**Minutes of the Regular Meeting**

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

**Tuesday, February 28, 2017**

**8:35 a.m. –12:30 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

**Katherine Craven**, Brookline

**Ed Doherty**, Boston

**Roland Fryer**, Cambridge

**Margaret McKenna**, Boston

**Nathan Moore**, Chair, Student Advisory Council, Scituate

**Michael Moriarty**, Holyoke

**Pendred Noyce**, Boston

**James Peyser,** Secretary of Education

**Mary Ann Stewart**, Lexington

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

**Member of the Board of Elementary and Secondary Education Absent:**

**James Morton**, Vice-Chair, Boston

Chair Sagan called the meeting to order at 8:35 a.m. He thanked Board members for a robust discussion at the special meeting Monday evening.

Commissioner Chester provided a brief report on the 2016 National Blue Ribbon Schools event at the State House and updated the Board on the Dever School; the Department’s spring conference in Marlborough; the Every Student Succeeds Act (ESSA) proposed state plan; and the school breakfast program.

Ms. McKenna arrived at 8:40 a.m.

Commissioner Chester reminded the Board that OCR is looking into translation services for parents of students with disabilities in Lawrence and Braintree; noted the report in this month’s Board materials on charter school matters he has approved under delegated authority; and commented on the College Board’s recent report showing that Massachusetts is the top state in the nation for the percentage of students in the class of 2016 earning a score of 3 or higher on an Advanced Placement exam.

**Statements from the Public**

1. Annamaria Schrimpf, METAA board member, addressed the Board on the proposed amendments to the regulations on educator licensure and license renewal.
2. Christina Shaw Fitanides, Esq., Policy Analyst, Massachusetts Advocates for Children, addressed the Board on the proposed amendments to the regulations on educator licensure and license renewal.
3. Rick Rogers, Executive Director, MA Elementary School Principals Association (MESPA), addressed the Board on the proposed amendments to the regulations on educator evaluation.
4. Richard Pearson, Associate Director, MA Secondary School Administrators Association (MSSAA), addressed the Board on the proposed amendments to the regulations on educator evaluation.
5. Robert Baldwin, Fairhaven Superintendent and MA Association School Superintendents (MASS) representative addressed the Board on the proposed amendments to the regulations on educator evaluation.
6. Gerry Mroz, parent, addressed the Board on the proposed amendments to the regulations on educator evaluation.
7. Dr. Dianne Kelly, Revere School Superintendent, addressed the Board on Chapter 70.
8. Gerry McCue, Executive Director for Administration and Finance, City of Chelsea, addressed the Board on Chapter 70.

Ms. Craven arrived at 9:05 a.m.

**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 January 24, 2017 Regular Meeting, the January 24, 2017 Joint Meeting with the Board of Higher Education, and the January 23, 2017 Special Meeting.**

The vote was unanimous.

**TEC Connections Academy Commonwealth Virtual School Renewal**

Commissioner Chester noted this item was on the Board’s agenda for the special meeting last night, February 27, but the Board deferred action on it because the meeting ran late. He introduced Cliff Chuang,Senior Associate Commissioner; Ken Klau,Director of Digital Learning; andJennifer Gwatkin,Office of Digital Learning. The Commissioner said the Board had influenced the reform of the initial virtual school statute in Massachusetts and as a result, the current statute authorizes a stronger state role. He commented that nationally, virtual schools have a mixed record of performance. The Commissioner added that the Board will have a broader discussion of virtual schools at a future meeting.

Commissioner Chester recommended that the Board renew the certificate for the TEC Connections Academy Commonwealth Virtual School (TECCA) for an additional five years, and that the Board place conditions on the school’s certificate to address concerns related to student participation in MCAS tests and supports for English language learners (ELLs). He said TECCA has made progress since it opened.

Mr. Klau reviewed the student demographics and enrollment trends for TECCA for 2015-2016. Mr. Chuang said the tuition charge at a virtual school is paid by the student’s home district, similar to school choice. TECCA Superintendent Adam Goldberg joined the panel to answer questions about low MCAS participation and additional support needed for ELL students.

