



Enclosure 2a
November 1, 2016

MINUTES OF THE MEETING
October 11, 2016

COUNCIL ON ELEMENTARY AND SECONDARY EDUCATION

Chair McConaghy welcomed everyone, declared a quorum present, and called the meeting to order at 5:30 p.m.

Present: Daniel McConaghy, *Colby Anderson, **Amy Beretta, Colleen Callahan, Barbara Cottam, Karin Forbes, Marta Martinez, Lawrence Purtill, and Joyce Stevos

Absent: Jo Eva Gaines

[*Ex-officio, non-voting member]

[**Amy Beretta arrived at 5:40 p.m.]

1. ACCEPTANCE OF THE AGENDA

On a motion duly made by Joyce Stevos and seconded by Colleen Callahan it was

VOTED: That the Rhode Island Council on Elementary and Secondary Education accepts the agenda for the meeting of October 11, 2016

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

YEAS: Daniel McConaghy, Colleen Callahan, Barbara Cottam, Karin Forbes, Marta Martinez, Lawrence Purtill, and Joyce Stevos

NAYS: 0

[Amy Beretta arrived at 5:40 p.m.]

2. APPROVAL OF THE MINUTES

2a. Minutes of the September 20, 2016, Council Meeting

On a motion duly made by Joyce Stevos and seconded by Karin Forbes, it was

VOTED: That the Council on Elementary and Secondary Education approves the minutes of the September 20, 2016, Council Meeting

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

YEAS: Daniel McConaghy, Colleen Callahan, Barbara Cottam, Karin Forbes, Lawrence Purtill, and Joyce Stevos

NAYS: 0

Member Martinez recused herself from the vote as she did not attend the September 20, 2016, meeting.

[Amy Beretta arrived at 5:40 p.m.]

3. OPEN FORUM

Dan Angell, Electrical Program teacher at the Chariho Career and Technical Center, spoke in support of the proposed revisions to the Regulations Governing the Certification of Educators in Rhode Island. It would change the current one-year preliminary certificate for experts and career and technical education professionals who do not hold a teaching certificate to transition into the field of teaching and work toward full certification over a seven-year period of time.

4. REPORT OF THE COMMISSIONER

Commissioner Wagner began his report by sharing that, for the first time, Rhode Island is making available to public high-school students statewide the option of taking the PSATs and SATs, free of charge. Even though these tests are optional, it seems as though we will have a high participation rate, as schools have ordered more than 10,000 PSAT tests, to be administered to students next week.

Commissioner Wagner also reported that RIDE will be releasing the 2016 accountability results tomorrow, specifically the school classifications. Although there are a number of very positive stories, including schools that have been designated as commended schools for a few years, unfortunately there are also challenging stories, as many schools continue to be designated as focus or priority for a number of years. Commissioner Wagner emphasized that over the last few Council meetings there have been discussions around strategies for helping students and their families have access to opportunities to pursue their education even if the student is assigned to a struggling school. He stressed that all hands need to be on deck to ensure that strategies that are informed by decades of experience around how to improve district schools are in place for those families who are looking for options, be it in the form of charter schools, high-quality career and technical education programs, dual and concurrent enrollment programs, and so on. He reminded the Council members that they now have a statutory responsibility to have goals and strategies around reducing the achievement gap, something that came out of the last legislative session.

5. DISCUSSION ITEMS

a. Recommendation of new member to the R.I. School for the Deaf Board of Trustees

Commissioner Wagner introduced Jodi Merryman, a nomination to the R.I. School for the Deaf Board of Trustees, to fill one of three remaining vacancies on the Board. Ms. Merryman previously served on the Board of Trustees from 2010-2015, at a time when the school was going through some very challenging times. Commissioner Wagner expressed that he had reviewed Ms. Merryman's resume and believes that she possesses the qualifications and commitment to advance the goals and mission of the school.

Council Member Purtill asked how many individuals sit on the R.I. School for the Deaf Board of Trustees, to which Commissioner Wagner responded that it's nine members.

b. Proposed Revisions to the Board of Regents Regulations Governing the Education of English Language Learners, for the Purpose of Public Review and Comment

Prior to turning the conversation over to Mary Ann Snider, Deputy Commissioner for Teaching and Learning, and David Sienko, Director of RIDE's Office of Student, Community and Academic Support, Commissioner Wagner reminded Council members that at their last meeting RIDE went over a detailed overview of what RIDE is trying to accomplish in the proposed changes to the regulations.

