



RHODE ISLAND BOARD OF EDUCATION

The Rhode Island Board of Education work session was held on Thursday, May 8, 2014, at the RI Department of Education, Room 501, 255 Westminster Street, Providence, RI. Chair Mancuso welcomed everyone, declared a quorum present, and called the meeting to order at 4:01 p.m.

Present: Eva-Marie Mancuso, Antonio Barajas, Michael Bernstein, Colleen Callahan, Dennis Duffy, Karin Forbes, Jo Eva Gaines, Patrick Guida, Lawrence Purtill, and Mathies Santos

Absent: William Maaia

1. ACCEPTANCE OF THE AGENDA

On a motion duly made by Karin Forbes and seconded by Lawrence Purtill, it was

VOTED: That the Rhode Island Board of Education accept the agenda for the work session of May 8, 2014.

Vote: 9 members voted in the affirmative and 0 members voted in the negative as follows:

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

NAYS: 0

2. EXECUTIVE SESSION

Chair Mancuso entertained a motion to enter into executive session to discuss:

- 2a. Update on potential lease for the proposed Nursing Education Center pursuant to R.I.G.L. §42-46-5(a)(5)
- 2b. Discussion of the American Association of University Professors (AAUP) contract pursuant to R.I.G.L. §42-46-5(a)(2)
- 2c. Update and discussion on the negotiations with higher education union coalition pursuant to R.I.G.L. §42-46-5(a)(2)
- 2d. Discussion of the negotiation of the outstanding terms and conditions of President David Dooley's contract pursuant to R.I.G.L. §42-46-5(a)(1)

2e. Discussion of the negotiation of the outstanding terms and conditions of President Nancy Carriuolo’s contact pursuant to R.I.G.L. §42-46-5(a)(1)

Chair Mancuso noted that Presidents Dooley and Carriuolo had been notified of their right to have the discussions regarding their contracts held in open session, and that they have indicated no objection to proceeding in executive session.

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

VOTED: That the Rhode Island Board of Education convene in executive session pursuant to R.I.G.L. §42-46-5(a)(1), R.I.G.L. §42-46-5(a)(2), and R.I.G.L. §42-46-5(a)(5) for the reasons set forth above.

A roll call vote was taken on this motion as follows:

Antonio Barajas:	yes
Michael Bernstein:	yes
Colleen A. Callahan:	yes
Dennis Duffy:	yes
Karin Forbes:	yes
Jo Eva Gaines:	yes
Patrick Guida:	yes
William Maaia:	absent
Lawrence Purtill:	yes
Mathies Santos:	absent*
Eva-Marie Mancuso:	yes

After a short break, the Board convened in executive session at 4:04 p.m.

[*Member Mathies Santos joined the meeting at 4:05 p.m.]

All non-Board members in the audience were excused with the exception of Clark Greene, Authorized Officer, RI Office of Higher Education; David M. Dooley, President of University of Rhode Island; Nancy Carriuolo, President of Rhode Island College; Ray M. Di Pasquale, President of the Community College of Rhode Island; Anne Marie Coleman, Director of Labor Relations for the Board of Education; Ronald Cavallaro, General Counsel; William Gearhart, Vice President of Administration and Finance at Rhode Island College; Jane Williams, Dean of the School of Nursing at Rhode Island College; Vern Wyman, Assistant Vice President of Business Services at University of Rhode Island; Mary Sullivan, Interim Dean of the College of Nursing at University of Rhode Island; Richard Licht, Director of the RI Department of Administration; Alli Rogers, Director of Policy at the RI Department of Administration; and Sean Coffey of Burns & Levinson, LLP.

Board Members Callahan and Purtill recused themselves from the Update on Collective Bargaining (Items 2b and 2c).

The Board reconvened in open session at 5:10 p.m.

Chair Mancuso noted that no votes were taken during executive session.

On a motion duly made by Karin Forbes and seconded by Antonio Barajas, it was

VOTED:	That	the Rhode Island Board of Education seal the minutes of the executive session held on May 8, 2014.
	Vote:	10 members voted in the affirmative and 0 members voted in the negative as follows:
	YEAS:	Eva-Marie Mancuso, Antonio Barajas, Michael Bernstein, Colleen Callahan, Dennis Duffy, Karin Forbes, Jo Eva Gaines, Patrick Guida, Lawrence Purtill, and Mathies Santos
	NAYS:	0

Chair Mancuso welcomed Nelson Smith and Elisa Westapher of the National Association of Charter School Authorizers (NACSA). She explained that they had been in RI for the past couple days to participate in a formative evaluation of RI's charter school authorizing practices. During their two-day, on-site visit, they interviewed charter school leaders, RIDE staff, and board members. NACSA is the national leader in charter school authorizing practice. Their evaluation, she noted, will provide an assessment of strengths and guidance in areas for improvement.

