**Minutes of the Regular Meeting**

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

**Tuesday, February 24, 2015**

**8:30 p.m. – 2:05 p.m.**

**Department of Elementary and Secondary Education**

**75 Pleasant Street, Malden, MA**

Members of the Board of Elementary and Secondary Education Present:

**Margaret McKenna**, Chair, Boston

**David Roach**, Vice-Chair, Millbury

**Vanessa Calderón-Rosado**, Milton

**Katherine Craven**, Brookline

**Karen Daniels**, Milton

**Ed Doherty**, Boston

**James Morton**, Springfield

**Pendred Noyce**, Boston

**James Peyser**, Secretary of Education

**Mary Ann Stewart**, Lexington

**Donald Willyard**, Chair, Student Advisory Council, Revere

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

Chair McKenna called the meeting to order at 8:30 a.m.

Chair McKenna welcomed Secretary of Education James Peyser and Ed Doherty to the Board. She encouraged members to read the National Association of State Boards of Education’s recent publication on summer learning.

Commissioner Chester also welcomed Secretary of Education James Peyser and Ed Doherty. He said the severe winter weather has caused many issues for schools, and the Department is looking to district officials to make up the lost time for students. Commissioner Chester gave the Board additional details on the state’s snow day policy. He noted the Education Week *Quality Counts* report, which ranked Massachusetts first in the “chance for success” index; the State Auditor’s report on charter schools; school technology grants; the state teacher equity plan that the Department will be submitting to the U.S. Department of Education; and the Massachusetts Business Alliance for Education’s comparison report of PARCC and MCAS assessments.

Secretary Peyser said he is honored to be part of the Board again, and he is listening and learning.

**Comments from the Public**

1. Jason Williams, Massachusetts Executive Director of Stand for Children, and Steve Koczela, of Mass INC Polling Group, addressed the Board on a recent research study.
2. Sergio Paez, Superintendent of Holyoke Public Schools, and Dennis Burks, Holyoke school committee member, addressed the Board on the Holyoke school district review.
3. David J. Ferreira, Executive Director of the Massachusetts Association of Vocational Administrators, addressed the Board on the proposed vocational-technical regulations.
4. Roy Belson, Superintendent of Medford Public Schools, addressed the Board on the proposed vocational-technical regulations.
5. Edward Bouquillon, Superintendent, Minuteman Regional Vocational School District, addressed the Board on the proposed vocational-technical regulations.
6. Kimberley Driscoll, Salem Mayor, addressed the Board on the Bentley Academy Charter School.
7. Justin Vernon, Principal of the Bentley 3-5 Elementary School, addressed the Board on the school's Horace Mann charter application.
8. Janine Mathó, of the Massachusetts Charter Public School Association, addressed the Board on new charter school applicants.
9. Omari Walker, founding member of the New Heights Charter School of Brockton, addressed the Board on the application process.
10. Barbara Madeloni, Massachusetts Teachers Association President, addressed the Board on Holyoke and Level 4 and Level 5 designations.
11. Tracy O'Connell Novick, Worcester School Committee member, addressed the Board on Level 4 and Level 5 designations.

**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 15, 2014 Special Meeting and the December 16, 2014 Regular Meeting.**

The vote was 10-0-1. Secretary Peyser abstained.

**State Graduation and Dropout Rates for 2013-2014**

Commissioner Chester said the Massachusetts dropout rate is the lowest in three decades: 7 years ago, 3.8 percent of students (11,000) were dropping out, compared to 2.0 percent (5,000) today. He said although we want to see the number decrease further, the positive results are a tribute to educators. He noted groups that had the greatest gaps, such as African-American and low-income students, made significant progress. Commissioner Chester said the Department has focused deliberately on schools and districts with the highest dropout rates, and has promoted the use of the early warning indicator system, the Mass Grad program, and targeted community coalitions.

Deputy Commissioner Alan Ingram acknowledged teachers, administrators, and students for their hard work and the Board for setting policies that have helped reduce the dropout rate. He said the positive results affirm that the policies and programs are working. Rob Curtin, Director of the Office of Education Data Services, reviewed the formula for graduation and dropout calculations. He said the four- and five-year graduation rates rose from the previous year, making this the eighth consecutive year of increased four-year rates. Mr. Curtin said all racial/ethnic groups increased their four-year graduation rate: Hispanic students +2.4 percentage points; Asian students +1.5 percentage points; African-American students +1.1 percentage points. He also reported that urban subgroup graduation rates steadily improved from 2006 to 2014, including: low income +11.6 percentage points, students with disabilities +9.9 percentage points, African-American +11.3 percentage points, Asian +9.8 percentage points, Hispanic +13.7 percentage points, white +8.3 percentage points.