Deputy Snider expressed that the big ideas on the proposed revisions are trying to integrate all of the thinking around language acquisition into the main body of work. Rather than having it as this outside arm, it's a step toward integrating and thinking about making curriculum, instruction, and staffing for English Learners (ELs) into the primary ways in which we think about supporting all students, while making sure that all students have the specific supports that they need.

Mr. Sienko pointed out that these particular regulations reflect an extensive year-long review effort led by a workgroup that vetted the first version and more recently feedback from superintendents of high-incidence districts as well as low-incidence districts, and community-based organizations. Information that came out of the U.S. Department of Education and other research practices over the last five years on how to best serve ELs has been instrumental in guiding RIDE through the revision process.

Commissioner Wagner expressed that the goal of the revisions is to bring language acquisition into the core of what we do, including having assumptions around integrated service delivery so that students can earn credit as well as get served for their language-acquisition needs. He highlighted that the biggest anticipated change in the revisions is that we are really calling out the distinction between high-incidence districts and low-incidence districts to ensure that all students have an opportunity for coherent coordinated services.

High-incidence districts are very accustomed to knowing what the opportunities are and the supports that are needed. Low-incidence districts, on the other hand, have a handful of students and may not meet the threshold that is now based on a percentage versus on a count as in the past. These districts will need the support and encouragement to make certain that they not only provide services, but that those services are coordinated in a way that is coherent and helpful not only to students but also to the teachers who are providing these services.

Council Member Beretta asked for clarification on whether or not RIDE is available to assist districts that may struggle with the implementation of the proposed regulations.

Mr. Sienko responded that, once the regulations are approved, RIDE's plan is to provide districts with a toolkit that has been designed by the Office of English Language Acquisition at the U.S. Department of Education, which is aligned to each section of the regulations.

Council Member Beretta also suggested that RIDE hold the public hearings at locations that are easily accessible to parents and students.

Council Member Stevos suggested keeping the language consistent throughout the regulations.

Council Member Callahan wondered if when in discussions with Superintendents RIDE has a handle on the lift that these regulations will be, particularly on the low-incidence districts, and the type of assistance that it will be providing.

Mr. Sienko replied that some of the low-incidence districts view these changes as a burden; however, the changes provide opportunities for more creative approaches between districts and should be viewed as an asset to communities, therefore adding value to what they are already doing.

Board Chair Cottam inquired about the change from a number count to a percentage count and what a five-percent change does to cities and towns moving into a high-incidence category.

Mr. Sienko replied that schools that were impacted by the change are primarily charter schools, with the exception of Middletown, that, because of the Navy base, has a high number of non-English speakers.

c. Charter Schools – Evaluating Impact on new and expanded Charter Schools

Commissioner Wagner introduced the topic by explaining that the purpose of this evening's discussion is to go through in detail the changes in statute that were enacted in the last legislative session that will have to be part of the Council's conversations and deliberations over the next few meetings. He then turned the conversation over to Stephen Osborn, Chief of RIDE's Innovation Division.

Mr. Osborn began by walking the Council through a presentation on the 2016 legislative changes for charter public schools and its definitions:

- Network Charters

- o charter includes both elementary and secondary schools or multiple elementary and secondary schools
- o requires local written support for proposed network charters [existing charters are exempt from requirement]

- Expansions

- o increase in total enrollment, grades served, or addition of a school district to the catchment area
- o require 60-day public comment period

- Local Impact Analysis – For each impacted sending district, requires the Council to consider and place substantial weight on:

- o fiscal impact on the city(ies) or town(s)
- o programmatic impact on sending school district(s); and
- o educational impact on students from sending district(s)

Commissioner Wagner clarified the concept of Network Charters. In the past Rhode Island has had a practice of authorizing multiple schools for a single charter. Moving forward, this statute eliminates that practice in that it's one school per charter, unless there is written support for the concept of multiple schools in a single charter. Existing charters are exempt.

