

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

**May 25, 2010
8:45 a.m. – 1:35 p.m.**

**Wellesley High School
50 Rice Street
Wellesley, MA**

Members of the Board of Elementary and Secondary Education Present:

Maura Banta, Chair, Melrose
Harneen Chernow, Vice Chair, Jamaica Plain
Gerald Chertavian, Cambridge
Michael D'Ortenzio Jr., Chair, Student Advisory Council, Wellesley
Thomas E. Fortmann, Lexington
Jeff Howard, Reading
Ruth Kaplan, Brookline
Dana Mohler-Faria, Bridgewater
Paul Reville, Secretary of Education, Worcester
Sandra L. Stotsky, Brookline

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

Members of the Board of Elementary and Secondary Education Absent:

Beverly Holmes, Springfield

Chair Maura Banta called the meeting to order at 8:43 a.m.

Comments from the Chair

Chair Banta said the Board was thrilled to be at Wellesley High School. The chair introduced Wellesley Superintendent Bella Wong. Dr. Wong welcomed the Board to Wellesley and noted the impressive diversity and perspective that the members bring to this work. Dr. Wong introduced Wellesley High School Principal Andrew Keough, who welcomed the Board and thanked them for allowing Michael D'Ortenzio Jr., the student representative and a Wellesley High School student, to serve. Principal Keough said that Mr. D'Ortenzio Jr. has served his fellow students well. Dr. Wong talked about the high school's major construction project and recognized Mr. D'Ortenzio Jr. for his commitment to civic duty and his passion to make a difference.

Chair Banta presented a citation to Mr. D'Ortenzio Jr. on behalf of the Board recognizing his excellent service during the 2009-2010 Board session.

Chair Banta said she met with Representative Katherine Clark recently to appear on her cable television show that airs in Wakefield and Melrose.

Comments from the Commissioner

Commissioner Chester provided the Board with a brief update on the FY11 budget deliberations. The commissioner directed Board members to grants that he recently approved, which were listed under Tab 9 of the Board book.

Secretary Reville arrived at 8:55 a.m.

Comments from the Secretary

Secretary Reville said he had an excellent visit with U.S. Secretary of Education Arne Duncan recently as part of an Innovation Schools event in Revere. The secretary said at the next Board meeting his office would make a presentation on Readiness Centers. The secretary said the Senate is actively considering the FY11 budget.

Board member Dana Mohler-Faria arrived at 8:57 a.m.

Secretary Reville spoke about the state's efforts around common standards and its participation in a consortium that is exploring the development of a common assessment. The secretary said the state will not sign on to any standards that are not as rigorous as its current standards.

Public Comment

- State Representative Ann-Margaret Ferrante addressed the Board on the charter school regulations and Gloucester Community Arts Charter School.
- Kathy Cross from Hanify & King, PC, addressed the Board on the charter school regulations.
- Linda Brown from Building Excellent Schools and Scott McCue from Boston Preparatory Charter School addressed the Board on the charter school regulations.
- Kathy Clancy from the Gloucester School Committee addressed the Board on the charter school regulations and Gloucester Community Arts Charter School.
- Glenn Koocher from the Massachusetts Association of School Committees addressed the Board on the charter school regulations.
- Will Austin from Roxbury Preparatory Charter School addressed the Board on the charter school regulations.
- James Peyser from NewSchools Venture Fund addressed the Board on the charter school regulations.
- Val Gilman from the Gloucester School Committee addressed the Board on the charter school regulations and Gloucester Community Arts Charter School.

- Marilyn Segal from Citizens for Public Schools addressed the Board on the charter school regulations.
- Kathie Skinner from the Massachusetts Teachers Association addressed the Board on Race to the Top and the charter school regulations.
- Marika Beaton from Harvard University, Jon Blachley from EF Boston, Deanne Moore, a Hingham High School teacher, and Liv Bengener and Tommy Stack, Hingham High School students, addressed the Board on global education.

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 April 27, 2010 regular meeting.

The vote was unanimous.

