



Enclosure 2a
September 18, 2018

MINUTES OF THE MEETING
August 21, 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 would not be joining the meeting, declared a quorum present, and called the meeting to order at 5:32p.m.

Present: Barbara Cottam, Amy Beretta, Colleen Callahan, Karen Davis, *Gara Field, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

Absent: Daniel McConaghy

[*Gara Field arrived at 5:35 p.m.]

1. ACCEPTANCE OF THE AGENDA

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

VOTED: That the Rhode Island Council on Elementary and Secondary Education accepts the agenda for the August 21, 2018, Meeting

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

YEAS: Barbara Cottam, Amy Beretta, Colleen Callahan, Karen Davis, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

NAYS: 0

[Member Field arrived after the acceptance of the agenda)

2. ACCEPTANCE OF THE MINUTES

a. Minutes of the July 17, 2018, Meeting

On a motion duly made by Karen Davis and seconded by Marta Martinez, it was

VOTED: That the Rhode Island Council on Elementary and Secondary Education accepts the minutes of the July 17, 2018, Meeting

Vote: 6 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Barbara Cottam, Amy Beretta, Colleen Callahan,
Karen Davis, Marta Martinez, and Lawrence Purtill

NAYS: 0

[Members Field and Gaines had to recuse themselves from the vote as they did not attend the July 17, 2018, Meeting]

3. OPEN FORUM

Four individuals spoke in opposition to the proposed changes to the Regulations Governing the Certification of Educators in Rhode Island as it pertains to Certified School Nurse Teachers.

4. REPORT OF THE COMMISSIONER

Commissioner Wagner began by addressing the comments voiced during the Open Forum. He expressed that the comments are relatively consistent with the feedback received from the school nurse teacher community, which itself is opposite to the feedback from other stakeholder groups with whom RIDE has engaged with. He described the issue as whether in order to be a clinician, one would need to be certified as a teacher, noting that where the clinician would serve as a teacher, that would make sense, and not if a clinician would only be functioning as a clinician. He further noted that Rhode Island schools have other clinicians besides school nurse teachers (e.g., school psychologists, social workers, occupational therapists, physical therapists, and speech pathologists), and of all those disciplines, only school nurse teachers cannot operate as clinicians if they are only clinicians. He explained that the regulation as proposed is permissive, as it is not asking anyone to give up their school nurse teachers, if they believe that is what is appropriate for their schools. It is merely providing school districts the ability, should they choose to do so, to hire clinicians as clinicians, as they can do for psychologists, social workers, occupational therapists, physical therapists, and speech pathologists.

Commissioner Wagner then noted that the season was approaching where the Council will be asked to make decisions about charter schools. Although RIDE did not receive any proposals for new charter schools this year, there are charter school decisions around renewal and other areas. RIDE is in the process of coordinating visits to those charter schools for any interested Council members.

Commissioner Wagner ended his report by noting the addition of Serve Rhode Island to RIDE. Serve Rhode Island is an institution with a long and proud history not just in Rhode Island, but also across the country of navigating service learning opportunities for adults and graduates to give back to their communities through AmeriCorps funding. That portfolio of funding was shifted to RIDE as part of the last legislative session. RIDE and Serve Rhode Island will be

working together to find synergies between the service learning portfolio in the adult education space and the internships, apprenticeships, and additional opportunities in the K-12 space.

5. DISCUSSION ITEMS

5a. Update on the Administrative Procedures Act

5a1 - 5a13. Regulations that will be promulgated as Direct Finals

5b1 - 5b13. Regulations that will go through full promulgation - 30-day public review and comment period and public hearings

5c1 - 5c7 - Regulations that are being repealed and will go through a 30-day public review and comment period

Commissioner Wagner summarized the purpose of the Administrative Procedures Act and the steps RIDE has taken to prepare its regulations for promulgation. He noted that the regulations for all state agencies will expire on December 31, 2018 by an act of the legislature, unless they are transferred into a new format, which is intended to help with government transparency. Most of the work is simple formatting changes, however, there are changes as a result of the formatting that will require more public comment opportunities.

Commissioner Wagner then introduced Cecelia Pelkey, the Principal Economic and Policy Analyst for the Office of Regulatory Reform, to answer any questions from the Council. She explained that the Administrative Procedures Act was updated in 2016, as Rhode Island was one of the few states to not have a code for regulations; now that is in place, and it can be found on the Secretary of State's website. She noted the timeline and required steps for all state agencies to update their regulations to the new format, and described how ORR has been working with each to ensure everything stays on track for the December 31, 2018, deadline.