Commissioner Wagner also clarified recent confusion around the local-impact analysis. It is not about determining that there is no impact, be it fiscal, programmatic, or educational. RIDE's responsibility is not to determine that there is no impact, as everything impacts everything else. It is about looking at the impact, whatever that might be, and providing the Council with a rich understanding of what that impact is, regardless of whether it's positive or not, or a mixture of both. The totality of that analysis will inform the Council's decision about a charter's expansion or authorization.

Commissioner Wagner further explained the legislative changes to the budget, which reduces the local tuition payments from districts to charter public schools by the greater of either seven percent of the local per-pupil funding or the per-pupil value of certain district fixed costs. Local school committees can make the decision, on an annual basis, on which formula is more beneficial to the district.

Council Member Callahan asked that, when RIDE runs the data, will RIDE run both fiscal impact scenarios so that the Council will understand the difference in the numbers.

Mr. Osborn responded that RIDE will most likely use the same formula that the districts chose this year, which meets their needs.

Commissioner Wagner further explained that one of the main purposes of the funding formula was to put in place a hold-back that is designed to try to mitigate against the impact of the charter enrollment on the sending-district operations. It takes into account unique costs that districts have that charters do not, as well as fixed costs that districts continue to have when students leave the district to attend a charter public school.

Council Member Beretta expressed that because the cost of a student's not being able to attend a charter public school will have an impact on a sending district's attendance, graduation rate, the ability of students to go to college, as some of these charters have tremendous success when the sending districts do not, she hopes that RIDE will be taking all of these things into account when calculating the fiscal impact, since that too is a real fiscal cost to a city or town.

Commissioner Wagner responded that this is all new to RIDE and that the staff will come to the Council with the best model – one that is transparent and accurate and that will quantify the potential negative as well as the positive. Although the fiscal impact, such as unique and fixed costs as well as the money following the child, has received a lot of attention, there is a national body of research that shows that there is a positive value that can be quantified for students who are being brought to proficiency independent of the model that brings them to proficiency.

d. School Building Authority Capital Fund Projects

Commissioner Wagner introduced the topic and congratulated Cindy Brown, RIDE's Director of Statewide Efficiencies, and her team on the tremendous amount of work in leading a process with the School Building Authority (SBA) Advisory Board to vet the many proposals that were submitted to RIDE and prioritizing them for Council approval. Commissioner Wagner also shared that RIDE had sent to the Council electronic copies of a couple of backup documents that are starting to be produced as part of an assessment survey that RIDE is doing with our service-provider partner to lead to a comprehensive audit of all of our school-building facility needs.

Ms. Brown began by reminding the Council that last year around this time RIDE brought forward the first projects under the newly enacted SBA capital fund in the amount of around \$19M. This year RIDE is recommending, with the endorsement of the SBA Advisory Board, twelve projects in six districts (Central Falls, East Providence, North Providence, Pawtucket, Providence, and Woonsocket) of the nine districts that submitted proposals. The projects, which were selected based on a prioritization rubric set by the SBA Advisory Board with input from the RIDE team, are urgent and will need to be completed within a year of approval.

Council Chair McConaghy expressed his surprise that only nine districts submitted proposals and was wondering if there were specific barriers preventing other districts from applying.

Joseph da Silva, RIDE's School Construction Coordinator, explained that the reason for the low number of applicants is because of all of the requirements of the application. Most of the communities felt that they would not qualify, as it is a pay-as-you-go program designed for fiscally challenged communities that have urgent projects.

Council Member Callahan asked who sits on the SBA Advisory Board, to which Dr. da Silva replied that the make-up of the Board is defined in state statute. At present, the Board is made up of the Director of DOA as Chair, the State Treasurer, the Chair of the East Greenwich School Committee, and four community members.

e. Proposed Revisions to the Board of Education Regulations Governing Certification of Educators in Rhode Island – Feedback from Public Review and Comment

Lisa Foehr, Director of RIDE's Office of Educator Excellence and Certification Services, shared the feedback received during the public review and comment period. On the Substitute Teacher Permit, RIDE received one comment, commending the elimination of the permit and

the fee associated with it. It also suggested that in the future RIDE consider adding definitions around long-term substitutes, which aren't currently addressed in regulation. Ms. Foehr shared that in the guidance that RIDE currently provides to the districts it stipulates that if districts are aware of a long-term substitute situation that they first should look for someone who is fully certified in the content area; if they are not able to find such a candidate, then to one who is certified in another content area. If all else fails, they should look for that day-to-day substitute.