Report of the Proficiency Gap Task Force

Chair Banta referred to the discussion of the Proficiency Gap Task Force report at the May 24 special meeting. Board member Ruth Kaplan commended the group on the report. She said one missing piece is the issue of students with disabilities. Secretary Reville said he supports the inclusion of students with disabilities in this report. The secretary commended Jeff Howard for his leadership, and said the subcommittee reports gave a sense of the depth of deliberation. Secretary Reville said he would not want to give the sense that we are leaving any child behind, and that getting 100 percent of children to proficiency remains the aspirational goal.

Vice Chair Chernow asked about next steps. Commissioner Chester said he would come back to the Board in June with some preliminary thinking on how to carry forward the report's recommendations. The commissioner said he sees that as the beginning of a discussion. Dr. Howard said it will be useful to have a Board discussion, and that this is the moment for us to discuss accountability. Ms. Kaplan suggested that perhaps the report could take up a large part of the Board's retreat.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education receive the report of the Proficiency Gap Task Force with thanks to the chair and members of the Task Force for their work, and further, that the Board direct the Commissioner to review the recommendations of the Task Force and present to the Board at a future meeting his proposed next steps.

The vote was unanimous.

Race to the Top

Chair Banta said the state's Phase 2 Race to the Top application was due on June 1, 2010, and commended Department staff for their hard work. Commissioner Chester said we knew of the state's strengths and liabilities in the first application, and the Department has continued revisions to the framing and presentation of the application.

Policy Direction for Evaluation of Teachers and Administrators

The Department has continued to engage stakeholders during this process, particularly around the evaluation protocol for educators. The commissioner said we have to think about student performance as more than just MCAS, and that we can use student data to identify students, teachers, and leaders who are strong, in the middle of the pack, and not strong. The commissioner said evaluation is a cornerstone of the proposal. Commissioner Chester said it will be clear to the reviewers that we have gotten the support of teachers. The commissioner said that in American Federation of Teachers (AFT-MA) districts, the state will accept participation without the union signature.

Deputy Commissioner Nellhaus said that a key feature of the application is data driven instruction. Deputy Commissioner Nellhaus said the Department will provide schools with a tool to do assessment on a periodic basis, using 10,000 released MCAS items to create interim assessments.

Dr. Stotsky said she was disappointed that the agreement on the evaluation protocol did not mention academic content-based professional development at all. She said she was not clear how coaching could be construed as an optional form of professional development for teachers to choose as part of a Continuous Improvement Plan, nor what cultural competency means. Dr. Stotsky asked that the PTOs be included on the Task Force on Evaluation of Teachers and Administrators because only the PTA is a member of MassPartners (the group designated as providing members for this Task Force) and the PTA represents only about 6% of the parents in the state. She asked that the PTOs be specifically mentioned under "Other." Deputy Commissioner Baehr said that content-based professional development could be included without changing the intent. Ms. Kaplan said she would like the task force to include parents who represent special populations such as students with disabilities and English language learners. Ms. Kaplan said there should also be a student representative on the task force.

Dr. Howard said he would like to see a reference to closing proficiency gaps as measures of effectiveness for evaluation of teachers and administrators. Dr. Howard said effective principals know how to manage change and deal with resistance to change. Dr. Howard asked what proportion of evaluation is will depend on student performance.

Commissioner Chester said we are asking the task force to give us its best advice. Vice Chair Chernow asked about decision making on evaluation and how that relates to collective bargaining. Mr. D'Ortenzio Jr. said he would like to see a member of the Student Advisory Council on the task force.

Based on the Board discussion, the commissioner modified the motion to refer to content-based or other professional development and to add parent and student representation.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with Chapter 69, Section 1B and Chapter 71, Sections 38 of the Massachusetts General Laws, hereby direct the Commissioner to establish a Task Force on Evaluation of Teachers and Administrators. The task force shall review the Board's Regulations on Evaluation of Teachers and Administrators, 603 CMR 35.00, and the Principles of Effective Teaching and Principles of Effective Administrative Leadership incorporated therein, and shall recommend, no later than January 31, 2011, a revised set of regulations and principles ("evaluation framework") consistent with the Board's mission statement: "To strengthen the Commonwealth's public education system so that every student is prepared to succeed in postsecondary education, compete in the global economy, and understand the rights and responsibilities of American citizens."

