

Rhode Island Board of Regents for Elementary & Secondary Education
Minutes of June 4, 2009

A Meeting of the Rhode Island Board of Regents for Elementary and Secondary Education was held at the Shepard Building - 255 Westminster Street, Providence, RI 02903 & convened at 4:05 p.m.

In Attendance:

R. Flanders, P. Guida, C. Callahan, A. Davis, A. Cano-Morales, K. Forbes, B. Shimberg, A. Beretta and F. Caprio

Public Remarks

Steve Nardelli, Executive Director of the Rhode Island League of Charter Schools, spoke to the Regents on behalf of the Charter schools. He thanked Regent Davis for his hard work on behalf of Charter Schools and congratulated Commissioner McWalters on his retirement.

Tim Duffy, Executive Director of the Rhode Island Association of School Committees, congratulated Commissioner McWalters and commended him on all his accomplishments, especially the implementation of the Uniform Chart of Accounts.

Representative Steven Smith thanked Commissioner McWalters for his dedication to education and always doing what was in the best interest of children, often taking "the road less traveled". He spoke to the group about the Commissioner's Providence Order, explaining that he is not against changing teacher placements based on student need, however would have liked to see the union as a "partner". Mr. Smith also spoke to the group about charter schools as a separate entity – versus the charters being part of a "system of schools". Representative Smith also urged the Regents to add more specific teacher student ratio language in the BEP. He expressed his concern that without that language, Providence would cut programs.

Jeremy Chiappetta, Democracy Prep-Blackstone Valley (Mayoral Academy), thanked the Board for moving the Mayoral Academy along in the approval process.

Chairman Remarks

Chairman Flanders welcomed Deborah Gist to Rhode Island and the Department of Education. He then congratulated Commissioner McWalters on his seventeen plus years of service to Rhode Island's children and presented him with a plaque naming the Board of Regents conference room, the Peter McWalters Conference Room.

[Chairman Flanders requested that the order of the agenda be changed to allow the Board to recess into Executive Session and to consider item # 10 (Approval of Lease Transaction for the Rhode Island School for the Deaf) immediately following the executive session. There were no objections.]

Executive Session

As per R.I.G.L. 42-46-5(1), the meeting adjourned at 4:25 p.m. for Executive Session.

(The meeting reconvened to open session at 4:50 p.m.)

Chairman Flanders asked Vice Chairman, Patrick Guida to report out on the business conducted at the executive session. Mr. Guida reported that during executive session, the members of the Board had unanimously voted to authorize Chairman Flanders and Regent Betsy Shimberg to represent the Board of Regents in closing out Commissioner McWalters' contract.

Approval of BOR Lease Transaction for the Rhode Island School for the Deaf

Chairman Flanders recused himself from all discussion and vote on this agenda item. Vice Chairman Guida presented the item for consideration by the Board. Jeff Grybowski of Hinckley Allen Snyder introduced Maureen Gurghigian of First Southwest Company and Arnold Lisnoff from the Department of Administration and presented the resolution approving the Lease and Sublease to be executed in connection with the State of Rhode Island and Providence Plantations Lease Participation Certificates (School for the Deaf Project – 2009 Series C) for consideration. Mr. Grybowski explained to the members of the Board that last year the General Assembly had approved \$33 million in bonds for constructing the new School for the Deaf. The plans for the school have been worked on by the Department of Administration and now must be approved by the Board of Regents which, by state law, has oversight over the school.

MOVED AND SECONDED: THAT the Rhode Island Board of Regents for Elementary and Secondary Education Approve the Lease Transaction for the Rhode Island School for the Deaf, as presented.

VOTE: Approved unanimously.

Approval of Minutes

Chairman Flanders presented the minutes of the May 13, 2009 meeting for approval.

MOVED AND SECONDED: THAT the Rhode Island Board of Regents for Elementary and Secondary Education Approves the Minutes of the May 13, 2009 meeting.

VOTE: Approved unanimously.

