dever Schools because it will not contribute to the rapid academic achievement of students. Mr. Esposito said the alternative dispute resolution system in the plan is one-sided and does not protect educators from retaliation by administrators, and the commissioner has not presented evidence that it would boost academic achievement. A second-grade teacher from the Holland School addressed the Board and said the staff has experienced great stress and uncertainty.

Commissioner Chester introduced Deputy Commissioner Alan Ingram; Scott Given, Chief Executive Officer of UP Education Network (UP), receiver for the Holland School; and Matthew Spengler, Executive Director of Blueprint Schools Network (Blueprint), receiver for the Dever School.

Commissioner Chester said the Achievement Gap Act calls for state intervention when underperforming schools and districts are not making progress or are actually worsening. He said twelve schools in Boston were designated Level 4 in 2010; five exited after making significant progress and others made good progress. Commissioner Chester said at the Holland and the Dever, despite hard work by teachers, there is no good news after four years of turnaround efforts. He said at the Holland only 15 percent of students are on grade level in English language arts and 25 percent in mathematics. The commissioner said he has looked for and found experienced, effective receivers who can disrupt the six- or seven-year trajectory of failure in these schools.

Commissioner Chester said the compensation plan is modeled on the Lawrence system; it provides advancement for teachers based on service and expertise. He asked Associate Commissioner Heather Peske to comment. She explained that the structure outlined in the turnaround plan provides the opportunity for growth, differentiated roles, compensation for additional roles, and incentives at key stages of an educator’s career, bolstering professionalism. She said many educators want a leadership role in order to have an effect within the school without leaving the classroom, which the compensation model allows.

Manuel Monteiro, of the Department, said many teachers are attracted to turnaround work and to being treated as professionals, not hourly employees, through a professional compensation model. He said the turnaround plan was developed with input from the Boston Public Schools and receivers, with a goal of being affordable and sustainable even after the Level 5 work.

Scott Given said 67 out of 87 positions at the Holland have been filled; 50 percent of the new hires are of color and about 50 percent speak a second language, to reflect the student population. He said they have demonstrated their performance with students. Mr. Given said UP steers away from hiring first-year teachers in turnaround situations. In response to Mr. Morton’s question, Mr. Given said teachers who were working at the Holland were invited to re-apply, but few did. Mr. Morton asked for further clarification on the compensation model. Mr. Monteiro said educators will receive a 3 percent salary increase this year, and in the second turnaround year the new compensation model will be in place. He noted that under the new compensation model, no educator’s salary decreases.

In response to Ms. Kaplan’s question, Mr. Esposito said the BTU’s appeal addresses both the pay for hours worked and the compensation system as a whole. Richard Stutman, BTU president, compared the extended learning time and compensation models at the Dever School and the McCormack School. He said educators at the Dever will work 700 additional hours for $2,000 more in year one and zero increase in year two, while under the negotiated contract for the McCormack teachers, they earn $15,000 extra for working 350 additional hours. He said the Dever model will lead to teacher turnover and an unsustainable workload.

In response to Ms. Noyce’s question, Commissioner Chester said the current extended learning time program in Boston is not financially sustainable as it has been configured on a pay per hour basis, and the Legislature now recognizes that. Mr. Given said the most comparable model is UP Academy Boston, the former Gavin School, which is finishing its third year and has had success in using extended time for teachers and students. He said staff retention is 80% at UP Academy Boston.

Vice-Chair Chernow said the Commissioner is relying on experience in Lawrence, which may not yet have enough of a track record. Dan Murphy, of the AFT-MA, said while we want Lawrence to succeed, Lawrence should not be considered analogous to Dever and Holland; it is too soon to declare success in Lawrence, and also it is a district, not a single school. Mr. Murphy added that Lawrence teachers have a moderate level of extended hours compared to these schools, and teachers have had more input.

Mr. Roach said we have to find a “third way” on teacher compensation. He asked about the budget for the receivers and coaches. Mr. Given responded and added that the first year of a turnaround effort requires an intensive investment. Mr. Roach said the contract and projected costs indicate that more funding is being allocated to coaching and administrative support than instructional supplies and curriculum. He said the funding and teacher salaries must be sustainable and questioned whether we have the right balance.

Commissioner Chester said he has confidence in these receivers, given their track record. Ms. Calderón-Rosado said it is unfortunate that the process is disruptive but it is essential to make changes for the benefit of the students, since these schools did not improve when they were given the time and money to do so. She said the current conversation is focused on the adults, while student success is the goal.

