**Minutes of the Regular Meeting**

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

**Tuesday, January 22, 2019, 8:35–10:50 a.m.**

**Department of Elementary and Secondary Education**

**75 Pleasant Street, Malden, MA 02148**

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

**Paul Sagan**, Chair, Cambridge

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

**Katherine Craven**, Brookline (participating remotely via conference call)

**Ed Doherty**, Boston

**Amanda Fernandez,** Belmont

**Maya Mathews**, Student Advisory Council, Newton

**Margaret McKenna**, Boston

**Michael Moriarty**, Holyoke

**James Peyser**,Secretary of Education

**Mary Ann Stewart**, Lexington

**Martin West**, Newton

**Jeffrey C. Riley**,Commissioner of Elementary and Secondary Education

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Chair Sagan convened the meeting at 8:35 a.m. and members introduced themselves. Chair Sagan noted that Ms. Craven is out of state and is joining the meeting via conference call under the Board’s by-law on remote participation. He added that because we have a remote attendee, the Board’s votes today would be by roll call. Chair Sagan explained that due to weather-related traffic problems, a few members would be arriving shortly.

Commissioner Riley thanked the Board for participating in the special meeting on January 14 to discuss the school and district report card redesign, the update on automated scoring, and the New Bedford charter school item, which is on the agenda today for further discussion and votes. Commissioner Riley said that at a future meeting, the Department would update the Board on family engagement initiatives and on implementation of the LOOK Act.

**Public Comment:**

* Jeff Jablow, of the City on A Hill New Bedford Charter Public School Board of Trustees, read a statement from City on a Hill Board Chair Cara Candel on the school’s charter renewal
* Jacqueline Hayes, Chief of Staff and General Counsel for City on a Hill New Bedford Charter Public School, addressed the Board on the school’s charter renewal
* Kevin Taylor, Chief Executive Officer of City on a Hill New Bedford Charter Public School, addressed the Board on the school’s charter renewal

Ms. McKenna arrived at 8:45 a.m.

Chair Sagan suggested taking Item 2, City on a Hill Charter Public School New Bedford: Charter Renewal, out of order for discussion and vote. Commissioner Riley referred to his memo recommending that the Board renew the school’s charter and place it on probation with specific conditions. Cliff Chuang, Senior Associate Commissioner, and Alison Bagg, Director, Office of Charter Schools and School Redesign, outlined the issues in the Commissioner’s memo..

Ms. Mathews arrived at 8:55 a.m.

Chair Sagan said this is a yellow flag for the school; if it comes back again, either things will have gotten better and conditions have been met or the Board will have to consider revoking or not renewing the charter. Mr. West asked if this has any implications for the City on a Hill Charter School in Boston. Commissioner Riley said no, this is a school-specific recommendation.

Ms. Fernandez stated that the organization she leads, Latinos for Education, has partnerships with a number of schools and community groups, including City on A Hill Charter Public School, and a Latinos for Education Fellow is on their board. Ms. Fernandez said for that reason, based on guidance from the State Ethics Commission, she has recused herself from the discussion and vote on this matter. She asked that her recusal be reflected in the 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 1.12(2), hereby renews the charter of City on a Hill Charter Public School, New Bedford, for the five-year period from July 1, 2019, through June 30, 2024, and places the school’s charter on probation with conditions, as recommended by the Commissioner:**

**Condition 1: Until further notice, the school must submit to the Department of Elementary and Secondary Education (Department), at** [**charterschools@doe.mass.edu**](mailto:charterschools@doe.mass.edu) **or 75 Pleasant Street, Malden, MA 02148, 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.**

**Condition 2: By February 28, 2019, CoaH NB must submit evidence to the Department that it has provided the school community with notice of the school’s renewal and that the school’s charter has been placed on probation with conditions that the school must meet. The school must inform parents/guardians, teachers, staff, board members, students, and other community members of the school’s current status.**

**Condition 3: By April 30, 2019, CoaH NB must submit to the Department a comprehensive evaluation of the school’s mathematics, English language arts, and science programs. Additionally, the comprehensive evaluation should address school climate, student discipline practices, and retention of students. Such comprehensive evaluation must be conducted by an external consultant(s) acceptable to and approved in advance by the Department. The evaluation must be informed by disaggregated performance data from the statewide accountability system and aligned with the Charter School Performance Criteria.**

