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

February 26, 2013
8:35 a.m. – 11:55 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
Gerald Chertavian, Cambridge
Ruth Kaplan, Brookline
Matthew Malone, Secretary of Education (by James DiTullio, Secretary’s designee)
Pendred Noyce, Weston
David Roach, Sutton

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

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

Chair Banta said there were no committee reports this month other than the report from the Charter School Committee, but Board members have been participating in a cross-board committee with the Boards of Higher Education and Early Education and Care. Commissioner Chester introduced Dr. Heather Peske as Associate Commissioner for Educator Quality. Commissioner Chester gave a brief overview of his Ways & Means Committee testimony and the outstanding AP results for Massachusetts, and noted the Department worked with school representatives to produce guidance on the new gender identity law. The commissioner called attention to reports in the Board packet on Race to the Top and the RETELL initiative. James DiTullio, Secretary Malone’s designee, said the Secretary of Education was at the Ways & Means Committee hearing today on the Governor’s budget and revenue proposal, which invests significantly in education.

Public Comment

1. Martin Trice addressed the Board on Mystic Valley Regional Charter School.
2. Neil Kinnon addressed the Board on Mystic Valley Regional Charter School.
3. Paula Quinn, a parent, addressed the Board on Pioneer Valley Chinese Immersion Charter School’s amendment request.
4. Sanela Jonuz, founder of Pioneer Charter School of Science II, addressed the Board.
5. Francis Vigeant addressed the Board on the Pioneer Charter School of Science II.
6. Meqdes Mesfin addressed the Board on the Pioneer Charter School of Science II.
7. Gerry Mroz addressed the Board on college and career readiness and the Pioneer Charter School of Science II.
8. Roby Warden, a parent, addressed the Board on the Pioneer Charter School of Science II.
9. Brian Camenker of the Parents Rights Coalition addressed the Board on the Guidance on Gender Identity.

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 January 28, 2013 Special Meeting and January 29, 2013 Regular Meeting.

The vote was unanimous.

Proposed Definition of College and Career Readiness – Continuing Discussion and Vote

Board member Gerald Chertavian thanked Department staff and Board members for their work on this collaborative process between elementary and secondary education, higher education, and the private sector. Commissioner Chester welcomed Aundrea Kelly, Deputy Commissioner of the Department of Higher Education. The commissioner said the proposed definition aligns expectation and policies from the elementary grades through higher education and reflects a strong partnership.

Board member Harneen Chernow asked about next steps after the definition is approved. Commissioner Chester said the definition will be a touchstone for ongoing work between the two agencies. He said joint initiatives already underway include MassCore and aligning higher education admissions standards, the Partnership for Assessment of Readiness for College and Careers, aligning tests for high schools and college level placement, and work on teacher preparation programs. Chair Banta said this work sends strong signals to business and community partners that K-12 and higher education are aligning expectations for students. Board member Penny Noyce asked if workplace readiness would be promoted along with college readiness. Commissioner Chester said the recommendations from the Taskforce on Integrating College and Career Readiness address those needs and will be discussed further at next month’s meeting. Associate Commissioner Pati Gregson said the Department is working to embed career readiness in middle and high schools.

Board member Ruth Kaplan suggested striking the words "[a]n ideal" from the first sentence under "Qualities and Strategies" on page 3 of the definition of college and career readiness. Dr. Noyce said if you strike the word "ideal," then you should also change the word "will" to "should" in the same sentence. Chair Banta said that unless the definition also changed the word "will" to "should," she could not support the motion.

On a motion duly made and seconded, it was:
VOTED: that the Board of Elementary and Secondary Education amend the Massachusetts Definition of College and Career Readiness, as presented by the Commissioner, to strike the words "An ideal" on page 3 in the first sentence of the section entitled, "Qualities and Strategies."

The vote was 5-4-1. Ms. Kaplan, Mr. Casey, Dr. Calderón-Rosado, Ms. Chernow, and Ms. Holmes voted in support. Mr. Roach, Mr. DiTullio, Chair Banta, and Mr. Chertavian voted in opposition. Dr. Noyce abstained.

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

VOTED: that the Board of Elementary and Secondary Education approve the Massachusetts Definition of College and Career Readiness, as presented by the Commissioner and amended by the Board.