Approval of Appeals

Regent and Chair of the Board of Regents Appeals Committee, Amy Beretta read each decision and the Board voted, as follows:

Student M. Doe v. Cranston School Committee

MOVED AND SECONDED: THAT, in the matter of Student M. Doe v. Cranston School Committee, the Rhode Island Board of Regents for Elementary and Secondary Education recommends that the appeal be dismissed as moot but notes that a student other than Student M. Doe, who was involved in the matter, was not afforded procedural due process to challenge assertions describing his actions. Therefore, if the case were not moot the committee would have recommended remanding the matter to the Commissioner.

VOTE: Approved Unanimously.

Beacon Charter School v. C.P. Doe

MOVED AND SECONDED: THAT, in the matter of Beacon Charter School v. C.P. Doe, the Rhode Island Board of Regents for Elementary and Secondary Education recommends that this appeal be dismissed for failure to proceed in perfecting the appeal in a timely matter in accordance with the Board of Regents' Rules Governing Appeals.

VOTE: Approved Unanimously.

Foster/Glocester School District v. Town of Glocester

MOVED AND SECONDED: THAT, in the matter of Foster/Glocester School District v. Town of Glocester, the Rhode Island Board of Regents for Elementary and Secondary Education recommends that this appeal be dismissed for failure to proceed in perfecting the appeal in a timely matter in accordance with the Board of Regents' Rules Governing Appeals.

VOTE: Approved Unanimously.

Paygai v. RIDE

MOVED AND SECONDED: THAT, in the matter of Paygai v. RIDE, the Rhode Island Board of Regents for Elementary and Secondary Education recommends that this appeal be dismissed for failure to proceed in perfecting the appeal in a timely matter in accordance with the Board of Regents' Rules Governing Appeals.

VOTE: Approved Unanimously.

Approval of Paul Cuffee Charter School Amendment

Angus Davis, Chairman of the State and Charter Schools Committee, reviewed the Paul Cuffee proposed amendment to increase its maximum total enrollment from its current level of 624 students to an increased maximum total enrollment of 774 students. The Cuffee school is currently authorized to operate a K-12 charter school, however, due to previous class size expansions in the lower grades, the school does not have sufficient space under its current enrollment cap to accommodate a full high school program. The requested enrollment increase would allow the school to expand into grades 9-12 by accommodating 72 students for each grade. The school's expansion into the high school grades would allow for its current students in grades K-8 to remain in the school through their high school years.

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approves the Amendment to the Charter of the Paul Cuffee Charter School, as attached.

VOTE: Approved Unanimously.

Approval of Authorizing the Democracy Prep-Blackstone Valley (Mayoral Academy) to Begin Operation in the 2009-10 School Year

On behalf of the Board of Regents State and Charter Schools Committee, Regent Davis presented the recommendation to approve final authorization of the charter for Democracy Prep-Blackstone Valley to begin operation in Cumberland beginning in the 2009-2010 school year. Mr. Davis gave a brief overview of the review/approval process (as per the RIDE charter application review process).

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approves Authorizing the Democracy Prep-Blackstone Valley (Mayoral Academy) to Begin Operation in the 2009-10 School Year.

VOTE: Approved 8 – 1 [Regent Callahan voted against the motion]

Approval of Authorizing the Segue Institute for Learning Center to Begin Operation in the 2009-10 School Year

On behalf of the Board of Regents State and Charter Schools Committee, Regent Davis presented the recommendation to approve final authorization of the charter for the Segue Institute for Learning Center to begin operation in Central Falls in the 2009-10 school year. The charter application was submitted in January 2007 and has been reviewed by RIDE in accordance with the charter application review process.

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approves Authorizing the Segue Institute for Learning Center to Begin Operation in the 2009-10 School Year.

VOTE: Approved 8 – 1 [Regent Callahan voted against the motion]

Preliminary Approval for further planning and development to the Trinity Academy for the Performing Arts Charter School towards a 2010-11 Opening, contingent upon final approval by the Board of Regents.

Regent Davis presented, for Board consideration a recommendation to grant preliminary approval to the Trinity Academy for the Performing Arts charter school project. Mr. Davis reminded the group that preliminary approval is an endorsement of the conceptual design of the school and does not imply a readiness to begin operation. Further planning and development is necessary to demonstrate project readiness, which is necessary in order to receive final approval by the Board of Regents towards a projected opening in the 2010-11 school year.