Commissioner Wagner noted that RIDE is unique in that while the agency has approximately twenty-five regulations going through this process, less than most other agencies, RIDE also has a Board, which has to be included in the process, while other agencies do not.

Commissioner Wagner noted that there are four categories to this process:

- 1) codification (nothing was changed, lost, or shifted),
- 2) direct final (something was changed as a result of the formatting where someone might be concerned that a meaning or nuance may be lost),
- 3) repeal (something that has been incorporated someplace else, or that it is so far out of date that it is no longer relevant), and

4) full rule-making, of which there are three regulations, Regulations Governing the Education of Children with Disabilities, the Nutrition Regulations, from 2009, and the Regulations Governing the Certification of Educators in Rhode Island, all of which will undergo a full rule-making process (30-day public review and comment period and public hearing).

Commissioner Wagner noted that one of the repeals, the persistently lowest achieving regulation, is out of date as it was tied to the No Child Left Behind and Race to the Top time period. It would be replaced at the state level by the ESSA Plan, which RIDE is asking the Council to endorse and direct the Commissioner to implement the ESSA Plan that the federal government has approved.

In response to a question about how stakeholders received information about this process and the changes, Commissioner Wagner shared that RIDE had included an explanation of this process in its field memo for several weeks as a part of the broader notification. RIDE also utilized targeted outreach by reaching out to specific stakeholder communities, such as the special education community. He noted that the Special Education Regulations would also have a public hearing where stakeholders could share their feedback. In the expedited rule-making process, if anything of substance is raised, that would prompt that to switch to a full rule-making process. Should that happen, there would still be time to meet the deadline.

5d – ESSA Plan

Commissioner Wagner noted that the request to endorse the ESSA Plan and direct the Commissioner to implement was sequenced so that the endorsement took place prior to the repeal of the persistently lowest achieving schools regulation. The ESSA Plan has some overlaps with the former regulations, but they are dramatically different in the level of community engagement, the opportunities for schools to come up with their own innovative approaches to school improvement if the suggested approaches are not to their liking, to focus on different types of indicators (e.g., leading, lagging).

Council members expressed their appreciation for being involved in the early work of the ESSA Plan, and expressed interest in learning more about what is taking place in the areas of intervention and collaborative work being done for persistently lowest achieving schools (e.g., the schools participating, their ideas, recommendations and direction from RIDE). Commissioner Wagner noted that RIDE would soon have all of the data to make the new accountability designations under the ESSA Plan, and when those schools are identified, will move forward with the engagement work and will provide an update to the Council.

A question was raised about the data that RIDE is using to make those determinations and whether – as part of the rationale for the shift from NECAP to PARCC to RICAS was

to provide the data back to teachers faster so that they would have the information to use for their instruction – the ESSA Plan included anything to ensure that the data was more quickly returned to the schools, as that quick turn-around has not appeared to be the case thus far.

Commissioner Wagner noted that this is a challenge for every state, and that it directly relates to the purpose of the assessment: if the purpose of the assessment is to get useful feedback back to schools as quickly as possible, that is somewhat different than having an assessment that is psychometrically designed to stand up to a burden of proof to make decisions around institutional (school and district) accountability.

In response to a related question about why the schools currently do not receive the raw data, Commissioner Wagner noted that the raw scores themselves, for a school, don't provide the information needed for action; what is useful is the raw data for a school in comparison with other schools and districts. First, the individual school could have their raw data, but it would not tell them anything, so they would have to wait for the state to aggregate all schools' raw data and send it back to them. Second, even the statewide raw data doesn't provide information about how the schools stand on a common scale, because raw scores can vary from year to year because each year the test is slightly easier or slightly harder because questions vary. So until the data is standardized or scaled through a process called equating, which asks how the current year's data to prior years' data on a standardized level of difficulty; that is what takes the longest period of time. There is room in the middle where the equating is not yet done, but the statewide raw score data does exist that could tell people about relative strengths, on a raw-score scale, between their school and their neighbors or schools across the state, or how a particular question compares to another question, and so on. Some states hold back on that because it could be possible for schools to use the data from the current year and apply the conversion charts from the prior year to come up with claims that are not sustainable because the conversion charts may change from year to year. Commissioner Wagner noted that he considers the worry about purism is not worth the trade off with timeliness, which is why RIDE is considering how to see what the cost would be to get the files earlier; the files would only contain the data that was machine scored, as all of the open responses are hand scored and that typically takes the entire summer.

