

**Minutes of the Regular Meeting
of the Massachusetts Board of Elementary and Secondary Education
Tuesday, June 27, 2017
8:40 a.m. – 9:43 a.m.
Department of Elementary and Secondary Education
75 Pleasant Street, Malden, MA**

Members of the Board of Elementary and Secondary Education Present:

Paul Sagan, Chair, Cambridge
James Morton, Vice-Chair, Boston
Katherine Craven, Brookline
Ed Doherty, Boston
Margaret McKenna, Boston
Nathan Moore, Chair, Student Advisory Council, Scituate
Michael Moriarty, Holyoke
Pendred Noyce, Boston
James Peyser, Secretary of Education

Member of the Board of Elementary and Secondary Education Absent:

Mary Ann Stewart, Lexington

Jeff Wulfson, Deputy Commissioner, attended the meeting on behalf of **Mitchell D. Chester**, Commissioner of Elementary and Secondary Education, Secretary to the Board

Chair Sagan called the meeting to order at 8:40 a.m. Board members introduced themselves. Chair Sagan opened the meeting by announcing the unexpected passing of Commissioner Mitchell Chester on Monday night. Chair Sagan asked members and others present to take a moment of silence in Commissioner Chester's honor.

Chair Sagan said in light of the tragic news, the Board would conduct an abbreviated meeting, noting some votes need to be taken today due to previously established deadlines but staff would not make presentations.

Approval of Minutes

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education approves the minutes of the May 23, 2017 Regular Meeting and the May 22, 2017 Special Meeting.

The vote was unanimous.

Chair Sagan said people who had signed up to offer public comment on agenda items could do so. They declined.

Early College Initiative: Report and Recommendation from Early College Joint Committee on Designation Process

On a motion duly made and seconded, it was:

VOTED: **The Board of Elementary & Secondary Education (BESE) and the Board of Higher Education (BHE) (collectively “the Boards”), having voted in January 2017 to establish an Early College Joint Committee (ECJC), express their appreciation to the ECJC and to the staff of the Departments of Higher Education (DHE) and Elementary and Secondary Education (DESE) for their work on the proposed Early College Program Designation process and criteria.**

Having received and reviewed the ECJC’s recommended Early College Program Designation process and criteria, the Board of Elementary and Secondary Education hereby endorses the Early College Program Designation process and criteria as presented and attached.

Upon endorsement of the Early College Program Designation process and criteria by each of the Boards, the Commissioners of DHE and DESE shall work together to oversee the implementation and any necessary refinement of the approved designation process and criteria and shall periodically report back to the ECJC in this regard. The ECJC shall continue to convene as needed to approve final designation of Early College Programs, review the continued administration of the Early College Designation process, review and approve any significant changes to the Early College Designation Criteria, and consider and recommend opportunities for the further support and promotion of Early College in Massachusetts. The ECJC shall provide a progress report to the Boards, either individually or through a joint session, at least once per fiscal year.

The vote was unanimous.

Report from Safe Schools Program for LGBTQ Students

In light of the circumstances, Chair Sagan suggested that the presentation of the report from the Safe Schools Program for LGBTQ Students be deferred until a future meeting. The presenters agreed.

Educator Licensure and License Renewal: Proposed Amendments to Regulations, 603 CMR 7.00, 13.00, and 44.00

Chair Sagan said Board members have had time to review the materials and he noted the work that has been done on the regulations, including the changes in response to public comment. He recommended that the Board proceed with the vote. Mr. Moriarty said he had a few questions that he would address with Mr. Wulfson.

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 and c. 71, § 38G, and having solicited public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopts the amendments to the Regulations on Educator Licensure and Preparation Program Approval (603 CMR 7.00), Certification of Supervisors of Attendance (603 CMR 13.00), and Educator License Renewal (603 CMR 44.00), as presented by the Commissioner.

The vote was unanimous.

Level 5 Schools: End-of-Year FY2017 Reports

Chair Sagan said the Board has received the Level 5 Schools: End-of-the-Year FY2017 report and it is not necessary to have a presentation or discussion today.

Update on FY2018 State Education Budget

Deputy Commissioner Wulfson and Chief Financial Officer Bill Bell stated there was no news yet on the FY2018 Conference Committee report deliberations. They said they would inform the Board about any significant developments.

Regulatory Waiver of Enrollment Lottery Date for Three Charter Schools

Chair Sagan recommended a vote on the Regulatory Waiver of Enrollment Lottery Date for Three Charter Schools, based on the circumstances presented in the memo.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education waive, in accordance with 603 CMR 1.03(2), the requirement in the charter school regulations at 603 CMR 1.05(9) that “lotteries for charter school seats shall be conducted in a public place with a neutral party drawing names and with reasonable public notice given at least one week prior to the lottery” for the lotteries conducted in March 2017 by Hampden Charter School of Science, Libertas Academy Charter School, and Phoenix Academy Public Charter High School Chelsea.

