**Minutes of the Regular Meeting**

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

**Tuesday, June 23, 2015**

**8:35 a.m. – 1:40 p.m.**

**Department of Elementary and Secondary Education**

**75 Pleasant Street, Malden, MA**

Members of the Board of Elementary and Secondary Education Present:

**Paul Sagan,** Chair, Cambridge

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

**Vanessa Calderón-Rosado**, Milton

**Katherine Craven**, Brookline

**Ed Doherty**, Boston

**Margaret McKenna**, Boston

**James Morton**, Boston

**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 Paul Sagan called the meeting to order at 8:35 a.m.

Commissioner Chester said he recently attended an event to honor the Massachusetts Teacher of the Year, Audrey Jackson, along with finalists and semifinalists for the award, the 2015 Massachusetts History Teacher of the Year, the 2014 Presidential Awards for Excellence in Mathematics and Science Teaching finalists, and the 2014 Milken Family Foundation National Educator. The Commissioner informed the Board that the Department has submitted the State Plan to Ensure Equitable Access to Excellent Educators to the U.S. Department of Education. Commissioner Chester commented on the Department's Spring Convening, which brought together over 800 educators from about 200 districts across the Commonwealth to work on initiatives to strengthen teaching and learning. He provided an update on the charter school application cycle, which begins over the summer. Commissioner Chester said that he, Chair Sagan, and Secretary Peyser presented testimony to the Joint Committee on Education in opposition to bills that would place a moratorium on statewide student assessments and on the current system for accountability and assistance for schools and districts.

**Comments from the Public**

1. Megan Tincher and James Odierna, teachers from Needham High School, addressed the Board on civics education and the Working Group on Civic Learning and Engagement.
2. Haley Bowse and Tommy Kelley, Needham High School Class of 2015, addressed the Board on civic learning.
3. Emily Haber, Executive Director of the Mass Service Alliance, addressed the Board on civic learning.
4. Christina Shaw Fitanides, of Massachusetts Advocates for Children, addressed the Board on the proposed autism specialist endorsement regulations.
5. Elizabeth Stringer Keefe, of Lesley Graduate School of Education, addressed the Board on the proposed autism specialist endorsement regulations.
6. Janet Anderson, Massachusetts Teachers Association Vice President, addressed the Board on the proposed autism specialist endorsement regulations.

**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 May 19, 2015 Regular Meeting.**

The vote was unanimous.

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

Committee Chair Penny Noyce presented the committee’s report and recommendations. She said the committee, which included Paul Sagan, David Roach, and James Morton, began by reviewing the five areas of performance in which the Commissioner is evaluated and the criteria used to evaluate these areas. The committee gathered data from various sources including the Department’s performance results, the Commissioner’s self-assessment, and input from other members of the Board, the Commissioner’s leadership team, and the leadership of the Massachusetts Association of School Superintendents.

Ms. Noyce said as chief state school officer, the Commissioner has maintained a visible public profile throughout the state, visited many schools, met regularly with the Superintendents' Advisory Council, worked closely with the Executive Office of Education and the Departments of Higher Education and Early Education and Care, implemented a clear and flexible strategy for Level 4 and 5 schools, and led a successful second year of the test drive of PARCC, among other initiatives. The statewide dropout rate fell to its lowest level in three decades and the four-year graduation rate is at an all-time high. Ms. Noyce said the committee recommends a rating of 5 in this area, as the Commissioner exceeded the Board’s expectations.

In the area of leading the Department of Elementary and Secondary Education, Ms. Noyce said the Commissioner also earned a 5 rating; he receives stellar reviews from his leadership team, communicates high expectations, has put in place an effective delivery system to track the agency’s progress, and recognizes the need for strategic reorganization to address funding and staffing challenges.

Ms. Noyce said in the area of managing external relations, the Commissioner continued to make effective use of the Superintendents’ Advisory Council, the Teacher Leadership Cabinet, and two Principal Advisory Groups, and he has advanced the Board’s priorities through regular meetings and communication with the Legislature. She said one communication problem this year was the delay in acknowledging and informing charter applicants and districts that two charter proposals would be ineligible because of the interplay of statutes, regulations, and policies regarding the lowest ten percent of districts, and the Commissioner mitigated the gap with a Board-approved regulatory waiver for FY2015. Ms. Noyce said the committee’s recommended rating in this area is 4.5, as the Commissioner fully met the Board’s expectations.

In the area of Board support, Ms. Noyce said the Commissioner earned a rating of 5. She noted he provides outstanding support to Board members through weekly reports, monthly calls, and constant availability and responsiveness; assembles staff and resources for informative special meetings; and supports the Board’s committees. She said the committee encourages the Commissioner to involve the Board in important policy discussions as early in the decision cycle as possible.

