

BOARD OF REGENTS FOR ELEMENTARY AND SECONDARY
EDUCATION

Thursday, June 3, 2010 MINUTES

Paul Cuffee Charter School
459 Promenade Street
Providence, RI 02908
Thursday, June 3, 2010 4:00 p.m.

Attending: R. Flanders, K. Forbes, B. Shimberg, P. Guida, F. Caprio, C. Callahan, A. Beretta, A. Davis, A. Cano Morales [arrived at 7:45 p.m.]

The meeting convened at 4:10 p.m.

Chairman Flanders requested that the order of the agenda be changed to allow the consideration of the Approval of School Construction Projects to be considered at the top of the agenda. There were no objections.

Commissioner Gist reminded the Regents that they are responsible for reviewing and certifying the Necessity of School Construction projects for district-owned schools reimbursed through Housing Aid and that at this meeting the Regents are being asked to approve three projects - North Smithfield, Newport, and East Providence. She told them that, at the Regents' May 20 work session, each of the projects was reviewed and that all of the detail on the projects was e-mailed to the Regents last week. All projects have undergone rigorous review under the multistage school-construction approval process and all are in compliance with the school-construction regulations. Additionally, as per the Board's request, whenever possible, local vendors should be hired to perform school construction work. The Department has amended the Memorandum of Agreement between the district and the Department to include special contingency language stating that Rhode Island-based vendors should be utilized. The Commissioner also told the members of the Board that, also as per the Board's request, the interest for these projects is now displayed on the attached updates to reflect the total project costs. The first project - North Smithfield - includes district wide capital improvements at a total cost of \$3.6M. The second project includes district wide capital improvements not to exceed a cost of \$27.1M for the East Providence School District. And the last project is for the construction of a new elementary school not to exceed a cost of \$30M for the Newport School District.

Approval of School Construction - North Smithfield

MOVED AND SECONDED: THAT, the Board of Regents for Elementary and Secondary Education Approves the Necessity of School Construction Projects for the North Smithfield School District Totaling \$3,434,821, as Presented.

VOTE: Approved Unanimously.

Approval of School Construction - Newport

MOVED AND SECONDED: THAT, the Board of Regents for Elementary and Secondary Education Approves the Necessity of School Construction Projects for the Newport School District Totaling \$30,000,000, as Presented.

VOTE: Approved Unanimously.

Approval of School Construction - East Providence

MOVED AND SECONDED: THAT, the Board of Regents for Elementary and Secondary Education Approves the Necessity of School Construction Projects for the East Providence School District Totaling \$26,327,767, as Presented.

VOTE: Approved Unanimously.

Commissioner's Report

Common Core - Commissioner Gist told the members of the Board that the Common Core will be presented to them at their June 17 work session, with a vote to endorse to be scheduled on July 1. Materials will be mailed out to the Regents sometime next week.

Central Falls Building Update - The Commissioner called on RIDE staff members Carolyn Dias and Joe DaSilva to update the Board on the progress of the Central Falls building projects.

Rhode Island School for the Deaf - The Commissioner reported that in October 2009 the Board of Regents passed a resolution to exercise its authority related to the supervision, administration, and control of the School for the Deaf and its operation by assigning the direct supervision of the current school Director and assistants to the Director of the RIDE Office for Diverse Learners. Additionally, the Board of Regents resolved to appoint, by December 1, 2009, a properly constituted nine-member Board of Trustees. She told the members of the Board that she will be bringing a recommendation to them at their July 1 meeting to return full authority of the school, including the supervision and evaluation of the Director, to the Rhode Island School for the Deaf Board of Trustees. She reported that the Board of Trustees, at the direction of the Commissioner, has participated in a series of four (4) three (3)-hour training sessions and an initial work session with guidance from their trainers/mentors. The trustees have demonstrated a commitment to operating as a professional governance board in concert with the requirements of the Open Meetings act; they discuss mutual needs and expectations as board members; they were provided supportive background material to support board functioning, and they are preparing to explore and select a director-evaluation protocol based on RIDE leadership standards. Additionally, the trustees emerged from their training series with a work plan that appears appropriate. They have requested a commitment from