The vote was unanimous.

Schedule for Regular Board Meetings through June 2018

Chair Sagan recommended that the Board approved the schedule for regular meetings through June 2018.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education approves the schedule of regular meetings through June 2018, as presented by the Commissioner.

The vote was unanimous.

Annual Performance Evaluation of the Commissioner: Report from Committee on Commissioner's Performance Evaluation

Chair Sagan called on Ms. Noyce, chair of the Committee on the Commissioner's Performance Evaluation, to present the committee's report and recommendation on the annual performance evaluation of the Commissioner. Ms. Noyce said the committee was impressed with Commissioner Chester's leadership ability and accomplishments as outlined in the memo, including rolling out the next-generation MCAS and leading the Department successfully through a decrease of federal funding and a strategic reorganization. Ms. Noyce said when the committee interviewed Commissioner Chester's executive team, the committee was struck by their high morale and the great respect and affection for him that they expressed. Ms. Noyce said she cannot imagine having a better Commissioner at the helm, and the recommendations of the committee reflect that view.

Chair Sagan recommended a vote on the annual performance evaluation of the Commissioner.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education approves the Commissioner's FY2017 performance rating of "outstanding" as recommended by the Board's committee. The Board further approves a salary increase for the Commissioner of 1.5% percent, effective July 1, 2017; a one-time bonus of \$1000; and two additional days of paid leave for fiscal year 2018.

Chair Sagan noted this would be the last meeting of the Board's FY2017 student representative, Nathan Moore. Chair Sagan presented Mr. Moore with a joint citation from himself and Commissioner Chester and thanked Mr. Moore for his support and service to the Board. Chair Sagan introduced Hannah Trimarchi from Marblehead High School, who has been elected as Chair of the State Student Advisory Council and will be the FY2018 student member on the Board. Chair Sagan and the members welcomed Ms. Trimarchi.

Secretary Peyser thanked the Committee on the Commissioner's Performance Evaluation for their work. He endorsed their commendation of Commissioner Chester's performance and said Massachusetts has been blessed to have had such steady leadership in education with such a lasting, deep effect. Secretary Peyser said it was an honor to work with Commissioner Chester; he was thoughtful, collaborative, and courageous; he loved the job and he cared deeply about the work. The Secretary said Commissioner Chester leaves a tremendous legacy that will stand for many generations, and while today is a sad day, there will be days ahead when we can celebrate his life and accomplishments. Secretary Peyser said his prayers go out to Commissioner Chester's family and the Department.

Delegation of Authority to Commissioner to take Necessary Action between Board Meetings

Chair Sagan stated that he had conversations over the past several weeks with both Commissioner Chester and Deputy Commissioner Wulfson regarding the usual summer delegation of authority. He said in light of the circumstances, the Board would not vote today on the summer delegation but would appoint an Acting Commissioner. Chair Sagan said Board members would need to collect our thoughts and would hold a special meeting this summer to discuss what we need to do moving forward.

Chair Sagan stated that Jeff Wulfson, Deputy Commissioner, is the obvious choice to take over as Acting Commissioner during this time because he understands every aspect of this department and has been the right hand of Commissioner Chester. The Board voiced its unanimous support for Mr. Wulfson to be named Acting Commissioner.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education recommends the appointment of Jeff Wulfson as Acting Commissioner and requests that the Secretary of Education approve said appointment, effective June 27, 2017, pursuant to General Laws c. 15, § 1F.

The vote was unanimous.

Mr. Moriarty encouraged Mr. Wulfson to reach out if there is anything the Board can do to assist him. Mr. Wulfson expressed his appreciation for the Board's confidence and offer of support and said he will do whatever he can during this difficult time. Mr. Wulfson said it was an absolute privilege to have Mitchell Chester as our Commissioner.

Chair Sagan announced that Board would hold an executive session upstairs to discuss strategy with respect to litigation.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education go into executive session, in accordance with Mass. General Laws chapter 30A, section 21. The purpose of the executive session is to discuss strategy with respect to pending litigation involving the Board and Department of Elementary and Secondary Education, as follows: New Bedford Educators Association, et al. v. Paul Sagan, et al., Mass. Appeals Court, No. 2016-P-0654; and the proceeding at the Department of Labor Relations, MUP-16-5327 and MUP 16-5450; along with one matter where litigation is demonstrably likely. Discussion of the pending cases in open session may have a detrimental effect on the litigating position of the Board and the Department.

The roll-call vote was unanimous.

Chair Sagan announced that the Board would return to open session only to adjourn the regular meeting. The Board moved into the executive session at 9:15 a.m. The Board concluded its executive session at 9:43 a.m.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education return to open session.

The roll-call 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 9:43 a.m., subject to the call of the Chair.

The vote was unanimous.

Respectfully submitted,
Jeff Wulfson
Acting Commissioner of Elementary and Secondary Education
and Secretary to the Board