

RHODE ISLAND BOARD OF REGENTS FOR ELEMENTARY AND SECONDARY EDUCATION
Minutes of August 6, 2008

A Meeting of the Rhode Island Board of Regents for Elementary and Secondary Education was held at the Shepard Building ~ 255 Westminster Street, Providence, RI 02903 & convened at 4:07 p.m.

In Attendance:

R. Flanders, P. Guida, C. Callahan, A. Beretta, A. Davis, A. Cano-Morales, F. Caprio, B. Shimberg.

Executive Agenda

As per R.I.G.L. 42-46-4 & 5 (a) (1) and (2), the meeting was called to Executive Session AT 4:10 p.m.

The meeting reconvened to open session at 4:40 p.m.

Chairman Flanders reported that no votes had been taken in Executive Session.

Public Remarks

Marcia Reback – President of the RI Federation of Teachers & Health Professionals addressed the table on the issue of the search for a new Commissioner. She stated that the Regents have historically encouraged diversity but in this case have not modeled the concept. She noted that union representation is not included on the search committee, nor is the school committee, principals, or superintendents association. She urged the Board to include these constituency groups in the process.

Kim Bolton of the Collaboration of Statewide SIT Teams distributed two handouts- the first on high stakes testing; and the second on setting standards for accountability. She also reported that the statewide SIT group is focusing their work on reaching out to parents with concerns about high stakes testing.

Chairman Remarks

Chairman Flanders reported that the search is underway for a successor to Commissioner McWalters. Regents Davis and Beretta are chairing the committee; a full committee has been appointed; and there is a timetable in place. Chairman Flanders assured the group that there will be public feedback from all constituencies throughout the entire search process. The committee has begun the process of soliciting letters of interest from search firms to assist in the search. Regent Davis went through the list of committee members and introduced those who were present at the meeting. Judge Flanders thanked all present for agreeing to serve on the committee.

Approval of Minutes of the Meeting of June 4 and June 9, 2008.

MOVED AND SECONDED: THAT the Rhode Island Board of Regents for Elementary and Secondary Education Approves the Minutes of the Meeting of June 4 & June 9, 2008.

VOTE: Approved unanimously.

Approval of Appointment to the Rhode Island School for the Deaf Board of Trustees

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approve the Appointments of Mr. Travis Zellner as Chairman, Richard L. Dickson, Ph D. and Suzanne S. Goldenberg as Trustees to the Rhode Island School for the Deaf Board of Trustees.

VOTE: Approved Unanimously

Approval of Reauthorization of Beacon Charter School

Commissioner McWalters briefly reviewed the history of the Beacon Charter School and explained the significant problems that the school has had to overcome. He noted that Beacon School has regrouped and become a stellar example of what the role of professionalism and quality leadership can accomplish in education. He also gave kudos to Rob Pilkington for his hard work and dedication. RIDE staff member, Keith Oliveira briefly reviewed the reauthorization process and key findings.

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approve the Reauthorization of the Beacon Charter School for a Five-Year Period Concluding at the End of the 2012-13 School-Year.

VOTE: Approved Unanimously

Approval of Reauthorization of the Textron Chamber of Commerce Academy Charter School

Commissioner McWalters talked to the group about the good work of the Textron Chamber Academy and reminded them that it was one of the original Regents' charter schools. Mr. Oliveira reviewed the key findings and a stipulation that was being attached to the approval, as follows:

Stipulation: Pursuant to the legislative purpose for charter schools as set forth in RIGL 16-77-2, Textron/Chamber Academy shall adopt a protocol for ensuring faculty stability within the school by assigning teachers based upon student needs. This stabilization effort must include both the elimination of undue turnover of staff through seniority-based hiring practices and continued use of interviewed-based hiring for vacancies. Such protocol shall be agreed to by the Textron Chamber of Commerce Academy, Providence Public Schools, and Providence Teachers Union by March 1, 2009.

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approve the Reauthorization of the Textron/Chamber of Commerce Academy for a Five-Year Period Concluding at the end of the 2012-13 School-Year, Contingent Upon the Implementation of the Above Reference Stipulation.

VOTE: Approved unanimously

Approval of Extended School Year Services Standards for Public Hearing

RIDE Director of the Office of Diverse Learners, Ken Swanson, reported that Department of Education staff, along with shareholder representation that included parents, teachers, and administrators had reviewed all applicable law, a variety of state standards, and other relevant information to develop the extended school year standards, as presented; and that, with Regents approval, they are ready to go out to public hearing. Mr. Swanson emphasized that these standards are practical and equitable and will ensure that a free and appropriate public education is delivered to all students.

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approve, for the Purpose of Public Comment, the Extended School Year Standards.

VOTE: Approved Unanimously.

Approval of English Language Learners Regulations

Ken Swanson presented this agenda item for Regents approval. He noted that the process for developing these regulations had been thorough and inclusive and had been met with universal approval during the May public hearing and comment period.

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approve the Regulations Governing the Education of English Language Learners.

VOTE: Approved unanimously

Approval of East Greenwich Request of Waiver to School Construction Regulation

Superintendent Charles Meyers addressed the Board and explained the history of the construction application and the need to adjust the timeline, asking for a waiver of the six month referendum requirement so that a vote for the funding of this construction project can be incorporated into the presidential election on November 4, 2008. Town Council President Michael Isaacs added that the town council has voted in favor of the construction project and School Committee Chair Suzanne Cienki told the Board that the School Committee will be voting on the project on Tuesday, August 12, 2009 at their scheduled meeting. Judge Flanders expressed the opinion that the vote of the Regents should be subject to the August 12th School Committee vote. Following a brief discussion of this matter, the Board decided that the Regents would approve the request for a waiver, subject to the approval of the August 12th East Greenwich school committee vote.