5e - RIDE's Table of Organization and Executive Pay Plan

Commissioner Wagner provided an introduction to the RIDE organization chart. He noted that one of the pieces of feedback from the Council was to match the agency with the mission. As RIDE moves from the Race to the Top body of work to the current body

of work, and seeing the agency as a primarily compliance organization to changing that perception and becoming a convener and problem solver while holding accountable for regulations and best practices, the organization chart needs to reflect that. The reason why this is before the Council is that the Council needs to approve the organization of the agency from the office level up, as stated in statute. Secondly, for non-bargained titles (titles not covered by a collective bargaining agreement), the Commissioner needs the Council's approval for the title so the Commissioner has the authority to pay someone in that title, as part of the Executive Pay Plan portion.

School Improvement Office - removing it from the Innovation Division and have it report directly to the Deputy, who has the authority to commandeer resources from anywhere in the agency. At this point, it is a small office, so an appropriate title for its leader would be an associate director.

Teaching and Learning Division - The backfill for the Director of Educator Excellence and Certification Services, and the other administrative backfills, will be filled in a staggered pattern in order to comply with the \$1 million turnover target requiring RIDE to leave approximately ten percent of the agency's workforce vacant at any given time in order to meet that target; this includes positions in the collective bargaining agreements.

The Innovation Division includes the Office of College and Career Readiness, the portfolio for which expanded rapidly and has resulted in a decision to remove the Charter School Office from OCCR to report directly to the Chief of Innovation, and also to remove the School Improvement Office as noted earlier. The OCCR Director position is currently vacant.

The Data and Technology Services Office would remain within the Innovation Division. The Finance and Operations Division Chief would take on the direct responsibility for the Transportation Services portion.

The Statewide Efficiencies Office would be downgraded to an Associate Director (currently vacant) and move under the auspices of the Finance and Statewide Efficiencies Office and Director. The Chief Legal, currently vacant, would oversee the Office of Legal Counsel.

The Chief Executive Officer for the School Building Authority is a new position that was created by the facilities legislation in the budget and will report directly to the Commissioner around facilities and will manage the process for that \$1 billion, five-year project. The School Facilities team has been removed from the Statewide Efficiencies Office and will report to the CEO for the SBA. That work is funded by RIBEC through a

mixture of RIBEC's operating budget coupled with bond proceeds, and will be coming off RIDE's budget.

Human Resources used to be in the Fiscal and Operations Division, was moved to the Commissioner's Office, and has over time reported to a variety of different chiefs, and is now back in the Fiscal and Operations Division.

The Chief of Staff position was broad and ranged from full engagement with the legislature, with the media, and with the internal agency; to move that forward, there were two items of clean-up relating to the Executive Pay Plan. RIDE does not technically have a Communications position (the title was Special Assistant – Communications, because there was a special assistant line in the pay plan), though most agencies have a Communications Director, and as a result the decision was made to clarify that title.

When RIDE brought on the Performance Management Executive (title: Special Assistant – Performance Management), the agency wanted to transition to a project, resource allocation, and growth focus for the entire agency, not just the projects getting the most attention. The title change to Associate Chief of Staff indicates a shift from a designated Commissioner's Office focus but an agency-wide focus on project methodology.

The Council had requested that RIDE conduct a salary study anchored in industry norms. RIDE had budgeted for that (approximately \$30,000) for two budgets running, but those funds have been removed. It is possible that it may pass this year, as one of the good faith addenda for the Local 2012 collective bargaining agreement was to do a salary study for those positions.

Commissioner Wagner then noted the Equity Teams piece across the bottom of the organizational chart, which came about as a result of a monthly All-RIDE meeting where staff raised the issue of the agency promoting equity, race, and diversity in the field and where that didn't seem to be the case within the agency. A group of staff has been meeting for several months during their lunch period, comprising of approximately 40 people out of the agency's 130, to address this issue. This Equity Teams piece is staff-driven and encompasses the entire agency. It is illustrated using dotted lines because it is a work in progress that straddles the entire agency, not a specific office.

