



**RHODE ISLAND BOARD OF EDUCATION**

The second work session of the Rhode Island Board of Education was held on Monday, June 3<sup>rd</sup>, 2013, at the Department of Education, Room 501, 255 Westminister Street, Providence, 02903. Chair Eva-Marie Mancuso welcomed everyone, declared a quorum present and called the work session to order at 4:09 p.m.

**Present:** Eva-Marie Mancuso, Michael Bernstein, Colleen A. Callahan, Karin Forbes, Jo Eva Gaines, Michael A. Grande, Patrick A. Guida, and Lawrence Purtill. (Colleen Callahan arrived shortly after.)

**Absent:** Antonio Barajas, William C. Maaia and Mathies Santos.

**1. ACCEPTANCE OF THE AGENDA**

On a motion duly made by Jo Eva Gaines and seconded by Patrick Guida, it was

**VOTED:** That the Rhode Island Board of Education accepts the agenda for the work session of June 3, 2013.

**Vote:** 7 members voted in the affirmative and 0 members voted in the negative as follows:

**YEAS:** Eva-Marie Mancuso, Michael Bernstein, Karin Forbes, Jo Eva Gaines, Michael A. Grande, Patrick A. Guida, and Lawrence Purtill.

**NAYS:** 0

**2. DISCUSSION ITEMS**

Because Commissioner Gist was held up at an education forum, the Board began with the higher education items on the agenda.

**Item 2d, Authorization for Ray M. Di Pasquale to Act as Interim Commissioner of Higher Education.**

Chair Mancuso explained that after the Board votes regarding Commissioner Gist's contract renewal on Thursday, the Board can then turn its attention toward how to handle the role of the commissioner of higher education. Aims McGuinness and Ray Di Pasquale have been working on a job description under the new Board of Education, and Commissioner Di Pasquale has graciously agreed to stay on in a signatory role until a new commissioner is appointed.

Chair Mancuso then called on President Nancy Carriuolo to present **Item 2f, Awarding of Tenure at Rhode Island College.**

President Carriuolo explained that tenure is an ongoing commitment for employment. Tenure does not guarantee employment, and there are various circumstances under which a tenured faculty member may be dismissed, although such cases are extremely rare. Rhode

Island College reviews each instructor's scholarship, teaching and research and places high emphasis on teaching, scholarship and service (research is viewed with more emphasis at URI).

Instructors are reviewed in these areas every year until their fifth year, at which point they are evaluated and judged whether they are ready to move forward. By the time the tenure requests reach the presidents, they have been thoroughly reviewed by departments and tenure and review committees.

Karin Forbes wondered if instructors leave if they are not granted tenure in their sixth or seventh year. President Carriuolo said that if tenure is denied, the faculty member must seek employment elsewhere, although the faculty member may elect to undergo a grievance procedure.

### **Item 2e, Awarding of Tenure at the University of Rhode Island**

President Dooley seconded President Carriuolo's presentation and added that at URI, tenure evaluations encompass external reviews by peers. Materials are sent to third parties at other institutions, who then comment on the candidates' scholarship and other areas.

The basis of tenure, Dr. Dooley continued, was founded in a desire to protect academic freedom and allow faculty members to pursue research in their chosen areas. They are all answerable to standards and criteria of discipline and are judged on the quality of their teaching and research.

Tenure at URI is a six-year process. If tenure is denied, the final year of the employee's contract would be the terminal year.

As there were no questions, the Board moved on to **Item 2g, Request for External Consultation regarding the Effect of the Affordable Care Act on RI Public Higher Education**, which was an information-only item.

Commissioner Di Pasquale explained that a condition of the Affordable Care Act is that on January 1, 2014, measurements already in place on July 1, 2013 will go into law. This is being discussed around the nation and could have tremendous financial implications. The institutions would be required to offer health insurance to everyone, and Anne Marie Coleman, Susan LaPanne and Ruth Barrington are working on determining what that cost would be. An RFP is being written, a consultant will likely be included, and the Board will be kept informed as this process unfolds. URI and RIC both have adjunct faculty unions, so this could have a large impact on collective bargaining at those institutions.

Karin Forbes asked whether adjuncts currently have healthcare benefits; they do not. The IRS is still working on regulations that would clarify how to calculate hours. Under current Rhode Island law, no adjunct faculty are currently eligible for healthcare – but the federal act may change that.

Deliberations are still underway, but with the amount of employees that the public higher education system is carrying forward, the system must be cautious.