**Condition 4: By May 31, 2019, the school must submit to the Department for approval a comprehensive action plan (action plan) for improving academic performance and addressing other areas for improvement identified by the comprehensive evaluation. Such action plan must include a needs assessment aligned to the 2018 statewide accountability results for CoaH NB. The action plan must also specify the evidence-based strategies the school will use to improve performance in mathematics, English language arts, and science for all student subgroups. The plan should also include strategies to improve school climate, student discipline practices, and retention of students. The action plan must set clear and specific implementation benchmarks, with a clear timetable and deadlines for completion of key tasks, sufficient to allow the school's board of trustees and the Department to monitor implementation. The school must provide evidence that it has shared its improvement plan with the school’s community including, but not limited to, students, parents, and staff.**

**Condition 5: By December 31, 2020, the school must demonstrate that it is an academic success by providing evidence that the school has exhibited significant and sustained academic improvement in mathematics, English language arts, and science on the statewide assessment. Further, in its next accountability plan, CoaH NB must articulate measures it will take beyond the statewide assessment to demonstrate student academic achievement in all grades through a valid and externally verifiable assessment. If CoaH NB does not demonstrate academic improvement by December 31, 2019, the Commissioner and the Board of Elementary and Secondary Education will take further action including, but not limited to, revocation of the school’s charter.**

**Failure of City on a Hill Charter Public School, New Bedford to meet the conditions placed on renewal of its charter may result in immediate suspension and revocation of the school’s charter. The Commissioner shall review and report to the Board on the success or lack of success of City on a Hill Charter Public School, New Bedford in meeting the terms of probation and its charter and, based upon his review, shall recommend such further action as he deems appropriate.**

**Commonwealth Charter School:**

**City on a Hill Charter Public School, New Bedford**

**Location: New Bedford**

**Districts in Region: New Bedford**

**Maximum Enrollment: 280**

**Grade levels: 9-12**

**In addition to meeting the terms of probation, City on a Hill Charter Public School, New Bedford, like all charter schools, must comply with the terms of its charter. City on a Hill Charter Public School, New Bedford 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 additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote, by roll call, was 8-0-1. Ms. Fernandez abstained.

Secretary Peyser and Mr. Doherty arrived at 9:00 a.m.

**Public Comment, continued:**

* Eileen O'Connor Bernal, Chief of Staff, on behalf of Mayor Dan Rivera, City of Lawrence, addressed the Board on New Charter Applicants Information, specifically, Equity Lab Charter School
* Wagdy Mahmoud, Parent, addressed the Board on Alma del Mar Charter School, New Bedford: Expansion Request
* Kristin Raffa, New Bedford Resident, addressed the Board on Alma del Mar Charter School, New Bedford: Expansion Request
* Ashley Francisque and Jodi Guinn, from the Justice Center of Southeast Massachusetts, addressed the Board on Alma del Mar Charter School, New Bedford: Expansion Request
* Elizabeth Levitan, Esq., Youth Advocacy Foundation’s EdLaw Project and a representative of the Education Law Task Force’s Chapter 222 Charter School Subcommittee, addressed the Board on Alma del Mar Charter School, New Bedford: Expansion Request
* Max Page, MTA Vice President, addressed the Board on Alma del Mar Charter School, New Bedford: Expansion Request

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

**VOTED: that the Board of Elementary and Secondary Education approves the minutes of the December 18, 2018 Regular Meeting.**

The vote, by roll call, was unanimous.

**Alma del Mar Charter School, New Bedford: Expansion Request**

Commissioner Riley said the Department received two charter expansion requests involving New Bedford and he is bringing forward only one: Alma del Mar. He said he is heartened that Mayor Mitchell, Superintendent Thomas Anderson, and Alma del Mar Executive Director Will Gardner have jointly agreed to an alternative proposal for Alma’s expansion. He said much work remains to finalize this plan, but it highlights a promising new path forward for district-charter collaboration in the Commonwealth.

Commissioner Riley said in light of this proposal, he is recommending that the Board take two votes today. In the first motion, he is asking approval of an expansion of 450 seats for Alma del Mar, conditioned on the terms of the proposed collaboration. He said because the parties need to spell out further details in the memorandum of understanding, and need legislation to implement these terms, the motion includes a provision that would invalidate the 450-seat expansion if these conditions are not met.

