



MINUTES OF THE WORK SESSION
Council on Elementary and Secondary Education
September 22, 2014

COUNCIL ON ELEMENTARY AND SECONDARY EDUCATION

The Council on Elementary and Secondary Education work session was held on Monday, September 22, 2014 at the Rhode Island Department of Education, Room 501, 255 Westminster Street, Providence, RI.

Chair Guida welcomed everyone to the work session of the Council on Elementary and Secondary Education, declared a quorum present, noted for the record that Council Members Lawrence Purtill and Mathies Santos would not be joining the meeting, and called the meeting to order at 5:05 p.m.

Present: Patrick Guida, Amy Beretta, Colleen Callahan, Karin Forbes, Jo Eva Gaines, Eva-Marie Mancuso, and Joyce Stevos

Absent: Mathies Santos and Lawrence Purtill

1. ACCEPTANCE OF THE AGENDA

On a motion duly made by Eva-Marie Mancuso and seconded by Jo Eva Gaines, it was

VOTED: That the Rhode Island Board of Education accepts the agenda for the work session of September 22, 2014.

Vote: 5 members voted in the affirmative and 1 members voted in the negative as follows:

YEAS: Patrick Guida, Amy Beretta, Jo Eva Gaines, Eva-Marie Mancuso, and Joyce Stevos

NAYS: Karin Forbes

[Member Callahan arrives]

2. DISCUSSION ITEMS

Encl2a - Appeals Committee Recommendation

Chair Guida introduced the matter of Student G. Doe v. Cumberland School District, which the Council, at its September 8th meeting, voted unanimously to table the matter as they needed additional time to review the entire file, including the briefs.

He next introduced Joe Rodio, Jr., Counsel to the Board of Education, who joined the meeting to walk the Council through the case and answer questions. Chair Guida reminded Council members that they are focused at this stage of proceedings on whether to affirm the Commissioner's decision and not on the policy issue of whether they should specifically acknowledge and include a summer learning program as a core element of public education in Rhode Island.

Counsel Rodio began by stating that the Council has a standard to review whether decisions of the Commissioner are patently discriminatory, arbitrary or unfair. That is quite a bit more than just deciding if something is unfair from a policy perspective as the Council does not review questions of fact, but reviews questions of law and has to determine that they are patently discriminatory, arbitrary or unfair. In the Commissioner's decision in addressing the questions of law, the Commissioner noted that there was no law or regulation cited by the petitioner in this case that mandates that local education agencies both create summer classes and hold them, or whether they can mandate that a student attend those summer courses.

In the arguments to the Council, it appears the reliance of a law that would prevent the local education agency from charging for summer school courses, would be the revocation of an 1868 statute that at the time that it existed would have allowed local education agencies to charge for access to public school. The argument is that the revocation of that statute creates a new statute that prevents local education agencies from charging for anything related to public education.

He went on to say that in addition to the materials filed, he had done independent research to look at other areas around the country that may have addressed the same question. Although there are not binding on this Council, there were two cases of note that reviewed whether there were U.S. constitutional problems with this, and in both cases there weren't any constitutional problem to have a public school charge for summer school courses.

Member Beretta questioned whether the Cumberland School District followed the provision in the current BEP where districts have to establish alternative intervention programs for students not meeting academic standards and to communicate with families of those students at risk of not being promoted, prior to the end of the school year.

Counsel Rodio answered that it was not a matter of dispute in the briefs, but that it was argued by the Appeals Committee.

Member Callahan expressed that if students are offered enrichment and remedial supports free of charge, than summer classes, in her opinion, should fall under the remedial category. She also asked if the Department knew where districts are across the state in terms of who charges and who doesn't as she worries about the financial burden that is placed on parents whose children need the extra support to meet academic requirements.

Board Chair Mancuso voiced her concern with the fact that in this particular case it looked more like a social promotion as the student, who was not able to pass most of his classes during the regular school year, would now be able to retake his entire school year in a short period of time in the summer and have it mean something.