Further, that the Task Force on Evaluation of Teachers and Administrators shall recommend a state evaluation framework that:

- 1. provides teachers and principals with honest, fair, and improvement-oriented feedback annually,**
- 2. differentiates by career stage and ensures flexibility for districts to consider additional measures of effectiveness beyond those required in the framework,**
- 3. establishes a two-year cycle of improvement via a formative assessment and summative evaluation based on a Continuous Improvement Plan for every educator.**
 - a. *For teachers*, the Continuous Improvement Plan will define goals for improving teaching performance and student performance, the professional development (content-based or other) to achieve these goals, other professional support such as coaching, and interim benchmarks that may include observations of teacher work, student work, and teacher work products.**
 - b. *For principals and administrators*, the Continuous Improvement Plan will define goals for improving administrative performance and student performance, the professional development to achieve these goals, other professional support such as coaching, and interim benchmarks that may include observations by supervisors and administrator work products.**

4. differentiates performance by *at least* three rating categories based on student growth as a significant factor with other measures of effectiveness for the purpose of establishing the requirements of the Continuous Improvement Plan.
5. incorporates categories of appropriate data and information to be used in evaluations:
 - a. Measures of student growth will include trends in the MCAS growth model where they apply, along with state, district, school, and/or teacher-generated assessments that are comparable across subjects and grades, such as beginning- and end-of-year tests, performance tasks, portfolios of student work, and other student work products.
 - b. Student performance will be determined through locally-developed and/or publisher-created measures that assess student academic improvement and are reliable and comparable across similar subjects and/or grades in the school and/or district.
 - c. Other measures of educator effectiveness might include:
 - i. *For teachers:* Supervisor ratings using research-based observational tools and rubrics; evidence of content knowledge, professional skills, cultural competency, professional growth; teacher self-assessments; peer observations; additional student, classroom, team, and school measures including indicators of school culture, climate, and conditions.
 - ii. *For principals and administrators:* Supervisor ratings; professional skills in such areas as strategic planning, instructional leadership, evaluation and supervision, cultural competence, human resources and development, management, external development, and micro political leadership; professional growth; principal self-assessments; peer observations; additional student, classroom, team, and school measures including indicators of school culture, climate, and conditions.
6. Links comprehensive evaluation to key personnel decisions, as permitted by law and/or as provided by contract, including:
 - a. Professional teaching status (tenure),
 - b. Career advancement through a teacher leadership career ladder,
 - c. Compensation for additional roles and responsibilities and for hard to staff schools, and
 - d. Dismissal and demotion (A teacher or principal identified as ineffective who does not make acceptable progress toward achieving the goals of his/her continuous

Further, that the Task Force on Evaluation of Teachers and Administrators will include:

- 1. representatives from all MassPartners organizations (the state associations of superintendents, school committees, teachers, elementary and secondary school principals, and parents),**
- 2. representatives from statewide counseling and special subject organizations, e.g., guidance, reading, arts, vocational/technical schools,**
- 3. parents who reflect experience with children with disabilities, English language learners, and as PTO members, and**
- 4. at least one student representative chosen by the State Student Advisory Council.**

Further, that the Commissioner shall present proposed amendments to the Regulations on Evaluation of Teachers and Administrators, 603 CMR 35.00, and the Principles of Effective Teaching and Principles of Effective Administrative Leadership to the Board for review in February 2011, in accordance with the Administrative Procedure Act.

The vote was 9-0-1. Dr. Howard abstained.

Common Core Standards: Next Steps

Commissioner Chester said the Common Core standards are expected to be released next week. Deputy Commissioner Nellhaus said once released, the Department would send the standards out for public comment. Deputy Commissioner Nellhaus said the Department would also convene two independent panels of outside experts to look at the standards. Deputy Commissioner Nellhaus said that states are permitted to add standards as long as the Common Core standards comprise 85 percent of the total document.