RIDE to co-facilitate a one-day strategic-planning session this summer to coalesce the trustees, school administration, partners, and stakeholders around a strategic agenda. They have been invited to notify the Director of Student, Community, and Academic Supports of any future needs for continued support or training. The Board of Trustees appears to be poised to operate independently of RIDE at this time; however, it is recommended that RIDE and the Board of Trustees participate in two facilitated "check-in" sessions during the period of July 1, 2010, through June 30, 2011. It is also recommended that RIDE periodically meet with the RISDeaf administrative team.

The Commissioner also reported that the Board of Trustees has been successfully reconstituted to seven members. Recruitment for the remaining two seats is ongoing, and the names of the last two nominees should come to the Regents for approval by July 1.

ACEES Update - The first ACEES meeting will be held on June 21.

The Commissioner asked Carolyn Dias to report to the Board on the budget and funding formula. Ms. Dias reported as follows:

Budget Update

- The House passed the FY 2010 Revised and FY 2011 Budgets, and the full House will be voting on them. The budget is expected to pass in the Senate without any substantial changes.
- The FY 2010 Revised Budget includes two changes to the Governor's recommended budget for the Department and state schools:
 1. First, the House Finance Committee reduced the Department and state schools by an additional \$300,000 from the Governor's recommended level, due to anticipated turnover savings.
 2. The second change is related to the telecommunications program. The Governor's budget included a change in the fee structure for the telecommunications program that would have increased revenues to support the state match for the federal E-Rate program. House Finance did not accept the changes to the fees and added back \$300,000 for the telecommunications program.
- The FY 2010 revised budget includes the 3% across-the-board reduction, or \$19M less, of state revenues than was proposed by the Governor. However, House Finance adjusts the Governor's budget for education by adding back \$12.6M of the pension reduction to reflect a better estimate of actual savings. An additional \$7.0M of aid is further reduced and replaced by an equivalent amount from the FY 2011 stabilization allocation to FY 2010.
- For Fiscal Year 2011, House Finance reduces the FTE authorization for the Department and state schools by 1 each, for a total of 3 FTEs fewer than the Governor's budget.
- The Committee does add \$250,000 in FY 2011 to provide physics textbooks and lab equipment for the five high schools participating in the Physics First program.
- The only federal change worth noting is related to the Race to the Top grant application. The Race to the Top funding (\$35M) and the FTEs (15) were

removed, but the Department has received assurances that the appropriation and the FTEs would be added back when we get the award.

- Overall, FY 2011 education aid for districts and charter public schools was reduced by \$9.5M when compared with the FY 2010 enacted budget, or \$19.3M less than the Governor's recommended reduction. The House Finance Committee included the 3.8%, or \$26.4M, reduction recommended by the Governor but added back \$13.2M of the pension reduction to reflect a better estimate of actual savings. In addition, the \$7.0M of general revenues due to the shift of stabilization funds to FY 2010 was also added back. House Finance includes a \$1.5M savings in charter aid based on most-recent enrollment changes and formula adjustments.
- The adequate minimum budget statute, which requires communities to maintain their local fund contribution for education at 100% of the previous year's level, was amended to reduce the required local contribution for FY 2010 and FY 2011 to a 95% level. Districts are now at risk of losing local appropriations at a time when state funds are being reduced.

Funding Formula Update

- The House Finance Committee has scheduled a funding-formula hearing to hear House Bill #8094. This legislation is sponsored by House Finance Chairman Costantino and reflects the Regents' approved methodology. The Commissioner is hopeful it will be approved by the Committee and be moved to a full vote in the House next week. RIDE has not received an update from the Senate, but we know that there are ongoing discussions, as they recently requested information related to transportation costs.

Public Remarks

Becky Coustan, Principal of the Cuffee High School welcomed the Regents to Cuffee and thanked them for their support of the newly formed high school.

