

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

**April 27, 2010
8:45 a.m. – 1:00 p.m.**

**Nashoba Valley Technical High School
100 Littleton Road
Westford, 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
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
Dana Mohler-Faria, Bridgewater

Chair Maura Banta called the meeting to order at 8:45 a.m.

Comments from the Chair

Chair Banta said it was a treat for the Board to be at such a beautiful school, and recognized Steve Hemman, executive director of the Massachusetts Association of Regional Schools (MARS), and Judith Klimkiewicz, superintendent of Nashoba Valley Regional Technical High School.

Mr. Hemman introduced Maureen Marshall, president of MARS; David Ferreira, executive director of the Massachusetts Association of Vocational Administrators (MAVA); and David Pagani, president of MAVA. Dr. Klimkiewicz welcomed Board members and made a presentation about the school. Commissioner Chester said based on his experience in three other states, vocational technical education in Massachusetts is second to none.

Chair Banta said she has appointed members to a committee on the commissioner's evaluation, which will be chaired by Vice-Chair Chernow and includes Chair Banta, Dr. Fortmann, Ms. Kaplan, and Ms. Holmes. Chair Banta said the full Board will see the evaluation criteria shortly and will discuss the evaluation at the June meeting. The chair said she has been impressed by the outreach to the business community and stakeholders in relation to Race to the Top. Chair Banta said it is clear that the federal competition favors states that embrace bold reforms.

Comments from the Commissioner

Commissioner Chester said his trip to China with a group of Massachusetts educators was remarkable. The commissioner said the group visited three schools. He said he came away with a renewed sense of the importance of global studies, global awareness, and language studies.

Commissioner Chester said the House Ways & Means budget proposal could be found behind Tab 9 of the Board book, and the budget represents a four- to five-percent cut in Chapter 70 aid while keeping districts above foundation. The commissioner said he was in Chicago the previous day for a meeting related to the Common Assessment Consortium grant, a \$350 million program from the U.S. Department of Education. The commissioner said he is excited about the potential here, and would like to see an assessment with more ambitious kinds of assignments for students.

Commissioner Chester updated the Board on the percent of students in the class of 2010 who have met the Competency Determination, noting that to date about 95 percent of students have passed all three MCAS tests (English Language Arts, Mathematics, Science and Technology/Engineering) required to graduate. The commissioner also said he is likely to bring two items to the Board in May, relating to teacher evaluation regulations and a further delay in the MCAS history requirement for the Competency Determination for another two classes (2014, 2015). Commissioner Chester recognized Katherine Viator, director of student assessment, who is leaving the Department after 15+ years of service to accept a job at the Bill and Melinda Gates Foundation. The commissioner commended Ms. Viator for her expertise and exemplary service to the Commonwealth.

Comments from the Secretary

Secretary Reville said he was pleased to be in a vocational technical school and noted that he recently attended the vocational awards dinner in Worcester. The secretary recognized Ms. Viator and Deputy Commissioner Jeff Nellhaus for their heroic work on the state's assessment program since its inception. The secretary said the state is facing major budget challenges and needs help from the field to make the case to the Legislature. Secretary Reville said he recently addressed the six Readiness Centers at Worcester State College. On Race to the Top, the secretary said while he is pleased with the work, he has some reservations and concerns about the way the competition has been

set up. The secretary said a major challenge is to be bold and at the same time as inclusive as possible.

Public Comment

- Dr. Michaela Colombo, from the University of Massachusetts at Lowell and a member of the Board's English Language Learners / Bilingual Education Advisory Council, addressed the Board on English language learners and bilingual education.
- Dr. Farshid Hajir, professor of mathematics at the University of Massachusetts at Amherst, and a member of the Leverett School Committee and chair of the Amherst-Pelham School Committee, addressed the Board on regionalization.

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 March 22, 2010 special meeting and March 23, 2010 regular meeting as amended.

The vote was unanimous.

Update on School District Regionalization, Consolidation, and Collaboration

Commissioner Chester said a number of communities and school districts have been discussing regionalization, and a recent success story is Ayer-Shirley, the first regional school district to have been established in nine years. The commissioner said he is concerned about the growing number of small districts with declining enrollments. Associate Commissioner Jeff Wulfson made a presentation on regional school districts, noting that there is no one-size-fits-all solution for school districts.

