



Board of Early Education and Care

April 9, 2013

1:00 PM – 4:00 PM

Department of Early Education and Care

51 Sleeper Street
Boston, MA 02120

MINUTES

Members of the Board of Early Education and Care Present

Chi-Cheng Huang, M.D., Vice Chairperson

Matthew Malone, Ph.D., Secretary of Education and designee Abby Weiss

Kathleen Betts, designee of John Polanowicz, Secretary of EOHHS

Sharon Scott-Chandler, Esq.

Joan Wasser Gish, Esq.

Eleonora Villegas-Reimers, Ph.D.

Mary Wallachy

Joni Block

Thomas L. Weber, Acting Commissioner of the Department and Secretary to the Board

Members of the Board of Early Education Absent

J.D. Chesloff, Chairperson

Welcome and Comments from the Chair

Vice Chairperson Chi Cheng Huang welcomed everyone to the board meeting and explained that Chairperson Chesloff is absent due to an out-of-state work engagement.

Comments from the Acting Commissioner

Acting Commissioner Tom Weber began by thanking the EEC Board, EEC staff, and the early education and care field for their work and support. He stated that, as Acting Commissioner, he has begun focusing on three key areas: working closely with staff through the transition, advocating for the Governor's FY2014 budget proposal, and assessing EEC's policy work. Since his appointment in March, he has visited all EEC regional offices in order to meet the staff and learn more about their essential work. Acting Commissioner Weber stated that it is his goal to go out to each regional office at least three times per year. Next week he will be going out on licensing visits with staff from EEC's Northeast Regional Office. Additionally, he recognized the need to review licensing caseloads and stated his intention to prioritize this issue.

As part of policy assessment, Acting Commissioner Weber reported that the Summer Only access requirement that summer camps must be QRIS Level two or above has been rescinded based upon the feedback from the field that this was premature. He also announced that access has now been opened for families who are homeless or at risk of homelessness, military families, and families with siblings in care; this access will allow EEC to serve approximately 700 additional children.

Acting Commissioner Weber also reported that collective bargaining contract negotiations are underway with SEIU/Local 509 with on-going weekly sessions that are staff intensive.

Acting Commissioner Weber reported that the early education legislative hearing conducted on March 21, 2013 was well attended with 15-20 legislators and their staff participating. He has continued to advocate for EEC and education during his meetings with several legislators. Acting Commissioner Weber attended the Early Childhood Education Summit on April 5th along with Governor Patrick who gave the opening remarks to more than 300 attendees. All were challenged by the Governor to support early education and invest in this important endeavor.

Acting Commissioner Weber introduced Kathleen Betts, Secretary Polanowicz's designee to the Board who replaces Marilyn Anderson Chase. Ms. Betts is the Acting Assistant Secretary of the Office of Children, Youth and Family Services with the Executive Office of Health and Human Services. He also introduced, Abby Weiss, Secretary Malone's designee to the Board. Ms. Weiss is the Manager of the Massachusetts Child and Youth Readiness Cabinet.

Acting Commissioner Weber stated that EEC has begun addressing the recommendations contained within the State Auditor's Report, by improving internal control efforts and working with the Executive Office of Public Safety and Security and the Sex Offender Registry Board to ensure the safety of children in programs. In his April 3rd letter to Education Chairpersons Sonia Chang-Diaz and Alice Hanlon Peisch, he detailed that there will be more frequent cross-checks between EEC's licensed child care programs and the sex offender registry database.

Acting Commissioner Weber concluded that the Board was hosting a staff recognition event at the end of April to express its appreciation to the EEC staff.

Statements from the Public*

The Board of Early Education and Care makes up to 30 minutes available for persons in the audience to address the Board on specific agenda items. In order to hear as many speakers as possible, the Board limits individuals to three minutes, although written material of any length can be submitted to Chairperson Chesloff or Acting Commissioner Weber.

Fernanda Villar, Coordinator for the Parent Child Home Program (PCHP) in Somerville—requested additional funding to sustain her program's work to support Somerville's culturally and linguistically diverse community. She introduced Saima Khan, a former PCHP parent who now works as a Home Visitor, educating other immigrant families on the importance of early education for their children. Ms. Khan testified about her experiences as a young mother from Pakistan, unaccustomed to this culture and the strong impact that PCHP had on her family. Both women submitted written testimony.

Carolyn Lyons, President and CEO, Strategies for Children—thanked former Commissioner Sherri Killins and former Secretary Paul Reville for their work to align the field from birth to career. She then extended a warm welcome to Acting Commissioner Weber and Secretary Malone. She expressed her gratitude for Governor Patrick's leadership and voiced her support for his budget proposal in support of early education. She reminded stakeholders and agencies that they must not waste this opportunity to support the field.

End of Public Comment period.

Routine Business:

- **Approval of February 12, 2013 Board Minutes – Vote**

On a motion duly made and seconded, it was:

VOTED that the Board of Early Education and Care approve the minutes of the February 12, 2013 Board Minutes. The motion passed. Board Members Cheryl Stanley, Betts and Weiss abstained.

- **Board Committee and Advisory Reports:**

Policy and Research Committee

Board Member Joan Wasser Gish reported that the Policy and Research Committee met twice since the last board meeting. On March 4, 2013th, the Committee discussed Infant and Toddler Consultant Competencies with the objective of ensuring that all consultants are knowledgeable of all core competencies so as to be well positioned to support programs. The Committee had questions whether to direct resources and trainings on consultants or staff, how competencies will be determined, and if there will be an EEC system to approve the consultants. Committee members have been looking at other states' methods to determine best practices. The Committee also heard from Winnie Hagan from the Executive Office of Education and is EEC's liaison with the Department of Higher Education (DHE). She outlined a proposed Birth to Third Grade Licensure that would align with the core competencies.