72 people addressed the Board on the issue of agenda item #12 - Approval of a One-Year Renewal of the Highlander Charter School. Those who spoke talked about all of the positive things that were happening at Highlander and urged the Regents to approve a five-year renewal of the charter. A complete list of those who spoke is attached.

Additionally, the following people spoke against agenda item #14 - Approval of Proposed Changes to Certification. They urged the Regents to allow those teachers who had already finished the work on their IPlans or were nearly finished to be given their five-year certification.

Mark Maziarz

Kathleen Torregrossa

Heather Neal

Larry Purtill - referred the members of the Board to the recommendations from the R.I. Certification Advisory Board.

Michael Parta spoke in favor of the Regents' approval of the RI Nurses Institute Middle College Charter School.

Jeremy Giappetta spoke in support of the expansion of the Democracy Prep Blackstone Valley Academy charter school.

Approval of Minutes of the Board of Regents Meeting of May 6, 2010, and Minutes of the Board of Regents Work Session of May 20, 2010.

MOVED AND SECONDED: THAT; the Rhode Island Board of Regents for Elementary and Secondary Education Approve the Minutes of the Board of Regents Meeting of May 6, 2010, and Minutes of the Board of Regents Work Session of May 20, 2010.

VOTE: Approved Unanimously.

Chairman Flanders requested that the order of the agenda be changed to allow the Board to consider agenda item number 12 - the Approval of a One-Year Renewal of the Highlander Charter School -- at this time. There were no objections.

Approval of a One-Year Renewal of the Highlander Charter School

Commissioner Gist told the Board that although she doesn't have any additional information to present, she does want to be available to answer any new or lingering questions that the Board may have. She emphasized that she maintains the position that the Highlander Charter School should be given a one-year renewal. She reminded the group that she is not recommending a revocation of the Highlander charter nor ruling out the possibility of its long-term success. Her recommendation includes the establishment of a performance-management plan that would include benchmarks for the 2010-11 and 2011-12 years. In January 2011, RIDE staff will review Highlander's progress toward those benchmarks and the Regents will have an opportunity to consider an extension of its charter renewal at that time. Highlander has been emphatic that its instructional and curricular initiatives are resulting in real, meaningful, and substantial improvement in student achievement, and school advocates hope that this growth is clearly evident in the 2010-11 academic year. A performance management agreement will enable an informed and transparent consideration of Highlander's performance in January 2011, and it is central to the Commissioner's recommendation. Ms. Gist emphasized that this recommendation is reasonable yet ambitious, fair yet reflective of high standards for charter public schools. She is, therefore, recommending that Highlander's performance-management agreement be designed in consultation with the school and include two years of performance benchmarks, moving it toward the level of transparency and clarity that all charter public schools in Rhode Island need and deserve. Regents expressed their concerns about the Commissioner's recommendation for a one-year renewal. They talked about the lack of a performance agreement being in place and that the school has met its AYP targets. They also talked about the setting of a "double standard" - one for charters and one for traditional public schools, about the collateral damage to the community if Highlander should close, and about the need to consider more than test scores when evaluating a school's performance. Members of the Board were emphatic about "doing the right thing" for Highlander students. Some of the Regents talked about the possibility of approving a five-year reauthorization, but others expressed a preference to schedule a discussion for

another work session, which would include representatives from the Highlander administration.

MOVED AND SECONDED: THAT, the Board of Regents for Elementary and Secondary Education Continue the Matter to the Next Board of Regents Work Session and Invite Highlander Administration to speak with them at that meeting.

VOTE: Approved Unanimously.

[Regent Shimberg left the meeting at 7:00 p.m.]

[Regent Caprio left the meeting at 7:15 p.m.]

Approval of Property Transfer Chariho Career & Technical Center

Commissioner Gist explained that this agenda item asks for Board consideration on transferring one of six remaining state-owned Career-Technical Area Centers. She reminded the group that the Chariho Career and Technical Area Center is state-owned but locally operated. The Department is pursuing the transfer of all remaining career and technical centers from state to local ownership. Funding for the continued renovation of these facilities would thereafter be provided by both local resources and the standard School Housing Aid program. This transfer process was recently completed in Providence and is currently being negotiated in East Providence and Newport. The Board is being asked to approve the property transfer of the Chariho Career-Technical Area Center to the Chariho Regional School District, provided that the allocation of the funds is available in the capital budget.