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

**VOTED:**  **that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 94, and 603 CMR 52.11, hereby renews the certificate for the TEC Connections Academy Commonwealth Virtual School (TECCA) for five years and directs the school to meet the following conditions, as recommended by the Commissioner:**

1. **By March 13, 2017, TEC Connections Academy Commonwealth Virtual School must submit to the Department for its approval, at** **odl@doe.mass.edu** **or 75 Pleasant St., Malden, MA, 02148, a detailed plan for ensuring that not less than 95% of students participate in Spring 2017 Massachusetts Comprehensive Assessment System (MCAS) tests, in the aggregate and for all applicable student subgroups. The plan, which must be implemented upon approval, must provide descriptions and timelines for:**
	1. **Arranging for student transportation to testing sites for all applicable tests during the testing window, including make-up tests, if needed;**
	2. **Including information about transportation options, which must include no-cost options, in the general notice sent to parents/guardians about the MCAS participation requirements;**
	3. **Identifying testing sites, including school districts, if applicable;**
	4. **Monitoring student attendance on testing days; and**
	5. **Conducting additional outreach to the parents/guardians of students at risk of not participating in testing, including students who may not have participated in prior test administrations while enrolled at TECCA.**
2. **By April 3, 2017, TEC Connections Academy Commonwealth Virtual School must submit to the Department for its approval, at** **odl@doe.mass.edu** **or 75 Pleasant St., Malden, MA, 02148, in a format prescribed by the Office of Language Acquisition and Academic Achievement, a detailed plan for serving students who are English language learners. The plan, which must be implemented upon approval, must provide descriptions and timelines for:**
	1. **Identifying and screening all students potentially eligible for**

**English language learner services;**

1. **Providing high-quality, specialized instructional support to English language learners, including standards-aligned curriculum, formative assessments, and pedagogical strategies;**
2. **Providing all teachers of English language learners with ongoing professional development to effectively meet the needs of English language learners and their parents/guardians;**
3. **Providing on-demand translation services to current and prospective students’ parents/guardians who may speak languages other than English; and**
4. **Conducting outreach to prospective students’ parents/guardians who may speak languages other than English in their language, using the same channels the school uses for English-speaking parents, which may include web/social media, radio, print, and television.**

**In addition to meeting these conditions, the TEC Connections Academy Commonwealth Virtual School must also comply with the terms of its certificate. The Commissioner shall review and report to the Board on the success or lack of success of the TEC Connections Academy Commonwealth Virtual School in meeting these conditions and the terms of its certificate and, based upon his review, shall recommend or take such further action as he deems appropriate.**

**The Commonwealth of Massachusetts virtual school shall be operated in accordance with the provisions of General Laws chapter 71, section 94; 603 CMR 52.00; 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 from time to time establish, all of which shall be deemed conditions of the certificate**

The vote was unanimous.

**State Graduation and Dropout Results for 2015-16**

Commissioner Chester announced that the state’s four-year graduation rate improved for the 10th consecutive year. Russell Johnston, Senior Associate Commissioner, and Rob Curtin,Associate Commissioner, provided an overview of the cohort graduation and annual dropout rate methodology and presented results for the 2015-16 school year. Mr. Curtin highlighted the data on cohort graduation rates, improved graduation rates for all subgroups, and graduation rates for those districts currently in receivership. Commissioner Chester said districts are paying close attention to struggling students and the Department is working with districts that have the lowest graduation rates.

**Next- Generation MCAS: New Achievement Level Descriptors**

Chair Sagan said this is listed as a discussion and vote but if further review is needed, the vote would be tabled until the March meeting. Commissioner Chester introduced Jeff Wulfson, Deputy Commissioner; Michol Stapel,Associate Commissioner; and Bob Lee, Chief MCAS Analyst.

Commissioner Chester reviewed his recommendations for new achievement level categories and policy-level descriptors for the next-generation MCAS tests. He explained that these descriptors will guide the standard setting committees that will review the test results in each grade and recommend cut scores corresponding to each level of performance. The descriptors will also be included on the parent/guardian score reports to help students and their families better understand the test results.

Mr. Lee reviewed the descriptors. Board members voiced concern about whether the descriptors were clear enough, particularly for Partially Meeting and Not Meeting. Secretary Peyser said the basic framework is good but the wording could be improved. He suggested linking Exceeding to “mastery” of the subject at that grade level, linking Meeting to being “on track” to meet standards at the next grade level, linking Partially Meeting to “should consider” additional assistance, and linking Not Meeting to “additional assistance should be provided.” Ms. Noyce, who was on the committee that worked on the descriptors, said the committee’s intent is to send a clear message to parents, especially when students need more academic assistance. She suggested the Department could provide further guidance. Mr. Wulfson agreed this is intended to inform parents, who may not be aware of the achievement levels or may be receiving mixed messages about their child’s progress. Chair Sagan said while we cannot be prescriptive for every circumstance, it would be helpful to clarify the language. He asked Ms. Noyce to work with the Department on further review of the descriptors. Ms. Noyce agreed.

