

**Minutes of the Regular Meeting
of the Massachusetts Board of Elementary and Secondary Education**

**December 18, 2012
8:35 a.m. – 11:00 a.m.**

**Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA**

Members of the Board of Elementary and Secondary Education Present:

Maura Banta, Chair, Melrose
Beverly Holmes, Vice Chair, Springfield
Vanessa Calderón-Rosado, Milton
Ryan Casey, Chair, Student Advisory Council, Franklin
Harneen Chernow, Jamaica Plain
Ruth Kaplan, Brookline
Pendred Noyce, Weston
Paul Reville, Secretary of Education
David Roach, Sutton

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

Member of the Board of Elementary and Secondary Education Absent:

Gerald Chertavian, Cambridge

Chair Banta called the meeting to order at 8:35 a.m.

Comments from the Chair

Chair Banta welcomed everyone and asked that the Board observe a moment of silence for the victims of the Newtown, CT school shooting. Chair Banta asked Dr. Calderón-Rosado to provide an update on the work of the Committee on the Commissioner's Annual Performance Evaluation. Dr. Calderón-Rosado said the committee has met twice and that the process will remain similar to the past year, including a self-evaluation and conversations with senior Department staff. Dr. Calderón-Rosado said the committee re-ordered the priorities for this year's evaluation.

Chair Banta thanked Board members for their attendance at the recent charter school hearings.

Comments from the Commissioner

Commissioner Chester said he did not know how to put into words the sense of loss experienced by families and the community in Newtown, CT. The commissioner said the Department communicated with all superintendents in Massachusetts over the weekend, and that school districts are taking the matter of safety very seriously.

Ms. Kaplan asked what the required multi-hazard evacuation plans say about lockdowns. Commissioner Chester said those are local decisions that school officials make in coordination with public safety authorities. Ms. Kaplan said the Board should consider taking some collective action with other state boards of education, and suggested exploring this with the National Association of State Boards of Education (NASBE). Dr. Noyce said the Connecticut school did have a plan in place, which demonstrates that schools can reduce a threat but preventing gun violence is a larger issue. Ms. Chernow said the Board should be engaged in this issue. Ms. Kaplan suggested the chair consider appointing an ad hoc task force to come up with some recommendations. Commissioner Chester said he will be exploring the issue of school safety with other state public safety agencies and will work toward a coordinated response.

Commissioner Chester briefed the Board on the recent release of the 2011 Trends in International Mathematics and Science Study (TIMSS) results that showed Massachusetts 8th graders among the world leaders in math and science achievement. The commissioner distributed a copy of an op-ed piece he wrote on the positive education news and the work that lies ahead. The commissioner referred Board members to a budget update and RETELL update in their packets. Commissioner Chester also announced that the Gloucester Community Arts Charter School's board of trustees last night took a vote to voluntarily surrender the school's charter.

Public Comment

1. Tina Fitanides from Massachusetts Advocates for Children addressed the Board on the transition specialist regulations.
2. Brian Heffernan addressed the Board on transition specialists.
3. Peter Dolan addressed the Board on the Gloucester Community Arts Charter School.

Secretary Reville arrived at 9:15 a.m.

4. Ada Rosmarin addressed the Board on full-day kindergarten.

Approval of the Minutes

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education approve the minutes of the November 26, 2012 special meeting and November 27, 2012 regular meeting.

The vote was unanimous.

Gloucester Community Arts Charter School: Commissioner's Recommendation to Revoke Charter

Commissioner Chester said he has had a number of conversations with the school and with public officials about the status of the school. The commissioner said the school's board of trustees voted to surrender its charter, but was concerned about being able to

finish out the current school year. Commissioner Chester said the motion has been revised to accept the surrender of the charter, allow the Department to make tuition payments monthly, and give the commissioner the ability to close the school or suspend or revoke the charter prior to the end of the school year if it becomes necessary.

Deputy Commissioner Wulfson said the Department has been in consultation with Gloucester Public Schools Superintendent Richard Safier and Gloucester Mayor Carolyn Kirk. Deputy Commissioner Wulfson said we hope to come up with a cash flow plan to get the school through the end of the current school year. The Department's Charter School Office will supervise and oversee the closing procedures, including the closing out of accounts and records.

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; General Laws chapter 30A, section 13; and 603 CMR 1.00, hereby accept the surrender of the public school charter granted to the Gloucester Community Arts Charter School, effective June 30, 2013.

Provided further, that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.03(2), hereby waive the requirements in 603 CMR 1.08(6) and (8) with respect to the Gloucester Community Arts Charter School. This waiver allows the Commissioner or his designee to make tuition payments on a monthly basis and to base the school's tuition amounts upon the number of days the school educates students under its charter and the actual enrollment at the school.

Provided further, that the Board of Elementary and Secondary Education authorize the Commissioner, in accordance with General Laws c. 15, section 1F, paragraph 3, to act on behalf of the Board in suspending and revoking the charter of the Gloucester Community Arts Charter School on an emergency basis if the Commissioner determines that the health, safety, or education of the school's students is at immediate risk. Such suspension and emergency revocation shall be in accordance with General Laws chapter 71, section 89; General Laws chapter 30A, section 13; and 603 CMR 1.00. The Commissioner shall notify the Board in advance of his intent to take such action.

The board of trustees of the Gloucester Community Arts Charter School shall comply with all procedures and timelines established by the Commissioner to effectuate said surrender and, if invoked, suspension and emergency revocation.

The vote was unanimous.