Ms. Noyce said in the area of national leadership, the Commissioner does an outstanding job of representing Massachusetts on the national education scene, enhancing the Commonwealth’s position as a national leader in education reform and student achievement. Ms. Noyce said the Commissioner’s role as board member and chair of the PARCC governing board has been important to Massachusetts, ensuring that the test is developed for the benefit of the states and not the vendor. The Commissioner’s chairmanship allows Massachusetts to closely monitor test quality, insist on high-quality studies of the test’s reliability and validity, provide leadership to other states, and potentially move to a next-generation assessment in a more affordable way than the state could manage alone. She said the committee affirms its full support for the Commissioner playing this role for the benefit of the Commonwealth, and that the committee recommends a rating of 5, as the Commissioner exceeded the Board’s expectations in this area.

Ms. Noyce said the Commissioner’s overall performance in FY2015 has been outstanding, receiving very high marks (4.9 in total) based on the criteria. She said the committee affirms its strong endorsement of the Commissioner and recommends that the Board do so as well. Ms. Noyce said the committee recommends a salary increase of 2.5%, effective July 1, 2015. Further, the committee believes it is essential that the Commissioner continue his involvement in the critical work of district turnaround, and therefore recommends a mutual commitment, such that if the Commissioner leaves his position in the next three years, other than for cause, he shall continue as a special advisor to the Board and Department on the work with turnaround districts for a period of six months.

Mr. Morton commended the Commissioner’s leadership, his support to the Board, and the fact that he is never satisfied as long as proficiency gaps remain. Mr. Roach said it is evident through conversations with senior leadership that the Commissioner is greatly respected and the Department is committed to the Board's goals. He noted the Commissioner's focus on all schools and students in the Commonwealth, not just those in Level 4 and Level 5 districts. Mr. Roach commended the Commissioner for maintaining balance with a great array of complex work and for his willingness to listen to the field and moderate the pace where appropriate.

Chair Sagan thanked Ms. Noyce for chairing the committee. He said the Commissioner is doing a great job and it is no coincidence that Massachusetts is at the top of U.S. rankings in many measures of K-12 achievement. Chair Sagan said it has been a challenging year and the committee's unanimous recommendation is that the Commissioner is doing an excellent job. The Chair said the proposed salary increase is the most the committee could do now and they will revisit it when possible. Chair Sagan said the committee views it as essential that the Commissioner continue his involvement in the turnaround work.

Secretary Peyser thanked Ms. Noyce and the other members of the committee. He commended the Commissioner’s work in Lawrence and in Holyoke for the past six months, moving with a sense of urgency, guiding the Board, and laying the foundation for positive changes for students. Secretary Peyser said there will be management challenges with the end of Race to the Top, early retirement, and budget cuts, which will require some creative restructuring. He said the Board is the Commissioner’s ally in this work, and congratulated him for a job well done.

Mr. Willyard said he appreciates that the Commissioner welcomed him to the Board, quickly brought him up to speed, and has supported the State Student Advisory Council. He suggested communication should continue to be a priority. Ms. Stewart asked about the process for developing the criteria for the performance evaluation. She requested more time to review the materials next year. Chair Sagan said the committee will revisit the criteria in the fall. Ms. Calderón-Rosado said during her time chairing the evaluation committee over several years, the criteria were revised and additional details and weights were added. She thanked the Commissioner for his exceptional leadership and for not being complacent when it comes to results for low income students and children of color. Ms. McKenna requested to receive materials well in advance of meetings and recommended including specific measurable goals within the evaluation rubric. She said communication is an area that continues to need attention, particularly with educators and superintendents, and suggested that the Commissioner could use the self-evaluation to identify areas for growth as well as accomplishments.

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

**VOTED: that the Board of Elementary and Secondary Education approves the Commissioner’s FY2015 performance rating of “outstanding” as recommended by the Board’s committee. The Board further approves a salary increase for the Commissioner of 2.5% percent, effective July 1, 2015. Further, in recognition that the vital work of district turnaround is at a pivotal point, the Board endorses a mutual commitment, such that if the Commissioner leaves his position in the next three years other than for cause, he shall continue as a special advisor to the Board and Department on the work with turnaround districts for a period of six months.**

The vote was unanimous.

Commissioner Chester said he appreciates the Board's confidence and does not take it for granted. He credited Department staff for their outstanding leadership and service. He said he appreciates Secretary Peyser’s and Governor Baker’s commitment to education. The Commissioner pledged that he will continue to focus on what is best for students.

