

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

May 21, 2013

8:35 a.m. – 1:25 p.m.

Horace Mann Middle School, 224 Oak Street, Franklin, MA 02038

Members of the Board of Elementary and Secondary Education Present:

Vanessa Calderón-Rosado, Milton

Ryan Casey, Chair, Student Advisory Council, Franklin

Harneen Chernow, Jamaica Plain

Gerald Chertavian, Cambridge

Karen Daniels, Milton

Beverly Holmes, Vice-Chair, Springfield

Ruth Kaplan, Brookline

Matthew Malone, Secretary of Education

Pendred Noyce, Weston

David Roach, Sutton

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

Member of the Board of Elementary and Secondary Education Absent:

Maura Banta, Chair, Melrose

Vice-Chair Holmes called the meeting to order at 8:35 a.m.

Vice-Chair Holmes welcomed Board members to Franklin, the home district of Ryan Casey, student representative to the Board. She said Mr. Casey, a senior at Franklin High School, has served with distinction during the 2012-13 school year as both the student representative to the Board and the chair of the State Student Advisory Council. Vice-Chair Holmes said Chair Banta is unable to chair this month's meeting, so in her absence and in accordance with the Board's by-laws, she will chair the meeting. The vice-chair introduced Karen Daniels, newly appointed to the Board by Governor Patrick.

Paula Mullen, chair of the Franklin School Committee, welcomed the Board to Franklin and thanked Ryan Casey for his service. Commissioner Chester said Massachusetts is the only state board with a student elected by his or her peers to serve as a full voting member. He congratulated Mr. Casey. Vice-Chair Holmes invited Ms. Daniels to introduce herself to the Board. Ms. Daniels said she was a teacher and principal in the Boston Public Schools and recently retired after five years as executive director of Step UP Boston, a multi-university collaboration with the Boston Public Schools and Mayor Menino's office. Ms. Daniels is now a consultant for Mass Insight. She said she looks forward to serving on the Board.

Ms. Calderón-Rosado reported on the Commissioner's Performance Review Committee, which has interviewed the senior leadership team, reviewed the Commissioner's self-evaluation, and discussed the review criteria, ratings, and indicators. She said the committee would bring the final evaluation recommendation to the Board in June.

Vice-Chair Holmes said the Charter School Committee met on May 20 to review proposed revisions to the charter school accountability system, networks of charter schools, and possible revisions to the charter school regulations. She said the Charter School Office has been working with the field to gather their input.

Commissioner Chester said he attended the Future Ready Summit on May 20, which brought together state and local leaders from K-12 education, workforce development, economic development, health and human services, and business. He said the summit was focused on preparing all students for successful futures. Commissioner Chester said it was well attended and Governor Patrick gave the keynote address. The commissioner said he was recently in Springfield to honor the 2014 Massachusetts Teacher of the Year, Anne Marie Bettencourt. He also attended the RETELL Leadership Conference, which attracted 400 attendees and highlighted Brockton's and Fitchburg's work to implement the teacher training. Commissioner Chester said there will be a full-day conference on educator evaluation on May 29 in Sturbridge, and Board members are welcome to attend.

Secretary Malone said he has been traveling to schools around the state advocating for Governor Patrick's budget proposal. He said he visited the Perkins School for the Blind, Newton North High School, and several other schools. Secretary Malone said he attended the Future Ready Summit and he continues to see great examples of collaboration among the K-12 sector, higher education, business, and industry.

Public Comment

1. Richard Langevin, Chair of the Board of Trustees of the Spirit of Knowledge Charter School, addressed the Board on the school's status.
2. David Cutler, Dean of the Spirit of Knowledge Charter School, addressed the Board on the school's status.
3. Paula Bailey, Executive Director of the Spirit of Knowledge Charter School, addressed the Board on the school's status.
4. Barrington Henry, Vice-Chair of the Board of Trustees of the Spirit of Knowledge Charter School, addressed the Board on the school's status.
5. Michael Khmelnskiy, Director of Curriculum and Instruction of the Spirit of Knowledge Charter School, addressed the Board on the school's status.
6. Gerry Mroz, a parent, addressed the Board on gifted education.
7. Beth Shevlin, of the Massachusetts Teachers Association, addressed the Board on RETELL training.
8. Carolyn Lyons, President and Chief Executive Officer of Strategies for Children, addressed the Board on early 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 23, 2013 Regular Meeting and April 22, 2013 Special Meeting.

The vote was unanimous.

Harneen Chernow arrived at 9:40 a.m.

Presentation by Outgoing 2013 Teacher of the Year Kathleen Turner

Vice-Chair Holmes and Commissioner Chester welcomed Kathleen Turner, the 2013 Massachusetts Teacher of the Year. Ms. Turner, who teaches French at Sharon High School, thanked the Board and said this award is an affirmation of her passion for teaching and a celebration of all teachers. Ms. Turner gave a brief slide presentation outlining some of the events she participated in during the year.