The Commissioner explained that the second motion accounts for the possibility that the collaborative plan may not come to fruition. He said for that reason, he is asking the Board to take a second, separate vote for an expansion of 594 seats for Alma del Mar. Commissioner Riley said this is the recommendation he would have brought to the Board if we were solely working through the standard charter expansion request process. He added this will take place only if the conditions for the collaborative plan are not met.

The Commissioner noted that he and the Board have a statutory obligation to consider charter applications brought forth in communities under the cap, and our approval is based on the criteria in the statute and regulations. He said Alma del Mar has met these criteria, so it is incumbent upon him to bring a recommendation forward. The Commissioner pointed out that the 594 seats he is recommending under this process – only if the New Bedford leaders do not reach agreement on the collaborative plan – is half of Alma del Mar’s original request of 1,188.

Commissioner Riley said he is optimistic that after the Board’s approval, the parties will work together to finalize the remaining elements of the collaborative plan. He said he will update the Board at the February 12 regular meeting. The Commissioner said he does not expect every community to adopt this approach, and we will continue to carry out the traditional charter process as required by state law, but he believes that if local leaders can agree to shape elements of a charter proposal to better serve all students, we at the state level should support them.

Commissioner Riley invited New Bedford School Superintendent Thomas Anderson and Alma del Mar Executive Director Will Gardner up to discuss the proposal. He noted that Mayor Mitchell was unable to attend due to a scheduling conflict.

Mr. Gardner thanked Commissioner Riley for facilitating a compromise that the parties all believe will be in the best interest of the students in New Bedford. Mr. Gardner thanked Mayor Mitchell and Superintendent Anderson for their willingness to think outside the box. Superintendent Anderson said he believes the parties share a similar focus and this partnership advances the common vision. He added that he is proud of the work on this plan so far and believes the collaboration will serve the best interest of students.

Vice-Chair Morton asked how they plan to respond to the concerns they have heard about student discipline practices. Superintendent Anderson said all students must be treated fairly, and the district is using its resources to avoid a more punitive approach by helping students take responsibility for their actions. Mr. Gardner said the charter school is working on positive school culture and the school’s application includes more detail.

Ms. Stewart asked about the public process going forward. Commissioner Riley said parents need to choose schools soon and that is why the letter of intent calls for action within 45 days, so families know their options. Superintendent Anderson said the district has informed parents of the potential vote that will take place today, and the district is engaging parents in the review of boundaries for school assignments. Mr. Gardner said the charter school has deep roots in the community and previously has done dual enrollment and joint professional development with the New Bedford Public Schools.

Ms. McKenna commended the Commissioner and local leaders for coming up with this innovative and collaborative model. She encouraged the district and charter school to work with teachers on the discipline issue. Mr. Moriarty said he is greatly encouraged to see the two school leaders working together, and their joint presentation is one of the finest visual memories he will have during his time on the Board. He lauded the charter school on its 3% absenteeism rate. Ms. Fernandez said she is encouraged by the collaboration and shared vision. She suggested the parties use the LOOK Act to strengthen programs for English learners and that they use best practices to achieve teacher and leader diversity.

Chair Sagan said this is a remarkable moment and it is exactly the reason this Board selected Commissioner Riley for this position: to find ways to break through the stalemates that we have in too many communities. Chair Sagan said he appreciates the openness that Mr. Gardner, his board, and the city have shown and all of the efforts of the parties. Secretary Peyser thanked Commissioner Riley for his creative leadership. He thanked Alma del Mar, the district, and the Mayor for their willing collaboration in this process. He added we need to build bridges between districts and charters to improve outcomes for all children, and this could be a key step in making charters both schools of choice and neighborhood schools. The Secretary congratulated the Commissioner for bringing this forward.