Deputy Abbott expressed that the Commissioner is about to release a legal advisory on a related question. The courts recently changed the definition from a long-term substitute (135 days) to regularly employed, which basically means that a regularly employed substitute needs to be on a step system. Deputy Abbott suggested that, rather than rushing the issue, the next time any of the Certification Regulations get revisited, RIDE should be in a better position to figure out what the perimeters should be.

Next, Ms. Foehr went over one public comment on the elimination of the Athletic Coach Permit, which was in full support of the elimination of the permit and the associated fee.

Council Member Forbes asked whether the R.I. Interscholastic League requires coaches to hold a CPR certificate, to which Ms. Foehr replied that it's in state statute.

The proposed change to the Preliminary Career and Technical Certificate, currently a one-year certificate that can be renewed up to six times, received mixed feedback. What RIDE is proposing is a change to give that certificate the full length of time (7 years), rather than an annual expiration date. Public feedback was mainly on concerns around individuals not having to check in along the way, even though there is proposed language in the regulations that RIDE would be auditing districts to check where individuals are in the process of getting fully certified.

Chair McConaghy asked if there is room to make it a four-year certificate rather than a seven-year, to which Ms. Foehr answered yes.

Commissioner Wagner expressed that the reason for the longer period of time is to reduce uncertainty and give the candidates a longer period of time to get fully certified. These are hard-to-staff areas that are emerging as important for student engagement, ranging all the way to workforce preparation.

Council Member Callahan voiced that although she understands the need to extend the window to allow more time for individuals to get fully certified, she feels that there needs to be language in the regulations around having two or three checkpoints along the way to ensure that progress is being made toward certification.

Commissioner Wagner responded that RIDE doesn't typically flesh that out in the language of the regulations, but rather in the guidance to the districts.

There was also discussion around how many individuals the changes apply to (72) and at what point in the process and how often RIDE would be checking in with the districts and the individuals to ensure that progress targets are being met.

Ms. Foehr responded that RIDE has the ability to pull data when a certificate is issued. What she envisions is that at about the three-year point RIDE will start to check in with the school districts to ensure that they are also monitoring the progress and that individuals are on track. RIDE would check in again at the five- and six-year points, before they get to the very end.

Council members expressed the need to hold both the district as well as the individual accountable for progress being made.

Deputy Abbott cautioned that the certificate needs to be conditional; otherwise it will trigger due process. Someone with a conditional certificate can still be awarded tenure; however, if they lose their conditional certificate because they did not meet their targets, it would be cause for dismissal, but can still trigger due process.

6. ACTION ITEMS

Anticipating that Action Item 6a was going to require a lengthy discussion, Chair McConaghy moved Action Item 6b to the top so that the sign language interpreter could leave.

- b. Approval of the recommendation of a new Member to the R.I. School for the Deaf Board of Trustees

On a motion duly made by Amy Beretta and seconded by Colleen Callahan, it was

VOTED: That the Council on Elementary and Secondary Education approves the recommendation of Jody Merryman to the R.I. School for the Deaf Board of Trustees, as presented.

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

YEAS: Daniel McConaghy, Amy Beretta, Colleen Callahan,
Barbara Cottam, Karin Forbes, Marta Martinez,
Lawrence Purtill, and Joyce Stevos

NAYS: 0

a. Approval of the Regulations of the Council on Elementary and Secondary Education - Middle and High School Learning Environments and the R.I. Diploma System

On a motion duly made by Joyce Stevos and seconded by Karin Forbes, it was

VOTED: That the Council on Elementary and Secondary Education approves the amended Regulations of the Council on Elementary and Secondary Education - Middle and High School Learning Environments and the R.I. Diploma System, as presented

Student representative Colby Anderson, expressed that although the members of the Student Advisory Council support the proposed changes to the regulations, they do not support districts having the option of requiring a state assessment as a graduation requirement.