Ms. Noyce asked about funding for dropout prevention programs beyond 2015. Mr. Curtin said an initial goal of the interventions is to build capacity in schools to ensure they are able to sustain their practices. In response to Mr. Roach's questions, Mr. Curtin said providing multiple pathways for students is a key factor, and the Department is working with districts to engrain effective practices and provide tools for administrators. Secretary Peyser noted that as Massachusetts has raised graduation and curriculum standards, graduation rates have continued to rise, despite the conventional notion that students might not be able to reach higher standards.

**Holyoke Public Schools**

Commissioner Chester said when he arrived in Massachusetts in 2008, the list of districts of most concern included Lawrence, Holyoke, Fall River, New Bedford, and Springfield. He said great progress has been made in Lawrence, and there is promising progress in New Bedford, Fall River, and Springfield. Commissioner Chester said he does not have the same confidence in Holyoke, despite substantial state investment of money and energy in the district over many years. He said alarmingly low student performance is persistent and pervasive, as measured by academic achievement, graduation rates, growth, and suspensions. He said receivership, while not a foregone conclusion, is not off the table.

In response to Mr. Morton's question, Commissioner Chester said he does not see an upward, positive trend in the district. He said the district review painted a sobering picture of classroom instruction. Ms. Daniels said she was both encouraged and discouraged by the district review report. She added that the children cannot wait. Ms. Stewart said the Board should think differently about school turnaround.

Commissioner Chester said he is not recommending any action today; the Board will have the opportunity to review the district’s response to the report and will have a further discussion in March.

**Breakfast in the Classroom**

Commissioner Chester said since the Board last discussed the school breakfast program, he has issued guidance to superintendents on breakfast in the classroom as it relates to student learning time. He said he will meet with urban superintendents in April on this issue and then will report back to the Board on further steps to promote breakfast in the classroom.

Katie Millett, Director of the School Nutrition Program, said all public and private elementary and secondary schools are eligible to participate in the U.S. Department of Agriculture’s (USDA) School Breakfast Program, and about half of all public schools are required to offer breakfast. She said research shows the benefits of school breakfast include: better academic performance and improved exam scores; decreased tardiness; improved behavior; and increased attention. Ms. Millett presented information on federal and state reimbursement rates for nutrition programs and participation rates.

Andrea Silbert, President of the EOS Foundation, thanked the Commissioner for the student learning time policy clarification. She highlighted the work the EOS Foundation has been doing to assist districts and schools to launch the school breakfast program with grants. Ms. Silbert said the foundation strives to build the capacity of the school to administer the program so they no longer require the additional funding. Taunton Superintendent Julie Hackett said school breakfast and school lunch are important programs in her urban district where eighty percent of students are eligible for free or reduced price meals. Lawrence Superintendent Jeffrey Riley said school breakfast ensures students are ready to learn, particularly in a district where ninety percent of students are of low-income backgrounds. Brockton Superintendent Kathleen Smith there was push-back during early implementation of breakfast in the classroom in her district, but now the staff supports the program, participation has increased, and the students have benefited from it.

In response to Mr. Willyard's question, Ms. Millett said high schools are piloting different methods due to scheduling and volume of students. Ms. Stewart suggested sending a letter to school committees encouraging them to have their schools participate in the school breakfast program. Chair McKenna said the Board is asking the Commissioner to include the breakfast in the classroom program in new Level 4 and Level 5 turnaround plans, where feasible, and encourage current Level 4 and Level 5 schools to participate. She said she is continuing to work with the Department to review school breakfast and summer feeding programs in other states, and she plans to attend the meeting of urban superintendents in April.

The Board took a break at 11:15 a.m.

**Charter Schools: Recommendation for New Charter Schools**

Commissioner Chester said the charter school approval process began with seven prospectuses, and five applicant groups were invited to submit a full application. He said after a thorough vetting process including hearings, application review by Department staff and external reviewers, and interviews, he is recommending two groups with strong applications: UP Academy Charter School of Springfield and Bentley Academy Charter School. Commissioner Chester said he is troubled by recent comments thanking him or criticizing him for not approving other charter applications. He said all applicants are reviewed and recommendations are made on their merits to deliver a high quality program, not based on political or other motivations. Commissioner Chester said if the other applications had met the full breadth of the criteria, he would have recommended them. He said he rejects the premise of the statement from the Massachusetts Charter School Association on this issue.