Vice-Chair Chernow said she is disappointed these issues were not resolved through the local stakeholder group process. She proposed a motion.

MOVED: that the Board of Elementary and Secondary Education direct the Boston School Committee, Commissioner of Elementary and Secondary Education, and Boston Teachers Union to jointly review the salary schedule for the Holland and Dever Elementary Schools; negotiate a salary model that will attract and retain teachers and improve student learning; and return to the Board of Elementary and Secondary Education by July 1, 2014.

Ms. Schneider clarified the appeal process. Commissioner Chester said he is committed to reporting to the Board monthly and at the end of each year on the status of the turnaround efforts.

The motion failed for lack of a second.

Ms. Kaplan proposed a motion based on the BTU’s written submission on the compensation system. The motion was duly made and seconded.

MOVED: that the Board of Elementary and Secondary Education modify the turnaround plans for the Holland and Dever Schools so that teachers are paid at the contractual hourly rate for all hours worked beyond the standard contractual year.

Commissioner Chester said that using the current contractual rate would require scrapping the plan. Mr. Roach said while he is concerned about the administrative costs, he regrettably would have to vote against the proposed modifications due to the unsustainable hourly rate. Deputy Commissioner Jeff Wulfson clarified the current chart of accounts and administrative and instructional line items. Vice-Chair Chernow expressed frustration over the timeline and role of the Board during the appeal process. She raised concerns over the receiver’s expenses. Ms. Daniels said she is disappointed the union and school committee could not come to an agreement. She said the turnaround plan is working to professionalize the compensation system, and the hourly rate proposed by the BTU is not sustainable.

The motion was rejected 3-6. Vice-Chair Chernow, Daniel Brogan, and Ruth Kaplan voted in favor.

The Board then discussed the dispute resolution process. Commissioner Chester said it is not unusual for a grievance to take a year or more to resolve. He said the process outlined in the turnaround plan is fair and expeditious and it is working in other UP schools. The commissioner said the grievance procedure had to be altered because the Level 5 statute takes the superintendent out of the process. Manuel Monteiro explained the grievance process. Scott Given explained how the grievance process works in UP Dorchester and UP Boston, which his network is operating. He said as of the third year of operation at the schools, no grievances have risen to the level of the board of trustees because they have been resolved with administrators.

Mr. Stutman said teachers will be fearful to raise their concerns because they have no security and the commissioner is the final authority. He said educators have a right to a fair and unbiased decision through a route outside the school building.

Deborah Steenland, associate general counsel for the Department, said the Level 5 statute creates different decision makers and authorities. She said the grievance process had to be revised to reflect the role of the commissioner and receiver. Ms. Steenland said the commissioner and receiver are responsible for overseeing the turnaround plan, and that responsibility cannot be delegated. She said the BTU’s proposal would be inconsistent with the statute.

Vice-Chair Chernow said she believes there should be a neutral at the end of the dispute resolution process. She proposed a motion. The motion was duly made and seconded.

MOVED: The final turnaround plans for the Holland and Dever Schools should be modified so that the contractual grievance and arbitration procedure applies at both schools.

The commissioner asked Ms. Steenland to comment. She said steps 2 and 3 in the grievance process would be inconsistent with the statute on Level 5 schools. Mr. Esposito said the BTU is asking for an arbitrator because the receiver cannot be expected to be impartial. Ms. Steenland said the commissioner is responsible under the statute for writing and implementing the turnaround plan, and his responsibilities cannot be delegated to an arbitrator. She added that the statute specifically authorizes the commissioner to change provisions of a collective bargaining agreement as it applies to a Level 5 school.

The motion was rejected 3-6. Vice-Chair Chernow, Daniel Brogan, and Ruth Kaplan voted in favor.

**Dever Elementary School Dual Language Program**

Mr. Esposito said over 60 percent of the students at the Dever are Hispanic and the dual language program is a proven model. He said the program appeals to multiple cultures, is a research based method of instruction, and is shown to improve student results. Mr. Esposito said the local stakeholders group asked to continue, improve, and expand the program. A Dever parent addressed the Board in support of the dual language program.