Dr. Fortmann said we need to think about what to compare the Common Core standards to. Dr. Stotsky distributed a memorandum (see Appendix) with four basic points related to changes to the Common Core schedule. Dr. Stotsky said she is for national standards, but they have to be first class. Dr. Stotsky said that given the Common Core standards are not close, especially in English language arts, she does not believe it is appropriate for the commissioner to ask for public comment just during the summer months. Dr. Stotsky said she does not believe it is appropriate for the Department to send out documents the Board has not seen or discussed. Mr. D'Ortenzio Jr. said he thinks we ought to compare the standards to the revised state math and ELA standards, and that otherwise it would be a waste of the time that the members of the committee spent on the revisions. Ms. Kaplan asked about the Board's legal obligations to seek public comment.

General Counsel Rhoda Schneider said the state law on curriculum frameworks calls for a participatory process and the Board sent out all of its proposed frameworks for comment before they were adopted. She noted that the comment process for frameworks is not prescribed in detail in the law, unlike the process for adopting regulations. She added that the commissioner routinely posts information on the Department's website. Secretary Reville said the Board does not take its role lightly, but it must rely on the commissioner. Dr. Fortmann said he is pleased to see that Massachusetts has influenced the Common Core process, but that he resents the tight timeline and is not happy the Board is being compelled to do something by August 2, 2010. Dr. Fortmann said he believes we need to release the state's revised standards. General Counsel Schneider said she does not see a statutory gap here, noting that the Board votes to adopt curriculum frameworks. Mr. D'Ortenzio Jr. said the draft revised state standards should not be kept on the shelf, but stressed that he understands the Commissioner's decision to not yet release them to avoid any potential conflicts or confusion with having two varying sets of draft standards in the public.

Update on Common Assessment Consortium

Commissioner Chester said the funding for this initiative will come from the last of the \$5 billion in discretionary federal funding for education that was part of the economic stimulus package. The money would support common assessments across multiple states that address college and career readiness. The commissioner said this would allow us to expand our assessment program beyond MCAS and embrace emerging technologies and might allow for some cost savings. Chair Banta said she sees this as part of the agenda to increase the nation's global competitiveness, and that having all American students performing at higher levels is important to our future. Commissioner Chester said the Globe story's characterization of "scrapping" MCAS was not accurate, and this work would allow us to assess a broader range of knowledge and skills. There will be up to three awards made by the US Department of Education.

Dr. Stotsky asked whether other groups besides the National Center on Education and the Economy (NCEE) do end-of-course assessments. Dr. Stotsky said she is not sure NCEE is most compatible with the orientation of standards and the rigor of what we have in high schools. Dr. Stotsky said she is concerned that 17 other states with lower standards are involved. Commissioner Chester said he was not in this project to regress to a mean, and he has made it clear that the state will not be party to the development of an assessment that represents lower expectations.

Mr. Chertavian said this would be an opportunity to go further along the path than MCAS, which does not assess college and career readiness. Mr. Chertavian said that MCAS should be more rigorous. Secretary Reville said that doing well isn't good enough.

Dr. Mohler-Faria had to leave the meeting at 12:15.

Lowell Community Charter Public School – Request for Approval of an Educational Management Services Contract

At its February 2010 regular meeting, the Board voted to renew the charter of Lowell Community Charter Public School (LCCPS) and place the school on probation and impose several conditions on the renewal. LCCPS submitted a self-evaluation plan, which included a proposal to engage an educational management company to provide comprehensive school management services. Under the charter school statute, M.G.L. c. 71, § 89 (k) (5), the Board must approve contracts between charter schools and entities from which they intend to procure substantially all educational services. The contract should be finalized and signed within the new few weeks. Commissioner Chester said he was recommending that the Board vote to authorize him to approve the contract pending satisfactory completion of the Department's review.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education authorize the Commissioner, in accordance with General Laws c. 15, § 1F, paragraph 3, to act on behalf of the Board in approving the management contract between Lowell Community Charter Public School and Renaissance School Services LLC, as required by General Laws chapter 71, section 89 (k)(5) and 603 CMR 1.00, following his legal and technical review of the contract and a vote by the board of trustees of Lowell Community Charter Public School. Such approval shall also operate to amend the charter granted to Lowell Community Charter Public School to include this management contract.