Associate Commissioner Wulfson said that 42 percent of school districts in the Commonwealth have fewer than 1,500 students, 26 percent have between 1,500 and 2,999 students, 23 percent have between 3,000 and 5,999 students, and 9 percent have more than 6,000 students. He said only 9 school districts have more than 10,000 students. Associate Commissioner Wulfson discussed the benefits of regionalization, which include: (1) ability to broaden and sustain educational programs; (2) improved central office capacity to support instructional programs; (3) administrative cost savings through economies of scale; (4) more efficient use of facilities; (5) coordinated K-12 curriculum; (6) improved ability to attract and retain key staff; and (7) financial incentives such as regional transportation aid and higher school building assistance reimbursement. Department administrator Christine Lynch said that last year the state provided \$300,000 in planning grants to support 12 regionalization efforts.

Among the obstacles to regionalization described by Associate Commissioner Wulfson were: (1) need to share control and budgetary authority with other towns; (2) loss of school committee and administrative positions; (3) school building consolidation; (4) perceived loss of focus on elementary education; and (5) inertia. Financial obstacles include transition costs, salary equalization, higher transportation costs, town differentials in Chapter 70, and little or no impact on property tax rate.

Associate Commissioner Wulfson said that regionalization is about using school funding and other resources more productively. He said the state has a very constructive partnership with the Massachusetts Association of Regional Schools (MARS). MARS Executive Director Steve Hemman said the association has worked to create incentives for towns to regionalize, to fund the regionalization process, to fund transition costs, and to develop a step-by-step process on regionalization.

Dr. Fortmann asked if the administrative costs could be teased out, whether there is an optimal size for a district, and if there are examples from other states. Associate Commissioner Wulfson said some rural states have some very small school districts although few industrial states still use the small town government model that we use in Massachusetts. Commissioner Chester commented that Maryland has 24 school districts for the entire state. Mr. Chertavian said it would be helpful to step back and consider the size of the opportunity we have here as well as the need for good data and research to demonstrate benefit to students. Secretary Reville said regionalization was embedded in the Readiness Project, and the Administration considered legislation, but decided not to advance it in the current financial situation. The secretary said funding would be needed for planning and transition.

Vice Chair Chernow said reports from other states say that cost savings have not happened. The vice chair added that charter schools are generally small and may have some of the same issues as small districts. Associate Commissioner Wulfson agreed this is a paradox, and noted that the premise of the innovation schools model is to promote educational innovation and flexibility while taking advantage of a school district's efficiencies and economies of scale. Dr. Stotsky asked if this is mainly a problem of building and maintenance costs, if administrative costs are not really reduced and if it is not clear that student achievement improves. Associate Commissioner Wulfson said the main goal is to make more efficient use of resources for the benefit of the students. Dr. Stotsky noted that urban areas also are experiencing declining enrollments. She suggested gathering data on staff turnover as well.

Proposed Regulations on Innovation Schools, 603 CMR 48.00

Commissioner Chester said the proposed regulations allow for experiment with a new model while protecting the consumer. The commissioner said he is proposing that for a student who is not a resident of the sponsoring district to enroll in a virtual school, it would require parental consent and the consent of the sending district's superintendent. Commissioner Chester said there is a need to provide safeguards and review this new

initiative as it evolves. He added that the proposed regulation on waiver of laws would allow the Board to keep it from being wide-open.

Ms. Kaplan asked what the incentive is for a school district to create a virtual innovation school. Commissioner Chester said the Department knows that Greenfield is eager to establish a virtual school open to students anywhere in the state. Mr. D'Ortenzio Jr. said it is appropriate to take this step by step with so many open questions. Vice Chair Chernow asked how this would play out for homeschooled children. Associate Commissioner Wulfson said the Department's intent is that this is a pathway for people who are interested in a virtual school. If homeschoolers fall under one of the categories that would benefit, like other students they would have to get the approval of the home district. Dr. Fortmann asked if we have data on the number of homeschoolers. General Counsel Rhoda Schneider said the Department does not collect those data.

Dr. Fortmann said he agreed with proceeding with caution, and that he would be very interested to see the public comments. He asked about examples in other states. Commissioner Chester said that under the Ohio charter school law, a number of virtual schools started up and the state constantly played catch-up to deal with problems. The commissioner said the goal in Massachusetts is to move deliberately and intentionally into this area. Dr. Stotsky asked why a virtual school is included with Innovation Schools rather than being a separate entity. The commissioner said the statute was enacted with the virtual school provision included, and this provides an opportunity for a school district to institute an online school through the Innovation School mechanism. Secretary Reville commented that the virtual school concept could have been separated from Innovation Schools, and this does not preclude the Board from considering a statewide virtual school initiative.