The motion was approved 9-1-0 with Chair Banta in opposition.

Update on State and Federal Education Budget – Discussion

Commissioner Chester said he and Chair Banta sent a letter on behalf of the Board to the co-chairs of the Joint Committee on Education in support of the Governor’s budget. He said federal budget sequestration is likely to take effect this week and the education sector is looking at five to six percent cuts after July 1. The commissioner said the Department relies on federal funding for over half of its staffing. Deputy Commissioner Wulfson said districts are planning their budgets for FY14 and the Department will be communicating this information to them. He added that the U.S. Department of Education will calculate totals for all states and districts.

Proposed Delegation of Authority to Commissioner to Approve Educational Collaborative Agreements - Discussion and Vote

Commissioner Chester said the proposed delegation to review educational collaborative agreements is consistent with the Board’s intent to be a policymaking body. The commissioner said the Board was influential in the reform legislation on collaboratives, and the Board would continue to discuss and act on policy matters. He noted that the legislative commission continues to consider the future role of educational collaboratives.

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 collaborative agreements and any subsequent amendments to such agreements; provided that the Commissioner shall report to the Board periodically on all collaborative agreements, including any subsequent amendments, that have been so approved.

The vote was unanimous.
Reconsideration: Proposed Definition of College and Career Readiness

Ms. Chernow moved that the Board reconsider its vote on adopting the Massachusetts Definition of College and Career Readiness.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education reconsider its vote to approve the Massachusetts Definition of College and Career Readiness, as presented by the Commissioner and amended by the Board.

The vote was unanimous.

Ms. Chernow offered a substitute amendment to eliminate the words "[a]n ideal" on page 3 of the definition, and to replace the word "will" with the word "should."

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education amend the Massachusetts Definition of College and Career Readiness, as presented by the Commissioner, to strike the words "An ideal" on page 3 in the first sentence of the section entitled, "Qualities and Strategies," and replace the word "will" with "should."

The vote was unanimous.

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

VOTED: that the Board of Elementary and Secondary Education approve the Massachusetts Definition of College and Career Readiness, as presented by the Commissioner and amended by the Board.

The vote was unanimous.

Charter Schools:
Report on Conditions: Lowell Community and Pioneer Valley Chinese Immersion-Discussion and Vote

Lowell Community Public Charter School

Commissioner Chester said he is recommending the removal of conditions. Mr. Wulfson said this is a success story of a charter school responding to conditions that the Board imposed. Mr. Wulfson said the school is requesting to increase enrollment and add grades 7 and 8 for a K-8 configuration, but the recommendation is to hold off on significant expansion until next year after one more year of progress can be seen. Commissioner Chester said not long ago revocation of the charter was a possibility, and he is impressed with the school’s progress. Dr. Calderón-Rosado said even though imposing conditions and probation is a hard decision, this shows it can lead to a turnaround.
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 Lowell Community Charter Public School from probation because Lowell Community Charter Public School has substantially met the conditions imposed on its charter in February 2010. Further, the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby removes the conditions imposed on the charter of the Lowell Community Charter Public School.

Further, 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 conditions imposed on the charter of the Lowell Community Charter Public School.

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The vote was unanimous.

Pioneer Valley Chinese Immersion Charter School

Commissioner Chester said there have been concerns over the school’s governance and leadership. He said the school made significant gains in academics with the K-8 students and now proposes a high school. Ms. Holmes asked which conditions have been fully met and which are only partially met. Alison Bagg of the Charter School Office said only one of five conditions is not yet fully met: the plan put in place by the Mass. Department of Children and Families.

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 conditions from the charter of the Pioneer Valley Chinese Immersion Charter School because the school has made progress in achieving the conditions imposed in February 2012.
Pioneer Valley Chinese Immersion Charter School 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 unanimous.

Mr. Wulfson said the expansion request is based on backfilling seats at the middle school and to allow a transition for students into the high school. He said the recommendation is not for the full request. Mr. DiTullio suggested the school could do more to reflect the diversity of the region by recruiting more students from Holyoke and Springfield.