**Proposed Amendment to Regulations on Accountability and Assistance for Districts and Schools, 603 CMR 2.00 (Limitation of Certain Provisions for 2016-17 School Year)**

Commissioner Chester recommended that the Board vote to solicit public comment on a proposed amendment to the regulations on accountability and assistance, to allow the Department to refrain from placing certain schools into Levels 1-3 at the beginning of the 2017-18 school year. He explained this would in essence reset the accountability baseline for schools that will be administering the next-generation MCAS tests this spring, provided that the schools meet the participation rate threshold.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L.c. 69 §§ 1B, 1J and 1K, authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, to solicit public comment on the proposed amendment to the Regulations on Accountability and Assistance for School Districts and Schools (603 CMR 2.00).**

The vote was unanimous.

**Technical Amendment to Regulations on Accountability and Assistance for Districts and Schools, 603 CMR 2.00**

Commissioner Chester recommended a final vote on the technical amendments to the regulations on accountability and assistance which would make clear that during the period that the new or modified turnaround plan for a Level 4 or 5 school or district is being developed, the prior turnaround plan remains in effect. This allows for a smooth transition, avoids the disruption that would occur if a turnaround plan expired before the planning process required by the statute has been completed and the successor plan has been put in place, and conforms to the Department’s practice with Level 4 schools. The technical amendments are also relevant in those instances where the Commissioner makes a determination that a school will exit Level 4 or Level 5.

Commissioner Chester noted that the Department revised one part of the proposed amendment, in response to a point raised in a letter from the Massachusetts Teachers Association (MTA) during the public comment period.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L.c. 69 §§ 1B, 1J and 1K, and having solicited public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopts the technical amendment to the Regulations on Accountability and Assistance for School Districts and Schools (603 CMR 2.00), as presented by the Commissioner.**

The vote was unanimous.

**Educator Licensure and License Renewal: Proposed Amendments to Regulations, 603 CMR 7.00, 13.00, and 44.00**

Commissioner Chester introduced Heather Peske, Senior Associate Commissioner; Brian Devine, Director of Educator Licensure; Liz Losee, Director of Educator Preparation and Assessment; and Lucy Wall, Associate General Counsel.

Commissioner Chester presented for discussion and a vote to solicit public comment, proposed amendments to the regulations on Educator Licensure and Preparation Program Approval, Educator License Renewal, and Certification of Supervisors of Attendance. The Commissioner explained that these proposals are intended to streamline the regulations and licensure system, close loopholes, clarify certain provisions, and reduce regulatory burdens. With the Board’s approval, the Department will solicit public comment on the proposed regulations. The Commissioner said he anticipates returning to the Board for a final vote in June 2017.

Ms. Peske provided an overview of the proposed changes. Ms. Craven asked if the changes affect vocational-technical education teachers. Mr. Devine responded that a different set of regulations applies to vocational educators, and the Commissioner may bring proposed changes to those regulations to the Board in FY18. Secretary Peyser and Chair Sagan commended the Department for working to streamline the regulations. Ms. McKenna voiced concern that individuals can earn a license based on a bachelor’s degree and passing the MTEL tests, without completing a teacher preparation program. Ms. Peske said this route is the five-year preliminary license, which is in statute, so changing it would require legislation. Secretary Peyser noted that the statute requires first-year teachers to have an induction program.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L.c. 69 § 1B and c. 71, § 38G, authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, to solicit public comment on the proposed amendments to the Regulations on Educator Licensure and Preparation Program Approval (603 CMR 7.00), Certification of Supervisors of Attendance (603 CMR 13.00), and Educator License Renewal (603 CMR 44.00).**

The vote was unanimous.

**Regulations on Recovery High Schools, 603 CMR 54.00**

Commissioner Chester introduced Cliff Chuang, Senior Associate Commissioner; Rachelle Engler Bennett, Associate Commissioner; Anne Gilligan, Office of Student and Family Support; and Josh Varon, Legal Counsel. Commissioner Chester said the Board voted in November 2016 to solicit public comment on the proposed regulations on Recovery High Schools and based on the comments, the Department has clarified some provisions. The regulations, which were drafted in consultation with the Department of Public Health and the Department of Mental Health, clarify requirements for admission, enrollment, and educational programming in Recovery High Schools. Ms. Engler Bennett responded to questions from Board members about how Recovery High Schools operate.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L.c. 69, § 1B, and G.L. c. 71, § 91, and having solicited public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopts the Regulations on Recovery High Schools, 603 CMR 54.00, as presented by the Commissioner.**

The vote was unanimous.