**Strengthening Civic Learning**

David Roach, chair of the Working Group on Civic Learning and Engagement, introduced members of the working group in attendance, including: Maureen Binienda, Roger Desrosiers, Daniel Gutekanst, Kristen McKinnon, Alan Melchior, Elena Quiroz, John Reiff, and Mark Wilson. They summarized the report for the Board.

Mr. Wilson said a number of national research studies and policy initiatives have highlighted the importance of civic learning as a fundamental requirement of democracy. He outlined policy initiatives in other states, including Florida, Tennessee, Hawaii, Utah, Connecticut, and Arizona. Mr. Melchior said districts are finding new ways to assess civic learning through students’ application of skills and knowledge. Mr. Reiff said the Department of Higher Education's original Vision Project Report did not include preparation for citizenship, but in response to a study group, the Board of Higher Education adopted a policy on civic learning for state colleges and universities and will work with the higher education campuses to incorporate civic learning as an expected outcome for undergraduate students. Ms. McKinnon outlined some promising practices in areas of classroom instruction, service learning, and extracurricular activities.

Mr. Roach presented the six recommendations from the working group. He said the Edward M. Kennedy Institute has agreed to partner with the Department on the network of regional advisory councils that the working group has recommended to be established. Mr. Roach asked the Board to accept the report and direct the Commissioner to move the recommendations forward.

Chair Sagan thanked Mr. Roach for his leadership and the working group for their thoughtful work. He said the Board accepts the report and would like the Commissioner to study the recommendations and provide guidance on next steps. The Commissioner agreed to come back with his plan in September or October. Mr. Roach said earlier action is needed if the regional advisory councils are to be set up. Secretary Peyser cautioned that layering more advisory councils on top of existing ones could be burdensome, and suggested the Commissioner should determine resources first. The Secretary added that the working group’s recommendation to update the history and social science framework should prompt consideration of reviving a history assessment and incorporating it into the high school graduation requirement. Mr. Willyard said the State Student Advisory Council has discussed community service as a graduation requirement. Mr. Roach said this idea is worth exploring further.

Mr. Roach urged the Board to vote to accept the report and the six recommendations. Chair Sagan said the Board would accept the report and direct the Commissioner to act expeditiously to review the recommendations and bring back an action plan in September. Mr. Doherty said he would make a motion to endorse the recommendations, and if they cannot be implemented, the Commissioner would tell the Board. Chair Sagan said he would prefer to have the Commissioner review them first and present a plan, rather than set it up for potential failure. Ms. Calderón-Rosado agreed with the Chair and said the Board might not want to be constrained by these specific recommendations; for example, she said if there is a grant program, it should give greater weight to districts with more low income students. The Commissioner said he would prefer that the Board accept the report and then he would come back with his recommendations.

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

**VOTED: that the Board of Elementary and Secondary Education accept the report of the Working Group on Civic Learning and Engagement and endorse its recommendations, and direct the Commissioner to come back to the Board at its September 2015 meeting with a plan for implementing the recommendations.**

The motion passed 6-5. Chair Sagan, Ms. Calderón-Rosado, Mr. Morton, Ms. Noyce, and Secretary Peyser voted in opposition.

**Lawrence Public Schools: Progress Report on Third Year of Receivership**

Commissioner Chester said he recently renewed the district turnaround plan and the contract for Receiver Jeff Riley to continue the work for three additional years. Mr. Riley said this year Lawrence had its largest class of high school graduates in history: 750 students. He said during the 2014-2015 school year the district: launched the plan to re-imagine Lawrence High School; opened a new family resource center and online registration platform; formalized a Lawrence Partnership Council with the Lawrence Teachers Union; created 130 new preschool seats with the assistance of a federal grant; and continued educator leadership initiatives. The Receiver said there was a significant expansion of enrichment programming for students. He reviewed highlights of the renewed turnaround plan.

In response to Ms. Stewart's questions, Mr. Riley said non-renewal of educators may occur for various reasons including an evaluation, incomplete certification requirements, or attendance record. He added that he met with all non-renewed educators. Mr. Doherty said the number of non-renewed educators seems high, and while there are legitimate reasons for non-renewal, he has heard concerns about fairness. Mr. Doherty asked Mr. Riley to review all the non-renewal situations. In response to Mr. Roach, Mr. Riley said every non-renewed educator received an evaluation. Mr. Roach said the effectiveness of educator evaluation depends on its fairness.

Mr. Riley said he is confident that a fair process occurred. Commissioner Chester said he has explored these issues with Mr. Riley and is confident about the process. He said the high school redesign process has been very deliberate with great faculty engagement. Chair Sagan thanked Mr. Riley for all his work and for signing up for another three years as Receiver.