State Student Advisory Council End-of Year Report

Ryan Casey said this has been a year of reorganization for the State Student Advisory Council and the five regional councils, which have aligned their priorities to allow for more collaboration. Mr. Casey said through his visits to each regional council, he has been able to see the interest in guidance counselors' roles in college and career readiness, educator evaluation, and outreach to middle school students to encourage them to stay in school and graduate from high school. He said the work with the educator evaluation team on using student feedback shows the power of students working in collaboration with the Board and the Department.

Presentation on Model Curriculum Units

Commissioner Chester gave an overview. He said the Board adopts academic standards in the form of curriculum frameworks; for example, in 2011 the Board adopted the updated English language arts and mathematics frameworks. He noted that curriculum frameworks are not themselves "curriculum," which is why the Department has engaged teachers in producing model curriculum units as a resource to help teachers across the Commonwealth implement the new frameworks. He said districts may use the model units as is or adapt them to suit their classrooms.

Julia Phelps, Associate Commissioner of Curriculum and Instruction, said this work is part of the Commonwealth's Race to the Top grant and the center of classroom instruction. Ms. Phelps presented elements of the Understanding by Design approach to unit planning and a few aspects of a model unit for grade 3. Ms. Phelps said the model curriculum units are connected not only to the frameworks but also to the Massachusetts

Tiered System of Support, WIDA standards for English Language Learners, and educator effectiveness. She said four model units are now available, 30 units are being tried out in schools and finalized this summer, and a total of 90 units will be available to all teachers in the fall. Ms. Phelps said the Department's plans include collaboration with WGBH, implementation of EDWIN Teaching & Learning, and professional development.

Ms. Phelps introduced Darren Burris of Boston Collegiate Charter School and Laurie Regan of Attleboro Public Schools to speak about their experiences piloting the model curriculum units. Mr. Burris said the Department has provided a unique and valuable experience for Massachusetts teachers, providing ongoing support and professional development and creating a network of teachers to share ideas and experiences. Ms. Regan said she is piloting these units in the Attleboro schools and students are excited about what they are learning.

Vice-Chair Holmes said the model units are engaging and impressive. She commended the Department for its efforts in developing the units. Mr. Roach thanked staff for their work. He encouraged the distribution of the units across the state and noted we might have to be patient to maintain quality. Mr. Burris said teachers have been pleased with this professional development opportunity. Ms. Regan said it has been helpful to receive high-level feedback on the units as they are used in the district.

Secretary Malone commended the Department for this work and said it is great to have so many teachers involved. He asked if universal design is embedded in the model units. Ms. Phelps said it is. Ms. Noyce asked if the model units take into account existing curriculum in math and science and if there is enough time to meet all the standards. Mr. Burris said the model curriculum is not a whole year sequence; textbooks and other resources are used as well. He also noted that the 2011 frameworks focus on fewer standards with greater depth, which is helpful. Ms. Phelps said teachers could use or adapt the model units, supplement them with locally developed units, and tailor the curriculum to meet class and school needs. Ms. Noyce said the model unit plans are a great step in the right direction.

Commissioner Chester said Massachusetts has aimed high in its curriculum standards and these model units. He said the Commonwealth is fortunate to have the Race to the Top grant because the state budget provides little or no support for this important curriculum work. The commissioner commended the Department staff and local educators for their work on this initiative.

Secretary Matthew Malone excused himself at 10:50 a.m. James DiTullio, Executive Office of Education General Counsel, represented Secretary Malone for the rest of the meeting.

Update on RETELL Initiative

Commissioner Chester introduced Assistant Commissioner Jonathan Landman and Maureen LaCroix of the Department. The commissioner noted the Department's recent Rethinking Equity and Teaching English Language Learners (RETELL) leadership conference, as well as ongoing communication with the U.S. Department of Justice. The commissioner said the Department is using feedback from the spring RETELL course to improve the course for the next cycle.

Ms. LaCroix presented some data on enrollment of English language learners (ELLs) in Massachusetts schools. She said the Department will soon complete the Sheltered English Instruction (SEI) training program for the first cohort of 2,000 teachers. Mr. Landman said the goal for SEI endorsement training is every teacher of ELLs has the requisite SEI knowledge and skills. He said teachers and their supervisors have the opportunity to receive no-cost training by summer 2016, and the training provides concrete classroom examples of English immersion, resources, and options to make curriculum accessible. Mr. Landman said teachers will have additional pathways to the SEI endorsement, including an SEI MTEL (teacher test) scheduled for spring 2014. He said the Department is reviewing educator preparation programs and will provide other supports to strengthen SEI practice over time.