**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 450 to 900)**

**Location: New Bedford**

**Maximum Enrollment: 900**

**Grades Served: K-8**

**Effective school year: FY2020**

**The increase in maximum enrollment is explicitly conditioned as follows.**

1. **The school will participate in good-faith negotiations with New Bedford Public Schools that will result in a memorandum of understanding that supports effective implementation of the proposed collaboration and substantially aligns with the terms of the letter of intent agreed to by both parties and the Commissioner. The memorandum of understanding between Alma del Mar Charter School and New Bedford Public Schools is subject to Commissioner approval prior to execution.**
2. **As soon as possible, the school shall submit a draft enrollment policy that reflects the negotiated integrated enrollment process with New Bedford Public Schools and the proposed growth plan to reach 900 students, for Commissioner approval.**
3. **The school will promptly and effectively communicate with the Department regarding any and all significant matters relevant to the suitability and readiness of a second campus location for occupancy at the start of the 2019-2020 school year. These communications shall occur within a reasonable period of time but in any event no later than 96 hours after occurrence.**

**If the Commissioner determines that these conditions have not been met or that necessary legislation has not been enacted, this enrollment increase of 450 seats is null and void.**

**The Commissioner shall report to the Board on progress toward meeting the conditions.**

**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, by roll call, was 9-1-1. Ms. Stewart voted in opposition. Mr. Doherty 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:**

**Alma del Mar Charter School (enrollment increase from 450 to 1,044)**

**Location: New Bedford**

**Maximum Enrollment: 1,044**

**Grades Served: K-8**

**Effective school year: FY2020**

**The Board grants this increase of 594 seats if the Commissioner determines that either good-faith negotiations on the memorandum of understanding between the school and New Bedford Public Schools have irretrievably broken down or the necessary legislation has not been enacted in sufficient time for planning and implementation of the model proposed in the letter of intent among the parties.**

**The Commissioner shall report to the Board if he determines that this enrollment increase of 594 will take effect.**

**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, by roll call, was 9-2. Mr. Doherty and Ms. Stewart voted in opposition.

Chair Sagan called for a brief recess at 9:55 a.m. and Ms. Craven concluded her remote participation in the meeting. Chair Sagan reconvened the meeting at 10:05 a.m.

**Information on New Charter Applicants; Overview of Process for New Charters**

Commissioner Riley introduced Cliff Chuang, Senior Associate Commissioner, Alison Bagg, Director, Office of Charter Schools and School Redesign, and Alyssa Hopkins, School Development Manager. Ms. Hopkins presented a brief overview of the process for new charters, outlined in more detail in the Board materials.

Chair Sagan said that Item 5, Helen Y. Davis Leadership Academy Charter School: Report on Probation, would be taken out of order and he invited public comment on the matter.

**Public Comment, continued:**

* Chris Coblyn, Executive Director of Helen Y. Davis Leadership Academy Charter School, addressed the Board on Helen Y. Davis Leadership Academy Charter School: Report on Probation

**Helen Y. Davis Leadership Academy Charter School: Report on Probation**

Commissioner Riley said the school has had significant issues that the Department has been following. He said he is heartened that the school’s new leadership acknowledges the situation, and the Department will continue its oversight. Senior Associate Commissioner Cliff Chuang said the serious issues at the school relating to management practices and academic performance warrant continued probation. Chair Sagan said the school must do better for its students and in its management; if it does not, he would vote to revoke or not renew the charter.

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

**VOTED:** **that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.12(2), hereby extends the probation imposed on the charter of Helen Y. Davis Leadership Academy Charter Public School with a new set of conditions as recommended by the Commissioner:**

**Condition 1: Until further notice, DLA must submit to the Department of Elementary and Secondary Education (Department), at** [**charterschools@doe.mass.edu**](mailto:charterschools@doe.mass.edu) **or 75 Pleasant St., Malden, MA 02148, board and committee 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. The documents must reflect adherence to the Open Meeting Law.**

**Condition 2: By February 1, 2019, DLA must submit evidence to the Department that it has provided the school community with notice of the school’s status and that the school’s charter has been placed on probation with conditions that the school must meet. The school must inform parents/guardians, teachers, staff, board members, students, and other community members of the school’s current status.**

**Condition 3: The board of trustees must work with the Department to revise the board’s bylaws according to established criteria and obtain approval of the bylaws by February 15, 2019.**

**Condition 4: By March 1, 2019, DLA must finalize for Department approval an action plan to address each recommendation contained in the reports of the Office of the Inspector General and the Office of the State Auditor.**

**Condition 5: Beginning March 1, 2019 and until further notice, DLA must provide monthly updates to the Department demonstrating progress toward meeting the goals in its approved action plan and addressing all recommendations contained in the reports of the Office of the Inspector General and the Office of the State Auditor.**