Bentley Academy Charter School

Mr. Doherty said he will not vote in support of the charter school applicants for reasons he explained at the special meeting, although he wishes both applicants the best of luck. Ms. Daniels said she attended the Salem hearing and noted the support and enthusiasm of teachers, parents, and community members for the charter school proposal. Ms. Stewart concurred.

**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, and subject to the conditions set forth below, hereby grants a charter to the following school, as recommended by the Commissioner:**

**Horace Mann Charter:**

**Bentley Academy Charter School**

Location: Salem

Maximum Enrollment: 350

Grade Levels: K-5

Opening Year: FY2016

**The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; 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 establish, all of which shall be deemed conditions of the charter.**

The vote was 10-1-0. Ed Doherty voted in opposition.

UP Academy Charter School of Springfield

James Morton recused himself from participation in the discussion and vote due to his work with the Springfield Empowerment Zone and personal reasons. Secretary Peyser said he has filed an ethics disclosure with the State Ethics Commission relating to his previous work with NewSchools Venture Fund and interactions with Unlocking Potential, and he is able to vote on these matters. A copy of Secretary Peyser’s disclosure statement is attached to these minutes.

Commissioner Chester said in the case of both schools, local officials were concerned with the progress of improvement and on their own volition chose to move things forward for the sake of the children. He said the motion for Springfield’s UP Academy is unique in that the charter school statute requires the school committee to approve the school plan; however, Springfield now has an Empowerment Zone Board overseeing the middle schools. He said to address this unique circumstance, he is recommending that the Board waive the regulation that ordinarily requires the school committee’s full approval before submission of the charter application, and then vote to grant the school a charter with two conditions relating to approval by the Empowerment Zone Board.

Secretary Peyser asked if the Empowerment Zone Board needs to acknowledge the charter or vote to approve the charter. Deputy General Counsel Kristin Valcourt responded, based on the text of the motion.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with 603 CMR 1.03(2), hereby waives 603 CMR 1.04(1)(a)(3) with respect to the application received to establish the UP Academy Charter School of Springfield, a Horace Mann charter school, for circumstances deemed exceptional.**

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, and subject to the conditions set forth below, hereby grants a charter to the following school, as recommended by the Commissioner:**

**Horace Mann Charter:**

**UP Academy Charter School of Springfield**

Location: Springfield

Maximum Enrollment: 800

Grade Levels: 6-8

Opening Year: FY2017

**The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; 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 establish, all of which shall be deemed conditions of the charter; provided that the Board of Trustees of the school shall submit to the Commissioner of Elementary and Secondary Education: (1) no later than November 1, 2015, certification that the Board of Directors of the Springfield Empowerment Zone Partnership. Inc. has voted to support the UP Academy Charter School of Springfield as a Horace Mann charter school; and (2) no later than November 25, 2015, certification that the Springfield School Committee has acknowledged that vote of support and voted to approve UP Academy Charter School of Springfield unconditionally.**

The vote was 9-1-1. Ed Doherty voted in opposition. James Morton abstained.

David Roach commented that there is no question about the integrity and thoroughness of the charter approval process by the Charter School Office, Department, and Commissioner. Chair McKenna agreed and thanked the Commissioner and Department staff for their work.

**Amendments to Vocational-Technical Education Regulations, 603 CMR 4.00**

Commissioner Chester said that in November 2014, the Board voted to solicit public comment on several proposed amendments to the regulations on vocational-technical education. He said this concludes a multi–year process of review and discussions with stakeholders. The commissioner said he is asking the Board for a final vote to adopt the proposed amendments, which deal primarily with program approval, student admission, and non-resident tuition. Commissioner Chester said the amendments are intended to address various concerns that have been raised in recent years by superintendents in the vocational districts and in the districts that send students to vocational schools.

Deputy Commissioner Jeff Wulfson thanked the field for their input and collaboration. He said the amendments focus on operational issues for vocational-technical schools and the Department recognizes a need to look at the broader picture, such as expanding high quality programs. Mr. Wulfson said non-resident vocational programs are the most costly school choice programs in Massachusetts. He said a future solution could be based on the inter-district school choice model. Mr. Wulfson said in response to comments from agricultural high schools, which are unique vocational-technical programs, the requirements relating to ninth grade exploratory were modified. He added that the proposed regulations require local schools to send names and addresses of seventh and eighth grade students to regional vocational-technical schools so they can provide information to students and families.