MOVED AND SECONDED: THAT, the Board of Regents for Elementary and Secondary Education Approves the Property Transfer Agreement for the Chariho Career & Technical Center, as attached, Provided the Allocation of the Funds are Available in the Approved Capital Budget.

VOTE: Approved Unanimously.

Chairman Flanders requested that the order of the agenda be changed to allow agenda item #14 - Approval of Proposed Changes to Certification - to be considered at this time. There were no objections.

[Regent Cano-Morales arrived at the meeting at 7:45 p.m.]

Approval of Proposed Changes to Certification

Commissioner Gist explained that this agenda item is to change certification requirements to terminate the current I-Plan process and promulgate a one-year professional transitional certificate. The professional transitional certificate will allow for the development and promulgation of a new recertification system that is aligned to the Department's Strategic Plan. The recommendation is to:

- Eliminate the I-Plan renewal process for recertification beginning with educators due to renew certificates from September 1, 2010, forward. These educators will enter the transitional one-year recertification cycle.

- Educators who are due to renew their certificates by August 31, 2010, will be held to current regulations, and their renewal packets must arrive at RIDE no later than August 31, 2010.
- Educators who do not renew their certificates by August 31, 2010, will be charged a \$100 reinstatement fee in addition to the prorated cost of the one-year professional transitional certificate.

Regent Callahan registered her opposition to the proposal. She told the Regents that more than 200 people had attended the two public hearings and at least sixty had spoken against the proposal, with only one speaking in favor. Ms. Callahan acknowledged that while the I-Plan system does have flaws, educators, in good faith, have been working on their I-Plans with the understanding that when they finished, they would receive a five-year certificate. She urged the members of the Board to discuss the recommendations made by the certification-advisory board and to keep the I-Plan process in place until a new process is developed. The Regents discussed the possibility of extending the cut-off time and finding a way to honor the work that educators have already completed.

MOVED AND SECONDED: THAT, the Board of Regents for Elementary and Secondary Education Promulgate Termination of I-Plan Renewal Regulations: Adoption of a 1-year Transitional Certificate.

VOTE: Approved 5 - 2 [Regents Callahan and Guida voted against the motion.]

Commissioner Gist told the members of the Board that the next four agenda items are actions on proposed or existing charter public schools. The first three - Trinity Academy for the Performing Arts Charter School, the Greene School Charter School, and the Rhode Island Nurses Institute Charter School are all approval or preliminary approval. The first is the Trinity Academy Charter School.

Approval of Trinity Academy for the Performing Arts Charter School

The Trinity Academy for the Performing Arts Charter School was first submitted in December 2008 and has been reviewed by RIDE in accordance with our charter-application review process. The Board granted preliminary approval in July 2009; over the past year, project planners have continued to work to ensure that they met all of RIDE's readiness criteria. RIDE is satisfied that all necessary readiness criteria have been achieved and advises that final charter authorization to begin operation in the 2010-11 school year is warranted.

RECOMMENDATION: THAT, the Board of Regents for Elementary and Secondary Education Grants Final Approval to the Trinity Academy for the Performing Arts Towards a 2010-11 School Year Opening Contingent Upon Funding Appropriation from the R.I. General Assembly.

VOTE: Approved Unanimously.

Approval of Greene School Charter School

The next charter public school that the Commissioner presented to the Board for approval is the Greene School. The Greene school was also first submitted in December 2008 and given preliminary approval by the Regents in July 2009. Upon final review of the Greene School's readiness status, RIDE is satisfied that all

necessary readiness criteria have been achieved and advises that final authorization by the Board of Regents to begin operation for the 2010-11 school year is warranted.