**Governor’s State Education Budget Proposal for FY2018**

Bill Bell, Senior Associate Commissioner and CFO, gave an overview of Governor Baker’s FY18 state spending recommendations for education for the coming fiscal year. The recommended appropriations for the Department, most of which are local aid, total $5.3 billion, a net increase of $89.5 million (1.7%), over FY17 spending after all 9c reductions. The Governor’s request affirms a commitment to fund education aid for districts, supports core service delivery at the Department, and provides new opportunities for Career Technical Education and STEM programs. Mr. Bell said the FY18 budget process will conclude in late June when the Legislature approves the FY18 budget and forwards it to the Governor for his final review and approval.

Deputy Commissioner Wulfson noted that the line item for transportation for homeless students will have to be increased because of the new requirement under the Every Student Succeeds Act to provide transportation to children in foster care if it is deemed in the best interest of the child to remain in the current school. This will place an additional financial burden on districts. Mr. Wulfson said the Department is in touch with the Ways and Means Committee about this issue as work proceeds on the FY18 budget. Secretary Peyser highlighted items from the Governor’s proposed budget including Expanded Learning Time grants and Career Pathways.

**Update on Chapter 70**

Jeff Wulfson, Deputy Commissioner, introduced Melissa King, the Department’s director of School Finance, and presented an overview of the Governor’s budget proposal relating to Chapter 70 aid, which would increase in FY18 by $91 million (2%), to $4.719 billion. Mr. Wulfson noted FY18 will be the second year in which the Commonwealth is using the new “economically disadvantaged” metric under Chapter 70 to determine additional funding for districts to meet the extra needs of students from low income families. He noted that the Board has received the Department’s report to the Legislature on this issue.

Dr. Fryer arrived at 11:45 a.m.

Mr. Wulfson said most districts in Massachusetts see no impact or a net gain from the new metric, but for a few districts, including Chelsea and Revere, it has a negative impact. He said the Department is conferring with the affected districts, a working group of the MASS, and the Legislature to determine ways to address this. In response to questions from Board members, Mr. Wulfson explained that the reduction in the number of eligible students is mitigated by the increase in the amount of aid per student. Chair Sagan commented that this is a 50-state problem because it stems from the USDA rules for community eligibility, which encourage greater student participation in school nutrition programs. Mr. Wulfson said the Department is in touch with other states about it, and other states are looking to Massachusetts for ideas too.

**Educator Evaluation: Amendments to Regulations, 603 CMR 35.00, on Student Impact Rating**

Commissioner Chester provided an overview to the Board on the proposed amendments to the Educator Evaluation regulations. He reminded the Board that the Department drafted the amendments in response to feedback from stakeholders that the separate student impact rating was not working. The Commissioner said the amended regulations maintain student learning as a central consideration but fold it into standard 2 as an indicator. Heather Peske, Senior Associate Commissioner, and Ron Noble, Director of Integration and Strategy, reviewed the proposed changes.

Mr. Doherty said he expects the amendments will pass, and he hopes the next step will be to implement a program that is productive for teaching and learning. In response to questions from Dr. Fryer about whether the rules are clear enough to assure high expectations, Commissioner Chester said the amended regulations would still rely on the evaluator’s professional judgment. Mr. Moriarty said that he will support the amendments because principals and superintendents say this approach will work, although he questions whether the approach is strong enough. Ms. Stewart said she believes conversations between evaluators and teachers are essential. Mr. Moore said he is concerned that the impact on student learning is getting buried. Commissioner Chester said he believes this is a reasonable and reasoned approach. Ms. McKenna commented that low expectations are the enemy of poor kids; she said she favors the amendments and hopes evaluators will get support. Chair Sagan explained that a no vote would keep the current regulations in place and there is no third option.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L.c. 69 § 1B and c. 71, § 38, and having solicited public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopts the amendments to the Regulations on Evaluation of Educators (603 CMR 35.00), as presented by the Commissioner.**

The vote was 9 to 1. Mr. Doherty voted in opposition.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 12:30 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 27, 2017**

**5:05 p.m.–9:10 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

**Katherine Craven**, Brookline

**Ed Doherty**, Boston

**Margaret McKenna**, Boston

**Nathan Moore**, Chair, Student Advisory Council, Scituate

**Michael Moriarty**, Holyoke

**Pendred Noyce**, Boston

**James Peyser,** Secretary of Education

**Mary Ann Stewart**, Lexington

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

**Members of the Board of Elementary and Secondary Education Absent:**

**James Morton**, Vice-Chair, Boston

**Roland Fryer**, Cambridge

Chair Sagan called the meeting to order at 5:05 p.m. He noted that Vice-Chair Morton and Dr. Fryer would not be in attendance this evening. Chair Sagan said the agenda includes several complex matters and the meeting might go longer than originally scheduled.

