



**Enclosure 2a**  
**August 21, 2018**

**MINUTES OF THE MEETING**  
**July 17, 2018**

**COUNCIL ON ELEMENTARY AND SECONDARY EDUCATION**

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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 Field, and Gaines, 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, Marta Martinez, and Lawrence Purtill

**Absent:** Gara Field  
Jo Eva Gaines  
Daniel McConaghy

**1. ACCEPTANCE OF THE AGENDA**

On a motion duly made by Lawrence Purtill and seconded by Karen Davis, it was

**VOTED:** That the Rhode Island Council on Elementary and Secondary Education accepts the agenda for 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

**2. ACCEPTANCE OF THE MINUTES**

**a. Minutes of the June 19, 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 June 19, 2018, Meeting

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

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

NAYS: 0

[Member Callahan had to recuse herself from the vote as she did not attend the June 19, 2018, Meeting]

### **3. OPEN FORUM**

Chair Cottam reported that no one signed up to speak.

### **4. REPORT OF THE COMMISSIONER**

Commissioner Wagner began his report by highlighting an announcement about the PrepareRI Ambassador Program to take place the following day and how it has leveraged the talents of our educators in the field to support career learning for students. He noted that when the program began, there were five Ambassadors, and now RIDE would be announcing twenty-two.

Commissioner Wagner then noted some leadership changes at RIDE, and that RIDE would share the new organizational chart for Council review and approval at the August meeting or a meeting shortly after:

- Christine Lopes Metcalfe moved from Chief of Staff to Chief Executive Officer for the School Building Authority
- Brian Darrow moved from Director of the Office of College and Career Readiness into the Chief of Staff role
- Lisa Foehr moved from Director of the Office of Educator Effectiveness and Certification Services to the Chief of Teaching and Learning

The Commissioner then provided an update about charter schools. First, there are no applications for new charter schools for this coming round of authorizations. There is some interest around opening new charter schools that may be ready for next year's cycle of authorizations, but nothing decided. Charette Charter, one of the charters that was approved in last year's cycle, will be opening this fall. The Wangari Maathai Community School that was approved last December will not be opening until fall 2019. The Commissioner noted a data point, that for the 2018-19 school year, 16,924 applications were received for 1,700 charter school seats, but since families may have applied to multiple schools, the number of applications received is not a unique number.

## 5. DISCUSSION ITEMS

### a. Update on the Administrative Procedures Act

Chair Cottam turned the discussion over to Commissioner Wagner for a progress update. Commissioner Wagner gave introductory remarks that the Administrative Procedures Act of

2016 was passed and the intent was to put all state agency regulations into a common format for the purpose of transparency, discoverability, searchability, etc. It had a provision that every agency had to put all of its regulations into the new format, or the regulation would “expire” or lose its full force and effect as a regulation. Therefore, any regulations RIDE wanted to continue had to be put into the new format. RIDE’s original strategy was to take the content of the regulations and put them into the new format. However, the agency found through the course of this work that there were some issues in this transfer – particularly where the new formatting did not support preambles or appendices and therefore those sections would not be able to be included, which is technically a change to the regulations themselves. This triggers a mandatory period of public disclosure and public comment, called the direct file. In addition, RIDE found that some regulations did not follow best practice in that they basically restated existing federal law, and decided to remove reference to those laws, particularly where the federal law had expired. Therefore, this change is also driven by format, and there would be certain steps to follow as well.

RIDE’s intention across this project is for no changes in policy, only changes driven by format. There are a few exceptions where the Council’s permission is needed to repeal certain things, for a variety of reasons, for example: one instance where regulations are out of date; another where a set of standards were both adopted as standards and also put into regulations, which is not typical practice; finally, an instance where the school improvement regulations for Rhode Island are anchored on and include provisions from the prior federal law (No Child Left Behind), which has since expired and been replaced by new federal law (Every Student Succeeds Act – ESSA) and our state’s ESSA plan – both of which are sufficiently different that the cleanest way to move forward would be to repeal the existing regulations and then move to endorse the state’s ESSA plan.

To support transparency during this effort, RIDE has drafted a line-by-line chart that lists every single regulation that is going through a process, with a plain language description of how that regulation is categorized, what the essence of the change is, and any follow-up activities.

Commissioner Wagner introduced Cecilia Pelkey from the Office of Regulatory Reform (ORR), and turned the presentation over to Ms. Pelkey to describe how ORR is handling the process overall and how RIDE fits into the statewide process, as well as answer any questions the Council may have. Ms. Pelkey introduced Erik Godwin, Director of ORR, and indicated that they would be available at the August Council meeting for any additional questions. Ms. Pelkey summarized the APA and the Executive Order process that was folded into the APA. Every

regulation that is not in the new code format will expire on December 31, 2018. With that process, ORR has been working with all agencies across the state to streamline their regulations, pull out statutory reiteration (copies of federal or state statute), and to make accessing the regulations a more transparent and user friendly process. The Secretary of State's Office is overseeing the creation of the online site and it will be searchable and easier for people to use. Ms. Pelkey reported that, statewide, the process is approximately 87% complete, with the goal of having all state agencies submit their regulations to ORR by the end of August to ensure sufficient time for public comment and promulgation prior to December 31.