Further, that the Commissioner shall notify the Board in advance of his intended approval of the contract and charter amendment, and a Board member may request that the Commissioner place the matter on the agenda of the Board for discussion and action.

The vote was unanimous.

Regulations on Charter Schools, 603 CMR 1.00

Chair Banta said it was important for the Board to vote on these regulations today so that the new application process could go forward. Associate Commissioner Jeff Wulfson responded to two substantive comments raised by the MTA concerning Horace Mann Charter Schools. Associate Commissioner Wulfson said he respectfully disagreed with the comments because the Department believes the statute contemplates that the board of trustees has a role and that exemptions from work rules would stand until bargaining can be completed.

Secretary Reville said Joint Committee on Education Co-Chair Rep. Marty Walz raised a concern about the transportation provision and not limiting transportation, and whether the regulation was consistent with the statute. Associate Commissioner Wulfson said this provision is largely unchanged, and the regulation reflects the Department's long-standing interpretation. Secretary Reville asked also about the request to delay consideration of

these regulations. Associate Commissioner Wulfson said the Department is already behind schedule in releasing the charter school application for next year.

Mr. Chertavian made a motion to discuss and adopt some of the public comment that the Board heard this morning on the charter school regulations. Dr. Fortmann seconded the motion and said these changes are the same ones contained in a letter the Board received, and that he supported all three. Vice Chair Chernow asked about EMOs. Associate Commissioner Wulfson said EMOs are in the existing regulations, and would be an organization that would run a charter school. Associate Commissioner Wulfson said the charter is always awarded to the school's board of trustees. Associate Commissioner Wulfson said a proposed school could use an EMO's track record to get their proven provider status. Ms. Kaplan said she was not comfortable taking a vote today, and was concerned that some individuals did not see all of the documents on this matter until today.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education approve an amendment to the revised proposed amendments to 603 CMR 1.00, by adding the following to the end of the last sentence of section 1.04(6)(b):

"unless an extension is granted by the Commissioner."

Further, that the Board of Elementary and Secondary Education approve an amendment to the revised proposed amendments to 603 CMR 1.00, by substituting the following for section 1.05(2)(b)(i-ii):

"(i) proficiency levels on the Massachusetts comprehensive assessment system or equivalent assessments for all students and for one or more targeted subgroups as defined in M.G.L. c.71, s. 89(i)(3), which are similar to statewide averages in English Language Arts and math for all students in Massachusetts in comparable grades, over no less than a three-year period for cohorts of students;

(ii) student performance on other standardized tests over no less than a three-year period for cohorts of students, if available, which demonstrates student achievement levels that are similar to statewide averages in English Language Arts and math for all students in Massachusetts in comparable grades."

Further, that the Board of Elementary and Secondary Education approve an amendment to the revised proposed amendments to 603 CMR 1.00, by substituting the following for paragraph (d) under the Proven Provider definition in section 1.02:

"an education management organization, charter management organization, or school support organization that has a record of academic success and organizational viability in operating or starting public schools with which an applicant proposes to contract."

The vote was 7-2. Vice Chair Chernow and Ms. Kaplan voted in opposition.

Ms. Kaplan asked about the use of the phrase "substantial compliance." Associate Commissioner Wulfson said this was in a document separate from the regulations that was an outgrowth of the discussion with the Inspector General. He said not even the strongest applications meet all 163 detailed criteria. Associate Commissioner Wulfson said no charter would ever be approved if it needed a 100% score, and that "substantially meets" does not represent a lowering of the standard.

Ms. Kaplan moved that whenever the regulations mention "parent" they should read instead "parent/guardian." Ms. Kaplan said she agreed with the Gloucester representatives that it was important to add a prohibition to prevent charter schools from using financial incentives to recruit students. Secretary Reville said he concurred on the financial incentives suggestion. Vice Chair Chernow said she also did not feel comfortable voting on these regulations today.