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:

Pioneer Valley Chinese Immersion Charter School (Regional) (grades served changed from K-8 to K-12; maximum enrollment increase from 300 to 584)

Location: Hadley


Maximum Enrollment: 584
Grades Served: K-12
Effective school year: FY2014

The vote was unanimous.

New Charter Applicants and Major Amendments for Locations Outside of Boston and New Bedford – Discussion and Vote

Phoenix Academy Public Charter High School, Springfield
Commissioner Chester said he has been to the Chelsea school, which serves students with a wide range of challenges. He said Phoenix is also assisting the Lawrence receivership and does a very good job with students at risk. The commissioner recommended approval of the charter.

Ms. Holmes said she attended the hearing for the school with Mr. Roach. She said the hearing was well attended and all speakers, including former and current students, teachers and community members, were in support. Mr. Roach said this is the type of school that was envisioned when the charter school movement began. He said the school serves a real need and does a commendable job.

Mr. Chertavian asked about student attendance. Mr. Wulfson said this school serves many students who had dropped out or are at risk of dropping out, so the data are not surprising. Ms. Kaplan asked about the school requiring all students to apply to a college. Mr. Chuang said all students go through the process as a life skill even if they do not attend college. Mr. DiTullio said he visited the school with former Secretary Reville and saw hard work and profound results. Dr. Noyce noted the school’s mission is not focused on workforce preparedness or career readiness. Mr. Chuang said there is an emphasis on college because the option was previously closed for this type of population. Ms. Kaplan asked about the lottery and recruitment process. Mr. Chuang said they have a cyclical application and a trimester schedule to target different entry points during the year and the school works collaboratively with the home district. Ms. Chernow said the school has stayed true to its mission and is a positive model.

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 existing board of trustees of the Phoenix Charter Academy for the following school, as recommended by the Commissioner:

Commonwealth Charter:
Phoenix Academy Public Charter High School, Springfield
Location: Springfield
Districts in Region: Chicopee, Holyoke, and Springfield
Maximum Enrollment: 250
Grade Levels: 9-12
Opening Year: FY2015

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; provided that, in accordance with section 9 of chapter 12 of the Acts of 2010, the Commissioner may limit the school’s actual enrollment to an amount less than the maximum enrollment approved herein.
The vote was unanimous.

Pioneer Charter School of Science II

Mr. Chertavian said there was a large crowd at the charter school hearing, with ninety-five percent of the testimony being positive from students and parents. Chair Banta said the testimony was focused on academic support and social-emotional successes. Commissioner Chester said Pioneer is requesting two charters, but he is recommending only one because the school just completed its first five years and he wants to ensure its continued success before expanding beyond one additional school.

Mr. Wulfson said the school submitted a strong application and replicates a successful model. He said the school has had positive site visits and has a strong local governing board. Mr. Wulfson said the Department has looked into concerns that have been raised about the school’s connection to other similar schools in the U.S. He said to the best of our knowledge, there is no legal connection, but informal relationships and sharing of ideas and documents are not uncommon in charter networks. Mr. Wulfson also said there are no clear signs of anything inappropriate and the Department does not inquire into the religious or political ideals of charter school board members. He said the bottom line is that this proposal would replicate a high performing Massachusetts charter school.

Ms. Chernow asked about the school’s use of H1B visas for teachers. Mr. Chuang said other schools also use visas and many of the teachers were already here on visas. Ms. Kaplan asked if the language in the application was identical to another school in another state. Mr. Chuang said it is no surprise that their application reflects the first Pioneer charter school and all charter school applications are posted online. Commissioner Chester said the school in Texas with a similar application came after the Pioneer charter was granted in Massachusetts. Ms. Chernow said Pioneer’s application is identical to the Harmony School and this is not being acknowledged.

Dr. Calderón-Rosado said the school has excellent performance, but she is concerned about the use of visas for teachers as well as lack of a clear plan to correct weaknesses in enrollment and recruitment of students. Ms. Kaplan asked what makes the science program different from the one in the school district, as voiced in the public comment. Mr. Wulfson said the Department does not compare charter schools to the district when reviewing applications. Mr. DiTullio said this application has weaknesses including board recruitment, limited community ties, and the claim of difficulty in finding math and science teachers locally. Mr. DiTullio noted that the vote he will cast is the Secretary’s.

