

BOARD OF REGENTS FOR ELEMENTARY AND SECONDARY EDUCATION

Chariho Middle School
455 B Switch Rd.
Wood River Junction, RI
Thursday, May 6, 2010 4:00 p.m.

MINUTES

Attending: R. Flanders, P. Guida, K. Forbes, A. Beretta, B. Shimberg
The meeting convened at 4:20 p.m.

[Chairman Flanders asked that the order of the agenda be changed to allow Public Comments before the Commissioner's Comments. There were no objections.]

Public Remarks

Barry Ricci, Superintendent Chariho School District - Welcomed the members of the Board to Chariho and thanked them for all their work on behalf of Rhode Island's children.

Elizabeth Burke Bryant, Rhode Island Kids Count - spoke to the Board about the recent release of the new Kids Count Fact Book. She specifically highlighted information about the education programs at the R.I. Training School.

Commissioner's Report

Regents' Roles - East Providence and Central Falls - Commissioner Gist spoke to the members of the Board about issues in the East Providence and Central Falls school districts and whether the Department and/or Regents should intervene. David Abbott then spoke to the members of the Board in more detail about the legal role of the Regents in district matters.

Commissioner Gist also commented on the concerns expressed by teachers at the recent public hearings on the proposed changes to certification - certification-fee increases, teacher evaluations being connected to certification renewals, and the termination of the I-Plan system. These issues will be brought before the Regents for discussion at their May 20 work session.

Chairman's Remarks

Chairman Flanders told the members of the Board that he has asked Betsy Shimberg to co-chair an ad hoc Regents' committee to evaluate the Commissioner. The first two meetings are scheduled for Friday, June 11, from 1:00 to 2:30 p.m., and Tuesday, June 22, from 11:30 a.m. to 1:00 p.m. Any Regent who would like to be part of the committee is invited.

The Chairman also told the Board that he had participated in a conference call on Race to the Top with other state board chairs and Arne Duncan, the Secretary of Education. He said that the Secretary had urged the chairs not to "water down" their applications or compromise their core principles as they seek to win RTTT funding.

Approval of Minutes of the Board of Regents Meeting of April 1, 2010; Executive Minutes of Board of Regents Meeting of April 1, 2010; and Minutes of the Board of Regents Work Session of April 15, 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 April 1, 2010; Executive Minutes of the Board of Regents Meeting of April 1, 2010; and the Minutes of the Board of Regents Work Session of April 15, 2010.

VOTE: Approved Unanimously.

Approval of Requests for Waiver of School Days

Commissioner Gist explained to the Board that because of last month's flooding, the Department has received several requests to reduce the number of school days. In accordance with Rhode Island General Laws, 16-2-3, she submitted two of the requests to the Board of Regents, with her recommendation, as follows:

- The first is a request from the Scituate School District for a waiver of one school day for the Clayville Elementary School. Clayville Elementary School had to be closed for one day because of an electrical problem caused by the flooding. It was the only school in Scituate to close for the day. Because of the costs and logistical problems associated with keeping one school in a district open for an additional day, the Commissioner recommended that the waiver be approved.
- The second request is for the waiver of one school day for the Bristol Warren School District. This request is for the waiver of one school day for the entire district. The Bristol Warren School Committee cited severe flooding to the streets, making them impassable and unsafe. Commissioner Gist asked that the Board deny this request. She said that she viewed the missed day as tantamount to a snow day or other weather-related district-wide closure and therefore did not recommend the waiver.

MOVED AND SECONDED: THAT, the Board of Regents for Elementary and Secondary Education Approve the Request for the Waiver of One School Day for the Clayville Elementary School, as presented.

VOTE: Approved Unanimously.

MOVED AND SECONDED: THAT, the Board of Regents for Elementary and Secondary Education Deny the Request for Waiver of One School Day for the Bristol Warren School District, as presented.

VOTE: Approved Unanimously.

Approval, for Public Comment, of Protocol for Interventions: Persistently Lowest Achieving Schools

Commissioner Gist told the members of the Board that the *Protocol for Interventions* was adopted in January 2010 as an agency-level document. At that point, it was binding on the Department, but did not carry the force of law. It is being brought forward for approval now because it will serve several purposes:

- Specifies the method for identification of persistently lowest-achieving schools, which is required in many applications for federal funding for struggling schools;
- Clarifies the LEA duties and responsibilities;
- Details the role of the state education agency in establishing standards/expectations for school performance and categorizing schools, approving School Reform Plan(s), enforcing action if the LEA is not meeting its goals or is not fulfilling other applicable requirements, and ultimately procedures for reconstitution. In this instance, the regulation will also allow the SEA to ensure that LEAs are selecting allowable school-reform models that comply with U.S. Department of Education guidance on school improvement.