In response to Mr. Roach’s question, Mr. Wulfson confirmed that enrollment of non-resident students in ninth grade exploratory programs is limited where an approved Chapter 74 exploratory program is available in the student's home district. Mr. Wulfson added that the Department has standards for exploratory programs. Mr. Roach said the Department’s approach, while imperfect, is reasonable. Mr. Roach had questions on the program approval process for Chapter 74 programs. Mr. Wulfson said the approval process includes a required justification as to how the program meets the needs of the labor market and the district.

Mr. Willyard expressed concern about limiting a student’s ability to explore a vocational-technical program in another district. Ms. Calderón-Rosado said she is cautious about the regulations going into effect immediately. Chair McKenna suggested that a year’s delay might help students currently in the process of applying to a school or an exploratory program.

Commissioner Chester acknowledged the concerns about timing and said that for the past two years the schools, districts, and other stakeholders have been aware of the proposed changes and worked with the Department to draft the final regulations. He said the regulations are a reasonable compromise and it would be inadvisable to go through another school year under the current system. In response to Ms. Noyce’s question, Mr. Wulfson said very few non-resident students have been admitted at this time, since the regional schools accept resident students first.

Ms. Noyce made a motion to adopt the regulations as presented. The motion was seconded. Mr. Roach commented that these proposed regulations will clarify the process but cannot address all the concerns because of the inherent tension in supply of and demand for vocational-technical programs. He noted the Department has engaged in a long process with the field to get to this point. Secretary Peyser concurred and said the problems need to be addressed in statute. Secretary Peyser suggested “grandfathering” non-resident students who have already been accepted into programs, so they would be assured the current rules for admission will apply to them.

Mr. Willyard made a motion to broaden the exception in the proposed regulations relating to exploratory programs so that it would cover all such programs, not just specialized agricultural programs. The motion was seconded.

MOVED:        that the Board of Elementary and Secondary Education amend §4.03 (6)(b)(1) as

proposed, to remove the phrase “specialized agriculture and natural

resources programs designated by the Commissioner and” and replace it with

“programs.”

The motion failed 2-9-0. Mr. Willyard and Ms. Stewart voted in support.

Secretary Peyser moved to amend the main motion by adding a proviso that the rules for approval of non-resident student admissions that were in effect on February 24, 2015 shall apply to any student who applied to and was admitted by a school before the effective date of these amended regulations. He explained this would allow the new regulations to take effect upon publication while providing fairness to students who have already been admitted as non-residents under the current regulations. He added that the review and approval requirements under the current regulations would still apply to these students. The motion was seconded.

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

**VOTED:         that the Board of Elementary and Secondary Education amend the main**

**motion, by adding the following proviso:**

**Provided further, that the rules for approval of non-resident student admissions that were in effect on February 24, 2015 shall apply to any student who applied to and was admitted by a school before the effective date of these amended regulations.**

The vote was 10-0-1. Karen Daniels abstained.

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

**VOTED:         that the Board of Elementary and Secondary Education, in accordance with**

**G.L. chapter 69, §§ 1B and 1F and chapter 74, § 2, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. chapter 30A, § 3, hereby adopt the amendments to the Vocational Technical Education Regulations, 603 CMR 4.00, as presented by the Commissioner.**

**Provided further, that the rules for approval of non-resident student admissions that were in effect on February 24, 2015 shall apply to any student who applied to and was admitted by a school before the effective date of these amended regulations.**

The vote was 10-0-1. Karen Daniels abstained.

**Update on PARCC**

Commissioner Chester said he is continuing to provide the Board with monthly updates on PARCC and sufficient background information to ensure the Board has a basis to make a decision in the fall. He said Massachusetts is the only state committed to a two-year “test drive” of PARCC.

Deputy Commissioner Wulfson said PARCC testing began in other states this week and will begin in Massachusetts mid-March. Bob Bickerton presented on the relationship between the 2010 upgraded curriculum frameworks and the PARCC assessment. He said the PARCC assessment system includes a performance-based assessment, end-of-year assessment, and optional diagnostic tools for educators. Mr. Bickerton said the criteria for vetting PARCC include quality, rigor, and efficacy. He said evidence for vetting the assessment will include the field test, operational test, independent studies, scoring, standard setting, and student results. Mr. Bickerton responded to a question from Secretary Peyser about the “ceiling” effect at the high school level.