Ms. Chernow asked how we will measure the success of this work. Commissioner Chester said ultimately student performance would be the key; in the interim, the Department is getting feedback from teachers in the program. Ms. Calderón-Rosado asked what has been learned from the field, what needs improvement, and what supports are available for teachers. Mr. Landman said the Department has modified the course scheduling and workload to be responsive to the concerns of teachers. He said teachers have commented that the course content and strategies will be directly applicable to their classrooms.

Mr. Roach said he has attended some training sessions and is concerned about the pressure on teachers and some unevenness in the quality of the instruction. He said scheduling problems with the courses offered in Worcester have created unnecessary angst. Commissioner Chester said many of the challenges are logistical and while the schedules were set by local school districts, the Department is working with teachers, their unions, and districts to address the difficulties. The commissioner pledged to gather feedback on this first round of training and report to the Board in the fall. Ms. Kaplan said people who are not experienced in other languages or cultures need to understand the experience of the student learning a new language. Commissioner Chester said cultural awareness is built into the first part of the course. He said he will keep the Board informed as the RETELL initiative progresses.

Vanessa Calderón-Rosado excused herself from the meeting at 11:45 a.m.

Update on FY 2014 State Education Budget

Bill Bell, Chief Financial Officer for the Department, said the Board's and Department's budget priorities are targeted assistance, school and district reviews, and the RETELL initiative. He said the Governor has released some funds that were affected by the 9C cuts including circuit breaker, homeless transportation, and regional transportation. Mr. DiTullio said it is positive that the 9C cuts have been restored, but the House and Senate budget proposals are below what is needed for RETELL, although there was an expectation that the Senate would end up much closer to the Department's target appropriation than the House. He said innovation schools were not funded in the House, but he was optimistic about getting funding in the Senate budget.

Ms. Chernow asked about the cost for developing the SEI test. Commissioner Chester said is not a cost to the Department, but is recouped by the company in testing fees. Mr. Casey asked about budget cuts for districts. Commissioner Chester said the state budget would increase district funding, while federal cuts will be different for every district.

Proposed Schedule for Regular Board Meetings through June 2014

Vice-Chair Holmes asked Board members to review the proposed schedule. She said the Board would vote on the 2013-14 meeting schedule in June.

Lowell Collegiate Charter School EMO Contract Approval

Commissioner Chester said this is a proposal from Lowell Collegiate Charter School to contract with SABIS/Springfield Education Management, LLC for management of the educational program. He said the Department has reviewed and made revisions to the contract. Ms. Kaplan asked for clarification on the difference between SABIS applying for a charter and managing a charter. Commissioner Chester said a for-profit entity cannot open a charter in Massachusetts, but schools can apply to contract with an educational management organization, including a for-profit company. He said the ultimate responsibility for the success of the school rests with the board of trustees. Ms. Chernow said she is not clear why only non-profit organizations are allowed to open charter schools, but a for-profit organization can manage the school. Deputy Commissioner Wulfson said the distinction is that a for-profit can only be a contractor; the board of trustees is responsible for the operation of the school and has authority to terminate the contract.

VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, approves the management contract between Lowell Collegiate Charter School and Springfield Education Management, LLC, as voted by the Board of Trustees of Lowell Collegiate Charter School on April 25, 2013. Such approval also operates to amend the charter granted to Lowell Collegiate Charter School to include this management contract.

The vote was 8-1-0. Harnen Chernow voted in opposition.

Mystic Valley Regional Charter School Appeal of Commissioner's Decision

Commissioner Chester said Mystic Valley Regional Charter School (MVRCS) was chartered in 1998 to serve 1100 students; the charter was subsequently renewed and enrollment increased to 1500 students in grades K-12. He said the school requested 400 additional seats in February 2013. Commissioner Chester said while student academic performance is strong, conditions were imposed on the school in February 2013 to address continuing concerns of accessibility and transparency of governance. The commissioner said he is willing to review the expansion request after the school addresses the conditions.

Mr. Wulfson said the Department has not yet assessed the expansion request. He noted this case is similar to the Pioneer Valley Chinese Immersion Charter School, whose expansion request was deferred until the school's board addressed conditions that had been imposed. Mr. Wulfson said the Department has met with the school's leadership about the conditions. Mr. Wulfson said charter schools are accountable for student performance as well as other factors, including faithfulness to the charter and organizational viability. He said the Board and Department expect charter boards to be open, transparent, and responsive, to meet the standards of public bodies since they are public, not private organizations. Mr. Wulfson noted that charter oversight and accountability are the Board's responsibility.

