



MINUTES OF THE MEETING
November 21, 2017

COUNCIL ON ELEMENTARY AND SECONDARY EDUCATION

Chair McConaghy welcomed everyone to the November 21, 2017, meeting of the Council on Elementary and Secondary Education. He declared a quorum present, noted for the record that Council Member Beretta would not be attending the meeting, and called the meeting to order at 5:31 p.m.

Present: Daniel McConaghy, Colleen Callahan, Barbara Cottam, Karen Davis, Gara Field, Jo Eva Gaines, Marta Martinez, *Thalia Philippe, and **Lawrence Purtill

[*Ex-officio, non-voting member]

[**Council Member Purtill arrived at 5:35 p.m.]

1. ACCEPTANCE OF THE AGENDA

On a motion duly made by Jo Eva Gaines and seconded by Karen Davis it was

VOTED: That the Rhode Island Council on Elementary and Secondary Education accepts the agenda for the meeting of November 21, 2017

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

Daniel McConaghy, Colleen Callahan, Barbara Cottam, Karen Davis, Gara Field, Jo Eva Gaines, and Marta Martinez

YEAS: 7

NAYS: 0

[Council Member Purtill arrived at 5:35 p.m.]

2. APPROVAL OF THE MINUTES

2a. Minutes of the November 7, 2017, Council Meeting

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

VOTED: That the Council on Elementary and Secondary Education approves the minutes of the November 7, 2017, Council Meeting

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

Daniel McConaghy, Colleen Callahan, Barbara Cottam,
Karen Davis, Gara Field, Jo Eva Gaines, and Marta Martinez

YEAS: 7

NAYS: 0

[Council Member Purtill arrived at 5:35 p.m.]

3. OPEN FORUM

The Chair of the Board of Trustees of the Beacon Charter School shared some of the measures that the Board of Trustees has taken to address the sustainability conditions imposed in the school's charter renewal. In addition, a parent of a former and a current student shared his observation of the school and advocated for a five-year renewal.

Two individuals expressed their gratitude to RIDE's team for leading a thorough process and for the five-year renewal recommendation of the Achievement First Rhode Island Charter School.

The Chair of the Board of Trustees and the Principal of the Highlander Charter School thanked Commissioner Wagner for meeting with them to go over the conditions of RIDE's three-year recommendation and asked the Council to reconsider a five-year renewal.

Two individuals spoke in opposition to RIDE's Draft Regulations on the protection of transgender and gender-nonconforming students.

A representative of the RI School Superintendents Association spoke in opposition to RIDE's three-year renewal recommendation of the Beacon Charter School.

The Executive Director and the Principal of the Sheila "Skip" Nowell Academy expressed their gratitude to RIDE members and to the Council for the recommendation of a three-year charter renewal.

The Director of the Blackstone Academy Charter School thanked the Council and members of the RIDE team for the implementation of the new renewal process and requested that the League of Charter Schools and others invested in the renewal process be invited to the table when future discussions occur.

The Principal of Kingston Hill Academy asked that the Council approve RIDE's 5 year- renewal recommendation and requested that the Council discuss and take action against school districts throughout the state that unlawfully withhold tuition payments to charter schools.

The Executive Director of the League of Charter Schools addressed the Council on the charter renewal process. He voiced that although charter schools have no choice but to accept RIDE's recommendation, it does not mean that the League does not have concerns with the process and the lack of consistency and continuity from year to year. He also expressed that charter schools are concerned that RIDE is controlling the process and that the Council, as an authorizing body, is not receiving all the necessary data on the schools and are not engaged in the process to be able to make informed decisions.

Materials provided to the Council on Elementary and Secondary Education by Open Forum speakers and/or submitted to be shared with Council members, are on file at the Rhode Island Department of Elementary and Secondary Education.

4. REPORT OF THE COMMISSIONER

Commissioner Wagner began his report by addressing the comments made by Keith Oliveira, Executive Director of the League of Charter Schools on the charter renewal process. Commissioner Wagner stated that the process has been extremely transparent both at the Council level and with the charter community, and that the comments took him by surprise since in previous conversations with Mr. Oliveira, none of it was ever expressed.