Public Comment

5. Senator Bruce Tarr addressed the Board on the Gloucester Community Arts Charter School.

Comments from the Secretary

Chair Banta said the Board would miss Secretary Reville's leadership and thoughtful contributions to the Board's deliberations. Secretary Reville thanked Chair Banta for her leadership. The secretary said the Governor has picked an exceptional successor in Brockton Public Schools Superintendent Matt Malone. Secretary Reville said that Superintendent Malone would assume his duties as the next secretary on January 14, 2013. Secretary Reville said he is proud of what we have accomplished together. The secretary said the Administration continues to work hard on the budget and on the Gateway Cities grants.

Update on State Education Budget

Commissioner Chester said the Board had three documents in front of them related to the FY13 budget, including the commissioner's transmittal letter to Secretary Reville on the Board's FY14 budget priorities and two documents related to the current year's budget. Department CFO Bill Bell reviewed the reduction of \$21.7 million in the FY13 education budget resulting from current revenue that has not met projections. Mr. Bell said the Department can cope with the reduced numbers.

Chair Banta asked about the history of transportation reimbursement for homeless children. Mr. Bell said this came up during the FY13 budget development process after the state auditor issued a report saying this was an unfunded mandate and placing a cost estimate around \$11.3 million. Mr. Bell said this became a new line item when the FY13 budget was signed into law. Commissioner Chester said this is a fund that never existed, and even with a cut, these would be new dollars.

Ms. Holmes asked whether supports to close proficiency gaps were Race to the Top dollars. Mr. Bell said no, those are state dollars, not federal funds under Race to the Top. Commissioner Chester said most of these funds go out to school districts. Ms. Holmes asked how Race to the Top gets figured into targeted assistance. Commissioner Chester said that today's discussion is solely on state accounts and the state budget.

Ms. Kaplan asked if the Governor has authority to enact 9C cuts without the Legislature's approval. Mr. Bell said yes, the secretary of administration and finance has that authority. Commissioner Chester said changes in local aid and withdrawals from the rainy day fund do require legislative approval. Mr. Bell said the Governor has filed a supplemental budget. Ms. Kaplan asked about the criteria to come up with the 9C cuts. Commissioner Chester said the Department provided input only and that ANF provides various scenarios, with the final decision by the Governor.

Dr. Calderón-Rosado asked about cuts to federal grants. Commissioner Chester said the current discussion around the fiscal cliff could be quite consequential, and that the estimate on cuts is about 9 percent. Dr. Noyce asked how many students are served by expanded learning time (ELT). Secretary Reville said around 10,000 students. Commissioner Chester said schools can use federal Title I funds to expand time, and schools can use School Improvement Grant (SIG) funds as well. Secretary Reville said

virtually all charter schools have extended time, and the Ford Foundation recently picked five states including Massachusetts to award grants to communities to expand time.

Ms. Chernow asked how the cuts would affect charter school reimbursement. Mr. Bell said the cuts would represent about a \$1 million reduction. Deputy Commissioner Wulfson said traditionally this account has been fully funded based on the October 1 enrollment plus district spending reports.

Educational Collaboratives: Progress Report on Regulations and Model Collaborative Agreement

Commissioner Chester said that the new law enacted in March 2012 has tightened the state's oversight role, and given this agency and the Board substantial responsibility for that oversight. The commissioner said the legislation established a commission on education collaboratives to look at how to build on what collaboratives do well and how to address opportunity gaps in the current structure. Commissioner Chester said we have had tremendous interest in this initiative from collaboratives, school officials, the Inspector General, and others. The commissioner said because of that interest, the Department felt it was prudent to take another month before bringing the regulations to a final vote.

Jay Sullivan, the Department's director of school business services, described the process of drafting the regulations, drafting the model agreement, and reaching out to all interested parties to get their comments and make changes where needed. Mr. Sullivan said he expects the model agreement to be finalized in mid-January. Mr. Sullivan said the Department is also working on training for collaborative board members.

Chris Lynch, the Department's director of school governance, said the legislative commission is considering whether there should be a statewide network of collaboratives, and whether collaboratives should be consolidated. Ms. Lynch said the commission has been meeting since last April, and a final report is due in March 2013.

Chair Banta said the Board's committee on educational collaboratives was very well staffed by the Department. Chair Banta asked whether the legislative commission has any authority to push consolidation. Ms. Lynch said the commission will come out with a series of recommendations, but probably not a mandate. Commissioner Chester said he has met with the legislative commission and is hopeful the commission will see this as an opportunity to build a more systematized structure than can provide service and support to school districts. Commissioner Chester said virtually every state has some version of regional education service centers or intermediate service units, while in Massachusetts the structure is strictly locally determined.

Secretary Reville said regional collaboration is essential for districts. Secretary Reville said the Readiness Centers provide some of the training functions.

Regulations on Transition Specialist Endorsement (Educator Licensure), 603 CMR 7.00

Commissioner Chester said the Department received substantial comments on the proposed regulations. The commissioner said he would like to make one revision in recognition of the sound recommendation from Mass. Advocates for Children around

subject-matter knowledge of transition planning. Ms. Kaplan commended the commissioner on the addition of the recommended language, and applauded Brian Heffernan for his testimony during the public comment period. Ms. Kaplan asked about the issue of grandfathering. Commissioner Chester said he took as a core assertion that if any candidates are to be grandfathered, we should be sure they have the necessary knowledge, skills, and experience.

Chair Banta said that since Commissioner Chester has revised the proposed regulation for the Board's consideration, there is no need to amend the vote.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with M.G.L. c. 69, § 1B, and c. 71, § 38G-1/2, as amended by Chapter 51 of the Acts of 2012, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, hereby adopt the amendments to the Regulations on Educator Licensure and Preparation Program Approval, 603 CMR 7.00, as presented by the Commissioner. The amendments establish standards for the Transition Specialist Endorsement.

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 11:00 a.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