Member Gaines expressed that summer school programs need to remain self-sustained on a tuition basis as they are not part of the 180-day school year, and as such, the Department cannot mandate that a district sponsor summer school.

Member Forbes voiced that although she agrees that maybe a policy change needs to occur, what the Council is charged with and needs to make a decision on in this particular case is whether or not it is legal for districts to charge for summer school.

Encl2b - Budget Briefing

Commissioner Gist stated that this is the final planned work session presentation before the Council members will be asked to approve the FY 2015 revised and FY 2016 budgets at their October 14th meeting with a recommendation for full Board approval at their December 1st quarterly meeting.

She went on to explain the three major elements of this year's budget submission: A revised FY 2015 Budget, reflecting any minor refinements that might be required since the budget was passed in June; a current service level FY 2016 budget, which describes the projected costs of continuing to provide services and activities at approximately the same level seen in previous years; and a constrained FY 2016 budget, which covers the state budget office target of a 7.5% reduction in designated areas.

She also announced that she is excited that R.I. is submitting a federal proposal for a PK expansion grant that is due in October. This grant does not come with any funding dedicated to staffing and if R.I. is fortunate enough to receive the grant award she is concerned that RIDE will not be able to effectively manage the grant well without any additional support.

Next, Andrea Castaneda, Chief of Fiscal Integrity and Efficiencies and Mark Dunhum, Finance Director, walked Council Members through a presentation on the FY 2015 revised budget and the FY 2016 Current Service Level budget submission and answered questions.

Encl2c - Charter Public Schools

Next Stephen Osborn, Chief of Accelerating School Performance, joined Commissioner Gist at the table to present and answer questions on the charter school requests that the Council will be asked to vote at its October 14th meeting.

Commissioner Gist began by explaining that at this meeting the Council will be briefed on one of five new charter public school proposals that RIDE received and reviewed as well as three amendment requests from existing charter schools. All five new proposals underwent an extensive committee review and were posted publicly for public review and comment.

Of the five proposals reviewed, only one, the RISE Mayoral Academy, was determined to have met all the requirements of the rigorous review process. RISE's mission is to provide students with a structured learning environment, rigorous academic curriculum, and character education, an education model developed in partnership with Building Excellent Schools (BES), a nationally renowned school leader residency program, informed by the practices of several high-performing college preparatory charter schools. Of the seventy-three (73) public comment submissions received on the RISE Academy proposal, fifty (68%) were in support and twenty-three (32%) were opposed.

Commissioner Gist reminded the Council that preliminary approval does not give the school the authority to open. It acknowledges that the school has met all of the statutory, regulatory and quality requirements of a new proposal. Over the next few months they will have to meet a set of readiness criteria, which once met, the Council will discuss and vote again on final approval.

Member Callahan requested that RIDE provide the Council with the summary of feedback from public comment as well as a copy of the resolutions submitted by the town councils and school committees. She voiced that she is concerned about the fact that local bodies have passed resolutions in opposition to the RISE Mayoral Academy. She also cautioned the Council to keep local concerns in mind when making decisions about charter public schools.

Board Chair Mancuso shared that although she was not a big fan of charter schools in the beginning, she has now seen the success over a period of time and she welcomes this group to the state and to the conversation. She further added that she is not surprised that those who are entrenched in local governments see this as a threat and that she welcomes the disruption.

Next Commissioner Gist gave an overview on the three charter public schools seeking amendments to either increase enrollment, expand the communities from which they draw from, or reconfigure grade spans. When reviewing amendment requests, RIDE looks at the school's track record of sustained high performance, whether there is sufficient demand for the school, and if the school has developed a viable operational plan.

The first school on the agenda is the Blackstone Academy Charter High School. The high school currently serves 185 students from Central Falls and Pawtucket and is only one of six schools in the state to receive a classification of "commended" for the last three years. Blackstone's amendment request is to expand its enrolling communities to include Providence and to increase the school's enrollment to an end total of 350 students. RIDE has reviewed the amendment request and recommends it to the Council for approval.