Commissioner Wagner also addressed public comments made on the Draft Regulations Relating to Rights and Protections of Transgender and Gender Nonconforming Students. He explained that this Council was not part of a process to introduce a new set of issues around supporting the needs of transgender, gender-nonconforming students; rather, that decision was made many years ago by the General Assembly. Rhode Island is one of a few States that has as a statewide protection looking at gender expression and identity as a protected class in State Statute, and as such, any concerns should be directed to the General Assembly and not the Council. The only things that RIDE and the Council have participated in, was introducing guidance for school districts for how to implement their statutory requirement to treat transgender and gender-nonconforming students, consistent with their state-protected civil rights.

Commissioner Wagner ended his report by sharing that on December 12th, a Student Town Hall will be held to give students across the state the opportunity to ask questions directly of the Commissioner and share their perspectives on the issues that are important to them.

5. DISCUSSION ITEMS

a. Guidance on Virtual Instructional Days

Commissioner Wagner explained that this statutory requirement, which came out of the last legislative session, directs RIDE to come up with guidance for school districts to submit plans to the Council in order to receive credit for educational services for a day that a school is closed due to inclement weather. The guidance is due to the districts on December 1st so they can potentially submit applications for this year's Winter season. Commissioner Wagner expressed that he has been very clear with his team that this is an opportunity to find high-quality and equitable ways to provide innovated services to students remotely, but it is also a risk that justice will not be done to the quality and integrity of the instructional services offered through a more traditional model. RIDE has come up with guidance that is rigorous and that keeps and maintains the standard of high-quality educational services, which could take the districts a year or two to accomplish.

Next, Mary Ann Snider, Deputy Commissioner, went over the details of the process school districts should use to submit a plan, the components that should be included in the plan, and the rubric establishing criteria as to how the plan will be evaluated by RIDE.

Council Members suggested asking a couple of districts to pursue it first as a trial pilot and informing districts that they are not obligated to use it.

6. ACTION ITEMS

Approval of Charter Schools – Requests for Renewal

6a1 - Achievement First Rhode Island

On a motion duly made by Gara Field and seconded by Marta Martinez, it was

VOTED: That the Council on Elementary and Secondary Education moves to renew Achievement First Rhode Island for five (5) years, for the term beginning with school year 2018-2019, expiring at the end of the school year 2022-2023.

Vote: 7 members voted in the affirmative and 1 member voted in the negative as follows:

Daniel McConaghy, Colleen Callahan, Barbara Cottam, Karen Davis, Gara Field, Jo Eva Gaines, and Marta Martinez

YEAS: 7

NAYS: 1 - Lawrence Purtill

6a2 - Beacon Charter School

In response to comments made during the November 7, 2017, meeting of the Council and at this evening's meeting about punishing Beacon Charter School, Commissioner Wagner expressed that RIDE does not punish, but rather authorizes or does not authorize charter schools. As per the Council's request last year, RIDE did a national survey of typical lengths of charter authorizations and the results are typically three years, five years or ten years.

Commissioner Wagner acknowledged that although the Beacon Charter School had some very serious issues around their admissions' policies, there is consensus that the school has a long record of being high performing and serving an underserved community of students, there was consensus that no decision would be made that would have the indirect effect of punishing students. RIDE stands by the seriousness surrounding Beacon's admissions policy and coupled with:

- Corrections that were noted this evening around changing the admissions policy to be consistent with State law;
- The period of intense supervision of the school's leadership;
- An outside monitor to assist with the intense supervision;
- Increased oversight and increased meetings of the Board of Trustees;
- Exhaustive and extensive outreach to students who were denied access according to the prior admissions policy, including sending letters to all who applied to the school during the period in question,

RIDE stands by its recommendation of a three (3) year renewal, with sustainability conditions.

A motion was duly made by Barbara Cottam and seconded by Marta Martinez,

That, the Council on Elementary and Secondary Education moves to renew Beacon Charter Schools for three (3) years with sustainability conditions, for the term beginning with school year 2018-2019, expiring at the end of the school year 2020-2021.

Prior to taking a vote, Chair McConaghy stated for the record that he stands by RIDE's recommendation of a three-year renewal. He also praised the great work happening at Beacon Charter School and the matter in which the school has addressed the concerns around its admissions policy.