During the discussion, Council members noted their appreciation for the line-by-line chart provided by RIDE, particularly the next steps as applicable to various regulations that may be up for revision soon (after this process is completed). In response to a question from the Council, Commissioner Wagner noted that the RIDE team is working hard and is on track to meet the August 31 deadline. Commissioner Wagner also confirmed in response to a question that the items on which the Council would vote would only be those regulations that would be repealed, as noted in the line-by-line chart, which were redundant or otherwise irrelevant due to other existing regulations or legislation. The Commissioner noted two regulations in particular that are proposed for repeal: 1) the Civics Standards - standards are endorsed by the Council (e.g., the Common Core State Standards, Next Generation Science Standards, National Core Arts Standards, Leadership Standards) not in regulations; 2) the protocol for persistently lowest achieving schools - which has been replaced by our ESSA plan.

**b. Proposed Revisions to the Regulations Governing the Certification of Educators in Rhode Island - Modifications to Red-line Version**

Commissioner Wagner introduced this discussion by noting that the presentations and discussion to date on this complex topic have been in preparation for one milestone of the

process, that is to make the revisions ready to be posted for public comment. Today's discussion will focus on the first update to the red-line version provided in April. These changes RIDE made were based on feedback from the Council and the field, and are highlighted as well as red-line. RIDE also provided a table of the substantive changes made since April.

Commissioner Wagner then turned the discussion over to Lisa Foehr, Director of the Office of Educator Effectiveness and Certification Services. Ms. Foehr provided context on the table of substantive changes, noting that, for example, every time an effective date was added, it was highlighted in the red-line document, though not all of those dates are included in the table; the

dates added are based on RIDE's assessment of development and implementation needs and capacity. Ms. Foehr also noted the change in the language referring to the residency requirement was grouped in a single row of the table because the language change appears in each certificate and therefore was repeated sixty-five times throughout the document.

Ms. Foehr then highlighted the major areas of change, according to the table document. The first change noted is the one year residency, which first occurs in the definitions section, where a slight change is made to the residency definition to align with the language change later in the regulations (one year residency or equivalent). The change would be to give the option for residencies to take place over one year or over the course of several terms in order to allow space for innovation in increasing hands-on teaching experience prior to entering the classroom for employment; this would still include the required twelve weeks of student teaching as a cluster, which could be part of a broader full year experience, or otherwise. A question arose about residency requirements if a teacher was coming from out of state. Ms. Foehr noted that if they were certified in another state, current practice (which will not change) is that if there is a reciprocity agreement with that state, Rhode Island will honor that certificate, possibly with an additional assessment if that state does not offer the same as is required in Rhode Island.

The next item is the inclusion of the principal regulations which were originally part of separate regulation that stipulated that written contracts were necessary for principals. Through the ORR process, RIDE concluded that the original language could be built into the certification regulations, starting at page 41 of the red-lined version.

A third change is clarification of the reporting of issues of potential educator misconduct in response to feedback that the language seemed overly broad; the language has been clarified to

better state RIDE's original intent and lists the types of reporting RIDE would expect to see. At a request for clarification from the Council, it was confirmed that only the ones enumerated in the document were what RIDE wanted reported. In response to a question about disclosure, Ms. Foehr stated that RIDE would not disclose this information to other employment agencies, as the behavior listed would only be that which would have an impact on their license. Depending on the nature of the incident, there may be put in place more of a corrective action in an agreement with individuals around retraining as a condition around the license. In extreme cases, there would be a recommendation for revocation of a certificate, which would then render them ineligible for employment in the state of Rhode Island. Commissioner Wagner noted that this is not a frequent occurrence, the addition of these processes is to have fair procedures in place for those exceptions when they do occur. A question was raised about how to distinguish between

the misdemeanors and consequences. What RIDE does currently, is that if RIDE becomes aware of a potential situation (e.g., felony, misdemeanor), RIDE takes an initial look at the details of the situation and whether it is a jurisdiction issue or not and whether it meets a potential concern for a license issue: if yes, it then is investigated, and no action is taken until a full investigation has taken place; if no, it may be an employment or local matter rather than a license matter. The public comment period will provide beneficial feedback about the language of this piece.

The next significant piece (starting on page 53 of the red-lined version) is the first instance where RIDE is eliminating language around the tie between certification and evaluation ratings. Essentially, RIDE has removed the existing language that had not been removed in prior versions, but that is consistent with the intent of RIDE's approach to tie certification to professional learning without the level of bureaucracy that existed in prior years. Commissioner Wagner noted that this recognizes a model shift in how professional learning, evaluation, and certification are approached, as well as noting the change in legislation that made evaluations cyclical had the consequence that the regulations became unenforceable.