Commissioner Chester said given the inadequacy of the current program, he concluded that trying to do two things well at the same time would be a formula for doing neither well. He said the school needs to focus on a strong academic program and would also provide a strong Spanish language and cultural program for those families who want it for their children. Commissioner Chester said most students from the Dever leave the fifth grade poorly prepared for middle school, and only seventeen students are transferring to other dual language programs in Boston.

Matthew Spengler, of Blueprint, gave the Board an overview of Blueprint’s turnaround work with English language learners. In response to Ms. Calderón-Rosado’s question, Mr. Spengler said students who choose Spanish language will have 45 minutes of instruction daily. Rob Curtin, Director of Data Services, reviewed student data from the Dever School including students in the dual language program. Vice-Chair Chernow said the decision to discontinue the dual language program is very disappointing when parents have signaled to the district that dual language is a priority. Mr. Stutman said the dual language program is being torn down rather than rebuilt by Blueprint. Paul Aguiar, Director of the Office of English Language Acquisition, presented a summary of the review of the Dever’s dual language program.

Vice-Chair Chernow proposed a motion. The motion was duly made and seconded.

MOVED: that the Board of Elementary and Secondary Education accept the modification as presented by the Boston Teachers Union.

 “The turnaround plan should be modified to stipulate that the dual language program at the Dever will be continued.”

Ms. Calderón-Rosado said she is a strong proponent of second language skills, but is very disappointed at the weakness of the program at the Dever and cannot support it. She said that several years ago she served on a local stakeholders group for another Boston school and learned that you cannot move forward with this type of program and whole-school turnaround at the same time.

The motion was rejected 3-5-1. Vice-Chair Chernow, Daniel Brogan, and Karen Daniels voted in support. Ruth Kaplan abstained.

**Morgan Full Service Community School**

James DiTullio joined the meeting at 6:55 p.m. on behalf of Secretary Malone.

Sandra Quinn, staff counsel for the Massachusetts Teachers Association, presented the appeal on behalf of the Holyoke Teachers Association (HTA). Ms. Quinn said Project GRAD is not experienced in elementary school turnaround, the turnaround plan does not include a three-year financial plan, and the programs for English language learners and special education students are not adequate or comprehensive. She questioned the plan’s STEM focus and said the school has more pressing needs. Ms. Quinn said the local stakeholders group requested additional instructional staff and Project GRAD allocated funding for too many administrative positions. She said the pre-kindergarten will not provide enough seats for all students. Ms. Quinn said the working conditions are a concern and the grievance process does not provide impartiality. She said the compensation plan will create teacher burnout, not rapid achievement, with educators working an additional 395 hours without adequate compensation.

Commissioner Chester outlined the long history of state involvement in the Holyoke Public Schools. He said under the Achievement Gap Act, Morgan had three years and additional funds to improve, but after that time period student results are still very low. He said in grades 3-8, only 1 student out of 5 is at grade level in English language arts and 1 out of 6 is at grade level in mathematics and science.

Commissioner Chester said he is recommending that the Board adopt three of the modifications the appellants have proposed: one from the Holyoke School Committee relating to the school site council and advisory committee on students with exceptional learning needs, and parts of two proposed by the HTA, relating to pre-kindergarten and wraparound services. The Board took up the Holyoke School Committee proposal first.

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

**VOTED**: **that the Board of Elementary and Secondary Education, in accordance with Mass. General Laws chapter 69, section 1J(q), and in response to the appeal by the Holyoke School Committee, hereby directs the Commissioner to modify the Level 5 turnaround plan for the Morgan School in Holyoke by inserting the following new key strategy (and renumbering the other strategies, as needed):**

**Insert (new) Key** **Strategy 5.2: School Site Council and Advisory Committee on Students with Exceptional Learning Needs:**

**The School Site Council described in the previous strategy will also help launch an Advisory Committee on Students with Exceptional Learning Needs. This Committee will be composed primarily of parents of Morgan students with disabilities, and may include other Morgan parents, representatives of organizations who provide services for students with special needs, teachers, and any other interested parties. The Committee's duties shall include but not be limited to: working regularly with the Morgan administrative team to ensure high quality education for students with disabilities; providing input and feedback to administrators and teachers about specific educational strategies and supports for students with disabilities; and serving as liaisons for families of children with special needs on other Morgan and district committees. This committee will complement and work closely with the district-wide Special Education Parent Advisory Council (SEPAC), advocating particularly for the needs of Morgan students.**

The vote was unanimous.