The Board heard testimony from Neil Kinnon, chair of the Board of Trustees of MVRCS, Martin Trice, MVRCS executive director, and attorney John Hanify. They stated that the governance concerns are arbitrary and the board of trustees is doing an outstanding job. They asked the Board to overturn the conditions. Vice-Chair Holmes asked if any Board members wished to make a motion on the matter. No motion was made. Commissioner Chester said the Department's offer to work with the school's leadership still stands.

Gerald Chertavian excused himself from the meeting at 1:10 pm.

Recommendation for Probationary Status: Spirit of Knowledge Charter School

Commissioner Chester said while earnest efforts are going on, this school is still struggling with serious problems in its third year of operation. He said there has been turnover in the board of trustees and leadership, as well as falling enrollment and financial instability. Commissioner Chester said he is recommending probation with conditions now so the school will have adequate notice and time to improve before its renewal date; otherwise, non-renewal of the charter is a real possibility.

Ms. Noyce asked if the school is improving this year. Commissioner Chester said that is not clear. Mr. Casey said putting the school on probation has less impact on students than non-renewal. Mr. Chuang said the Board's Charter School Committee has reviewed the

charter school accountability system to ensure schools receive feedback and clear signals. Vice-Chair Holmes said three years into a charter is a good time to address issues based on early warning indicators.

Ms. Kaplan said the label of probation could affect a school adversely. Mr. Wulfson said the Board has encouraged the Department to send a clear signal to charter schools that may be at risk of non-renewal. Ms. Noyce asked if there is support for charters on probation. Mr. Chuang said charter schools are based on autonomy and innovation so they are expected to remedy the outstanding issues based upon what is best for their school. He said the Department provides frequent feedback to the school and the conditions of the probation provide details. Ms. Noyce asked about steps short of probation. Commissioner Chester said the Board could vote to place conditions upon the school rather than probation; probation is used in extraordinary circumstances, as are present here. Ms. Chernow said in the past the Board closed charter schools and parents said they had no idea about the problems; putting the school on probation is difficult but it is better to do it and give everyone fair notice of what needs to change.

VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.13(4), hereby places the Spirit of Knowledge Charter School (SOKCS) on probation until June 30, 2015, and directs SOKCS to meet the following terms of probation, as recommended by the Commissioner:

- 1. Beginning in May 2013 and until further notice, the school must submit to the Department of Elementary and Secondary Education (Department), at charterschools@doe.mass.edu or 75 Pleasant St., Malden, MA, 02148, board meeting agendas, materials, and minutes prior to each board meeting at the same time that these items are sent to the school's board members. The Department reserves the right to require the submission of additional information, such as quarterly or monthly financial statements, if board materials do not already include this information, and the school must provide such additional information within two business days.**
- 2. By July 1, 2013, the school must submit a facilities plan. This plan must align with the growth plan specified in the school's charter and must include timelines for leasing, construction, and improvements to ensure that the school's facility is programmatically accessible for the remainder of the charter term.**
- 3. By August 1, 2013, the school must submit an annual report for FY13 in accordance with the requirements outlined in the Annual Report Guidelines, including an updated recruitment and retention plan.**

4. **By October 1, 2013, the school's board of trustees will engage in training conducted by an external consultant, acceptable to and approved in advance by the Department, on the roles and responsibilities of a board of trustees for a charter school.**
5. **By November 1, 2013, the school must submit its annual financial audit for FY13 in accordance with the requirements outlined in the Massachusetts Charter School Audit Guide (http://finance1.doe.mass.edu/charter/charter_audit.html). Such audit must indicate that the school has resolved all concerns indicated in the findings of prior audits and management letters.**
6. **By December 31, 2013, the school's board of trustees must have completed a comprehensive self-evaluation of its own capacity and must have recruited additional board members with needed expertise. Such new members must have been approved by the Department and be sufficient to meet the minimum number of members (seven) specified in the school's bylaws.**
7. **By December 31, 2013, the school's board of trustees must develop and implement a formal system of evaluation for the executive director.**
8. **By December 31, 2013, the school must provide documented evidence, corroborated through site visits, of consistent implementation of the key elements of its educational program in alignment with its charter. Alternatively, the school's board of trustees must request and receive approval for an amendment to its charter that accurately reflects the school's educational program.**
9. **By December 31, 2014, the school must demonstrate that it is an academic success by providing affirmative evidence of significant improvement in academic performance in English language arts, mathematics, and science.**

In addition to meeting the terms of probation, SOKCS, like all charter schools, must also comply with the terms of its charter. The Commissioner shall review and report to the Board on SOKCS' success or lack of success in meeting the terms of probation and its charter. Based upon his review, the Commissioner will recommend that the Board take action as appropriate with respect to the school's charter including, but not limited to, renewal, summary revocation, revocation, or a continue of probation with conditions.

The vote was 7-1-0. Ruth Kaplan voted in opposition.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 1:25 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