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approves the Preliminary Planning and Development to the Trinity Academy for the Performing Arts Charter School towards a 2010-11 Opening, Contingent upon final approval by the Board of Regents.

VOTE: Approved Unanimously.

(Betsy Shimberg left the meeting at 5:15 p.m.)

Preliminary Approval for further planning and development to the Greene Charter School towards a 2010-11 Opening, contingent upon final approval by the Board of Regents.

Regent Davis presented the agenda item for consideration. The charter application for the Greene Charter School was submitted in December, 2007 and has been reviewed by RIDE according to the charter application review process and would be contingent upon final approval by the Board of Regents.

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approves the Preliminary Planning and Development to the Greene Charter School towards a 2010-11 Opening, Contingent upon final approval by the Board of Regents.

VOTE: Approved Unanimously.

Approval of State Criteria for Specific Learning Disabilities

Kevin Nerney and Phyllis Lynch, from the RIDE Office of Diverse Learners presented the agenda item for consideration. They reminded the Board that they had voted on December 19, 2007 to promulgate special education regulations. As part of these regulations, the Rhode Island Department of Education was charged with establishing state criteria for Specific Learning Disabilities. Department of Education staff, along with shareholder representation, including parents, teachers, administrators, and higher education faculty reviewed all applicable law, a variety of states criteria, and other research on best practices to develop the state criteria for specific learning disabilities, as presented. These regulations not only meet the requirements of the regulations, but dove tails with the BEP Chapter 14.

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approves the State Criteria for Specific Learning Disabilities, as attached.

VOTE: Approved Unanimously.

Approval of Basic Education Program (BEP) Regulations

As Chair of the Board of Regents Programs/School Improvement Committee, Regent Patrick Guida gave the Board an historical overview of the work on the Basic Education Program (BEP) Regulations. Mr. Guida told the members of the Board that, aside from reducing the document from 300 to 40 pages, the role of the Regents in establishing a statewide system is more forceful. The new BEP is a standards based document that establishes standards for the system that don't exist anywhere else. It is the "hub" that connects all other regulations and it shares a framework with the Uniform Chart of Accounts, the Data Warehouse, School Improvement Plans, and District Strategic Plans. The new BEP contains only four chapters – chapter 12 concerns leadership, as well as the overall structure of the system; chapter 13 – Curriculum,

Instruction, and Assessment; Chapter 14 – Safe, Healthy and Supportive Learning Environments; and Chapter 15 – all other systems, including management responsibilities. Mr. Guida then gave the group an overview of the chapters and document changes and the work still to be done. The group talked specifically about changes to the section on Library and Media and agreed to re-visit the national standards; Dance, Music, Theater and Visual Arts & Design – additional language addressing a “fourth Element” – aesthetic judgment and a reference to classes in at least visual arts and design and music; the deletion of the reference in the science curriculum to “40% hands”; additional wording to be added to the glossary; and changes to language to clarify meaning. Department staff recorded specific changes to all sections.

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approves the Basic Education Program (BEP) Regulations for Promulgation, effective July 1, 2010 and repeals the current version last promulgated in 1989, as per the Recommendation of the Board of Regents Programs/School Improvement Committee, contingent upon the completion of a factual report study and performance indicators.

VOTE: Approved Unanimously.

Budget Update/ARRA Update

No new budget update – the department is continuing to monitor what is going on – the retirement package and health care plan and there are a couple of funding formula bills on the table for discussion.

Legislative Update

No separate legislative report.

Committee Reports

There were no Committee Reports.

Commissioner’s Report

Commissioner McWalters spoke to the group about the School Classifications - 81% of the schools hit their targets this year. The strategy to raise the bar every three years and to focus on the urban areas to close the gaps has proved to be a good strategy.

The Commissioner also spoke to the Regents about the Providence and Central Falls orders, written to focus on student need and teacher assignment. He emphasized his “exit” goals – the passage of the BEP, educator quality, school improvement strategies, and clarify PS&I.

Adjournment

With unanimous consent, the meeting adjourned at 6:15 p.m.