RECOMMENDATION: THAT, the Board of Regents for Elementary and Secondary Education Grants Final Approval to the Greene School to Begin Operations 2010-11 School Year Contingent Upon Funding Appropriation from the RI General Assembly.

VOTE: Approved Unanimously.

Preliminary Approval of the Rhode Island Nurses Institute Middle College Charter School

Next, Commissioner Gist requested preliminary approval for the Rhode Island Nurses Institute Middle College Charter School. The Nurses Institute Middle College has been reviewed by RIDE in accordance with RIDE's charter-application process and, after thorough consideration and review, RIDE has concluded that there is substantive conceptual merit to suggest that the school can provide an innovative educational choice for parents and students. Commissioner Gist reminded the Regents that preliminary approval is an endorsement of the conceptual design and does not imply a readiness to begin operation. Further planning and development is necessary to demonstrate project readiness toward a projected opening in the 2011-12 school year.

RECOMMENDATION: THAT, the Board of Regents for Elementary and Secondary Education Grants Preliminary Approval for Further Planning and Development to the R.I. Nurses Institute Middle College Towards a 2011-12 School Year Opening, Contingent Upon Final Approval by the Board of Regents.

VOTE: Approved Unanimously.

Approval of an Expansion Request for the Democracy Prep Blackstone Valley Academy Charter School

The request for the expansion of the Democracy Prep Blackstone Valley Academy Charter School project was submitted in December 2009 and has been reviewed by RIDE in accordance with RIDE charter-application and charter-revision process. After thorough consideration and review by RIDE, there is substantive data to merit the approval of the Democracy Prep Blackstone Valley expansion request.

RECOMMENDATION: THAT, the Board of Regents for Elementary and Secondary Education Grants Approval for Expansion of the Democracy Prep Blackstone Valley Student Population in 2010 -2011 by 76 Students, Contingent Upon Funding.

VOTE: Approved Unanimously.

Approval of Changes to Special Needs Regulations

Commissioner Gist reminded the Regents that, as per their last discussion about the proposed changes to the Special Needs Regulations, the regulations were opened for revisions for three reasons:

1. Incorporate federal language that was developed and disseminated after the Rhode Island rules and regulations were adopted and promulgated;

2. Reconcile the Regents approved regulations with subsequent legislation that was passed regarding Parentally Placed Private School Students; and
3. Correct inadvertent errors and omissions.

The proposed regulations were posted on the RIDE Web site on April 16, and two public hearings were held. All public testimony at the hearings was in support of the newly revised regulations. Written public comment was also received and considered for the revisions.

RECOMMENDATION: THAT, the Board of Regents for Elementary and Secondary Education Approve the Changes to the Regulations Governing the Education of Children with Disabilities, as Presented.

VOTE: Approved Unanimously.

DISCUSSION ITEMS

Legislative Update

The Commissioner reported on education-related legislation, as follows:

- Funding formula - continues to be RIDE's top legislative priority. House Finance has posted a hearing on the RIDE/Costantino legislation for Friday at 1:00. This legislation is scheduled for a hearing and/or consideration. The Commissioner will attend the hearing and once again testify in support, and she continues to communicate with House and Senate leadership, providing them with information and answering questions. It is expected that there could be amended language to the original legislation. For example, there has been considerable debate regarding the implementation date.
- Teacher-notification bill - changes the date of teacher notification of termination from March 1 to May 15. This legislation passed the House and was sent to the Senate Labor Committee.
- Rep. Joseph McNamara and Sen. Lou DiPalma introduced legislation that RIDE supports that requires compulsory school attendance until the age of (18) and would allow a waiver for students over the age of sixteen (16) who are involved in an approved alternative learning plan. Rep. McNamara's bill passed the House. Senator DiPalma's legislation had a hearing in Senate Education.
- The General Assembly session is fast coming to a close. Next week (the week of June 11) is rumored to be the last week.