[Member Mathies Santos departed from the meeting at 5:15 p.m.]

3. DISCUSSION ITEMS

3a. RI Board of Education Bylaws

Member Larry Purtill expressed a desire to have the board members review the Board's constitution and bylaws. He referred to Enclosure 3a (Bylaws of the RI Board of Education). He suggested that on page three, quoted as "preparation of the agenda," the requirement of four members to request that an item be added to the agenda in writing be amended and changed to any one Board member. He requested that the change be put before the Board for its June meeting. He explained that other school committees and boards function in this way, and that it would be a desirable practice given the size of the RI Board of Education.

3b. School Construction Projects

Commissioner Gist discussed the "Necessity of School Construction Projects," for which approval will be requested of the Board at their May 12th meeting. These requests are necessitated by immediate health and safety reasons—an exception made in compliance with the General Assembly's moratorium on new approvals between June 30, 2011 and June 30, 2014. The requests are for the districts of Burrillville, Cranston, and South Kingstown. She referred the Board to enclosures 3b1, 3b2, and 3b3 for further explanation of each request.

3c. Proposed Changes to the Rules and Regulations for School Health Programs – Feedback from Public Review and Comment

Commissioner Gist noted that the Board had approved the *Rules and Regulations for School Health Programs* in January for public comment and review. The RI Departments of Education and Health had also reviewed it. Commentary was received and presented by St. George's School physician and the RI Certified School Nurse Teacher Association.

3d. ESEA Flexibility Request – Update

Commissioner Gist noted that RIDE will submit to the US Department of Education a request for a one-year extension of the flexibility that the US Department of Education granted two years ago, regarding provisions of the No Child Left Behind Act. This flexibility allowed RIDE to create its current system of school classifications and accountability.

Deputy Commissioner Abbott elaborated on the flexibility request and on RIDE's accountability systems. Referring to enclosure 3d, he noted the changes made in the flexibility request, primarily due to transitioning to the PARCC assessment.

Member Colleen Callahan asked what would happen if a school moves out of priority standing. Deputy Commissioner Abbott affirmed that they would get reclassified.

Member Dennis Duffy expressed a concern that the category of tested students identified with distinction receives only 5 out of 100 weighted points.

Deputy Commissioner Abbott explained that that category allows RIDE to distinguish between "high performing" and "really high performing" schools. More consideration would be given to this category in assessment reforms moving forward.

Commissioner Gist noted that RIDE is taking great care with its transition from NECAP to PARCC. RIDE will be holding off on using student growth factors in teacher effectiveness until 2017, among other strategies to assist in the transition.

Member Colleen Callahan asked when the Growth Model piece approval would be received.

Commissioner Gist explained that two requests were made to the US Department of Education. One was an amendment to RIDE's Race to the Top Grant. RIDE is still waiting on a response. The other request is the ESEA/NCLB flexibility request previously described.

3e. Determination of the process for selection and voting for the National Association of State Boards of Education recipients of Awards, Director and Officer positions

Member Patrick Guida explained that the Board has an opportunity each year to serve as candidates for NASBE and as officers. The Board also can identify 10 individuals to receive a recognition award. Member Guida requests that the Board form an ad-hoc committee to discuss these nominations/positions.

Chair Mancuso asked for a timeframe regarding the proposed committee's work, findings, and nominations.

Member Patrick Guida anticipated that the Board could hear back at its June 2014 meeting.

3f. Diploma System

- Report from the Ad Hoc Committee on Assessments and the Diploma System

Member Patrick Guida presented enclosure 3f, entitled "Results from Informal Facilitated Focus Groups with Rhode Island Educators." The report, submitted by David J. Ruff, sought to gather feedback on interventions and supports used by school districts to assist students in meeting NECAP assessment proficiency. Member Patrick Guida highlighted the results, noting that RI

educators worked hard to create a myriad of intervention strategies. Some students living in poverty did not see as big an improvement in proficiency, due to after-school jobs and commitments at home.

Member Lawrence Purtill stated that strategies for intervention need to be developed at the local level. There was a lot of discussion on transitioning to PARCC with regard to resources, technology and time.

Member Colleen Callahan noted the productivity of the committee and their report. She also noted that the report was very in-depth and informative; all members of the Board should read it thoroughly.

Chair Mancuso noted a sentiment from the report that some superintendents and administrators may not be clear on the purpose of the NECAP waiver process. She reiterated that those policies were put in place so that the teachers who work directly with students would have a say in students' graduation status.

Member Jo Eva Gaines noted that she was in an automobile accident earlier in the month and therefore was unable to attend any of the discussed focus groups.

Chair Mancuso expressed concern for her misfortune and wished her well.

Member Antonio Barajas asked if there was enough diversity in study participants.

Member Patrick Guida indicated that there was plenty of diversity in the sampling of participants for the study.

