

**BOARD OF REGENTS FOR ELEMENTARY AND SECONDARY EDUCATION
MINUTES OF MEETING
September 28, 2006**

A meeting of the Board of Regents for Elementary and Secondary Education was held at the Shepard Building - 255 Westminster Street, Providence, RI 02903 and convened at 4:15 p.m.

In Attendance

J. DiPrete, A. Beretta, C. Callahan, B. Camara, K. Forbes, G. Grove

Public Remarks

Steven Fishback spoke to the board about agenda item # 7 on the development of new school construction regulations. He told the Regents that under the current regulations, state money is “blindly reimbursed” and that some schools are being built on toxic areas. He urged board members to consider these issues as they go forward with the development of the new regulations. Mr. Fishback also expressed his concern about the early release times for Providence middle schools.

Chairman Remarks

Chairman DiPrete introduced Sarah Groh, the student representative to the Board of Regents. She gave the group a short history of the organization and a review of their September activities. A copy of Ms. Groh’s notes is enclosed.

Approval of Minutes of the Board of Regents Meeting of September 14, 2006 and Executive Minutes

MOVED AND SECONDED: That, The Board of Regents for Elementary and Secondary Education Approve the Meeting Minutes of September 14, 2006 with the following change: Add Regent Gary Grove to the “In Attendance” list; and that the Executive Minutes of September 14, 2006 be approved as presented.

VOTE: Approved Unanimously.

Approval of MET School Board Members

Chairman of the State and Charter Schools, Gary Grove introduced the agenda item and gave a brief overview of the qualifications of the candidates.

MOVED AND SECONDED: THAT, The Rhode Island Board of Regents for Elementary and Secondary Education Approve Ray Michael DiPasquale and Rosa M. Morales for appointment as members of the Metropolitan Regional Career and Technical School (The Met School) Board of Trustees, as per the Recommendation of the Board of Regents State and Charter School Committee.

VOTE: Approved Unanimously.

Endorsement of Model Nutrition & Physical Activity Policy Language and Nutrition Guidelines

RIDE Director of the Office of Progressive Support & Intervention, Dr. Mary Canole presented the agenda item for approval. She told the members of the board that the document is for board endorsement and meant to serve as a model for school districts and because it is only a “model” and not regulations, it does not require public hearing. The language of the document was taken directly from national organization recommendations and guidelines for promoting physical activity and proper nutrition as part of a healthy school-learning environment and includes Rhode Island specific language. She then introduced RIDE Health Specialist, Jan Mermin, who highlighted the two sections of the document - the first part providing policy recommendations related to healthy eating and activity throughout the school day; and the second providing specific nutrition guidelines. The Regents discussed how the districts will use the document and how the document will be distributed. Additional board discussion focused on why the recommendations on promoting good nutrition by not allowing any high fat, high calorie foods or soft drinks to be sold in schools, either at school-sponsored activities during the instructional day or during after school programs won't be required to go into effect for three years. Board members strongly urged the department to move the suggested three-year deadline up to September '07.

MOVED AND SECONDED: THAT, The Board of Regents for Elementary and Secondary Education Endorse the Rhode Island Healthy Schools Coalition's School District Nutrition & Physical Activity Model Policy Language & Nutrition Guidelines for School Vending and A La Carte Foods, as attached.

VOTE: Approved Unanimously.

Approval of Board of Regents Appeals

Legal Counsel for the Board of Regents, Howard Haronian reviewed the recommended language of the decisions on each of the cases.

CHARLES NELSON V. COVENTRY SCHOOL COMMITTEE

MOVED AND SECONDED: THAT, in the Matter of Charles Nelson v. Coventry School Committee, the Commissioner's Decision is Affirmed.

VOTE: 5 – 0 (Chairman DiPrete abstained from the vote).

DISMISSAL OF STUDENT DOE V. A RHODE ISLAND PRIVATE SCHOOL

The Chairman of the Appeals Committee, Amy Beretta told Board members that the decision, as written, does not exactly reflect the vote of the Appeals Committee. Ms. Beretta explained to the Board that the issue is that the Committee didn't vote on the recommendation to remand the case back to the

Commissioner for further proceedings, but rather voted only to “deny and dismiss” the appeal. According to Howard Haronian, legal counsel to the Board, the parents are no longer represented by counsel and have felt that RIDE hasn’t assisted them. Mr. Haronian explained that he had contacted the parents and told them to attend the hearing so that the board would have the opportunity to give them input, but the parents didn’t do that, so the committee really had no choice but to dismiss the case.

MOVED AND SECONDED: THAT, in the Matter of the Dismissal of Student Doe v. A Private School, the appeal of the interim order decision is denied and dismissed; and the matter is remanded to the commissioner for further proceedings consistent with this decision.

VOTE: Approved Unanimously.

PARENTS OF WARWICK STUDENTS V. WARWICK SCHOOL COMMITTEE.

Mr. Haronian read the decision. Ms. Beretta explained to the board that the committee voted to dismiss the appeal as moot because since the Commissioner’s decision the school committee has passed a resolution allowing the Superintendent of Schools to make decisions relating to final examinations. However, the Regents wanted to add a statement to the Regents decision supporting the authority of the school committee to delegate the student assessment policy to the superintendent.