Deputy Commissioner Wulfson said schools are at various points with their technology upgrades. He said first and foremost, classroom technology upgrades are needed to support instruction and help students become technology-literate. Mr. Wulfson said districts have access to funding through the state’s IT bond bill, federal e-rate funds, and their foundation budget allocation. He said the paper form of the PARCC assessment will be available during the transition to the online assessment. He presented cost estimates to the Board.

In response to Mr. Morton’s question, Mr. Bickerton said raw scores on PARCC tests will be available to the Department before we know where they fall on the rating scale, since the standard-setting process will extend into September and October. Commissioner Chester said the PARCC consortium, in which Massachusetts has a leadership role, will set the standards; then each state will decide, as a matter of state policy, what to do with each performance level. For example, he said, the performance standard for entry into credit-bearing college work would likely be higher than the standard for high school graduation. Commissioner Chester noted that the Board will hold a joint meeting in April with the Board of Higher Education, a key partner in the development of PARCC.

In response to a question from Secretary Peyser, Deputy Commissioner Wulfson said testing time for PARCC would be a little less than for MCAS, and that PARCC provides a unified system for formative and summative assessment that is closer to instruction. In response to Ms. Noyce’s question, Mr. Wulfson said that each year some assessment items would be released.

**Elementary and Secondary Education Act (ESEA) Flexibility Waiver Renewal**

Commissioner Chester said the waiver Massachusetts received from the federal Elementary and Secondary Education Act/No Child Left Behind Act gave the Commonwealth the opportunity to implement a unitary accountability system that maintains our state's high standards and expectations and meets both federal and state requirements. The commissioner said it also gives districts flexibility in the use of Title I funds. Commissioner Chester said if Congress reauthorizes the Elementary and Secondary Education Act, our waiver would be moot, but in the meantime, we need to apply to renew the waiver. He said the system established under the waiver allows us to expand our approach to assist and support districts, identify and remedy performance gaps, expect continuous improvement of schools and districts, reward strong performance, and intervene aggressively in low-performing schools and districts.

Mr. Morton said the waiver has been a positive development and should be renewed. Secretary Peyser suggested the waiver renewal application should seek flexibility and retain the state’s prerogatives. Commissioner Chester confirmed that the waiver renewal application will not commit to specific policy details except as required by the U.S. Department of Education. The commissioner said he will ask the Board to endorse the waiver renewal application in March.

**Update on Level 5 Schools**

Senior Associate Commissioner Russell Johnston presented the update on the Level 5 schools and the Lawrence school district. He said Lawrence is reimagining its high school programs and plans to transition the high school from six individual schools to academies under one unified campus with more structure and time for teachers to collaborate. With respect to Level 5 schools, Mr. Johnston said the career ladder compensation plans at the Dever Elementary and UP Academy Holland have been adjusted, as planned. Commissioner Chester said in Lawrence, 2500 students participated in the acceleration academy during February school vacation week, and New Bedford’s Parker School also was open during that week to provide more learning time for students. He said New Bedford community members were invited to the Parker School to read with students and experience the school. Chair McKenna suggested the Board have a further discussion on the compensation model at a future meeting.

**Proposed Action on Recommendations from Commissioner on LGBTQ Youth**

Commissioner Chester said the Board previously heard a presentation from the Massachusetts Commission on LGBTQ Youth (Commission), and the Commission asked the Board to review and endorse a set of recommendations on the Support and Safety of Lesbian, Gay, Bisexual, Transgender, Queer and Questioning Students. Commissioner Chester said he has reviewed the recommendations and made some adjustments based upon what is now covered by state statute and removing a self-identification component. He said he will ask the Board to discuss this further and vote to endorse the recommendations in March.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 2:05 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**

**Monday, February 23, 2015**

**5:00 p.m. – 6:40 p.m.**

**Department of Elementary and Secondary Education**

**75 Pleasant Street, Malden, MA**

Members of the Board of Elementary and Secondary Education Present:

**Margaret McKenna**, Chair, Boston

**David Roach**, Vice-Chair, Millbury

**Vanessa Calderón-Rosado**, Milton

**Karen Daniels**, Milton

**Ed Doherty**, Boston

**James Morton**, Springfield

**Pendred Noyce**, Boston

**James Peyser**, Secretary of Education

**Mary Ann Stewart**, Lexington

**Donald Willyard**, Chair, Student Advisory Council, Revere

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

Member of the Board of Elementary and Secondary Education Absent:

**Katherine Craven**, Brookline

Chair McKenna called the meeting to order at 5:00 p.m. She welcomed new Board members Ed Doherty and Secretary of Education James Peyser.