Member Callahan echoed Chair McConaghy's remarks on how the school is addressing the issue, however, she is opposed to granting a three-year renewal to a school that deliberately screened students.

Member Gaines also stated that although she appreciates how the Beacon Board of Trustees is addressing the matter, she is having a hard time supporting a three-year recommendation as her confidence has been shaken.

Member Purtill voiced that he is glad to see that Beacon has mailed out letters to all of the students who were denied access at some point. He commended the school for the great work that it does and pointed out that the school cheated for three years and hopes that guidelines are put in place to prevent this issue from happening again.

Member Field voiced that she hears and respects her colleagues' concerns, however, when thinking about students, if this three-year renewal with sustainability conditions does not go through, what would the alternative be.

Council Member Callahan responded that she had suggested a probationary year, but was told that it was not possible.

Commissioner Wagner pointed out that part of the three-year recommendation includes intensive monitoring of the school's admissions' practices moving forward as part of the renewal sustainability conditions. If the school at any point does not comply with the conditions, RIDE would initiate processes to revoke the charter.

Council Member Gaines expressed that she would only support a three-year renewal, if language outlining the sustainability conditions was added to the recommendation.

Council Members agreed to the amendment proposed by Council Member Gaines and Chair McConaghy then asked for a motion to approve the amended recommendation.

On a motion duly made by Jo Eva Gaines and seconded by Gara Field, it was

VOTED: That, the Council on Elementary and Secondary Education moves to renew Beacon Charter Schools for three (3) years with sustainability conditions and ongoing monitoring of the integrity of the enrollment processes, for the term beginning with school year 2018-2019, expiring at the end of the school year 2020-2021, as amended.

Vote: 6 members voted in the affirmative and 2 members voted in the negative as follows:

Daniel McConaghy, Barbara Cottam, Karen Davis, Gara Field, Jo Eva Gaines, and Marta Martinez

YEAS: 6

NAYS: 2 – Colleen Callahan and Lawrence Purtill

6a3 – Highlander Charter School

Chair McConaghy noted for the record that Council Member Field was recusing herself from this vote, as she is a member of the Highlander Charter School Board of Trustees.

Commissioner Wagner expressed that this particular recommendation is a difficult one, and that although the recommendation is for a three-year renewal, it does not imply that the Highlander Charter School is not a good school, with a distinguished history of serving its students. It also not meant to imply that the school should not be recognized for being an innovative educational model, which in many ways was ahead of its time in tackling ways to implement student-centered learning. It is intended to recognize that over the period of its charter, which is not arbitrary, to look at performance data. If there has been any consistency in RIDE's processes over the past few years, is that we have looked at the data, and there are inconsistencies.

Commissioner Wagner went over the school's data results over the last few years and pointed out that although the 2016 index score was in the mid-fifties, that is not good compared to those of the other charter schools that are up for renewal this evening. He shared that RIDE also conducted an analysis on the school's performance compared to its sending districts, which further confirmed that Highlander was performing at or below the state average and of the sending districts. This further reinforced that not only was there a pattern of inconsistency, but that it can do better.

Commissioner Wagner also addressed concerns raised by Highlander of the metrics contained in the current performance framework as opposed to those in the prior framework. He explained that the current framework is consistent with regulations as was the prior one, but there were questions about two indices that were not used this time around. In an abundance of caution, RIDE went back to the two indices in question and ran the data for Highlander to see whether the analysis that would have been done in the prior system would have changed RIDE's three-year recommendation. The results were, that it would not.

On a motion duly made by Jo Eva Gaines and seconded by Marta Martinez, it was

VOTED: That the Council on Elementary and Secondary Education moves to renew Highlander Charter School for three (3) years, for the term beginning with school year 2018-2019, expiring at the end of the school year 2020-2021.

Vote: 7 members voted in the affirmative and 0 members voted in the negative and 1 member recused as follows:

Daniel McConaghy, Colleen Callahan, Barbara Cottam, Karen Davis, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

Council Member Gaines thanked the RIDE staff for the additional analysis, which helped to clarify some initial concerns that she had with the three-year recommendation.

