



Enclosure 2a
November 27, 2018

MINUTES OF THE MEETING
October 23, 2018

COUNCIL ON ELEMENTARY AND SECONDARY EDUCATION

Board Chair Cottam welcomed everyone to the meeting of the Council on Elementary and Secondary Education, noted for the record that Council Chair McConaghy and Members Beretta, Davis, and Field would not be joining the meeting, declared a quorum present, and called the meeting to order at 5:39 p.m.

Present: Barbara Cottam, *Christopher Bove, Colleen Callahan, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

Absent: Amy Beretta
Karen Davis
Gara Field
Daniel McConaghy

[*Ex-officio, non-voting member]

1. ACCEPTANCE OF THE AGENDA

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

VOTED: That the Rhode Island Council on Elementary and Secondary Education accepts the agenda for the October 23, 2018, Meeting

Vote: 5 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Barbara Cottam, Colleen Callahan, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

NAYS: 0

2. ACCEPTANCE OF THE MINUTES

a. Minutes of the October 2, 2018, Meeting

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

VOTED: That the Rhode Island Council on Elementary and Secondary

Education accepts the minutes of the October 2, 2018, Meeting

Vote: 5 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Barbara Corttam, Colleen Callahan, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

NAYS: 0

3. OPEN FORUM

The first speaker voiced opposition to the proposed changes to the certification regulations. The second speaker spoke against the new structure for the regulations. The final speaker spoke in support of the proposed changes to the School Nurse Teacher certification regulations.

4. REPORT OF THE COMMISSIONER

Commissioner Wagner began his report by highlighting important points from the release that past week around the cluster of measures and accomplishments in high schools in order to capture all of the work happening in high school. He noted that the news is encouraging as participation in these opportunities is increasing dramatically (55% increase in SAT participation since 2015, a 162% increase in dual and concurrent enrollment participation, and 38% increase in Advanced Placement courses and tests, including achieving a three or above on the exam). He noted in terms of performance there are three different ways to look at it: 1) participation is up from 75% to 95% of Rhode Island students (part of accountability system, state paying for exam); 2) increase ranging from approximately 5% on SAT to 15-20% on PSAT on the number of students achieving the college readiness marker, which will eventually be the marker for the Commissioner's Seal for the Class of 2021; 3) the percent of all students who achieved the college readiness mark (PSAT results are roughly flat, and SAT results had a slight dip). He expressed that while the state is making progress in terms of increasing access, the state still needs to continue to make progress in supporting students in achieving the standards.

Commissioner Wagner then reported that David Sienko's team at RIDE has secured two grants recently: \$9 million for social and emotional mental health supports for students in identified communities (Providence, Pawtucket, Woonsocket) and \$2.5 million social and emotional learning grant for statewide supports. RIDE also received a grant for statewide participation in our STEM apprenticeships. The Commissioner thanked the team at RIDE for their hard work and success.

Commissioner Wagner concluded his report by noting that the school bus strike was over, and commenting on the shared relief for the school communities, students, parents, and bus drivers that the situation was resolved.

A Council member raised a question about the transgender policy implementation, which the Commissioner answered by noting that there is good momentum in all but three of the districts that were identified by the ACLU, and that RIDE had invited those districts to discuss this. He agreed that RIDE would come back to the Council with an overall report.

5. DISCUSSION ITEMS

a. Regulations

- Feedback from Public Review and Comment Period:
 - o Regulations Governing the Education of Children with Disabilities
 - o Regulations Governing the Certification of Educators in Rhode Island

Commissioner Wagner provided an overview of the progress on the regulations overall. At the August meeting, the Council approved 23 regulations to move forward. Three of those regulations went through a full regular rulemaking process, which includes a 30-day public comment period: the Regulations Governing the Education of Children with Disabilities (“Special Education Regulations”), the Regulations Governing the Certification of Educators in Rhode Island (“Certification Regulations”), and the Regulations Governing Nutritional Requirements for Reimbursable Meals and Competitive Foods and Beverages; Limitations on Competitive Foods and Beverages at Meal Time (“School Nutrition Regulations”). For the School Nutrition Regulations, it was noted that there was a procedural item missing, in that RIDE had not included a cost impact analysis for those regulations, even though there was no cost impact of the regulations. RIDE will go back through the process to include the documentation that there is no cost impact.

Commissioner Wagner then noted that thirteen regulations were filed under what is considered “direct final,” as the only changes would be to formatting to comply with the Act. Of those, eleven received no public comment or objections and are on the Council’s agenda for approval at this meeting. The remaining two received received public comments, and will be going through the process again: Procedural Rules for Appeals to and Hearings Before the Commissioner and Procedural Rules for Appeals from Decisions from the Commissioner (received some suggestions, some of which will be incorporated, and that draft will go out for public comment), and Comprehensive Early Childhood Program (CECE) Program (minor but important feedback which is leading to changes, and will also be posted for public comment).