Comments from the Public

1. Janine Matho, of the Massachusetts Charter Public School Association, addressed the Board on charter schools.
2. Alan M. Katz, Executive Director of the Martin Luther King, Jr. Charter School of Excellence, and April Robinson, a teacher, addressed the Board on the school’s proposed probation.
3. Jillian Nesgos, of the Boston Renaissance Charter School, addressed the Board on the school’s proposed renewal.
4. Leondro Diaz, a former KIPP Academy Lynn Charter School student, addressed the Board on the school's proposed amendment request.
5. Kathleen Smith, Superintendent of Brockton Public Schools, addressed the Board on the charter school application recommendations.
6. Scott Andrade, a parent, addressed the Board on the Bentley Academy Charter School.

**Proposed Amendments for UP Academy Boston Charter School, Salem Academy Charter School, Hampden Charter School of Science, and KIPP Academy Lynn Charter School**

Commissioner Chester said the amendments before the Board are classified as major amendment requests pertaining to grade span and enrollment. He said eight charter schools submitted amendment requests, and he is recommending approval of four. Commissioner Chester said all requests were carefully reviewed against evidence of the success of the school's academic program, the viability of the school as an organization, and the faithfulness of the school to the terms of its charter.

In response to Ms.Calderón-Rosado’s question, Associate Commissioner Cliff Chuang said the schools would operate under the same type of lottery system, but with more available seats. In response to Ms. Stewart’s question, Mr. Chuang said the enrollment request for UP Academy Boston Charter School is for forty seats; initially the school will have twenty-five seats with a buffer for retention.

Secretary Peyser said he has filed an ethics disclosure with the State Ethics Commission relating to his previous work with NewSchools Venture Fund and interactions with KIPP MA and Unlocking Potential, and he is able to vote on these matters. A copy of Secretary Peyser’s disclosure statement is attached to these minutes.

**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 amends the charter granted to the following school, as presented by the Commissioner:**

### **UP Academy Charter School of Boston (enrollment increase from 500 to 540)**

**Location: Boston**

**Maximum Enrollment: 540**

**Grades Served: 6-8**

**Effective year: FY2016**

**UP Academy Charter School of Boston shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was 9-0-1. James Morton abstained.

**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 amends the charter granted to the following school, as presented by the Commissioner:**

### **Salem Academy Charter School (enrollment increase from 372 to 480)**

**Location: Salem**

**Maximum Enrollment: 480**

**Grades Served: 6-12**

**Effective year: FY2016**

**Salem Academy Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter; provided, in accordance with section 9 of chapter 12 of the Acts of 2010, the Commissioner may limit the school’s actual enrollment in fiscal years 2016 through 2017 to an amount less than the maximum enrollment approved herein.**

The vote was 9-1-0. Ed Doherty voted in opposition.

**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 amends the charter granted to the following school, as presented by the Commissioner:**

### **Hampden Charter School of Science (enrollment increase from 350 to 560)**

**Location: Chicopee**

**Charter Region: Chicopee, Ludlow, Springfield,   
West Springfield**

**Maximum Enrollment: 560**

**Grades Served: 6-12**

**Effective year: FY2016**

**Hampden Charter School of Science shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter; provided, in accordance with section 9 of chapter 12 of the Acts of 2010, the Commissioner may limit the school’s actual enrollment in fiscal years 2016 through 2017 to an amount less than the maximum enrollment approved herein.**

The vote was 8-1-1. Ed Doherty voted in opposition. Mary Ann Stewart abstained.

**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 amends the charter granted to the following school, as presented by the Commissioner:**

### **KIPP Academy Lynn Charter School (enrollment increase from 850 to 1,586; change in grades served from 5-12 to K-12)**

**Location: Lynn**

**Maximum Enrollment: 1,586**

**Grades Served: K-12**

**Effective year: FY2016**

**KIPP Academy Lynn Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter; provided, in accordance with section 9 of chapter 12 of the Acts of 2010, the Commissioner may limit the school’s actual enrollment in fiscal years 2016 through 2017 to an amount less than the maximum enrollment approved herein.**

The vote was 8-2-0. Ed Doherty and Mary Ann Stewart voted in opposition.