**Update on Holyoke Public Schools**

Commissioner Chester introduced Senior Associate Commissioner Russell Johnston and newly appointed Holyoke Receiver Stephen Zrike. Mr. Zrike addressed the Board, first in Spanish and then in English. He said he is aware that the work will be challenging but rewarding. Mr. Zrike said he has already visited the district and has spoken with some teachers and parents.

In response to Mr. Morton's question, Mr. Johnston said the Department and the Receiver are engaging with as many community organizations as possible, as well as higher education, the Departments of Children and Families and Transitional Assistance, regional employment boards, parents, and teachers. He said the community conversations and the meetings of the local stakeholders group have been very worthwhile. Ms. Calderón-Rosado commended Mr. Zrike and the Department for their outreach to the Holyoke community.

**Update on Level 5 Schools**

Commissioner Chester said Board members have received the FY2015 Quarter 4 progress reports and the annual evaluations on the four Level 5 schools. He clarified that the Morgan School will no longer be overseen by Project Grad now that Holyoke is under receivership as a district. Senior Associate Commissioner Russell Johnston said several themes run across the four schools, including the establishment of positive school culture; family engagement; supporting English language learners; and training educators for the Sheltered English Immersion endorsement. He said additional data will be available in the fall.

**Update on FY2016 State Education Budget**

Commissioner Chester gave a brief overview of the Conference Committee process, which will lead to presentation of the final FY2016 budget to the Governor in late June. Chief Financial Officer Bill Bell said the Senate increased Chapter 70 aid by $111.2M (2.5%) over FY2015 and provided the funding needed to support the Board's decision timeline for PARCC implementation. Mr. Bell said in the Senate version of the budget, the Education Data Services account has been eliminated from the Department's budget and consolidated into the Executive Office of Education account with reduced funding. In response to Ms. Stewart's question, Commissioner Chester said MCAS testing in English language arts and math costs $46 per student and PARCC costs approximately $10 less per student.

**Breakfast in the Classroom**

Commissioner Chester introduced Nutrition Director Katie Millet and commended her for her work on school nutrition programs, noting that she is retiring at the end of June. Ms. Millett said school breakfast yields many positive outcomes for students and the overall classroom environment. She presented participation results from schools comparing data before and after the schools introduced breakfast in the classroom. Ms. Millett said since the Department issued its 2015 guidance on student learning time in relation to breakfast, there has been more interest in breakfast in the classroom, and the Department has focused additional outreach and technical assistance on lower income, low participation districts. She said she expects participation will increase in the next school year. Ms. McKenna thanked Ms. Millett for her work on this initiative. She said breakfast in the classroom truly makes a difference for students and suggested it should be required in Level 4 and 5 schools.

**Redefining Low Income – A New Metric for K-12 Education Data**

Commissioner Chester said the commonly used metric for measuring income status has been eligibility for free or reduced price meals under the U.S. Department of Agriculture’s (USDA) school nutrition program. He said under a new USDA program, all students in schools and districts with high concentrations of low income students are eligible to receive free meals, eliminating the paperwork burden for families and schools. Commissioner Chester said without the availability of free and reduced price meals data in many of our largest districts, we needed to develop a new income status metric that could be used consistently across the state, now referred to as economically disadvantaged.

Deputy Commissioner Wulfson said the new measure will be based on a student’s participation in one or more of the following state-administered programs: the Supplemental Nutrition Assistance Program (SNAP); Transitional Assistance for Families with Dependent Children; the Department of Children and Families’ foster care program; and MassHealth (Medicaid).

Chair Sagan said schools and districts should not be penalized for the unintended consequences of a good USDA policy that benefits students. Ms. Calderón-Rosado said it is disorienting to see the dramatic changes in the number of low income students being reported in some districts. Commissioner Chester said the Department will continue to review the data and alternative options with districts. Chair Sagan suggested that Katherine Craven work with the Department on reviewing the policy.

**Regulations on Autism Endorsement for Educator Licensure, 603 CMR 7.00**

Commissioner Chester said after the Legislature enacted a law directing the Board to establish an educator licensure endorsement in autism, the Board voted to solicit public comment on the proposed amendments to the educator licensure regulations. He said although the law directs the Board to develop the autism endorsement for licensed special education teachers, he is recommending that this endorsement also be made available to early childhood and elementary teachers as well as teachers licensed in core academic subject areas, to encourage inclusion of students with disabilities in general education. Special Education Director Marty Mittnacht said this is a voluntary endorsement, not a license, and does not qualify a general educator to be a special education teacher.