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approve the Request of the East Greenwich School Committee to Waive the Six Month Referendum Requirement of the RIDE School Construction Regulations for a period not to exceed fourteen days in order to place said Referendum on the November 4, 2008 Election Ballot, Subject to the Approval of the East Greenwich School Committee at its August 12, 2008 meeting.

VOTE: Approved Unanimously

Executive Session

As per RIGL 42-46-4 & 5(a)(1) & (2), the meeting adjourned at 5:55 p.m. to Executive Session.

The meeting reconvened to open session at 6:50 p.m.

Table of Organization

Commissioner McWalters introduced the proposed table of organization and commented on the need to make the department work more efficiently in light of the attrition that will affect all state offices by October 1, 2008.

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approve the Table of Organization as Presented.

VOTE: Approved Unanimously

Approval of Central Falls Teacher's Union/School Department Negotiated Contract

[Note: Regent Anna Cano-Morales recused herself from this discussion and vote.]

The contract between the Central Falls Teachers' Union and the Central Falls School Department was brought forward for Board review and concurrence by the Chair of the Central Falls Board of Trustees, Anna Cano-Morales, who recused herself from this discussion as a member of the Board of Regents to present this item. Michael McElroy, Central Falls legal counsel and Superintendent Fran Gallo joined the group at the table to present the agenda item. Commissioner McWalters presented a brief history of the state oversight of the Central Falls School District from 1992 to the present and then presented the contract for review. Superintendent Gallo told the group that the contract was a collaboration among all the parties that took months of negotiation and as such, was endorsed with each party having to concede important issues. She urged the members of the Board to approve the contract assuring them that even though it was not everything she would like it to be, it was an important step in the right direction. Commissioner McWalters told the members of the Board that under his authority to approve the contract between the Central Falls Teacher's Union and the Central Falls School Department (RIGL 16-2-34(h) (10), he was now bringing forward the contract for the Board's concurrence with stipulations, as follows:

1. That, Article VI, Section 2 (Department Chairs) be stricken from the contract in its entirety to be supplanted by the pre-existent Order of the Commissioner regarding the development of "Teacher Leader" positions, issued by the authority of the Commissioner of Education under RIGL 16-7.1-5; and

2. That, the disclaimer in Article IV, Section 21 (Rules, Regulations) of this contract, which says in part that “this contract shall supersede any rules, regulations, and practices of the District that specifically contradict a provision of this agreement,” is superseded by Article XII (Savings Clause), paragraph 3, of this contract, which says in part that “if any part of this agreement is, or shall at any time be, contrary to law or regulations, that such provision shall not be applicable or performed or enforced, except to the extent permitted by law or regulations.” As part of this contract, the Central Falls Board of Trustees cannot delegate to any individual, group, or agency its legal power and duty under RIGL 16-2-34 to “develop educational policies” if doing so makes it impossible for District personnel, including the Superintendent, to implement any and all requirements of state and federal laws and regulations.

Following a discussion by the group clarifying that the Commissioner approves the contract whereas the Board of Regents “concur”; and that the parties understand that as per the stipulations as outlined by the Commissioner, state laws and regulations supersede anything in contract, the Board moved passage of this agenda item. For the record, Chairman Flanders stated that, while he believes that this contract represents a step forward for the Central Falls school district, the approval (or “concurrence”) of the Board on the agenda item does not necessarily mean that the Board is endorsing any specific piece of the contract.

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approve the Proposed 2008-2011 Collective Bargaining Agreement Between the Central Falls Teachers’ Union and the Central Falls Board of Trustees, Subject to Specific Conditions, as Stated Above.

VOTE: Approved Unanimously (Regent Anna Cano-Morales Recused Herself from the Vote)

Approval of Executive Pay Plan

Commissioner McWalters reported to the Board that the Department of Administration has issued their wage and benefit information for state agency non-union employees. These cover across-the-board wage increases, health insurance co-share, employee waiver, plan design, and furlough days for the period covering state fiscal years 2009, 2010, and 2011.

MOVED AND SECONDED: THAT the Rhode Island Board of Regents for Elementary and Secondary Education Approve the Executive Pay Plan as Presented.

VOTE: Approved Unanimously.

Approval of Table of Organization

Commissioner McWalters explained to the members of the Board that the Board of Regents Personnel Policy Manual requires that the Board approve the Table of Organization of the Department. The attached revised table of organization reflects a transitional organization for the final year of the Commissioner's tenure. Mr. McWalters explained that this organization is designed to provide greater emphasis on agency priorities over the next twelve months, in the face of serious resource constraints. In large part, the agency will adopt a project-based team approach that will include a Secondary Design Team and an Educator Quality Team each co-lead by Directors. Additionally, it will have the department's urban strategies staff to partner with each project team to focus their efforts toward the urban districts; will place greater emphasis on early childhood programs, and institute a Chief of Operations to accelerate programs on statewide efficiencies and the funding formula.

MOVED AND SECONDED: THAT the Rhode Island Board of Regents for Elementary and Secondary Education Approve the Table of Organization of the Department as Proposed by the Commissioner, as Attached.

VOTE: Approved Unanimously.

Committee Reports

- Regent Beretta announced that there will be seven to eight appeal items on the September 3rd agenda.
- The retreat date for the Board of Regents has been scheduled for September 5th.
- Judge Flanders asked that a Regents step forward to chair the Regents Finance Committee.

Adjournment

Meeting adjourned at 7:14 p.m.