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 existing board of trustees of the Pioneer Charter School of Science for the following school, as recommended by the Commissioner:

Commonwealth Charter:
Pioneer Charter School of Science II

Location: Saugus  
Districts in Region: Danvers, Lynn, Peabody, Salem, and Saugus

Maximum Enrollment: 360  
Grade Levels: 7-12  
Opening Year: FY2014

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; provided that, in accordance with section 9 of chapter 12 of the Acts of 2010, the Commissioner may limit the school’s actual enrollment to an amount less than the maximum enrollment approved herein.

The motion passed 6-4-0 with Vanessa Calderón-Rosado, Harneen Chernow, Ruth Kaplan, and David Roach in opposition.

Community Day Charter Public School

Commissioner Chester said this school has done commendable work with the Lawrence Public Schools. Mr. Chuang said the school is requesting an amendment for right-sizing.

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:

Community Day Charter Public School-Prospect (enrollment increase from 331 to 400)

Location: Lawrence  
Maximum Enrollment: 400  
Grades Served: K1-8  
Effective school year: FY2014

The motion passed 9-0-1. Harneen Chernow abstained.

Four Rivers Charter Public School

Mr. Chuang said the school is requesting an amendment for right-sizing.

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:

Four Rivers Charter Public School (Regional) (enrollment increase from 212 to 220)

Location: Greenfield
Districts in Region: Frontier Regional, Gill-Montague Regional, Greenfield, Mohawk Trail Regional, Pioneer Regional, and Ralph C. Mahar Regional

Maximum Enrollment: 220
Grades Served: 7-12
Effective school year: FY2014

The vote was unanimous.

Commissioner Chester said it is a strength of Massachusetts that this Board oversees all K-12 education, including district schools and charter schools, because it enables the Board to look holistically at education. He noted the Board packet includes information on charters he is not recommending. The commissioner said when the Achievement Gap Act was signed in 2010, he set a goal to find ways to break down barriers between charters and traditional public schools; he noted we are seeing real progress, especially in Lawrence and Boston and in the context of school turnaround.

Report from Board's Charter School Committee – Discussion

Ms. Holmes said the committee has met twice, in October and January, and discussed proven provider status, early warning indicators, conditions and probation, delegated authority, and charter school attrition rates. She said the committee is recommending delegating authority to the Commissioner to remove or continue conditions, as he now has authority to impose them. Ms. Holmes said the committee will continue with its meeting schedule and all Board members are welcome to attend. She thanked Associate Commissioner Chuang and the staff of the Charter School Office, Deputy General Counsel Kristin Valcourt, and Deputy Commissioner Wulfson for their exceptional work and for engaging the charter school community in the discussions.

Proposed Delegation of Authority to Commissioner to Approve the Removal or Continuance of Conditions on Charter Schools – Discussion and Vote

Mr. Wulfson said the committee and the Department are looking at ways to be more efficient with the Board’s time. He said this proposed delegation is for further decisions on delegated authority already given to the Commissioner. Dr. Noyce asked if most charter renewals involve probation. Commissioner Chester said mature charter schools have been through several renewals, and some have been through probation or conditions.
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: (a) granting charter renewals that do not involve probation; (b) approving charter amendments that do not involve changes in grade span, maximum enrollment, or districts served; and (c) removing or continuing conditions imposed on charters of charter schools; provided that the Commissioner shall report to the Board on all charter renewals, charter amendments, and conditions that have been so approved; and provided further, that the Commissioner shall notify the Board in advance of all such intended actions, and a Board member may request that the Commissioner place the charter matter(s) on the agenda of the Board for discussion and action; and provided further, that charter school matters on which the Board continues to take direct action shall be presumed to be matters that the Board discusses and decides at a single meeting notwithstanding Article II, Sec. 7 of the Board's By-Laws, provided that the Commissioner may recommend or the Board on its own initiative may determine that action on a particular matter shall be deferred until a subsequent meeting.

The vote was unanimous.

Mr. Roach said the Department has done a great job on the RETELL initiative and has made a lot of progress in a very short time. Chair Banta thanked Board members for their thoughtful questions and work on the busy agenda. She said there will be no special meeting in March due to the religious holiday.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 11:55 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