The Board then went through the modifications proposed by the HTA.

**Requested Modification of Financial Plan**

In response to a question from Vice-Chair Chernow, Ms. Quinn said the local stakeholders group did not receive the financial information it needed. She said the HTA only received the budget information through a public records request to the Department. Ms. Quinn said the law requires a financial plan to go to the local stakeholders group. She said new technology is not in the 2014-2015 school year budget, and the suspended school improvement grants are now going to Project GRAD. Ms. Quinn asked for clarification on Project GRAD administrative positions.

Vice-Chair Chernow questioned why the local stakeholder group was not provided with detailed financial information for Morgan, and added that she had also requested more detailed information. Commissioner Chester said the Department did not withhold information from the Board or from the local stakeholders group. He said the law outlines specific timelines that do not match timelines for local and state budgets. The commissioner added that the HTA appears to be relying on figures in April correspondence, and the information has since been updated. Commissioner Chester asked Lucy Wall to comment on the legal requirements under the statute.

Lucy Wall, associate general counsel for the Department, said the statute requires a financial plan for the school turnaround plan, not a line item budget, and the Department has met the statutory requirement. She said the local stakeholders group was not hindered from making recommendations for additional programs and services. Associate Commissioner Bill Bell, Chief Financial Officer, said the local Holyoke budget is not yet final, which is the reason we do not yet have final financial figures. He said the statute calls for a three-year turnaround plan, while local and state budgets are determined on an annual basis. Mr. Bell said 80 percent of the school’s budget goes toward educator salaries.

Daryl Ogden, CEO of Project GRAD, said that over the past 25 years Project GRAD has worked in ten states and 200 schools with successful results. Mr. Ogden clarified staff positions and roles. In response to Ms. Noyce’s question, Mr. Ogden said Project GRAD makes a 13-year commitment to communities in which they work, to cover the full K-12 school cycle of a child. He said Project GRAD and the state are committed to working with the community and building on existing assets for sustainability. In response to questions from Mr. Roach, Mr. Ogden discussed the costs and rationale for various administrative positions. In response to questions from Ms. Calderón-Rosado, Mr. Ogden described the work Project GRAD is doing as the Level 4 school operator at Dean Vocational-Technical School in Holyoke. In response to a question from Ms. Kaplan, Mr. Ogden said the principal and members of the leadership team at Morgan have a background in special education.

Mr. DiTullio said the statute does not require a line item budget and the commissioner’s turnaround plan meets the requirements for a financial plan. He said the additional financial information from the commissioner is a very good supplement to the plan. Mr. DiTullio said he cannot support the HTA’s modification request but would suggest that the additional information be included as an addendum to the plan. He proposed a motion.

MOVED: that the June 2014 budget overview and procurement work order be included as a supplement to the Morgan Full Service School turnaround plan.

In response to Vice-Chair Chernow’s question, Ms. Quinn said the local stakeholders cannot have input if they do not see three years of financial information. She said the local stakeholders group could assemble quickly to review the information.

Ms. Calderón-Rosado proposed to clarify the motion. Mr. Morton said the Board is assembled to review the proposed modifications only, as outlined by the statute. Ms. Noyce suggested giving the commissioner a sense of the meeting that he should publish the financial information. Commissioner Chester committed to publishing the June 2014 financial information, without a vote by the Board.

Mr. DiTullio withdrew his motion.

Vice-Chair Chernow proposed a motion to modify the plan per the HTA’s request #1, minus the phrase “including a line-item budget.” The motion was duly made and seconded.

MOVED: that the Board of Elementary and Secondary Education accept the modification as presented by the Holyoke Teachers Association, striking “including a line-time budget.”

 Requested Modification of Financial Plan: The Commissioner shall provide an amended financial plan no later than June 15, 2014. The Commissioner shall submit the amended plan to the local stakeholders group for proposed modifications consistent with the G.L. c. 69 § 1J(p). The Commissioner shall take into consideration and incorporate the local stakeholder’s modifications to promote the rapid academic achievement of students.

The motion was rejected 3-7. Vice-Chair Chernow, Daniel Brogan, and Ruth Kaplan voted in favor.

**Requested Modification: Additional Strategy 1.9A (A)**

Mr. Brogan requested further clarification on the position of STEM principal. Mr. Ogden said the STEM principal is vital to the school model, which has a dedicated STEM focus in grades 6-8 and a connection to the STEM high school program at Dean. Commissioner Chester said the local stakeholders group was in favor of a STEM focus, and directed Board members to his response for more detail.