**Statements from the Public**

1. Barbara Madeloni, President, Massachusetts Teachers Association, addressed the Board on Pioneer Valley Chinese Immersion Charter School
2. Marc Kenen, Executive Director, Massachusetts Charter Public School Association, addressed the Board on charter authorizing.

The following panel addressed the Board on Hampden Charter School of Science:

1. John C. Martin, Esq., Amsterdam & Partners LLP
2. Mr. Tuncay Bayrak, President, Turkish-American Society of Western Massachusetts
3. Mr. Halil Mutlu, President, Turken Foundation
4. Mr. Mehdi Osmanli, President, Ahiska Turkish American Community Center in West Springfield

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Commissioner Chester acknowledged the upcoming retirement of Marc Kenen at the end of this school year. Chair Sagan and Ms. McKenna extended their appreciation and best wishes to him.

**Recommendations for New Charter Schools (Hampden Charter School of Science-West, proposed location Westfield; Map Academy Charter School, Plymouth; Old Sturbridge Academy Charter School, Sturbridge)**

Commissioner Chester stated he is recommending charters for three of the four groups that submitted final applications. He said two of the three recommended charter schools serve districts or regions that, based on current analysis, are among school districts performing in the lowest 10 percent of all districts on statewide assessments. The Commissioner said his recommendation of the Hampden Charter School of Science–West and Old Sturbridge Academy Charter Public School would permit the Board, per statute, to also award a Commonwealth charter to an applicant whose district or region is not identified as performing in the lowest 10 percent. While the proposed Map Academy Charter School would have a charter region that includes one district performing in the lowest 10 percent, the composite region is not in the lowest 10 percent.

**Hampden Charter School of Science-West**

Commissioner Chester directed Board members to his memo dated February 27, 2017, summarizing the Department’s due diligence and fact finding related to the allegations regarding the proposed Hampden Charter School of Science –West (HCSS-West). The allegations were submitted by the law firm of Amsterdam and Partners, LLP. The Commissioner said he used three standards in determining his decision with respect to the allegations about the school: (1) whether the assertions are grounded in evidence, (2) whether the evidence is specific to the application for this particular charter, and (3) whether the evidence is relevant to granting a new charter.

Commissioner Chester said HCSS has been a very high performing charter school with a diverse student body and high demand for new seats, and he has designated HCSS as a proven provider based on its outstanding track record. He summarized the responses in his February 27th memo. The Commissioner said having reviewed all of the information presented, he has found no evidence to support the allegations with respect to the existing HCSS or the proposed HCSS-West, and he stands by his recommendation to grant a charter to HSCC-West.

Commissioner Chester invited Jeff Wulfson, Deputy Commissioner; Cliff Chuang**,** Senior Associate Commissioner; Alison Bagg**,** Director of Charter Schools and School Redesign; andAlyssa Hopkins**,** School Development Manager, Charter School Office and School Redesign to address questions from Board members.

Ms. Craven expressed concern about the financial allegations. Mr. Wulfson responded that the Department has found no evidence to support the allegations about “ambiguous financial practices.” Mr. Moriarty said while the allegations are troubling, they are just allegations and need to be weighed in relation to the demand from families for expanded STEM opportunities for students. Mr. Chuang and Ms. Bagg said the Department has looked into the facts and HCSS has been forthcoming when asked about any Gulen affiliation; the school consistently denies any association. Ms. Bagg added that students and families at HCSS have never raised concerns about religious beliefs.

Mr. Doherty stated that he too finds the allegations concerning and wonders if the Department has the expertise to dig into them. He asked if the allegations have been discussed with the Attorney General’s office, and if the Board could postpone the vote. Chair Sagan responded that the vote cannot be postponed because the February deadline is in statute; however, the Board can revisit a charter at any time and could revoke a charter for cause.