Ms. Kaplan asked about eligibility for enrollment of older students. Associate Commissioner Wulfson said since the funding will come out of C. 70, a virtual school would be limited to school-age children. Ms. Kaplan asked about the difference between an Innovation School and a Horace Mann Charter School. Associate Commissioner Wulfson said an Innovation School is at the discretion of the school committee, while a Horace Mann Charter School is overseen by the state. Dr. Fortmann requested that the Department report on what is going on in other states when the regulations come back to the Board in June. Dr. Howard said he would like to see some analysis of what is gained by having more than one virtual school.

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, § 92, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, to solicit public comment on the proposed Regulations on Innovation Schools, 603 CMR 48.00, as presented by the Commissioner. The proposed regulations implement

the statute on innovation schools, M.G.L. c. 71, § 92, added by section 8 of chapter 12 of the acts of 2010.

The vote was unanimous.

Regulations on School and District Accountability and Assistance (Amendments to Regulations on Underperforming Schools and School Districts, 603 CMR 2.00)

Commissioner Chester said the Department received extensive comments on these regulations when they were sent out for public comment and made changes based on the comments. Deputy Commissioner Karla Baehr explained some of the key changes set forth in the memo. She described a change to the definition of schools identified in Levels 1, 2, and 3, where Levels 1 and 2 would be tied to the federal designation and Level 3 tied to the new law. Deputy Commissioner Baehr said a second change had to do with the commissioner's role in approving turnaround plans, where instead of identifying goals at the outset of planning, the commissioner would approve plans at the end. A third change had to do with how Level 4 schools could be placed in Level 5. A fourth change would place limits on the transition period for retaining some features of the turnaround plan after removal of a school from Level 4. A fifth change would add "included but not limited to students with disabilities and English language learners" to the 8th condition for school effectiveness on page 7 of the regulations.

Dr. Howard said the state has chosen norm-referenced criteria for Level 3, and asked how it will be determined who belongs on that list when 95 percent of schools are successful. Deputy Commissioner Baehr said she looks forward to that problem and even under such a scenario, there would still be schools in need of attention.

Mr. Chertavian had to leave the meeting at 11:00 a.m.

Vice Chair Chernow said she has concerns about veteran, highly effective teachers wanting to come to these Level 4 schools to teach but at risk of having their rights taken away. The vice chair also said once a school exits Level 4 status, it could be under oversight for more than two years, and that seems counterproductive. Commissioner Chester said at the end of three years, a determination needs to be made about a Level 4 school – that it should go into Level 5, that it is doing fine, or that it needs to stay in Level 4. The commissioner said the fourth option pertains to a school that the state would like to remove from Level 4 status, but it is not fully confident progress will be sustained. This option would allow a path that may be appropriate in some cases.

Ms. Kaplan thanked Deputy Commissioner Baehr for adding language around students with disabilities and English language learners. Ms. Kaplan asked about district standards. Deputy Commissioner Baehr said the district standards and indicators apply to every school district in the Commonwealth, while the eleven indicators apply to conditions in schools. Deputy Commissioner Baehr said that a district review or school review could be the basis for putting a school in Level 4.

Dr. Stotsky recommended that the Department add consultation with a school's parent-teacher body, the PTO, to pages 15 and 18 of the regulations. Deputy Commissioner Baehr said the statute refers to parent representatives in the creation of the turnaround plan. Dr. Stotsky recommended changes to the proposed regulation on "Professional development and structures for collaboration" on page 6. Deputy Commissioner Baehr agreed to revise that section to clarify that professional development for school staff includes both individually pursued activities and school-based, job-embedded approaches, and content-oriented learning. Mr. D'Ortenzio Jr. recommended that a student be part of reviewing the turnaround plan. Deputy Commissioner Baehr said that could be added to the guidance. The regulations, with the further revisions as discussed, were then presented for a vote.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with G.L. c. 69, § 1B; c.69, §§ 1J and 1K, as amended by Chapter 12 of the Acts of 2010; and c. 71, § 38G, having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, hereby adopt the Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00, as presented by the Commissioner. The regulations replace the current Regulations on Underperforming Schools and School Districts, 603 CMR 2.00.

The vote was 7-1. Vice Chair Chernow voted in opposition.

State Initiatives to Prevent and Address Bullying in Schools

Commissioner Chester said that legislation on anti-bullying is moving in the Legislature, and that today's presenter Elizabeth Englander from Bridgewater State College is a great resource. Associate Commissioner John Bynoe provided a brief overview of the issue and the Department's work with school districts.

Dr. Elizabeth Englander, a professor of psychology at Bridgewater State College and the director of the Massachusetts Aggression Reduction Center (MARC), addressed the Board. She said MARC provides free services to Massachusetts schools, using graduate students and faculty from Bridgewater State College. She said MARC is a teaching center and can be very productive in a short time with few resources. Dr. Englander said the Center adheres to best practices in the field, uses research, and visits 40-60 schools per year depending upon the number of graduate assistants.