**Condition 6: By April 15, 2019, all members of the board of trustees must participate in training on the Open Meeting Law offered by the Office of the Attorney General. In addition, all members of the board of trustees must participate in training on state ethics offered by the State Ethics Commission.**

**Condition 7: By December 31, 2019, the school must demonstrate that it is an academic success by providing evidence of significant and sustained academic improvement in mathematics, English language arts, and science. If DLA does not demonstrate academic improvement by December 31, 2019, the Commissioner may recommend that the Board of Elementary and Secondary Education revoke the school’s charter.**

**Failure of Helen Y. Davis Leadership Academy Charter Public School to meet the conditions placed on its charter may result in immediate suspension and revocation of the school’s charter. The Commissioner shall review and report to the Board on the success or lack of success of Helen Y. Davis Leadership Academy Charter Public School in meeting the terms of probation and its charter and, based upon his review, shall recommend such further action as he deems appropriate.**

**In addition to meeting the terms of probation, Helen Y. Davis Leadership Academy Charter Public School, like all charter schools, must comply with the terms of its charter. Helen Y. Davis Leadership Academy Charter Public 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 additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote, by roll call, was unanimous.

**Paulo Freire Social Justice Charter School: Report on Probation**

Commissioner Riley said the Department is still awaiting the school’s audit report. Senior Associate Commissioner Cliff Chuang said the school has not met a key condition on enrollment, nor has it submitted the required FY2018 financial audit, which is still in progress, or necessary information on the school’s request to move from Holyoke to Chicopee. In response to a question from Chair Sagan, Mr. Chuang said the school’s lease on its current building expires on June 30, 2019. Mr. Moriarty asked why no representatives from the school are at this meeting. Ms. Bagg responded that the chair of the school’s board of trustees and the executive director were scheduled to speak during public comment but both had to cancel; the chair had a death in the family and the executive director was diagnosed with pneumonia. Mr. Chuang said the Department has notified the school that it must submit information in time for the Commissioner to make a recommendation to the Board in February.

Chair Sagan thanked the staff of the Department for their work on the Alma del Mar/New Bedford matter.

**2019 Accountability for High Schools**

Commissioner Riley asked Russell Johnston, Senior Associate Commissioner, and Rob Curtin, Associate Commissioner, to brief the Board on the Department’s plan for the school and district accountability system as high schools transition to the next-generation MCAS for grade 10. Mr. Curtin began by thanking the Board for their attentiveness during the January 14 special meeting discussion of the redesigned school and district report card. He added that the Department will be revising the “student engagement” section in the redesigned report card per the Board’s suggestions and will note the other suggestions for future revisions.

Mr. Curtin said this spring all grade 10 public school students (the class of 2021) will take the next-generation MCAS in English language arts and mathematics for the first time. He noted the Board’s vote in February 2018 to establish the interim Competency Determination standard for students in the classes of 2021 and 2022: a similar level of achievement to the required standard in the legacy MCAS tests. Mr. Curtin explained that the Department will take a similar approach in using the 2019 grade 10 assessment results in the district and school accountability calculations: the 2019 results will be linked to the legacy grade 10 MCAS results and 2019 improvement targets will be set as they were in the first year of the new district and school accountability system.

Chair Sagan asked when the Board will discuss whether the current performance standard is adequate. Mr. Curtin said the Board will be reviewing the Competency Determination standard over the next few years. Secretary Peyser noted the recent *Boston Globe* stories on outcomes for Boston Public Schools valedictorians and said the state needs to address whether students are on track for success and provide support. Mr. Moriarty commented that standards for academic performance and valedictorian status vary greatly among different high schools. Commissioner Riley said even while we hold to an interim standard in the state accountability system, he wants to focus on schools that are struggling.

**Board of Elementary and Secondary Education Annual Report for FY 2018**

Commissioner Riley introduced Helene Bettencourt, Associate Commissioner, Communication and Planning, and Jass Stewart, Deputy Chief of Staff, who demonstrated the new online version of the 2017-2018 Annual Report, which highlights key agency activities and provides multimedia examples of work from districts showing how the Board’s policies come to life in schools. Chair Sagan thanked the staff for creating the new format.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 10:50 a.m., subject to the call of the Chair.**

The vote, by roll call, was unanimous.

Respectfully submitted,

Jeffrey C. Riley

Commissioner of Elementary and Secondary Education

and Secretary to the Board