**Martin Luther King, Jr. Charter School of Excellence: Report on Conditions and Commissioner's Recommendation for Probation**

Commissioner Chester said he is recommending that Martin Luther King, Jr. Charter School of Excellence (MLK) be placed on probation. He said the school has struggled for a long time and has not made academic progress. Commissioner Chester said the Board placed the school on probation on 2011 and then removed probation in 2013 but continued conditions, and the school’s performance has continued to decline. The commissioner said the recommended probation would continue through the charter term (FY16), and sends a clear message that MLK faces possible non-renewal of the charter is it fails to make significant progress.

In response to a question from Mr. Willyard, Alison Bagg of the Department’s Office of Charter School and School Redesign reviewed the school’s mathematics and English language arts K-5 performance data. Ms. Calderón-Rosado said she is disappointed that we are still discussing this school’s lack of progress and that MLK is not meeting the needs of diverse learners. Secretary Peyser asked if the school is administering PARCC or MCAS this year. Associate Commissioner Chuang said the school is required to use MCAS for continuity.

**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 1.12(2), hereby places the Martin Luther King, Jr. Charter School of Excellence (MLK) on probation and directs the school to meet the following terms of probation, as recommended by the Commissioner:**

1. **Beginning in February of 2015 and until further notice, MLK must submit to the Department, at** [**charterschools@doe.mass.edu**](mailto:charterschools@doe.mass.edu)**, board meeting agendas, materials, and minutes prior to each board meeting at the same time that these items are sent to the school's board members. Additionally, if board materials do not already include this information, the school must also submit monthly financial statements.**
2. **By March 31, 2015, the school must establish an escrow account in an amount determined by the Department in consultation with the school to pay for any potential closing, legal, and audit expenses associated with closure, should that occur.**
3. **By December 31, 2015, the school must demonstrate clear academic progress through evidence of significant academic improvement in mathematics, English language arts, and science.**

**In addition to meeting the terms of probation, Martin Luther King, Jr. Charter School of Excellence, like all charter schools, must comply with the terms of its charter. The Commissioner shall review and report to the Board on the success or lack of success of Martin Luther King, Jr. Charter School of Excellence 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.

**Boston Renaissance Charter Public School: Report on Probation and Commissioner's Recommendation for Renewal**

Commissioner Chester said he is recommending renewal of the charter and removal of probation, while maintaining the academic conditions placed upon the school. He said he visited the school several times and has seen great progress. Commissioner Chester said after being placed on conditions and probation, the school reviewed all of its programs and made comprehensive changes.

Ms. Stewart asked about the school’s financial viability rating outlined in the summary of review. Mr. Chuang said the issues have been addressed and the school’s last audit was clean, but due to previous audits the “partially meets” rating remains. Mr. Roach asked for additional details on the school’s improvement over the last two years. Ms. Bagg said the school now has a single instructional leader, new math curriculum, data-driven culture, teacher-led curriculum planning, and targeted small group instruction. Mr. Roach commended the school for its good work. The commissioner said the school has restructured effectively, and the challenge now is for it to keep up its progress.

**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 removes Boston Renaissance Charter Public School from probation because the school has substantially met the conditions imposed in February 2013.**

**Further, the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby renews the charter of Boston Renaissance Charter Public School for the five-year period from July 1, 2015 through June 30, 2020, and imposes one condition on the school’s charter, as recommended by the Commissioner.**

**Commonwealth Charter School:**

**Boston Renaissance Charter Public School**

**Location:                               Boston**

**Districts in Region:                Boston**

**Maximum Enrollment:         944**

**Grade levels:                          K1-6**

**This charter renewal is explicitly conditioned as follows. Failure to meet this condition may result in placing the school on probation, revocation of the charter, or imposition of additional conditions.**

**Boston Renaissance Charter Public School must demonstrate that it is an academic success by September 2016 by providing evidence that the school has met or is making substantial progress toward meeting the benchmarks in its approved Accountability Plan and, in particular, is demonstrating continuous and sustained academic improvement.**

**Boston Renaissance Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

**Recommendations on New Charter Applicants**

Commissioner Chester said the charter school approval process began with seven prospectuses, and five applicant groups were invited to submit a full application. He said he is recommending two groups with strong applications; UP Academy Charter School of Springfield and Bentley Academy Charter School. Commissioner Chester said he is troubled by recent comments thanking him or criticizing him for not approving the other applications. He said all applicants are reviewed and recommendations are made on the merits and not based on political or other motivations. Commissioner Chester said if the other applications had met the full breadth of the criteria, he would have recommended them.

Ms. Noyce said at many public hearings she heard how great existing public schools were and that the district did not need a charter school. She said that is not the basis for the Board’s decisions. Commissioner Chester agreed and said the statute directs the Board and Department to judge the quality of the application and likelihood of an applicant to succeed, not to do a comparison with district schools or debate whether or not the Commonwealth should have charter schools.