The Board moved on to **Item 2h, Request for Exemption from the URI Conflict of Interest Management Committee regarding James O. Prochaska, Ph.D., and Colleen Redding, Ph.D. in accordance with the terms of the RI Public Private Partnership Act.**

President Dooley introduced URI Director of Research Integrity Ted Myatt and URI General Counsel Lou Saccoccio, who would be addressing any questions from the Board.

Under certain circumstances, President Dooley explained, the Rhode Island Public Private Partnership Act, a Rhode Island general law, agrees to work with a company where an employee might have an interest. A Conflict of Interest plan would need to be created and approved for each situation.

Atty. Soccoccio explained that the federal government's Bayh-Dole Act encouraged research money to go toward economic development and gave the title to research institutions. The National Research Foundation's 1995 regulations require disclosure of any conflict of interest through procedures, and the National Institute of Health created a second set of regulations in 2012 to further manage conflict of interest issues.

The original purpose of these laws, Atty. Saccoccio explained, was to protect research through disclosure and management plans. The Rhode Island Code of Ethics prohibited any and all conflicts of interest, but the General Assembly passed the RI Public Private Partnership Act in their 2003-2004 session, which amended RI General Law 16-59 so professors and researchers could request an exemption for certain relationships if their overseeing board has its own codes for conflict of interest management. URI's Conflict of Interest Management Committee reviews initial disclosures which are then presented to URI's president. If the president agrees, the exemption request goes before the governing board – which in this case is the Board of Education. If approved by that board, the Rhode Island Ethics Commission has 30 days to review the case. If that commission has any concerns, they will send the exemption request back to the governing board; otherwise, if the commission takes no action, the exemption request is automatically approved.

Dr. Prochaska, who is director of URI's Cancer Research and Prevention Center, founded and consults to a company called Pro-Change Behavior Systems, Inc., which will be receiving a subcontract as part of a Healthcare Innovation Challenge Grant award from the Centers for Medicare and Medicaid. The \$14 million grant, whose principle investigator was Dr. Elaina Goldstein of URI's College of Pharmacy, will be payable as \$100,000 a year through the life of the grant. Dr. Colleen Redding is a colleague of Dr. Prochaska and stockholder in Dr. Prochaska's company, so she would also be required to receive this exemption. Dr. Prochaska's wife Janice is a 60% stakeholder Pro-Change, which is developing software programs geared toward patients with Alzheimer's as well as other disorders. The programs are being developed to help in the care and welfare of patients.

The Oversight Committee through which the grant was awarded and the dean and faculty of the College of Arts and Sciences will monitor this situation, and an annual report will be presented to the Conflict of Interest Management Committee.

Chair Mancuso noted that Vice President of Research and Economic Development Peter Alfonso's proviso regarding intellectual property being the sole property of URI should be emphasized. Atty. Saccoccio agreed that that language was in URI's new intellectual property policy which the Board of Education recently approved.

Karin Forbes wondered if it mattered that the paperwork refers to the "Board of Governors for Higher Education" rather than the "Board of Education," but the language does not matter at this time, as the duties and powers of the Board of Governors fall under the Board of Education.

Michael Bernstein wondered if URI handled the conflict of interest oversight and was informed that the deans at URI were responsible for the oversight.

**Item 2a – Regulations for the Comprehensive Early Childhood Program Standards – Feedback from Public Hearings**

Commissioner Gist explained that the Board had discussed these standards before, and on April 8<sup>th</sup> they were sent out for public comment. She stressed that the early learning standards were recently adopted by the Board; these are now program standards.

The early childhood program standards are voluntary and are a component of a state-wide qualitative initiative. Comments were obtained from the public between April 16<sup>th</sup> and May 18<sup>th</sup> (it was noted that Colleen Callahan, Michael Bernstein and Karin Forbes had attended some of the hearings, which are summarized in board members' packets). Michelle Palermo is here to answer any questions.

Chair Mancuso wondered how to get more comments and better outreach and learned that the Early Childhood community is deeply involved. Many people were happy with the program standards and so did not attend the hearings. Regarding engaging people with letters, Michelle Palermo said extensive engagement was obtained before and after the first draft; 14 focus groups and five open forums were held. These had been summarized as part of the Race to the Top work, and Chair Mancuso said it would be helpful if copies were provided to the Board.

Colleen Callahan recalled that some folks present at the hearings came to listen and had referenced that they had been involved in the process. She thought it would be good to have minutes from prior hearings so she could hear what had changed throughout the process.