Dr. Englander said the goal of the Center is to train school staff to reduce bullying and to be so effective that they can spend less time and money on this issue and more on learning. She said more than 50 percent of high school students report that they have been victims of bullying, cyberbullying, or both, and the percentage among girls is probably higher. Dr. Englander said cyber issues are now the major feeder of bullying problems in

schools. She said children have total access to a very powerful technology, but have no training. Dr. Englander said bullying today is more about social power than physical power. She noted that there is a particular concern around girls.

Dr. Englander said children need to be educated about bullying earlier than middle school. The Center will post online a K-5 curriculum this summer. She said cyber issues are seen as early as 2nd grade. Dr. Englander said parents are key and must be involved. She said this is in the nature of a public health campaign. On the issue of “sexting,” Dr. Englander commented that students should not be prosecuted if they report it, noting that research shows 26% of girls and 18% of boys are coerced into doing it. She said we need to focus on education and not solely on discipline. With respect to out-of-school behavior, Dr. Englander noted that whether or not schools can exercise their disciplinary authority, educators can still help the victim, educate the students, and involve the parents.

Associate Commissioner Bynoe said the Department will be working with Dr. Englander and MARC in implementing the new legislation when it is enacted. Commissioner Chester thanked Dr. Englander for her comprehensive approach and her generous service to schools. He added that school leaders face a huge challenge in unraveling these issues on a day-to-day basis.

Secretary Reville had to leave the meeting at 12:00. Executive Office of Education General Counsel Nick Martinelli represented the Secretary.

Report of the Proficiency Gap Task Force

Chair Banta said the Board will devote more time in May to the report of the Proficiency Gap Task Force. Dr. Howard said the purpose today was to present the report, which will be further discussed at a special meeting of the Board in May. Dr. Howard said the report is consistent with but not reconciled with the state's Race to the Top application and the Achievement Gap legislation. Dr. Howard added that he was mindful of but not constrained by budget considerations. He said that two things missing from the report were a letter from Early Education and Care Commissioner Sherri Killins that expressed her concerns, and a letter from former Board Chair James Peyser.

Dr. Howard said the Task Force set out to do two things: (1) to offer analysis of factors contributing to achievement gaps; and (2) to develop "actionable" recommendations to close them, with a focus on the work of the Department of Elementary and Secondary Education. The Task Force formed in January 2009 and involved dozens of stakeholders. There were four subcommittees: Instructional Leadership; Early Literacy; English Language Learners; and Family and Community Engagement. Dr. Howard said this work is driven by a moral imperative. He said the Task Force defined proficiency gaps as a measure of shortfall in academic performance by an identifiable population group relative to an appropriate standard held for all.

Dr. Howard said the Task Force produced a framework for action that includes asking the Board to mandate measurable improvement to a standard and leveraging the commitment and expertise of the Department to guide and support that improvement. Dr. Howard outlined three recommendations: (1) Objective: to establish an 85% standard of all students reaching *Proficient* or *Advanced* by 2020; (2) Structure: to establish the Office of Planning and Research to Close Proficiency Gaps (OPRCPG) within the Department; and (3) Strategy: to convene a Commissioner's Network and provide support for statewide improvement.

Chair Banta thanked Dr. Howard and the other Board members who were members of the Task Force, including Vice Chair Chernow, Mr. Chertavian, and Ms. Holmes.

Race to the Top: Next Steps

Commissioner Chester said the state received quite a bit of feedback on its Phase 1 application. While Massachusetts scored well in many areas, there were questions about the state's strategy around teachers and leaders, and a sense that the process was outlined more clearly than the outcome. The commissioner said the reviewers questioned what would be different after four years and whether there was a commitment to implementation. He said 2/3 of school districts had all three parties sign off on the application, and he was very disappointed that the AFT-MA voted not to participate in the next round. The commissioner said he hopes that will change.

Dr. Stotsky asked where recruitment and teacher preparation fit into the application. She said there should be a focus on strengthening teacher preparation programs. Vice Chair Chernow said she was concerned about the commissioner's statement that he might ask the Board to amend the regulations on teacher evaluations in May because that is a very big topic to address in a single meeting. Chair Banta suggested that Board members who have specific comments on the Race to the Top proposal should contact the commissioner directly.

Chair Banta thanked Nashoba Valley Technical High School for hosting today's meeting.

Next Meeting

The next regular meeting of the Board of Elementary and Secondary Education is scheduled for Tuesday, May 25, 2010 in a location to be determined. The Board will also hold a special meeting on Monday, May 24, 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 1:00 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