Council Member Beretta asked when RIDE anticipates having the Council's designations ready and in what form. She is very concerned that there will be one set of requirements for the Class of 2021, another set for the Class of 2022, and so on, and that she finds that problematic.

Commissioner Wagner responded that he anticipates that the designations could change over time as a widely recognized state assessment becomes available or as school districts start telling RIDE that we missed a fairly important pathway designation and that they would like us to add another one. The way it is structured is that it will be something that will come to the Council, but it would not rise up to the threshold of regulation or go through the regulation process. It will almost be like an appendix to fill in details of the regulations.

Council Member Beretta expressed that if it's not in regulation she is concerned that every time the complexion of the Council changes, changes will be made and students who will be graduating in 2021 are not going to know what the requirements are the day they start high school.

Commissioner Wagner responded that there is a requirement in the regulation that the expectations be set by ninth grade and that the Council would be violating its own regulations if it changed the rules for students who are in the middle of high school. In December, RIDE will bring to the Council for approval the expectations and the performance standard of what they would want for a commissioner's seal. On the pathway side, the Council will have to

approve what the framework should look like and RIDE will fill in the details through guidance. Designations are optional, which means that the Council can preapprove them and adopt them, but school districts do not have to offer the suggested pathway endorsements. Commissioner Wagner expressed that his recommendation would be that the Council not get into the nuances of best practices, as they can change year after year. It is perhaps not the policy direction that Councils typically get into, but rather the operational expertise of school districts.

Deputy Snider clarified that the most urgent piece that RIDE is working on right now is getting clarity around what is on the menu of assessments to earn a commissioner's seal and what those features are. RIDE will bring it for Council discussion in December as this coming spring it will need to inform the current eighth graders (Class of 2021) what score they need to earn in the PARCC exam in order to earn a commissioner's seal. RIDE also wants to have the flexibility as it looks at more measures to add on to the menu without having to open up the regulations every time something is added.

Commissioner Wagner suggested that, when the recommendations on the designations are brought to the Council for approval in December, if the Council sees that it's something that rises to the threshold of regulation as opposed to policy, then we can change it.

Board Chair Cottam expressed that the diploma requirements are in the regulations and that it's only the optional designations that need to be fleshed out and adopted by the Council as a policy.

Council Member Callahan voiced that she remains uncomfortable with the inclusion of local decision-making around the utilization of a statewide assessment as a local graduation requirement given the level of angst and outcry that could bubble up from the local level.

Commissioner Wagner expressed that a state agency typically sets minimal standards, which local school districts can decide to exceed. Singling out the state assessment as an exception to local school district discretion would be purely because of some of the energy around that particular decision. It doesn't strike him as a sufficient threshold to get in the way of the dozens of decisions that school districts can always make about exceeding the state minimal.

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

YEAS: Daniel McConaghy, Amy Beretta, Colleen Callahan, Barbara Cottam, Karin Forbes, Marta Martinez, Lawrence Purtill, and Joyce Stevos

NAYS: 0

c. Approval of Appeals Committee Recommendation – Student H. v. Chariho School Committee

On a motion duly made by Joyce Stevos and seconded by Karin Forbes, it was

VOTED: That the Council on Elementary and Secondary Education approves the Appeals Committee recommendation on the matter of Student H. v. Chariho School Committee, as presented.

Commissioner Wagner acknowledged that through this process it became very apparent that there are concerns with some of our legal process stages around conducting hearings, which is something that has been on his radar for the past year. RIDE is in the process of hiring a Chief Legal Counsel and cleaning up issues of processes and consistencies across our various procedures will be priority number one for the new hire.

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

YEAS: Daniel McConaghy, Amy Beretta, Colleen Callahan, Barbara Cottam, Karin Forbes, Marta Martinez, and Joyce Stevos

Abstained: Lawrence Purtill

8. ADJOURNMENT

On a motion duly made by Joyce Stevos and seconded by Colleen Callahan, 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, Amy Beretta, Colleen Callahan, Barbara Cottam, Karin Forbes, Marta Martinez, Lawrence Purtill, and Joyce Stevos

NAYS: 0

The meeting adjourned at 7:10 p.m.