Chair Sagan invited the HCSS administrators: Volkan Yesilyurt, Ph.D.**,** Board Chair, Hampden Charter School of Science; Nigar Khan**,** Vice- Chair; and Tarkan Topcuoglu, Director of School, to address the members. Dr. Yesilyurt said the allegations are false and HCSS has submitted a written response. The panel responded to questions from Ms. McKenna about the school’s contract with Apple Education Services (AES), the possible network affiliation of over 100 charter schools in the U.S., and HCSS’s use of the H-1B visa program. Mr. Moriarty followed up with questions about the school’s future facilities and land acquisitions and the panel responded. Mr. Moriarty added that the school should be aware many eyes will be watching, and if the allegations are proven, he would be inclined to revoke the charter.

Chair Sagan acknowledged that this is a most unusual matter for the Board. He said the accusations are troubling, as is the manner in which the accusations have been brought to the Board. Chair Sagan said HCSS has met high standards and provides opportunities that students need. He said he would decide based on the interests of the children, and if evidence is presented in the future that supports the allegations, the Board could move on revocation of the charter.

Secretary Peyser concurred. He said HCSS is a very high performing school that has earned the proven provider designation. The Secretary said allegations are not the same as evidence, and the Board has not heard from the Federal government on any of these matters.

Ms. McKenna stated her concern is for transparency, and the allegations leave too many questions unanswered. Ms. Noyce noted that during the public hearing on the proposed HCSS-West, there was tremendous support from parents for this application. Mr. Moriarty said he had heard from State Representative Aaron Vega of Holyoke who voiced his opposition. Mr. Moriarty added that he would vote for the new charter because the school is high performing and is in demand, and he knows the Board can revisit the decision if the evidence warrants it.

In response to questions, Commissioner Chester explained the “not less than 2” provision in the charter school statute: If HCSS-West is not approved, then the Board could not grant a charter to the proposed MAP Academy, based on the state law. The Commissioner noted that HCSS-West anticipates opening for the 2018-2019 school year and the school will be watched very closely between now and then. He said if the Department receives information about a nefarious situation involving the school, we would take action based on that evidence.

Ms. Stewart commented that the “not less than 2” provision in the statute should be changed and said she could not support this charter. Mr. Doherty said the people of Massachusetts have spoken regarding charter schools and he would vote no. Ms. Craven stated she supports high-quality charters but is loathe to dismiss concerns raised by the Republic of Turkey, an ally of the U.S. government, about possible misuse of public funds. Mr. Moriarty asked if the State Auditor and/or Inspector General could assist. Chair Sagan said that could be requested. Commissioner Chester said he would raise this matter with the State Auditor.

**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.**

 **Commonwealth Charter:**

**Hampden Charter School of Science-West**

**Location: Westfield**

**Charter Region: Westfield, Agawam, Holyoke,
West Springfield**

**Maximum Enrollment: 588**

**Grade Levels: 6-12**

**Opening Year: FY2019**

**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 5-3-1. Mr. Doherty, Ms. McKenna, and Ms. Stewart voted in opposition. Ms. Craven abstained.

**Old Sturbridge Academy Charter School, Sturbridge**

Commissioner Chester presented an overview of the proposed Old Sturbridge Academy Charter School, Sturbridge. He said the proposed school would offer project-based learning, a culture of high expectations, an emphasis on character development, and daily access to museum resources at Old Sturbridge Village. Commissioner Chester noted this is the second time the Old Sturbridge group has applied for a charter, and the Department has observed considerable growth in their capacity and ability to address the issues previously identified by the Department. Specifically, the applicant group has satisfied concerns about supports for diverse learners and provided evidence that the group is reflective about its proposed program and demonstrates continuous improvement in its approach to planning and preparing for the proposed school.

**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.**

 **Commonwealth Charter:**

**Old Sturbridge Charter Public School**

**Location: Sturbridge**

**Charter Region: Sturbridge, Brimfield, Brookfield, Holland, Monson, North Brookfield, Palmer, Southbridge, Spencer-East Brookfield, Wales, Webster**

**Maximum Enrollment: 360**

**Grade Levels: K-8**

**Opening Year: FY2018**

**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 5-4. Mr. Doherty, Ms. McKenna, Mr. Moore, and Ms. Stewart voted in opposition.