The second school on the agenda is Kingston Hill Academy, a charter elementary school classified as a "leading school," serves students statewide. The school is authorized to enroll 80 students in middle school grades, which they currently do not serve. The amendment request is to give them the flexibility to shift the 80 dedicated seats authorized for middle school enrollment to the elementary grades. Commissioner Gist shared that although this school has a statewide catchment area; it tends to draw students from North Kingstown, South Kingstown and Chariho. Chair Guida shared with the Council letters from the superintendents of Chariho and North Kingstown voicing their opposition to Kingston Hill's amendment request.

Member Forbes recalled that Chariho has had some other concerns about Kingston Hill Academy. Commissioner Gist explained that there has been some legal involvement with Chariho and Kingston Hill Academy that came to the Commissioner and the Board of Regents on concerns with the services that the Kingston Hill Academy was providing students with special needs. She went on to say that she has recently appointed her Deputy Commissioner, David Abbott, as a "special visitor" to further look into the matter.

Deputy Commissioner Abbott gave some background on the 2008/2009 school year legal case brought on by Kingston Hill because Chariho refused to pay tuition for its students attending the school. The case went up to the Supreme Court, which affirmed the Regents' decision to obligate Chariho to pay. One of their arguments, which they said was an affirmative defense, but which the Court said was a counter claim, was this concept that both Kingston Hill and the Compass Charter Public Schools were denying access to students with IEPs if the schools felt that they could not provide services. As a "special visitor," Deputy Abbott is going to take a fresh look at everything and get to the bottom of it.

The third school on the agenda is the Segue Institute for Learning, which operates a middle school serving 230 Central Falls students in grades 6-8. Segue is requesting to open an elementary school serving 425 students in grades K-5 and to also add Woonsocket as an enrolling community. Commissioner Gist explained that she does not typically bring the

Council schools that she is not recommending for approval, but at the school's request, she is making an exception. She went on to acknowledge that Segue has experienced some academic progress this past year and that they have also made some important positive organizational adjustments that were part of the conditions that were placed on their last charter renewal. Segue is currently classified as a "focus" school, which means that they are among the lowest performing schools in the state. The school was classified as a "focus" school in 2013 and as a "warning" school in 2012. She cannot recommend an expansion of a school that does not have a clear track record of performance with its students. She believes that Segue needs to continue focusing on the 230 students that are in their middle school right now, and she has complete confidence that she will in the near future come back to the Council with an enthusiastic recommendation for any kind of amendment for the school.

3. EXECUTIVE SESSION

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

3a. Commissioner Gist's performance review, pursuant to R.I.G.L. §42-46-5(a)(1)

Chair Guida noted for the record that Commissioner Gist had been notified of her right to have the discussion in item 3a held in open session and that she has indicated no objection to proceeding 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 convenes in executive session pursuant to R.I.G.L. §42-46-5(a)(1) for the reason set forth above.

After a short break, the Board convened in executive session at 6:40 p.m.

All non-Council members in the audience were excused with the exception of Deborah Gist, Commissioner of Elementary and Secondary Education.

The Council reconvened in open session at 8:00 p.m.

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

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

VOTED: That the RI Board of Education seals the minutes of the executive session held on September 22, 2014

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

YEAS: Patrick Guida, Colleen Callahan, Karin Forbes, Jo Eva Gaines, Eva-Marie Mancuso, and Joyce Stevos

NAYS: 0

[Member Beretta had departed by this time]

4. ADJOURNMENT

On a motion duly made by Eva-Marie Mancuso and seconded by Jo Eva Gaines, 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:

YEAS: Patrick Guida, Colleen Callahan, Karin Forbes, Jo Eva Gaines, Eva-Marie Mancuso and Joyce Stevos

NAYS: 0

The meeting adjourned at 8:15 p.m.