Mr. Doherty said he would like to make it known that he does not bear any ill will to charter schools. He recalled Al Shanker’s vision of charter schools as intended for a small group of teachers to set up schools that would serve as a laboratory for improving schools. He said he believes charter schools are now doing more harm than good because they drain resources from district schools and serve fewer high-needs students than district schools.

Chair McKenna asked about the legislative history of charter schools. Commissioner Chester said the statute refers to several purposes for charter schools, including providing more choice for families, innovation, and strong performance. Secretary Peyser agreed, noting that the law was enacted in 1993 and has been revised since then, especially around proven providers in order to spread what works. Secretary Peyser said the Board’s role is to look at charter applications on their merits, and the statutory caps protect districts from being overrun with charter schools.

Ms. Calderón-Rosado inquired about the applicant groups that were not recommended. Mr. Chuang directed Board members to the application overview and summarized the weaknesses that were identified in each application. Commissioner Chester said each application had merit but he was not confident that either group is ready yet to run a school.

Commissioner Chester said the two applications he is recommending are from districts whose community leadership saw the Horace Mann charter school model as an opportunity to jump- start better results for students, and these two applications are strong.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 6:40 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: Disclosure statement from Secretary James Peyser, dated Jan. 25, 2015

PUBLIC EMPLOYEE INFORMATION
Name of public employee: James A. Peyser

Title or Position: Secretary

Agency/Department: Executive Office of Education

Agency address: One Ashburton Place, Room 1403, Boston, MA 02108

Office Phone:617-979-8349
Office E-mail:jim.peyser@massmail.state.ma.us

In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties.  Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.  

I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.

APPEARANCE OF FAVORITISM OR INFLUENCE
Describe the issue that is coming before you for action or decision.

As an ex officio voting member of the Board of Elementary and Secondary Education (the "board"). I will be attending a board meeting on January 27, 2015. The agenda will include votes related to proposed amendments to charters for several schools including UP Academy Boston Charter School and KIPP Academy Lynn Charter School. 

What responsibility do you have for taking action or making a decision?

The Board is the eleven-member governing authority for the Department of Elementary and Secondary Education (the "Department"). The Executive Office of Education, which I lead, has oversight, incluidng budgetary authority, over the Department. The Board is a policy-making body that has authority to promulgate regulations and endorse policies that will affect local educational authorities in the Commonwealth, including public school districts and charter schools. 

Explain your relationship or affiliation to the person or organization.

From November 2003 to January 7, 2015, I worked at NewSchools Venture Fund ("NewSchools"), most recently as Mangaging Partner for City Funds. NewSchools is a non-profit grant making firm that supports education entrepreneurs in transforming public education. From November 5, 2014 to January 7, 2015, I was on unpaid leave from NewSchools serving as Transition Director to Governor-Elect Baker. 

From 2012 to 2015, I served on the Board of Directors of the Knowledge is Power Program Massachuisetts ("KIPP MA"). While I worked at NewSchools Venture Fund NewSchools provided KIPP MA with two grants totaling $910,000. On January 5, 2015, I resigned from my seat on the KIPP MA Board. 

in 2010, NewSchools made an initial grant and four subsequent grants to Unlocking Potential ("UP"). In total, NewSchools has provided UP with $1,546,000 in grant revenue. Those grants were not made directly to any of UP's schools, but rather solely to its non-profit management organization. 

How do your official actions or decision matter to the person or organization?
I will be one of an eleven member board participating in votes to proposed amendments to the charters of UP Academy Boston Charter School and KIPP Academy Lynn Charter School, which are supported administratively by UP a nd KIPP MA respictively. 

Optional:  Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.


If you cannot confirm this statement, 
you should recuse yourself.
WRITE AN X TO CONFIRM THE STATEMENT BELOW.

_X__ Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature: Signature of James Peyser

Date: 1/25/15


Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.


PUBLIC EMPLOYEE INFORMATION
Name of public employee: James A. Peyser

Title or Position: Secretary

Agency/Department: Executive Office of Education

Agency address: One Ashburton Place, Room 1403, Boston, MA 02108

Office Phone:617-979-8349
Office E-mail:jim.peyser@massmail.state.ma.us

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If you cannot confirm this statement, 
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WRITE AN X TO CONFIRM THE STATEMENT BELOW.

_X__ Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature: Signature of James Peyser

Date: 1/25/15


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