**Map Academy Charter School, Plymouth**

Commissioner Chester said the proposed Map Academy Charter School, a new Commonwealth charter high school, would be located in Plymouth and serve residents of Plymouth, Carver, and Wareham. It would serve students who have dropped out of school or who are at risk of dropping out, providing them with a highly supportive school culture and a personalized educational experience through the use of individualized learning plans, a flexible schedule, and a competency-based curriculum. The proposed school would offer career development opportunities and require students to successfully complete English and mathematics courses at Quincy College in Plymouth. It intends to admit students across all traditional high school grade levels within its competency-based program, which exceeds the statutory requirement to fill vacancies. The school would open for the 2018-2019 school year.

Commissioner Chester said he believes the school has a well-thought-out plan, and local officials support it. Ms. Stewart said she attended the public hearing on the proposed charter school and it was very positive, including statements of support from the superintendent, school committee, and students.

**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.**

 **Commonwealth Charter:**

**Map Academy Charter School**

**Location: Plymouth**

**Charter Region: Plymouth, Carver, Wareham**

**Maximum Enrollment: 300**

**Grade Levels: 9-12**

**Opening Year: FY2019**

**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 8-0-1. Mr. Doherty abstained.

**Proposed Amendments to Existing Charters (Alma del Mar Charter School, New Bedford; Community Charter School of Cambridge, Cambridge; Pioneer Valley Chinese Immersion Charter School, Hadley; UP Academy Charter School of Dorchester (Horace Mann), Boston)**

**Alma del Mar Charter School, New Bedford**

Commissioner Chester presented the amendment request from the board of trustees of Alma del Mar Charter School, which seeks approval of an amendment to increase its maximum enrollment by 90 students to reach a maximum enrollment of 450 students in grades K-8. He said the school previously submitted this request in 2015, prior to its renewal in 2016.

**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:**

### **Alma del Mar Charter School (enrollment increase from 360 to 450)**

 **Location: New Bedford**

 **Maximum Enrollment: 450**

 **Grades Served: K-8**

 **Effective school year: FY2018**

**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 from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was 7-2. Mr. Doherty and Ms. Stewart voted in opposition.

**Community Charter School of Cambridge, Cambridge**

Commissioner Chester said the Community Charter School of Cambridge (CCSC) has had its charter renewed twice. The board of trustees of CCSC requests approval to increase its maximum enrollment by 60 students to an enrollment total of 420 students by the 2018-2019 school year. The Commissioner said he recommends that the Board approve the requested amendment and remove the condition on the school’s charter that limits Cambridge enrollment to no more than 300 students. He explained that this enrollment condition was placed on the school’s charter when it was first awarded by the Board in 2004 because of a limited number of seats available in Cambridge at the time. The Commissioner also recommended that the Board attach a condition to the enrollment increase to require the school to limit the admission of new students to Cambridge residents, except for siblings of currently enrolled students, until the percentage of Cambridge residents attending the school meets or exceeds 80 percent of the school’s enrollment. Ms. McKenna asked if the school has more demand from Boston residents than from Cambridge. Ms. Hopkins responded that there has been an uptick recently in enrollment from Cambridge.

**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 school, as presented by the Commissioner:**

**Community Charter School of Cambridge (enrollment increase from 360 to 420)**

**Location: Cambridge**

**Maximum Enrollment: 420**

**Grades Served: 6-12**

**Effective year: FY2018**

**Provided that, with the exception of siblings of currently enrolled students, the school limit admission of new students to Cambridge residents until the percentage of Cambridge residents attending the school meets or exceeds 80 percent of total students at the school. Community Charter School of Cambridge 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 6-1-2. Mr. Doherty voted in opposition. Mr. Moore and Ms. Stewart abstained.

**UP Academy Charter School of Dorchester:**

Commissioner Chester explained that the board of trustees of UP Academy Charter School of Dorchester (UAD) has requested approval of an amendment to temporarily increase its maximum enrollment by 70 students over three years to 820 students in grades PK-8. He noted this Horace Mann charter school is a turnaround of the former John Marshall School in the Boston Public Schools. The school’s amendment request has the approval of the Boston School Committee and Boston Teachers Union.

**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 Horace Mann charter school, as presented by the Commissioner:**

### **UP Academy Charter School of Dorchester (enrollment increase from 750 to 820 for three fiscal years; enrollment to return to 750 in FY2021)**

 **Location: Boston**

 **Maximum Enrollment: 820 (750 beginning in FY2021)**

 **Grades Served: PK-8**

 **Effective school year: FY2018-FY2020**

**Provided that the school shall enroll no more than 750 students beginning with FY2021, the 2020-2021 school year. UP Academy Charter School of Dorchester 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 from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

**Pioneer Valley Chinese Immersion Charter School:**

Chair Sagan asked those wishing to provide public comment regarding the proposed amendment to the Pioneer Valley Chinese Immersion Charter School (PVCICS) to come forward. He noted that the Board also received a letter opposing the school’s expansion from Representative Solomon Goldstein-Rose of Amherst just before the meeting this evening.