Karin Forbes recalled comments on the 13.75 hour stipulation, and Ms. Palermo said a minimum number of hours were required for any program approved under the standards. The original minimum requirement was 12 hours, but that has been increased to 13.75 to align with state standards. This affects public programs with pre-K classes for children with disabilities, which are usually held in sessions from 9 a.m.-noon or from 1-4 p.m. Pre-K teachers tend to have different responsibilities than their kindergarten counterparts. The teachers must have skills and knowledge in both general education and special education to reach all students. They attend IEP meetings, evaluation meetings, and more by running a four-day-a-week program for the students and setting aside the fifth day each week for the educators' other duties. Some districts do home visits on that day to engage families. Half the school districts run four-day programs, and RIDE is discussing moving that to a five-day-per-week program to help needy students. A district could be approved with a variance up to five years to figure out how to move to a five-day model (the variance requires documentation of what the plan will be). Some schools need to be in charge of their own models in order to negotiate contracts, and RIDE would work with each district to help with timelines. Right now, the process is voluntary, and those districts who participate can receive a five-year waiver.

Chair Mancuso asked how the standards would be regulated, and Commissioner Gist explained they are part of the overall quality system to put districts and schools on a path to success and get information out to the community. This is part of the Race to the Top challenge to increase education quality.

Colleen Callahan asked about implications if this voluntary process becomes an expected norm; how can schools be sure they will receive the support they will need, and has funding been set aside? Michelle Palermo assured Dr. Callahan there would be a host of supports. Race to the Top provided funding for program improvements, and RIDE has been talking to districts on uses of funding formulas. Technical assistance will also be available.

Jo Eva Gaines wondered if the 13.75 hour requirement would affect full-day kindergarten. It will only affect half-day programs. The programs could be required to run even more than 13.75 hours and still be half-day kindergarten.

Patrick Guida asked, if these are the foundation for common core standards, is it sufficient to achieve at the level anticipated for first graders who only have half-day kindergarten? Mary Ann Snider said those standards had been written for students enrolled in full-time kindergarten, and Mr. Guida responded that he would love for word to get out that students are doing better than anticipated.

### **Item 2b – School for the Deaf Board of Trustees – Recommendation**

Travis Zellner will be stepping down as chair of the School for the Deaf Board of Trustees because of continuing challenges to fill vacancies on the board. The trustees are asking the Board of Education to consider approving the appointment of Vice Chair Mary Lynch in Mr. Zellner's place. Dr. Lynch is a professor of special education at Rhode Island College and has served on the Board of Trustees for the past three years. She has demonstrated both leadership and a commitment to advance the School for the Deaf's goals.

Jo Eva Gaines said Dr. Lynch appeared to be an excellent choice, and Colleen Callahan and Karin Forbes seconded that opinion.

### **Item 2c – Brief Overview of Rhode Island's New Accountability System**

On June 14<sup>th</sup>, Commissioner Gist stated, the annual accountability results will be released. Last year Rhode Island received approval for a waiver from a rigid set of ways that accountability was applied. The U.S. Department of Education offered a waiver, and Rhode Island's system changed, with last year being its first under the new requirements. The system is based on multiple measures that are believed best for the schools. This is a public process and the community has been engaged.

Mary Ann Snider explained that it is important to apply for a waiver because the No Child Left Behind act had stated that by 2014, 100% of U.S. students must be proficient. Rhode Island and other states were not in a position to meet that goal. To be eligible to apply for the waiver, Rhode Island moved to a flexible, diagnostic lens and demonstration making progress transitioning to common core standards and designing and using an educator evaluation system. Rhode Island had to measure its approaches and how it used information to support schools in need of improvement. The federal baseline year on which to measure considerations was 2010. (As a point of clarification, "AYP" in board members' packets refers to Adequate Yearly Progress.)

In equal increments between 2004-2014, Rhode Island moved from a state-wide lens to a school-specific one. State-wide goals are not meaningful to those schools who are far ahead or behind others. (Additional clarification: "AMO" refers to Annual Measurable Objective.) Rather than state-wide, the AYP and AMO are specific to each school, providing meaningful and achievable focus on closing gaps. In No Child Left Behind, all students have the same goal; now, we are looking at that goal closely among different groups. In the past, a school was only held accountable if it had 45 or more students in each category (Hispanic, black, poverty, Asian, Pacific Islander, etc.) Urban schools had to work harder and suburban schools had a free pass. Now, the "cell size" has been reduced from 45 students to 20 in each category (within a larger combined population) and sub-groups have been consolidated (such as race/poverty and those receiving IEP and English Language Learner services). All but 20 schools are accountable for those two groups. In answer to Jo Eva Gaines' question, those 20 schools are being assisted by aggregating to the district level. Student-by-student data is helping RIDE see if progress is being

made. Under the old system, the schools would earn a maximum of 100 points on an index (a table on board members' packets explains how points are earned). There are seven categories:

1. Absolute percentage proficient: the goal is still to get students to proficiency (30 points)
2. Progress to 2017 target (10 points) – accounts for a slight deviation and allows RIDE to see if schools are on track. The sliding scale for points changes a bit each year.
3. Performance reference group compares each child except those who have IEPs, are English Language Learners, or who live in poverty. (Another clarification: "FRL" refers to free and reduced lunches.) This lessens gaps to allow for more points earned to a maximum of 30.
4. Attend to all children, not just those struggling – 5 points if a percentage of children are in the high test proficiency range.
5. Growth – compares in-state students with their academic peers and follows their performance to the next year, tracking how they have changed. This category is tracked three ways: all students; minority/FRL students; and IEP/ELL students.
6. Graduation rate – this takes the highest number among cohorts
7. NECAP score change (the number of students being tested fluxes from cohort to cohort). A new feature this year is that ELL students must show proficiency in English during their exit services and are monitored. Those who stay in ELL receive credit for their performance but still remain in the sub-group. The data system now includes monitored students, but that also makes more students hit the 20-student number in these categories, so it is a double-edged sword. Students drop out of the sub-group entirely two years after their exit from the ELL program.

Classification data included numbers from 2012. 24 schools were commended across all metrics. In response to Michael Grande's question, the schools need a 78 or higher to receive a commendation. Leading schools receive a 70 or higher, and Rhode Island has 38 such schools. 146 schools (53% of all Rhode Island schools) are "typical," meaning they achieved an index score between 50 and 70.

The Department of Education needed to consider big performance gaps. The target had been missed for three consecutive years, and more than 95% of students in schools were untested, which put them in the warning category. Schools are labeled and tracked within districts. There are significant gaps between focus and priority schools, both of which have significant gaps and low achievement and graduation rates. Priority schools are those lowest 10% performing schools in the state, which have only achieved 14-30 points on the index. Using multiple measures, RIDE can balance diagnose with classification. Most schools are stable from last year, although 19 shifted down more than one level because they were held accountable for more students or because either gaps increased or achievement decreased. Data were sent on disks to every superintendent in September for analysis, and data will be cleaned up and re-run before the 14<sup>th</sup> to make all classifications public. Board members will receive the information before it is released to the public.

Chair Mancuso suggested that it would be helpful to include a public relations campaign with the data release, and Commissioner Gist said an information session is planned, press packets are being created, and RIDE is working with the Governor's office.

Colleen Callahan added that it is important to get out the meanings behind the classification in order to receive helpful responses and foster support.

Mary Ann Snider then led board members to the last page regarding ESEA waivers, which are a flexible approach for focus or priority schools. Most are taking a flexible model and identifying what is needed. Andrea Castaneda and her team are working through and addressing issues to fit each profile of need. Focus or priority schools must choose a model. In

response to Michael Grande's question, Ms. Snider said the amount of focus or priority schools in 2013 is about the same; there may be a couple fewer priority schools and a couple more focus schools.

Chair Mancuso asked how RIDE is balancing findings with a plan for remediation. Ms. Castaneda provided a quick clarification on the numbers, explaining that schools are held in each category for a couple of years until their exit performance. They do not have to choose if they are newly classified as focus or priority schools this year; that would be a RIDE or national decision.

Last year was the first round of classification. This year's diagnostic process, which includes attendance and parent data for broad school health, provides helpful comparison data.

Michael Grande asked if the superintendents of the 28 focus/priority schools can list what they are doing to turn their schools around and was assured that all have received data and have come out with a plan which is being implemented now. Chair Mancuso noted that the data is being taken and made relevant to people at each school.

David Abbott referenced on the U.S. Department of Education waiver process, stating that Rhode Island is the only state with diagnosis and self-help instead of a one-size-fits-all approach. He informed the Board that RIDE has weekly interactions with urban schools and districts via tactical and strategic meetings.

Chair Mancuso asked if there were 2 or 3 key issues to focus on, and Ms. Castaneda said that in diagnostic work, the focus is not only on chronic absenteeism but also average daily attendance. Commissioner Gist added that teacher absenteeism is also being watched. National data shows that Rhode Island's is high, and state-level data would be very helpful. Chair Mancuso asked about parent/teacher conference attendance, but Ms. Castaneda said there is no collection mechanism for such meetings. She did note that data show that English Language Learners are not making gains in English at the rates of their national peers.