Federal Legislation - Education Jobs Fund - Congress is still wrangling with a \$23-billion proposal to save 300,000 at-risk teaching jobs nationally (which breaks down to an estimated 979 jobs saved for Rhode Island). The Senate was unable to include this amendment in its emergency-appropriations bill; however, the language is in the House bill. It is likely to be voted on in the House next week or the week after. RIDE has been in contact with the congressional delegation and is making sure that any maintenance-of-effort language does not disqualify Rhode Island.

18. Agenda for Future Meetings

The next meeting of the Board of Regents will be a work session and is scheduled on June 17, 2010, from 11:30 a.m. to 1:30 p.m. in the Shepard Building, Room 501.

Additional information about the agenda is available in the Office of the Commissioner of Education, Shepard Building, 255 Westminster Street, Providence, RI 02903. The Shepard Building has been deemed accessible to those with disabilities by the State Building Commissioner. Individuals requesting interpreter services for the hearing impaired or needing other accommodations, please call 401-222-8468 or RI Relay 1-800-745-5555 at least 48 hours in advance of the meeting.

6/3/10 BOR meeting/List of people speaking on behalf of the Highlander Charter School

Steve Adams, Taylor Duane Legal Counsel
Matt Palin, Taylor Duane Legal Counsel
John Kelly, Board Chair, Highlander
Julie Nora, League of Charter Schools
Senator Juan Pichardo
Councilman Louis Aponte
Rose Mary Grant, Highlander Head of School
Karen Feldman, Young Voices
Teny Gross, Institute for Non Violence
Michaela Whuk, Teacher, Highlander
Mia Lombardi, Parent
Shirley Ferrucci, Kindergarten grandparent
Lois Robbin, Highlander resource teacher
Michele Moise, Parent
Julian Diaz, Highlander Alum
Amelia Caito, Highlander parent
Cathy Sanford, Director, Highlander
Katy Sicignano, Highlander parent
Kathy Middlemiss, Highlander parent
Andrew Coburn, Highlander parent
Kristen Dexter, Prospective parent
Sister Ann Keefe, St. Michael's Parish/founder City Arts
Keith Brown, Highlander parent
Tatia Lopez, Highlander parent
Donna Day, Highlander parent
Kitty Richards, Highlander parent
Doris Stevens, Founding Board Member, Mariposa
Dr. Rick Quiles, Highlander parent and pediatrician
Dorothy Patrick, Highlander parent
Charles Myers, Highlander parent and teacher
John Boudreau, Highlander teacher
Heather Neil, Highlander teacher
Sarah Gormley, Highlander parent
Ruth Guevara, Highlander parent
Laura Rizzotti, Highlander parent
Natalie Solomon, Summerbridge Director
Patricia Maier, Highlander parent of an alum
Catherine Walsh, RI Kids Count
Soljane Quiles, Highlander teacher and parent
Caludia Mella, Highlander parent
Jeanette Epstein, Director of Admissions, Wheeler School
Jayashree Nimmagadda, Highlander parent
Coleen Houliker, Highlander parent
Kayleigh Houliker, Highlander alum.
Will Elliott, Highlander alum.

Donna Elliot, grandparent of an alum.
Dana Borelli, Highlander staff
Bernie Boudreau, Exec. Director, Serve RI
April Ramos, Highlander parent
Stephen Day, parent
Diane Martell, Highlander parent
Cathy St. Laurent, Highlander parent
Joe Grenier, Highlander parent
Jan Piccotti, Assistant Head of Highlander School
Alaa Kadum, Highlander parent
Walter Nance, Highlander parent
Louise Moise, Highlander parent
Jaffa Davies, education consultant
Shawn Rubin, Highlander teacher
Debbie Zolkos, Highlander resource teacher
Megan Gardner, Highlander parent
Beth Charlebolis, Highlander parent
Gary G., Highlander parent
Christina Mavrelis, Highlander teacher
Isla Vasquez, Highlander parent
Charima Arroyo, Highlander parent
Patricia Gelinas, Highlander parent
Carolyn Jane, Highlander parent and teacher
Daisy Williams, Highlander parent
Eric Lopez, Highlander parent and teacher
Brandi Katongole, Highlander parent
Dehlia McCarthy, Highlander school psychologist