Chair McConaghy also thanked RIDE staff for providing the Council with the additional analysis and stated for the record that he fully expects the Commissioner and RIDE to support Highlander as they work to improve over the next three years.

Council Member Davis also recognized Commissioner Wagner and his team for the additional evaluation as she struggled with this particular decision. She expressed that she great respect for Highlander, its leadership and its Board of Trustees, and hopes that this evening's dialogue is a reset of the partnership between the school and RIDE, which will only benefit the children.

YEAS: 7

NAYS: 0

RECUSAL: 1 - Gara Field

6a4 - International Charter School

On a motion duly made by Jo Eva Gaines and seconded by Lawrence Purtill, it was

VOTED: That the Council on Elementary and Secondary Education moves to renew International Charter School for five (5) years, for the term beginning with school year 2018-2019, expiring at the end of the school year 2022-2023.

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

Daniel McConaghy, Colleen Callahan, Barbara Cottam, Karen Davis, Gara Field, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

YEAS: 8

NAYS: 0

6a5 – Kingston Hill Academy

Commissioner Wagner explained that the sustainability conditions that were discussed at the November 7, 2017, meeting of the Council are primarily related to the fund balance and cash flow. As was mentioned during the public comment period earlier in the evening, there is an unusual level of animus between Kingston Hill Academy and at least one of the sending districts, to such an extent, that the sending district has withheld funds. That issue has been disputed for quite some time and RIDE is ready to release a legal decision that will be found in favor of Kingston Hill Academy and will compel the district to pay the outstanding funds. RIDE will work with the school district and Kingston Hill Academy to reset their relationship.

On a motion duly made by Marta Martinez and seconded by Barbara Cottam, it was

VOTED: That the Council on Elementary and Secondary Education moves to renew Kingston Hill Academy for five (5) years, with sustainability conditions, for the term beginning with school year 2018-2019, expiring at the end of the school year 2022-2023.

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

Daniel McConaghy, Colleen Callahan, Barbara Cottam, Karen Davis, Gara Field, Jo Eva Gaines, and Marta Martinez, and Lawrence Purtill

YEAS: 8

NAYS: 0

6a6 – Paul Cuffee Charter School

On a motion duly made by Jo Eva Gaines and seconded by Karen Davis, it was

VOTED: That the Council on Elementary and Secondary Education moves to renew Paul Cuffee Charter School for five (5) years, for the term beginning with school year 2018-2019, expiring at the end of the school year 2022-2023.

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

Daniel McConaghy, Colleen Callahan, Barbara Cottam, Karen Davis, Gara Field, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

YEAS: 8

NAYS: 0

6a7 - Sheila "Skip" Nowell Academy

Commissioner Wagner reiterated that each of the three schools being recommended for three-year renewals have very compelling stories. As stated by the school's leadership during the public comment period, this school has a very dedicated team that is providing services to an underserved group of students. The school recognizes and understands that there is lots of work to be done and intends to partner with RIDE to accomplish that goal.

On a motion duly made by Jo Eva Gaines and seconded by Lawrence Purtill, it was

VOTED: That the Council on Elementary and Secondary Education moves to renew Sheila "Skip" Nowell Academy for three (3) years, for the term beginning with school year 2018-2019, expiring at the end of the school year 2020-2021.

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

Daniel McConaghy, Colleen Callahan, Barbara Cottam, Karen Davis, Gara Field, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

YEAS: 8

NAYS: 0

6a8 - Village Green Virtual Charter School

On a motion duly made by Jo Eva Gaines and seconded by Gara Field, it was

VOTED: That the Council on Elementary and Secondary Education moves to renew Village Green Virtual Charter School for five (5) years, for the term beginning with school year 2018-2019, expiring at the end of the school year 2022-2023.

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

Daniel McConaghy, Colleen Callahan, Barbara Cottam, Karen Davis, Gara Field, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

YEAS: 8

NAYS: 0

ADJOURNMENT

On a motion duly made by Jo Eva Gaines and seconded by Gara Field, it was

VOTED: That the Council on Elementary and Secondary Education adjourns.

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

YEAS: Daniel McConaghy, Colleen Callahan, Barbara Cottam, Karen Davis, Gara Field, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

NAYS: 0

The meeting adjourned at 7:28 p.m.