MOVED AND SECONDED: THAT, in the Matter of Parents of Warwick Students v. Warwick School Committee, the Appeal of the Commissioner’s Decision is Dismissed as Moot; and the School Committee had the authority to delegate the subject student assessment policy to the superintendent.

VOTE: Approved Unanimously.

Update on Changes to School Construction

Regent Camara gave the board an overview of the work of the department and “outside partners” on meeting the General Assembly mandate of revising the process used to approve local school construction projects. He thanked David Abbott, Carolyn Dias, Celeste Bilotti and Kristen Cole for their work in moving this item forward. He told the board that the key issues being raised as the review has progressed are: linking project approval to cross-district space needs and a fully executed district asset protection program; developing design and construction standards that reflect best practices, establish square footage and design parameters that result in energy efficient/high performing schools; addressing cost containment by looking at cost per square foot ranges and/or other approaches such as providing incentives or disincentives that support appropriate facility planning; and expanding and further regulating the

approval process to ensure that local funding for projects has been approved, and that processes exist to curtail cost overruns. Mr. Camara reminded the board that the department did not receive any additional resources to research and develop the regulations, however RIDE has partnered with Don Fudge from the Northeast Energy Efficiency Partnerships (NEEP) who brought in CG Consulting Group and Facility Strategies Group, two consulting firms with experience in school construction. These partners are assisting RIDE in creating a new set of regulations and processes that will address the concerns of the Governor, State Budget Office and legislators about school construction. The partners have summarized best practices used by other states and are working on incorporating many of these best practices into draft regulations that will meet the needs of Rhode Island. Next steps involve finalizing a set of draft regulations and obtaining feedback from legislators, school districts, municipal staff, and other outside parties.

Mr. Camara introduced Don Fudge to talk about the areas that are being considered for the new regulations such as safety measures, energy efficiencies, and how RIDE will supervise the process – maybe a professional reviewer? The regulations will also include a determination of the district’s need to construct a new building and how to prioritize individual projects from a statewide perspective; locating buildings or modernizing with respect to other school locations, resources infrastructure and multi-purpose use with the community; requiring districts to consider cross districting implications during their initial design phases and justifying need for additional building in adjacent districts; requiring that asset protection plans be fully executed with maintenance schedules and budgets prior to approving another construction/modernization project. The group hopes to have draft regulations within the next month or so but definitely ready for a presentation before the general assembly in January. Chairman DiPrete thanked Mr. Fudge for translating all of the work that will come before the Regents and the General Assembly for approval. He also thanked Kristen Cole, Celeste Bilotti and Carolyn Dias for their work.

Report on School Classifications

The Commissioner reported that the results of the school classifications would be released at a school sometime during the middle of November.

Update on Diplomas System/Face to Face Meetings

Deputy Commissioner Todd Flaherty reported to the board that the district face-to-face meetings have been going well, but there are a few districts that haven’t come into compliance yet with the new diploma system. The Regents discussed what happens if a district doesn’t “get it together” to give the support that the kids need to graduate.

Regents' Committee Reports

Administrator & Teacher Quality - The Chairman of the Administrator and Teacher Quality Committee, Karin Forbes reminded Board members of the public hearing on changes to certification of principals, on Nov. 1 from 6:00 - 8:00 p.m., at CCRI in Warwick

Finance & Personnel – Chairman of the Finance and Personnel committee, Bob Camara reported that the budget was transmitted to the Governor along with a cover letter. The following meetings to discuss the renewal of the Commissioner's contract are scheduled for September 29 at 10:00 a.m.; October 3 at 3:00 p.m. and October 4 at 2:00 p.m.

CASP – CASP chairman, Colleen Callahan reminded the Regents that there is a public hearing on the “Regulations of the Board of Regents for Elementary and Secondary Education Regarding Literacy, Proficiency Based Graduation and Restructuring of the Learning Environment at the Middle and High School Levels” on October 3 from 6:00 to 8:00 p.m. in the Shepard Building. Ms. Callahan told the group that she is pleased with how the hearings are going and the document will be brought back to the CASP committee for discussion within the next couple of weeks and then to the full Board for discussion and approval in early December.

State and Charter Schools – Gary Grove, Chairman of the State and Charter Schools Committee announced that the committee will visit Times Square Charter School on November 1st at 10:00 a.m.; Textron Charter School November 3rd at 10:00 a.m.; CVS Highlander Charter School on November 6th at 10:00 a.m.; the Learning Connection Charter School on November 8th at 9:00 a.m. and the Beacon Charter School on December 21st.

Commissioner's Report

Commissioner McWalters reported as follows:

- The PK-16 meeting was held last Friday. The group discussed the Rhode Island standards, the new diploma system and the impact of the system on the district schools and students.
- “Physics First” visit in Providence

Executive Agenda

There was no Executive Meeting.

Adjournment

With unanimous consent the meeting adjourned at 5:55 p.m.