Dr. Fortmann said he objected to the constraints imposed by the regulation on granting a charter to an applicant who has run a private or parochial school but he would not move to revise it at this time.

The Board added Ms. Kaplan's two amendments (financial incentives; parents/guardians) to the amended motion.

On an amended motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L. chapter 69, § 1B, and chapter 71, § 89, as amended by chapter 12 of the acts of 2010, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. chapter 30A, § 3, hereby adopt the amendments to the Charter School Regulations, 603 CMR 1.00, as presented by the Commissioner.

The vote was 8-0-1. Vice Chair Chernow abstained.

Chair Banta said the Board very much enjoyed being at Wellesley High School. Mr. D'Ortenzio Jr. thanked the Board for coming.

Next Meeting

The next regular meeting of the Board of Elementary and Secondary Education is scheduled for Tuesday, June 22, 2010 at the Department of Elementary and Secondary Education in Malden.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 1:35 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

Appendix

To: Mitchell Chester, Commissioner of Education, Maura Banta, Chair of the Board of Elementary and Secondary Education, and other Board Members
From: Sandra Stotsky
Date: May 25, 2010
About: Proposed changes to the process and schedule for reviewing Common Core’s final standards as laid out by the Commissioner in a May 14 memo.

RATIONALE: I offer these changes to the Commissioner’s proposed process and schedule for several reasons: The Board and the public need independent and rigorous reviews of Common Core’s final standards before the Commissioner posts them for public comment; (2) the Board and the Department need to hold extensive discussions of their financial and educational implications before the Commissioner posts them for public comment; (3) the Board and the public need to understand how “college-ready” standards and the tests to be based on them are compatible with the Massachusetts Education Reform Act; and (4) the Board needs to receive from the Commissioner as soon as possible the completely revised state mathematics and ELA standards developed by the Department in collaboration with the field over the past two years in order to assure the field of the seriousness of that initiative. The Board could then vote to send these revised standards out for public comment

1. The Commissioner should not, on his own initiative, post Common Core’s final standards on June 2 for public comment. (1) The 20 extra points the Commissioner seeks in the June 1 application should be sought in a strengthened teacher evaluation section. (2) A public comment period of two months in the summer is an inappropriate public comment period for a major policy-setting document, especially if the Board itself has not voted to send Common Core’s standards out for public comment. (3) The Board should not be expected to vote to approve Common Core’s standards on or by August 2 if it wasn’t asked to vote to send them out for public comment. Even though Massachusetts law may not FORBID the commissioner from asking the Board to vote to adopt Common Core’s standards on or by August 2, it is inappropriate for the Commissioner to ask the Board to do so if the Board did not first approve posting them for public comment.

2. The Commissioner should not indicate in Part B of the June 1 RttT application that the Board will consider adopting Common Core’s standards by a special meeting on or before August 2 after a summer public comment period. The Board and the field have had no opportunity to discuss their financial and educational policy implications or to review the quality of the final drafts due to come out on June 2. The RttT application could say that the Board will consider sending out Common Core’s final standards after there has been ample public discussion by the Board and the field—and full review by

expert panels. Even though Massachusetts law may not FORBID the commissioner from posting Common Core's final standards for public comment without Board approval, it seems inappropriate for the commissioner to do so.

3. The Commissioner should not appoint the expert reviewers himself. He should ask external organizations to appoint academic experts to these review panels and committees to maintain their integrity. For example, the president of the American Mathematical Association or the Mathematical Association of America or a scientific society could be asked to name Massachusetts mathematicians, scientists, and engineers to the expert review panels. Or the director of the Museum of Science (the former dean at Tufts Engineering School) could be asked to appoint qualified experts. The credibility of these reviews depends on the independence of these review panels and committees.

4. The Board should ask the Commissioner to send out as soon as possible the revised and considerably strengthened Massachusetts mathematics and ELA standards that the Department and the field have been working on for two years. The field has long waited for them to be released for public comment. They should be sent out for public comment for at least four months while independent and rigorous reviews are completed of Common Core's final standards.