MOVED AND SECONDED: THAT, the Board of Regents for Elementary and Secondary Education Approve, for Public Comment, the Protocol for Interventions: Persistently Lowest-Achieving Schools, as presented, in anticipation of its adoption as a Board of Regents' Regulation governing comprehensive school interventions in Rhode Island.

VOTE: Approved Unanimously.

Endorsement of RTTT Round II Application and Signature Authorization for the Chairman

Commissioner Gist reminded the group that the Race to the Top Round II Application must be submitted to the Department of Education by June 1st. In order to get that done, it is necessary that the Board endorse the application at this meeting and give the Chairman the authority to sign it on the Board's behalf.

MOVED AND SECONDED: THAT, the Board of Regents for Elementary and Secondary Education Endorse the Race to the Top Round II Application and Authorize the Chairman of the Board of Regents to Sign the Application.

VOTE: Approved Unanimously.

Legislative Update

Commissioner Gist reported on current legislation, as follow:

- Teacher notification bill – changes the date of teacher notification of termination from March 1 to May 15. The Department testified in support of this legislation in committee. This legislation has a hearing in House Labor this afternoon. RIDE staff member Andy Andrade is at the State House to testify in support of this legislation;
- HEW Chairman Joseph McNamara recently introduced legislation that would require compulsory school attendance until the age of eighteen (18) and would allow a waiver for pupils over the age of sixteen (16) who are involved with an approved alternative learning plan; and
- The Commissioner reported that two weeks ago she met with the leadership of the School Committee Association. They expressed concerns about the Governor’s supplemental budget amendment that mandates that City/Town Councils ratify all school collective-bargaining agreements. The Commissioner went on to explain that, although this amendment was included in the budget proposal for a short time, it was taken out of the 2010 Supplemental Budget before the budget was debated on the House Floor.
- Additionally, the School Committee Association is also concerned about H7967 that requires City/Town Councils to negotiate school collective-bargaining agreements. This legislation would remove school committees from the collective-bargaining process. The Commissioner said that, at the present time, there does not seem to be much support for these proposals, but the Board will be kept informed.

Funding Formula Update

Next, the Commissioner reported on the Regents’ top priority for this legislative session – the Funding Formula. She said that she had met with Speaker Gordon Fox last week and expects that the RIDE/Regents funding-formula legislation will be introduced this week. She also reported that on Monday she had met with House Finance Chairman Steven Costantino on the formula. He supports the RIDE/Regents bill and has agreed to sponsor the legislation.

Chairman Costantino announced at yesterday’s House Finance Committee meeting that House Finance will hold a hearing on the funding-formula legislation next Thursday, May 13, 2010 at 11:30.

Budget Update

The Commissioner then told the Board that the FY 2010 revised and FY 2011 budgets are still under discussion at the General Assembly. Education-aid payments continue to be based on the FY 2010 enacted budget. Until any changes are enacted, the Department will continue to pay using the original education-aid figures; however, it is anticipated that the revised FY 2010 budget will include reductions.

She also reported that in early April, the House Finance Committee had passed changes to the budget limiting the cost-of-living adjustment for pensions. The Senate

rejected the re-amortization of the state's pension debt and sent the budget back to the House for revisions for the first time in 34 years.

On April 28, the Senate passed a bill to put in a stopgap measure that delays the fourth-quarter contributions and diverts them to a set aside fund until June 15; however, districts still need to continue to pay the employer share of the retirement contributions. These contributions will be deposited into a special fund and will be reconciled upon final passage of the pension-reform proposal.

As per RIGL 42-46-5(a)(1) Commissioner's Evaluation and RIGL 42-46-5(a)(2) Collective Bargaining, the meeting adjourned at 5:55 p.m. into Executive Session.

The meeting reconvened to open session at 6:30 p.m.

Chairman Flanders reported that during Executive Session there were no votes taken or decision made.

MOVED AND SECONDED: THAT, the minutes of the Executive Session be sealed.

VOTE: Approved Unanimously.

Adjournment: With unanimous consent, the meeting adjourned at 6:35 p.m.