Mr. DiTullio asked if the HTA’s requested modification was cost neutral. Ms. Quinn said the elimination of the STEM principal would reallocate funds to reinstate staff positions. Commissioner Chester said the discontinued positions were 12 paraprofessionals and the current number of special education students at the school does not necessitate those staff positions. Mr. Roach said the level of detail being discussed is beyond the role the Board should play; the statute directs the commissioner and receiver to manage the day-to-day operations of the school.

Ms. Kaplan proposed a motion encompassing the first sentence of the HTA’s proposed modification. The motion was duly made and seconded.

MOVED:that the Board of Elementary and Secondary Education accept the modification as presented by the Holyoke Teachers Association.

Requested Modification: Additional Strategy 1.9A (A): Add the following language to new strategy 1.9A. “The Commissioner will restore the instructional positions eliminated since the establishment of the Level 4 Plan in June of 2010.”

The motion was rejected 1-7-2. Ruth Kaplan voted in support. Vice-Chair Chernow and Daniel Brogan abstained.

**Requested Modification: Additional Strategy 1.9A (B)**

Ms. Quinn said class size is currently about 26 students per classroom, which is contrary to research on small class size and student achievement. Commissioner Chester said the proposed modification would require ten additional classrooms and the city and Department could not accommodate that request.

Vice-Chair Chernow proposed a motion. The motion was duly made and seconded.

MOVED: that the Board of Elementary and Secondary Education accept the modification as presented by the Holyoke Teachers Association.

Requested Modification Additional Strategy 1.9A (B):Add the following language to new Strategy 1.9A. “Additional staff will be hired to ensure that classes at grades K through 3 have no more than fifteen students and grades 4 through 5 have no more than twenty students.

Vice-Chair Chernow said she is frustrated with the appeal process and hearing that the planning is too far gone and resources have already been allocated. Chair Banta acknowledged that the process is frustrating for all parties. Ms. Daniels said the Board is considering the proposed modifications as presented by the appellant, and the commissioner took these issues into account in writing the turnaround plan. Ms. Noyce said the Board is operating under constraints now, noting that the school district and others could have made different decisions at an earlier stage, such as reducing the size of the school. Commissioner Chester said the Department explored various options with the district that were not accepted. The commissioner said after these appeals have concluded, he will review the appeal process with the Board.

The motion was rejected 3-7. Vice-Chair Chernow, Daniel Brogan, and Ruth Kaplan voted in favor.

**Requested Modification: Additional Strategy 2.8**

Ms. Kaplan proposed a motion to adopt part of the HTA’s proposed modification:

MOVED: that the schedule will include a justification for any increased learning time.

In response to Ms. Kaplan’s questions about scheduling and expanded learning time, Mr. Ogden said the master schedule will be done by the end of June, and will include local input. Ms. Noyce suggested that the commissioner report to the Board in September on how all four Level 5 schools are planning to use their expanded time. Ms. Quinn said the time outlined in the Level 4 plan was not used properly and the extended time in the current turnaround plan must be used properly to maximize achievement. A Morgan teacher addressed the Board.

Ms. Kaplan withdrew her motion.

**Requested Modifications for Strategies 4.1, 4.2, 4.5, and 4.6**

In response to a question from Vice-Chair Chernow, Ms. Quinn said the proposed modification requests more detail on curriculum and strategies for English language learners. Mr. Ogden said curriculum is currently being developed with staff and local leaders. He said Project GRAD is working with the district’s central office to use combined resources for special education students. Ms. Kaplan proposed a motion to adopt part of the HTA’s proposed modification relating to special education. The motion was duly made and seconded.

**VOTED:** **that the Board of Elementary and Secondary Education strike “June 1, 2014” from #7(3) Modify Strategy 4.6 (Special Education)**

**that the Board of Elementary and Secondary Education accept modification #7(3) as presented by the Holyoke Teachers Association.**

 **(3) Modify Strategy 4.6(Special Education) to include the following language: “The Commissioner shall identify specific strategies and resources that will be utilized for Morgan special needs students and shall describe how such strategies and resources will be implemented for the duration of the turnaround plan to address the achievement gaps relative to these students.”**

The vote was 7-1-2. Chair Banta voted in opposition. Penny Noyce and Vanessa Calderón-Rosado abstained.