Commissioner Wagner reported that there were seven regulations for which notice was posted for their repeal. No public comment or objections were received, so those seven are before the Council for vote at this meeting.

Commissioner Wagner noted that there are two additional regulations that were also for repeal as legacy regulations, but that repeal would not move forward until the new regulations were finalized, as one of the legacy regulations relates to nutrition and the other to students with disabilities.

Commissioner Wagner then introduced David Sienko, Director of the Office of Student, Community, and Academic Supports at RIDE, who could answer questions about the Special Education Regulations.

The Commissioner noted that RIDE heard the feedback that there is a concern about ease of use and accessibility, and the underlying intent of the statute, and other items. RIDE believes that there is a solution and has had a call with the community to discuss that solution, and thus far has not received any objections to the proposed solution. Commissioner Wagner noted that RIDE committed to keeping the regulations clean by incorporating the underlying statutes by reference as per ORR, but will generate an expanded regulatory document (or, administrative document) which essentially would be the legacy document (full text of the regulations with the full text of the statutes) and could be updated when the statutes are changed without having to update the regulations.

Chair Cottam then introduced the next item as feedback from public review and comment on the Certification Regulations.

Commissioner Wagner started the discussion by noting that RIDE had not posted a first draft for public comment, but instead a document that already reflected the feedback from engaging with an extensive group of stakeholders. As such, the Commissioner noted that feedback (such as petitions) received through the public comment period which was more helpful was feedback where concerns were supported by information about the direction or specifics of changes that stakeholders would like to see. A Council member asked if, when the Council votes on these regulations, it would be possible to divide up the vote topically. Commissioner Wagner responded that he would defer to the Council Chair and Board Chair on that, but that expects that the final vote would need to be a single vote on the regulations as a whole as that is how they are approved or not.

Commissioner Wagner then framed the discussion on the regulations in terms of supporting and investing in educators, drawing Council members' attention to the presentation slides. His opening remarks focused on the necessity having a strategy that stays the course and encompasses several components, using examples from Massachusetts and a Rhode Island districts. He then elaborated on the points found in the presentation and provided a summary on the process for how various stakeholder groups provided input on certain topics within the draft regulations even prior to the public comment period and how that feedback was incorporated and language inserted on those points.

Commissioner Wagner then turned the discussion over to Lisa Foehr, Chief of Teaching and Learning at RIDE to go into the details. Ms. Foehr noted that the companion document which was provided to the Council members has additional detail to what was found on the presentation slides. She began the overview with a summary of the numbers for the public hearings and the volume of written feedback received.

A Council member asked for clarification about how letters from organizations were handled in this feedback process. Commissioner Wagner responded that due to the volume, the letters were generally summarized and that summary provided to the Council, unless an organization specifically requested the Council receive a copy of the letter, in which case the letter was provided to the Council; all public comment was also made available to the public. Ms. Foehr explained how in the summary document comments and feedback that were the same were grouped together and quantified, so that feedback trends and differences could be easily seen.

Ms. Foehr noted that the slides covered the most prevalent themes or trends received in the public comment from the summary packet document and used the same titles as found in that document; in addition, the sections of the regulations were also referenced for each trend. Commissioner Wagner closed the presentation by providing a timeline moving forward: between this meeting and the next to engage in additional stakeholder outreach as needed, and then for RIDE to provide a track changes draft from the version that was posted for public comment for the Council to discuss at the next meeting, with the potential for a vote at the December 4 meeting if the Council so desires.

A Council member raised a concern about how competency would be determined for the assignment flexibility, whether that would be a state standard or local. Commissioner Wagner noted that that is an area where RIDE would welcome feedback. The Council member requested that there be a standard for competence that would not vary from district to district. Commissioner Wagner promised that RIDE would take another look at that language.

Another Council member voiced a concern about the December 4 for a vote and expressed a desire for having a couple of meetings to discuss the regulations further, particularly in some of the more nuanced areas that have prompted discussion (e.g., School Nurse Teacher).

A second concern of the Council member focused on the year-long residency and the feedback from the postsecondary community and parameters and expectations they face. Commissioner Wagner noted that he would do a round of calls to each Council member as a follow-up to this meeting. He recommended that the Council allow RIDE to bring the document with specific track changes before the Council to discuss and reflect, and then if after that the timeline could be adjusted accordingly.

Another Council member seconded the concern about the timing, particularly for those who were absent for this meeting. The Council member also noted several areas for RIDE to consider based on the feedback for the School Nurse Teacher and Professional Learning sections.