Member Michael Bernstein commended the report. With respect to the waiver policy, he supported the idea of having a continued discussion with superintendents—to promote awareness and clarity on the matter.

Chair Mancuso suggested sending a commendation to David Ruff.

- Implementation Update

Commissioner Gist affirmed that the Class of 2014 will be better academically prepared than other classes who have come before them, largely due to the Diploma System implementation and the hard work and feedback on that system from teachers and community members. Commissioner Gist noted that RIDE needs to continue taking feedback and making improvements (e.g. minimizing testing, reducing time to deliver feedback, etc.).

Member Colleen Callahan asked if RIDE had the number of students who have not yet met proficiency.

Commissioner Gist responded that data relevant to proficiency and graduation would be presented at the May 12th meeting.

Member Lawrence Purtill expressed a concern that there were students who had scored lower on the NECAP test who were able to graduate, and students who might have scored higher were not, due to the growth factor. He asked for clarification on this policy and for relevant data.

Andrea Castaneda, RIDE Chief of Accelerating School Performance, noted that a vast majority of students who were retaking the test improved so much that the growth factor was

moot—they simply reached the passable score on attempt two. The number of students who met proficiency based on growth is a little less than 4% of “the entire test-taking junior class that started this work.”

Ms. Castaneda clarified that the 4% represented the percentage of the junior class that could possibly be in a situation of needing the growth factor to reach proficiency. She noted that the presentation at the next meeting would further clarify the status of students who took the NECAP as juniors in October 2012 and the status of current high school seniors as of May 1, 2014. She also noted that in many cases, students are meeting proficiency through multiple measures, district waivers included.

Chair Mancuso thanked Ms. Castaneda and RIDE for the clarity of their report.

Deputy Commissioner Abbott outlined the history of the diploma system in RI. He noted that key elements in the matter began with the Carnegie Foundation in 1995. The RI Board of Regents passed the first round of high school regulations in 2003, which did mention state testing. The concern at that point was that local districts would weigh the testing too much, and the Board of Regents capped the weight at no more than 10%. The Board of Regents revisited the matter in 2007-2008. The attention shifted from the expectation of systems to the expectation of what students would achieve. They created the requirement of partial proficiency on the state assessment. This was counted together with local and state requirements for graduation (e.g. senior project and coursework). The measures were “compensatory;” students could do so well in one area that it would compensate for lack of achievement in another area. Deputy Commissioner Abbott noted that the state did not intend to create a state diploma system. Rather, it wanted to have measures of proficiency to which local districts and their students could be held. He noted that the Board of Regents also emphasized giving districts, teachers, and students time to react to new graduation requirements. The Board moved the system from “compensatory” to “conjunctive.” Now, students had to have basic proficiency in all three areas of proficiency, instead of using achievement in one to balance deficiency of another.

Member Colleen Callahan expressed a concern in the transition from one set of standards to another (i.e. NECAP).

Deputy Commissioner Abbott expressed that the use of the more rigorous NECAP standards may have overall improved student achievements.

Member Dennis Duffy asked if similar patterns of achievement had been seen in the “high performance” level of students.

Deputy Commissioner Abbott answered that he did not believe so.

[President Ray Di Pasquale departed from the meeting at 6:15 p.m.]

- Update on Petition of Providence Student Union et al

Joseph Rodio, an attorney representing the Board of Education, spoke on the Providence Student Union (PSU) petition. On April 25th, the Court determined that the Board must address the petition within 30 days in open session. He referred to the amendment attached to enclosure 3f. He highlighted what aspect of the graduation policies that the petition sought to change. He explained that there are two options: (1) Deny petition and ask Chair or representative to issue denial in writing and (2) initiate rule-making proceedings under the Administrative Procedures Act. If the Board votes to initiate, the policies recommended in the PSU petition become the proposed amendments to the current policies.

Chair Mancuso asked how this would impact the class of 2014.

Mr. Rodio noted that there would be a timeline and reasonable opportunity to hold public hearings on the proposed changes in compliance with the Administrative Procedures Act. If a lawsuit required that the process be expedited, that would have an impact.

Chair Mancuso asked if initiating the proceedings would basically change the graduation requirement for the current high school class.

Mr. Rodio responded that expediting the process would require its completion before the graduation date.

Chair Mancuso asked if there were anything preventing the Board from initiating rule making procedures on their own in the summer.

Mr. Rodio answered that there would be nothing to stop the Board from doing so.

Member Colleen Callahan asked if the language of the PSU petition could be changed after public hearing.

Mr. Rodio stated that the language could theoretically be changed later on.

Deputy Commissioner Abbott noted that the vote on the petition must be carried out at the next meeting in compliance with the Administrative Procedures Act.