Mary Ann Snider said that instruction is important. Students are facing NECAP tests and need exposure to Algebra I or geometry. All need access to the curricula.

Colleen Callahan noted that it is great to stand behind topics and thought it was important to have the numbers right to account for long-term illnesses and leaves of absence. She hopes work is still being done even if schools do not have to choose a model. Commissioner Gist said that RIDE does not have the capacity to support every school in every category. They implement plans and RIDE supplies technical support and data but cannot monitor every cohort.

Jo Eva Gaines noted that if tests are being offered, courses leading to that test must be offered. She wondered why all schools do not offer such courses. Commissioner Gist called that an excellent question and stated that she is using all of her authority as commissioner to ensure that standards and basic education is in place in schools and in law to help children succeed.

Deputy Commissioner David Abbott noted that a lack of capacity at RIDE is part of the issue. The department lacks resources and attention. Rhode Island is the only state that does not fund low-performing schools. \$7.5 million was cut in half in the budget, then in half again, and was finally eliminated after the Race to the Top grant was won. All students need access to curricula to succeed but there is no state authority to require a curriculum. This is a legislative function; only physics and physical education curricula are in Rhode Island laws. Chair Mancuso asked for clarification; did this mean RIDE has no authority to make teachers teach eighth graders and high school students algebra and geometry? (Karin Forbes noted that students coming out of elementary school are not prepared to take algebra.) David Abbott responded that

over the last couple of years, RIDE tried to change the teaching approach by adding diagnostics. They completed a state-wide study of courses and learned that they varied school-to-school. When Michael Bernstein asked why all districts are not teaching algebra and geometry and asked if they have been identified and talked to, Commissioner Gist responded that teams and districts are making big changes that require lots of work including course descriptions. The content is being deeply analyzed and Mary Ann Snider's team is leading curricula developments aligned to standards. The districts are working closely with RIDE; some have already fully changed and some are in process.

Jo Eva Gaines wondered how RIDE can audit districts to ensure they are teaching courses at the right levels, and David Abbott said they meet weekly with low-performing schools to help them prioritize. The priorities could be curricula and could be special population gaps. There is much curricular work becoming more state-wide and global.

May Ann Snider provided an example of a school that needed one version of Algebra I for ready students but then needed to level the playing field for other students. Teachers need to develop lessons on their styles. Curricula cannot be cookie-cutter for all students. At some schools, lessons are focusing on math to the loss of other subjects such as social studies. Teachers need to be comfortable with the standards and be able to ramp lessons up or down to the various students' starting places.

Chair Mancuso asked how the Board of Education can reconcile their work with 40% non-proficient students, and Commissioner Gist said that more students will have those classes earlier and will graduate if they can show that they are at least partially proficient.

### **Item 2i was a Discussion on the Board of Education's August Retreat.**

Chair Mancuso explained that the Board of Education will be meeting in August to discuss issues amongst themselves with whatever support staff is needed and with outside people coming in to inform them on the issues. The issues will include:

1. Analyze graduation requirements
2. College readiness and completion
3. Diversity in higher education hiring
4. Education preparation
5. Early childhood investment related to college completion

Chair Mancuso asked for 1-2 board members to facilitate discussions in each area. Jo Eva Gaines suggested assigning them on board members' areas of expertise and interest, and Patrick Guida suggested a sub-topic of discussion RIDE standards from today's conversation. Board members were asked to think about what areas they might like to focus on and to think about experts in these areas who could inform the Board.

As a last point of business, board members were each receiving a color copy of two finalists for the logo contest for the Board of Education. Board members were asked to indicate their choice of logo before departing the meeting. The winner will be unveiled at the Board's upcoming meeting.

### **3. NEXT MEETING**

Thursday, June 6<sup>th</sup>, 5:30 p.m. at the Community College of Rhode Island, Board Room 4090, Warwick.

**4. ADJOURNMENT:**

On a motion duly made by Colleen Callahan and seconded by Jo Eva Gaines, it was

**VOTED:** That the work session of the Rhode Island Board of Education adjourns.

Vote: 8 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Eva-Marie Mancuso, Michael Bernstein, Colleen A. Callahan, Karin Forbes, Jo Eva Gaines, Michael A. Grande, Patrick A. Guida, and Lawrence Purtill.

NAYS: 0

The work session adjourned at 5:56 p.m.