**Requested Modification for Strategy 4.4**

Mr. DiTullio commended the Commissioner and the HTA for supporting pre-kindergarten. He said the modification is a strong addition to a strong turnaround plan. In response to Ms. Noyce’s question, Commissioner Chester said we need to assess the demand along with space and resources. He said Project GRAD is looking for additional space for the program and also is exploring partnerships. He noted that the Massachusetts Senate budget has additional funds for pre-kindergarten with a preference for Level 5 schools. Commissioner Chester reiterated his commitment to starting a pre-kindergarten program this fall.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with Mass. General Laws chapter 69, section 1J(q), and in response to the appeal by the Holyoke Teachers Association, hereby directs the Commissioner to modify the Level 5 turnaround plan for the Morgan School in Holyoke by modifying Strategy 4.4, as follows:**

**Add the following language to Strategy 4.4:**

**The Commissioner and Receiver shall take any and all steps to introduce a Pre-Kindergarten program to the Morgan School by Fall 2014.**

The vote was unanimous.

**Requested Modification: Additional Strategy 5.6**

Ms. Quinn gave the Board an overview of current wraparound services and requested that the Commissioner provide a justification for any programs being discontinued. Commissioner Chester introduced Rebecca Shor, of the Office of Targeted Assistance, who said the turnaround plan outlines a set of priorities, not specific programs. She said programs will be based on the needs of students, and are not yet finalized. Ms. Shor said Project GRAD has good experience in this area.

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

**VOTED:** **that the Board of Elementary and Secondary Education, in accordance with Mass. General Laws chapter 69, section 1J(q), and in response to the appeal by the Holyoke Teachers Association, hereby directs the Commissioner to modify the Level 5 turnaround plan for the Morgan School in Holyoke by adding Strategy 5.6, as follows:**

**Additional Strategy 5.6:**

**The Commissioner will identify specific programs of delivery of wraparound services.**

The vote was unanimous.

**Requested Modification for Compensation System**

Vice-Chair Chernow commented that the HTA’s arguments differ from those of the BTU. Ms. Quinn said the compensation model is a pay-for-performance model relying on evaluation and student test scores, and research shows that pay-for-performance does not work and does not result in improved student achievement. Commissioner Chester said he has never said teachers should be evaluated solely upon test scores, though student performance has to be part of the equation. Associate Commissioner Heather Peske confirmed that an educator’s level and compensation are not based solely upon student test scores. She said the compensation model uses the state’s educator evaluation system, which the Board adopted with considerable input from the MTA and others.

Ms. Quinn said the statute does not allow compensation to be reduced unless hours are proportionately reduced. Ms. Steenland read the provision of the Level 5 statute, M.G.L. c. 69, § 1J (o) (7), and said there is no violation.

Vice-Chair Chernow proposed a motion to adopt HTA’s proposed modification #10(c). The motion was duly made and seconded.

MOVED: that the Board of Elementary and Secondary Education accept the modification as presented by the Holyoke Teachers Association.

Requested Modification for Compensation System: (c) The school committee, the Commissioner, and the Association will jointly study all forms of salary schedule constructs to determine which will be most effective in attracting and retaining high-quality teachers at the Morgan School.

Ms. Quinn said the local stakeholders group wanted the compensation plan to be studied. Mr. Monteiro reviewed the negotiation process between the district and the HTA. Ms. Calderón-Rosado said the Board should trust the commissioner’s judgment and good faith effort. She noted that the turnaround plans are reviewed annually and will continue to be re-worked. She said the focus should remain on the students. Vice-Chair Chernow said engaging the teachers’ voice and moving the conversation forward would not undo the current plan.

The motion was rejected 3-6-1. Vice-Chair Chernow, Daniel Brogan, and Ruth Kaplan voted in favor. James DiTullio abstained.

**Requested Modification for Dispute Resolution Process**

In response to a question from Ms. Kaplan, Ms. Quinn said the current plan is not a true dispute resolution process and it sets up an educator to lose and potentially face retribution. She said the commissioner is the arbitrator and substantial deference is given to the receiver. Ms. Quinn agreed that the dispute resolution process must move quickly, but said the final decision-maker must be a neutral.