Chair Mancuso asked the Board members if they were clear on the impact of voting in the affirmative and in the negative on the PSU petition at the next Board meeting.

3g. Charter Schools – Final Approval

Commissioner Gist explained that RIDE would be requesting final approval on two charter school proposals that were granted preliminary approval at the October 7, 2013 Board meeting. The proposals were reviewed and considered by officers at RIDE and an advisory committee. The proposals were made available for public comment for a 60-day period and two public hearings were held on each. Commissioner Gist referred the Board to enclosures 3g1 and 3g2 for proposals regarding South Side Elementary Charter School and The Hope Academy. She noted that Early Engineering College Academy (Enclosure 3g3) had not yet completed all requirements for approval.

3h. Presentation by the RI Teacher Advisory Council

Chairwoman Barbara Walton-Faria of the Teacher Advisory Council (RITAC) presented recommendations to the Board of Education regarding high stakes testing. The recommendations are based upon input from RI public school teachers, and are backed by the latest research on testing. She introduced Tracey Kareemo and Bob Mayne of the RITAC High Stakes Testing Committee.

Ms. Kareemo stated some of RITAC's findings regarding testing. She expressed a concern for using assessments such as NECAP as graduation requirements when not proven valid and reliable for that purpose. High stakes standardized tests, she stated, may narrow school curricula.

Mr. Mayne presented the RITAC recommendations: that testing be used only to inform curriculum development and instruction; to end the use of NECAP testing as a graduation

requirement in RI; to place a moratorium on PARCC testing as a graduation requirement and teacher evaluation instrument in RI; and that the Board add the topic of high stakes testing to a future meeting and take public commentary on the matter.

In recognition of Teacher Appreciation Week, member Colleen Callahan recommended that the Board express their appreciation for the RITAC representatives and their dedication.

Member Lawrence Purtill inquired as to what would be done with the RITAC recommendations.

Chair Mancuso noted that discussion on standardized testing and related topics have been and would continue to be regularly discussed at Board meetings. She noted that the Board receives reports from the field frequently and that the data presented in the RITAC report would be duly considered.

3i. Tenure Request – Community College of Rhode Island

Chair Mancuso noted that CCRI President Ray Di Pasquale had asked to be excused in order to attend a CCRI pinning event. Mr. Clark Greene, Authorized Officer, Office of Higher Education, would present this request in his stead.

Mr. Greene referenced enclosure 3i. He noted that seven CCRI professors were being presented to the Board for tenure approval. They had gone through the full process per their contracts for tenure, and had been reviewed by their relevant departments.

3j. Rhode Island College's revised Mission Statement and Vision Statement

[Chair Mancuso yielded the gavel to Vice Chair Guida at 6:43 p.m.]

President Nancy Carriuolo explained that the Mission and Goals Committee of the Rhode Island College Council reviewed the mission and vision statements and how they might be updated. On April 11, 2014, the new statements were approved by RIC and are now presented to the Board.

[President Nancy Carriuolo departed from the meeting at 6:45 p.m.]

3k. Review of the recommendation for the FICA Alternative Retirement Plan for the system of public higher education's temporary employees

[Vice Chair Guida yielded the gavel to Chair Mancuso at 6:46 p.m.]

Dr. Susan LaPanne, Associate Commissioner of Finance in the Office of Higher Education spoke about the FICA Alternative Retirement Plan (FARP) and its impact. It impacts part-time, seasonal, or temporary state employees. FARP participants would have 7.5 % deducted from their pay and placed in a private retirement fund, instead of the 6.2% deducted for Social Security and matched by the employer. Dr. LaPanne noted that FARP would not allow higher education to be as competitive in the hiring of adjunct faculty. FARP employees would see a reduction in their social security benefits later on in life.

3l. Facility Use and Real Estate License Agreement – Greenfins Global LLC

President David Dooley of the University of Rhode Island spoke about the license agreement, which would come before the Board for approval at the next meeting. It was proposed that Greenfins Global would construct at their expense a facility to do research on large fish

species. At the conclusion of construction, the facility would be turned over to URI. Mr. Louis Saccoccio, General Counsel at URI, indicated his support of the license agreement and its legality.

4. NEXT MEETING

Monday, May 12, 2014 – 5:30 p.m. – meeting
Blackstone Valley Prep. Elementary School 1, Cumberland

5. ADJOURNMENT

On a motion duly made by Karin Forbes and seconded by Lawrence Purtill, it was

VOTED: That the Rhode Island Board of Education adjourns.
Vote: 9 members voted in the affirmative and 0 members voted in the negative as follows:
YEAS: Eva-Marie Mancuso, Antonio Barajas, Michael Bernstein, Colleen Callahan, Dennis Duffy, Karin Forbes, Jo Eva Gaines, Patrick Guida, and Lawrence Purtill
NAYS: 0

The meeting adjourned at 6:49 p.m.