A question was raised about the Charter School Office and how it used to be part of OCCR and how that Charter School Office now reporting to the Chief of Innovation relates to the Teaching and Learning division overseeing traditional school districts. Commissioner Wagner responded that under the ESSA Plan, both the districts and charters would be held accountable for the same things, in order to support more

collaboration. The Chief of Innovation would collaborate with the Chief of Teaching and Learning to help support that.

6. ACTION ITEMS

a. Endorsement of the ESSA Plan and Direct the Commissioner to Implement the Plan

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

VOTED: That the Council on Elementary and Secondary Education endorses the RI Every Student Succeeds Act Plan and directs the Commissioner of Elementary and Secondary Education to implement the Plan as endorsed.

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

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

YEAS: 8

NAYS: 0

b1 - b13. Approval to Promulgate Regulations as Direct Finals

On a motion duly made by Colleen Callahan and seconded by Lawrence Purtill, it was

VOTED: That the Council on Elementary and Secondary Education approves regulations presented in Enclosures 5a1 - 5a13, for the purpose of a 30-day public review and comment period.

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

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

YEAS: 8

NAYS: 0

6c1. Approval of Reformatted Regulations Governing the Education of Children with Disabilities

On a motion duly made by Amy Beretta and seconded by Karen Davis, it was

VOTED: That the Council on Elementary and Secondary Education authorizes for rulemaking purposes the scheduling of public hearing and comment for the reformatted Regulations Governing the Education of Children with Disabilities

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

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

YEAS: 8

NAYS: 0

6c2. Proposed Revisions to the Regulations Governing the Certification of Educators in Rhode Island

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 to promulgate the Proposed Revisions to the Regulations Governing the Certification of Educators in Rhode Island, for the Purpose of Public Review and Comment and Scheduling of Public Hearings.

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

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

YEAS: 8

NAYS: 0

6c3. Regulations Governing Nutritional Requirements for Reimbursable Meals and Competitive Foods and Beverages; Limitations on Competitive Foods and Beverages at Meal Time

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 to promulgate the proposed Regulations Governing Nutritional Requirements for Reimbursable Meals and Competitive Foods and Beverages; Limitations on Competitive Foods and Beverages at Meal Time, and Scheduling of Public Hearing.

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

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

YEAS: 8

NAYS: 0

6d1 - 6d7. Approval to Repeal Regulations

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 to repeal the Regulations in Enclosures 6d1-6d7, for the purpose of a 30-day Public Review and Comment Period.

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

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

YEAS: 8

NAYS: 0

6e. Approval of RIDE's Table of Organization and Executive Pay Plan and Salary Ranges

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

VOTED: That the Council on Elementary and Secondary Education approves the Rhode Island Department of Elementary and Secondary Education Table of Organization and Fiscal Year 2019 Executive Pay Plan and Salary Ranges, as presented.

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

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

YEAS: 8

NAYS: 0

7. EXECUTIVE SESSION

At 6:23 p.m., Chair Cottam entertained a motion to enter into Executive Session to discuss:

7a. 2012 Collective Bargaining Unit Contract, pursuant to R.I.G.L. §42-46-5(a)(2)

On a motion duly made by Gara Field and seconded by Karen Davis, it was Council on Elementary and Secondary Education

VOTED: That the Council on Elementary and Secondary Education convenes in executive session pursuant to R.I.G.L. §4246-5(a)(2) for the reason set forth above.

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

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

NAYS: 0

All non-Council members in the audience were excused with the exception of Ken Wagner, Commissioner of Elementary and Secondary Education; Brian Darrow, Chief of Staff; Christine Lopes Matcalfe, Chief Executive Officer, School Building Authority; Margaret Santiago, Personnel Director; and Angela Teixeira, Recorder.

The Council reconvened in open session at 6:50 p.m.

Chair Cottam reported that no votes were taken in Executive Session.

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 seal the minutes of the Executive Session held on August 21, 2018

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

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

NAYS: 0

8. ADJORNMENT: Meeting adjourned at 6:52 p.m.

On a motion dully made by Colleen Callahan and seconded by Jo Eva Gaines, 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: Barbara Cottam, Amy Beretta, Colleen Callahan, Karen Davis, Gara Field, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

NAYS: 0