Ms. McKenna said the law specifically intended the endorsement for special education teachers. She said the Department is going beyond the intent of the law and creating confusion for parents. Ms. Noyce asked what the disadvantage would be if the license were limited to special education teachers. Senior Associate Commissioner Russell Johnston said limiting the license to only special education teachers goes against the notion of inclusive classrooms. A motion was made and seconded to adopt the regulations as presented. Mr. Doherty moved to amend the motion to include four amendments proposed by the Massachusetts Teachers Association (MTA). Chair Sagan suggested the Board proceed with other agenda items so that staff could take time to review the MTA's proposed amendments and then return to the discussion.

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

Commissioner Chester said annually the Board delegates authority to the Commissioner to take necessary action during the summer months when the Board does not meet; the Commissioner notifies Board members in advance of any such action and reports to the Board on any matters that have been so approved. A motion was made and seconded. Mr. Willyard asked if a Board member objects, would the matter then be held for the Board. Chair Sagan said that would undermine the purpose of the delegation. Secretary Peyser said the Commissioner could consult with the Chair on delegated actions, as is done by the Higher Education Commissioner and Board Chair. Chair Sagan said he would be happy to consult but believes it is unnecessary. Ms. Stewart suggested modifying the original motion to require the Commissioner to consult with both the Chair and Vice-Chair prior to any action. The Commissioner noted that the motion includes one specific item relating to approval of a charter school management contract. He said he would continue to keep the Board informed of any actions he takes under delegated authority.

On a motion duly made and seconded, it was:

MOVED: that the Board of Elementary and Secondary Education authorize the Commissioner, in accordance with General Laws c. 15, § 1F, paragraph 3, to act on behalf of the Board in approving any matters that are not otherwise covered by the Board's previous delegations of authority and that require Board action between June 23, 2015 and the next regular meeting of the Board in September 2015, including the approval of an amendment to the contract between the board of trustees of the SABIS International Charter School and Springfield Education Management, LLC, pursuant to General Laws c. 71 § 89(k)(5); provided that the Commissioner shall consult with both the Chair and Vice-Chair in advance of any such action and shall report to the Board on any matters that have been so approved.

The motion failed, 4-7. Mr. Doherty, Ms. McKenna, Ms. Stewart, and Mr. Willyard voted in favor.

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

**VOTED: that the Board of Elementary and Secondary Education authorize the Commissioner, in accordance with General Laws c. 15, § 1F, paragraph 3, to act on behalf of the Board in approving any matters that are not otherwise covered by the Board's previous delegations of authority and that require Board action between June 23, 2015 and the next regular meeting of the Board in September 2015, including the approval of an amendment to the contract between the board of trustees of the SABIS International Charter School and Springfield Education Management, LLC, pursuant to General Laws c. 71 § 89(k)(5); provided that the Commissioner shall consult with the Chair in advance of any such action and shall report to the Board on any matters that have been so approved.**

The vote was 6-4-1. Ms. Calderón-Rosado, Mr. Morton, Ms. Noyce, and Mr. Roach voted in opposition. Chair Sagan abstained.

**Proposed 2015-2016 Board Meeting Dates**

The Board reviewed the list of proposed meeting dates for the 2015-2016 school year, noting that the January 2016 meeting will be a joint meeting with the Board of Higher Education.

**VOTED: that the Board of Elementary and Secondary Education approve the schedule of regular meetings through June 2016, as presented by the Commissioner.**

The vote was unanimous.

**Update on PARCC**

Chair Sagan presented a brief report on the Monday evening, June 22 PARCC forum held at North Shore Community College. He distributed a PARCC/MCAS English language arts and math question analysis done by Match Charter Public School. Deputy Commissioner Jeff Wulfson said about half of the PARCC tests administered in Massachusetts this year were administered online. He said the standard setting process will occur this summer with educators and education experts from across the country. Chair Sagan noted that the Board’s fifth PARCC forum will be held in Springfield on July 7.

**Regulations on Autism Endorsement for Educator Licensure, 603 CMR 7.00 (Continued)**

Ms. McKenna asked if the credential could be called something other than an endorsement. Commissioner Chester asked staff to comment on the MTA’s proposed amendments. He cautioned against limiting the authority of school officials to set qualifications for particular teaching assignments. Commissioner Chester recommended that the Board table this item to allow more time for staff review, and he will bring the regulations back to the Board in September. Mr. Doherty suggested that Department staff talk with the MTA about their proposed amendments. Chair Sagan suggested talking with Ms. McKenna as well. The Board agreed to table the item.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 1:40 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