Another Council member requested clarification around the School Nurse Teacher and a student with an IEP where the nurse may not need to be a school nurse; Ms. Foehr concurred, and Commissioner Wagner further noted that adding the new certification would allow that person to be RIDE certified for retirement purposes.

Another question was raised about why a school nurse would need the education course component in order to provide medical services and not teach; Commissioner Wagner responded that historically, and still in some cases, school nurse teachers have taught courses to students in addition to their medical duties, led to that requirement so that teachers could do both.

A Council member provided additional clarification, citing examples of school nurse teacher testimony from the hearing.

A Council member asked where the term cultural competence is defined in the regulations. Commissioner Wagner noted that as cultural competence is an area that is widely discussed nationwide and work taking place, that it was only noted as a possible shortage area and to that end RIDE inserted "activation language" to enable the Council in the future to determine and approve shortage areas without having to reopen the regulations, at which point RIDE would provide the evidence, definition, and documentation to the Council for their review and approval to move forward.

Chair Cottam requested that at the next meeting, that Commissioner Wagner return with a “Q&A” with the top topics and how it would work, to provide a simple “plain English” version to use when talking to the public about what the changes enable, count, and why some changes were made. A brief discussion ensued on this topic and what that could look like.

Commissioner Wagner proposed that RIDE could bring recommendations to the next meeting (red-lined, specific changes), adding a resolution column for the rationale for changes in the summary document, and then a plain English Q&A document.

b. Capital Fund Projects – School Building Authority (SBA)

Commissioner Wagner introduced Christine Lopes Metcalfe, CEO of the School Building Authority (SBA) at RIDE, and Dr. Joseph Da Silva to start the presentation about the projects that RIDE is recommending for Council approval on the Capital Funding.

Ms. Lopes Metcalfe briefly introduced the history of the SBA and the Capital Fund program before handing the presentation off to Dr. Da Silva.

Dr. Da Silva noted that all of the projects have school necessity approval. He explained the two types of funding streams and summarized the number (56 applications from 23 LEAs), total cost (\$28.7 million), and type of projects (primarily security and safety). He noted that RIDE is able to fund with the funding available (\$10.5 million appropriated from the General Assembly; efficiencies resulting in approximately \$500,000 from projects from the previous round) approximately \$11 million of projects, which leverages \$15.2 million of work through local support. This results in funding for 43 projects that impact approximately 60,000 students. These projects were recommended by the School Building Advisory Board.

In response to a question from a Council member about some of the generic language used, Mr. Da Silva noted that for security projects there is a sensitivity of exposing potential weaknesses and so general language was used for a variety of things. Commissioner Wagner noted that there had been a request for the details from some of these projects and that due to safety concerns, RIDE was not able to provide those details.

6. ACTION ITEMS

a. Approval of the Capital Fund Projects

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

VOTED: That the Council on Elementary and Secondary Education approves allocation of \$11,041,865 of the FY19 SBA Capital Fund as described in Enclosure 6a.

Vote: 5 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Barbara Corttam, Colleen Callahan, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

YEAS: 5

NAYS: 0

b. Approval of Proposed Regulations:

- 6b1 – Regulations Governing the School Calendar and Length of the School Day
- 6b2 – State Regulations Governing the Education of Homeless Children and Youth
- 6b3 – Educator Evaluation System Regulations
- 6b4 – Regulations Governing the Education of English Language Learners
- 6b5 – RI School Construction Regulations
- 6b6 – Rules Governing the Annulment of Certificates
- 6b7 – Physical Restraint Regulations
- 6b8 – Regulations for Approval of Nonpublic Schools
- 6b9 – Petition for Promulgation of Rules
- 6b10 – Declaratory Order Procedure
- 6b11 – Conduct of Public Hearings

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 approves the regulations presented in Enclosures 6b1 – 6b11.

Vote: 5 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Barbara Corttam, Colleen Callahan, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

NAYS: 0

c. Approval to Repeal Regulations:

6c1 – Regulations of the Board of Regents for Elementary and Secondary Education – Title A

6c2 – Grade Span Expectations for Civics & Government

6c3 – Protocol for Interventions: Persistently Lowest-Achieving Schools

6c4 – Specific Learning Disability Eligibility Criteria

6c5 – Rhode Island Extended School Year Standard

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 formally approves to repeal the regulations in Enclosures 6c1-6c5.

Vote: 5 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Barbara Corttam, Colleen Callahan, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

NAYS: 0

7. ADJOURNMENT: Meeting adjourned at 7:04 p.m.

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 adjourns.

Vote: 5 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Barbara Corttam, Colleen Callahan, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

NAYS: 0