Commissioner Chester said he is not obligated to find in favor of the receiver. Mr. Roach suggested inviting the unions and receivers back to the Board at the end of the year to review how the process has worked. Commissioner Chester committed to reporting to the Board monthly on Level 5 matters.

Ms. Kaplan proposed a motion to adopt HTA’s proposed modification #11. The motion was duly made and seconded.

MOVED: that the Board of Elementary and Secondary Education accept the modification as presented by the Holyoke Teachers Association.

Requested Modifications for Dispute Resolution Process: (a) Amend the “Collective Bargaining Agreements” section on pp. 40-41 for members of the Association and insert “The grievance and arbitration procedures contained in the Association collective bargaining agreement shall be in effect, except as provided for in G.L. c. 69, § 1J related to teacher dismissals.”

The motion was rejected 3-6-1. Vice-Chair Chernow, Daniel Brogan, and Ruth Kaplan voted in favor. David Roach abstained.

Chair Banta thanked Board members and all participants.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 10:40 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

Attachment: Letter from Secretary Malone to Chair Banta, June 9, 2014

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF EDUCATION

ONE ASHBURTON PLACE • ROOM 1403

BOSTON, MA 02108

DEVAL L PATRICK TEL: (617) 979-8340

GOVERNOR FAX: (617) 727-0049

 www.mass.gov/education

MATTHEW H.MALONE

SECRETARY

June 9, 2014

Maura 0. Banta, Chair

Board of Elementary and Secondary Education

75 Pleasant Street

Malden, MA 02148

Dear Chair Banta:

Later today, the Board of Elementary and Secondary Education will be hearing appeals related to Commissioner Chester's Level *5* turnaround plans for two schools in the Boston public school system, specifically the Dever School and the Holland School. I wanted to make you and the rest of the Board aware of why I cannot participate in those deliberations.

On February 26, 2014, the Boston School Committee approved the formation of a 12-member search committee to find a new superintendent of the Boston Public Schools. On March 12, 2014, the Boston School Committee approved the recommendation of the search committee to hire Hazard, Young, Attea & Associates (HYA) as the search firm charged with recruiting and vetting candidates for the position of superintendent of the Boston Public Schools. On March 25, 2014, IHYA inquired about my interest in the Boston superintendent position. On March 26, 2014, I signed an appearance of a conflict of interest disclosure as required by G.L. c. 268A, s. 23(b)(3) and expressed my desire to be considered by the search firm and the search committee for the position. I filed that disclosure with my appointing authority, Governor Deval Patrick. Although I am not "negotiating" for a position or making an arrangement concerning future employment in the literal sense of those words, I was in contact with the search firm and I am currently following the application process set forth by the search firm and the search committee. Under the State Ethics Commission's interpretation of G.L. c. 268A, I felt it necessary to file a disclosure with the Governor.

Given the above and as required by G.L. c. 268A, s. 6, I must abstain from participating in matters in which the Boston Public School system has a reasonably foreseeable financial interest unless I receive a written determination from the Governor allowing me to do so. The appeals filed by the Boston Teachers Union (BTU) concern several issues, including teacher compensation at the two schools. The BTU is seeking to modify the compensation system proposed in the Commissioner's turnaround plans for both schools, with the intent of increasing teacher compensation from what was proposed in the Commissioner's turnaround plans. Were the Board to adopt t hat modification for either school, there would be a direct financial impact on the district budget of the Boston Public Schools.

Therefore, as required by G.L. c. 268A, s. 6, Governor Patrick determined, and I agree, that I should recuse myself from consideration of both appeals relating to the Boston schools. The State Ethics Commission has previously advised me that under circumstances in which I must recuse myself, so, too, must my official designee to the Board, James DiTullio. For these reasons, neither Mr. DiTullio nor I will take part in the Board's consideration of the appeals relating to the Dever and Holland Schools.

Sincerely,

Matthew H. Malone

Secretary of Education

cc: James E. DiTullio, Undersecretary of Education & General Counsel, Executive Office of

Education

Jamie Hoag, Deputy Chief Legal Counsel to the Governor

Mitchell D. Chester, Commissioner of Elementary and Secondary Education

Rhoda E. Schneider, General Counsel, Department of Elementary and Secondary Education

State Ethics Commission

1. \* Secretary Malone (by James DiTullio, designee) was present only from 6:55–10:40 p.m., for discussion of the appeal of the Morgan School (Holyoke) plan. [↑](#footnote-ref-1)