**Statements from the Public on PVCICS**

1. Dr. Michael Morris, Superintendent, Amherst, Pelham, and Amherst-Pelham Regional School Districts
2. Peter Gunn, Secretary, Easthampton School Committee
3. Peter Demling, Parent, Amherst Regional Public Schools, Candidate, Amherst School Committee
4. Cara Castenson, Chair of the Pelham School Committee
5. Richard Alcorn, Executive Director, Pioneer Valley Chinese Immersion Charter School
6. Kathleen Wang, Principal, Pioneer Valley Chinese Immersion Charter School
7. Paula Quinn, Board Member, Pioneer Valley Chinese Immersion Charter School

Commissioner Chester explained the board of trustees of PVCICS is requesting approval of an amendment to increase its maximum enrollment by 452 students to reach a maximum enrollment of 1,036 students in grades K-12. He said the school states that an increase in student enrollment will increase access to the school’s Chinese language immersion and International Baccalaureate programming, increase the diversity of curricular and extra-curricular options for older students, and address facility needs. Commissioner Chester acknowledged the local school officials who oppose the expansion; he noted that his recommendation is not a reflection on the district schools but is based on the merits of this particular application.

Board members voiced concerns about whether and how the school is addressing issues relating to diversity of the student population, especially students with disabilities and ELL students. Chair Sagan noted that the school has the ability to expand under its current charter because it is not yet at capacity. Mr. Chuang said the school’s current growth pattern may not be viable. Chair Sagan said this school provides a good option for families, as there are only a few language immersion schools in Massachusetts, but the demand for these additional seats is not evident. He said the school might make a more persuasive case if it addresses concerns that have been raised. Mr. Chuang said the school could come back with a revised request at a future date; it does not have to wait until next February because this is an amendment to an existing charter, not a proposed new charter.

On a motion duly made and seconded, it was:

MOVED: 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:

### Pioneer Valley Chinese Immersion Charter School (enrollment increase from 584 to 1,036)

 Location: Hadley

 Charter Region: Agawam, Amherst, Amherst-Pelham, Belchertown, Chesterfield-Goshen, Chicopee, Conway, Deerfield, East Longmeadow, Easthampton, Frontier, Gill-Montague, Granby, Granville, Greenfield, Hadley, Hampden-Wilbraham, Hampshire, Hatfield, Hawlemont, Holyoke, Leverett, Longmeadow, Ludlow, Mohawk Trail, Northampton, Pelham, Pioneer Valley, Shutesbury, South Hadley, Southampton, Springfield, Sunderland, West Springfield, Westfield, Westhampton, Whately, Williamsburg, Southwick-Tolland

 Maximum Enrollment: 1,036

 Grades Served: K-12

 Effective school year: FY2018

Provided that should the school fail to increase student enrollment, in accordance with the growth plan contained within the school’s amended enrollment policy as approved by the Commissioner in 2017, and reports fewer than 800 students enrolled at the school on October 1, 2021, the Board of Elementary and Secondary Education may reduce the school’s maximum enrollment accordingly. 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 from time to time establish, all of which shall be deemed conditions of the charter, including to limit the school’s actual enrollment to a lesser number than the maximum enrollment approved herein.

The motion failed by a vote of 2-7. Chair Sagan, Ms. Craven, Mr. Doherty, Ms. McKenna, Mr. Moore, Ms. Noyce, and Ms. Stewart voted in opposition.

**Report on Conditions for New Heights Charter School of Brockton**

Commissioner Chester said that in February 2016, the Board awarded a charter to the board of trustees of the New Heights Charter School of Brockton (NHCSB), a Commonwealth charter school chartered to serve the region of Brockton, Randolph, and Taunton. At that time, the Board also placed a condition on the charter of NHCSB related to the provision of transportation for Taunton and Randolph residents. Commissioner Chester recommended that the Board remove the condition from the school’s charter because the school has met the condition.

**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 the condition previously imposed on the charter of the New Heights Charter School of Brockton because the school has met the condition related to a transportation plan for residents of Taunton and Randolph.**

The vote was unanimous.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 9:10 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