Another change (page 62) is the addition of new language around the development of a local professional development plan. Commissioner Wagner noted that the change reflected feedback about the original language, which caused concerns around approval (or withholding of approval) of professional learning opportunities by the superintendent and potential consequences relating to certification. The new language is intended to help teachers meet the hour requirement and recognize existing local professional learning opportunities or plans by

framing their professional learning in the context of the local professional development plan, developed collaboratively, which sets forth how the district/LEA will approach professional development and operationalizing what approval looks like. Until the plan is in place, the superintendent would make those decisions, anchored in the regulations.

Ms. Foehr moved on to the next change which relates to two pieces (the expert residency shortages certificate and the endorsements) that are new items. An additional step was added to each to allow identification of either shortage areas (including the cultural competency certificate) or review of new endorsements, in which RIDE would go to the Council for review and approval prior to implementation. Commissioner Wagner noted that the parameters for these would therefore be hard coded in regulation, but the implementation details would be worked out and reviewed by the Council prior to their approval and subsequent implementation.

Another change was made to the bi-lingual and dual language certification and teaching English to speakers of another language certification. RIDE brought this language to a stakeholder group (e.g., EL directors, EL teachers, educator preparation programs) and asked what the certificates should look like, including differences across certificates, and received recommendations and general guidance that are reflected in the changes to this language. The groups felt that the certificates should be distinct, though there is some overlap in skill and preparation for people to work in these two areas. The changes reflect this feedback, as well as the expedited process for bi-lingual/dual language certificate holders to get English to speakers of another language certification, and vice versa. Additional language includes that pathway would be reviewed every five years and language about Council review and renewal.

Commissioner Wagner noted for the final change that RIDE has a long-standing protocol for how we address complaints RIDE receives directly about educators. That protocol was in the regulations, but upon reflection it seemed that a better place for it would be to codify the protocol and post it online, removing the language entirely from the regulations.

## **6. EXECUTIVE SESSION**

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

### **6a. Terms and Conditions of Employment By and Between the Board of Trustees of the William M. Davies, Jr., Career and Technical High School and the Recommended Director, pursuant to R.I.G.L. §42-46-5 (a)(1)**

On a motion duly made by Amy Beretta and seconded by Lawrence Purtill, it was

**VOTED:** That the Council on Elementary and Secondary Education convenes in executive session pursuant to R.I.G.L. §42-46-5(a)(1) for the reason set forth above.

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

**AND**

**6a. Renewed Employment Agreement “Terms and Conditions of Employment” By and Between the Board of Trustees of the R.I. School for the Deaf and Nancy Maguire Heath, pursuant to R.I.G.L. §42-46-5 (a)(1)**

On a motion duly made by Colleen Callahan and seconded by Karen Davis, it was

**VOTED:** That the Council on Elementary and Secondary Education convenes in executive session pursuant to R.I.G.L. §42-46-5(a)(1) for the reason set forth above.

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

Chair Cottam noted for the record that both individuals had been notified of their right to have the discussion take place in Open Session and that they have indicated no objection to proceeding in Executive Session.

All non-Council members in the audience were excused with the exception of Ken Wagner, Commissioner of Elementary and Secondary Education and Steve Osborn, Chief of Innovation.

The Council reconvened in open session at 6:45 p.m.



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

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

**VOTED:** That the Council on Elementary and Secondary Education seal the minutes of the Executive Session held on July 17, 2018

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

**7. ACTION ITEMS**

- a. Approval of Employment Agreement By and Between the Board of Trustees of the William M. Davies, Jr. Career and Technical High School and the Recommended Director, pursuant to R.I.G.L. §42-46-5 (a)(1)**

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

**VOTED:** That the Council on Elementary and Secondary Education approves the terms and conditions of employment for Adam Flynn as the New Director of the William M. Davies, Jr. Career and Technical High School, for a 3-year period commencing July 1, 2018 and terminating on July 3, 2021.

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

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

YEAS: 6

NAYS: 0

**b. Approval of the Renewed Employment Agreement By and Between the Board of Trustees of the R.I. School for the Deaf and Director Maguire Heath, pursuant to R.I.G.L. §42-46-5 (a)(1)**

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

**VOTED:** That the Council on Elementary and Secondary Education approves the Renewed Employment Agreement By and Between the Board of Trustees of the R.I. School for the Deaf and Nancy Maguire Heath, for a 4-year period commencing July 1, 2018 and terminating June 30, 2022, with the option to renew for one additional year, until June 30, 2023.

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

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

**YEAS:** 6

**NAYS:** 0

**c. Approval of the Fiscal Year 2020 Capital Budget**

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

**VOTED:** That the Council on Elementary and Secondary Education formally approves the Fiscal Year 2020 Capital Budget, as presented.

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

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

**YEAS:** 6

NAYS: 0

**8. ADJOURNMENT: Meeting adjourned at 7:02 p.m.**

On a motion duly made by Colleen Callahan and seconded by Marta Martinez, it was

**VOTED:** That the Council on Elementary and Secondary Education adjourns.

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

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

YEAS: 8

NAYS: 0