The Committee met again on April 1st with the broader purpose of evaluating policy and "resetting" how the Board and EEC interact. Board Wasser Gish reported that she had met with Carol Nolan, EEC Director of Policy and Gwen Alexander, EEC Program Quality Specialist to identify core priorities and ensure that these important topics come to the forefront. She thanked EEC Policy Analyst Jay Swanson for his proactive work to identify core issues for the Universal Pre-Kindergarten grant, which would be revisited in the FY2015 bid. Lastly, the Policy and Research Committee members were asked to design a Commissioner Search strategy, which will be discussed later during today's meeting.

Board Member Stanley commented that she sits on a subcommittee with DHE and Elementary and Secondary Education and has been part of the panel reviewing the Birth to Third Grade licensure. She noted that Westfield State University will be offering this licensure track and expressed her excitement over this opportunity. Board Member Eleonora Villegas-Reimers added that she too sits on the same subcommittee and opined that EEC needs to ground its licenses within professional settings.

Fiscal Committee

Board Member Beth Childs reported that the Fiscal Committee met on April 1st, during which the Committee members discussed four items. First, the current FY2013 budget projection reflects a \$7.6 million surplus, but the Department of Transitional Assistance's account has a deficit of \$6.5 million, driven by late billing and caseload. Meanwhile, the waitlist has increased to more than 53,000 children. Board Member Childs commended Acting Commissioner Weber on his hard work to advance the FY2014 budget and commented that due to his actions, EEC's budget is getting a positive response and is seeing some movement. The Fiscal Committee members reviewed the Internal Control Plan with the assistance of Alicia Siryon-Wells, EEC Director of Audit and Compliance. Ms. Wells explained the Internal Control Plan needs a strong control environment and that it is the responsibility of senior leadership to

manage risk. Committee members determined the plan to be consistent with the Executive Office of Education's direction.

Acting Commissioner Weber added that Deputy Commissioner Bill Concannon and his team have undertaken an intensive review of EEC's Internal Control Plan in light of the State Auditor's findings and have resolved any underlying issues. Board Member Childs reported that the Fiscal Committee was very satisfied with how EEC was addressing the State Auditor's concerns.

Planning and Evaluation Committee

Board Member Villegas-Reimers reported that the Planning and Evaluation Committee met three times since the last board meeting. On February 28, 2013, the Committee received updates on the QRIS Validation Study and the Strategic Plan, reviewed workforce development, and discussed the evaluation process for then Commissioner Killins. On March 21st, the committee members met after the Legislative briefing and discussed the Common Metric study, the market rate study, and how to solicit board feedback on the new strategic directions. The committee met again this morning and viewed a presentation from Abt Associates on the early literacy program. Board Member Villegas-Reimers thanked Board Member Wasser Gish for attending this presentation as well. She reported that the Planning and Evaluation Committee will propose to bring the Strategic Plan Discussion to the Board Retreat. The next Planning and Evaluation Committee meeting will be May 23, 2013.

Board Member Mary Walachy added that the revised Strategic Plan was shaping up into a great document.

Advisory Council

Board Member Joni Block reported that there were numerous Advisory Council subcommittee meetings that focused on the revised Strategic Plan and EEC's FY2013 Legislative Report. In general, council members were positive and pleased on how the Legislative Report was presented. There were some comments on streamlining QRIS, enhancing family involvement, and examining existing structures to provide information to families of all backgrounds. Board Member Block reminded everyone that the next Advisory Council meeting is scheduled for Friday, April 19, 2013.

- **Disclosures:**

Board Member Villegas-Reimers submitted a written disclosure that she works for Wheelock College, a recipient of EEC funding. Board Member Sharon Scott-Chandler submitted a written disclosure that she is employed by ABCD, a recipient of EEC funding.

- **Confirmation of Appointment of Tom Weber as Acting Commissioner – Vote**

Vice Chairperson Huang commended Acting Commissioner Weber for his leadership on behalf of the Department since his appointment on March 12, 2013. He then called for a vote to confirm the appointment of Tom Weber as Acting Commissioner.

On a motion duly made and seconded, it was:

VOTED, subject to the requirements of M.G.L. c. 15D, §4, that the Board of Early Education and Care hereby confirms the appointment of Thomas L. Weber to serve as the Acting Commissioner of the Department of Early Education and Care, effective March 11, 2013 until a permanent Commissioner is appointed and assumes office. The motion passed by a majority vote. Board Members Wasser Gish

and Weiss abstained. Vice Chairperson Huang reiterated to Acting Commissioner Weber the Board's appreciation for all that he has done since accepting his appointment.

Items for Discussion and Action:

1. Universal Pre-Kindergarten (UPK): FY13 Review and FY14 Planning—Discussion

Relevant resource included in Board Materials:

- *FY14 Universal Pre-Kindergarten(UPK) Grant, PowerPoint, dated April 9, 2013*

Jay Swanson, EEC Policy Analyst began his presentation by summarizing the existing FY2013 UPK Grant criteria, policy objectives, and eligibility requirements. He highlighted proposed changes for FY2014, including clarifications to existing language regarding program self-assessment; requiring grandfathered UPK programs to begin the process of achieving QRIS Level Three; and modifying the definition of "high needs children" to include two or more risk factors linked to poor school and life performances. Mr. Swanson then addressed challenges associated with the FY2014 UPK Renewal grant, such as:

- difficulty attaining data on high needs children;
- parents "opting out" by not consenting to assessments;
- UPK programs unable to reach QRIS level three by June 30, 2013; and
- FY2014 funding may be more than FY2013 UPK funding allocation.

Several board members had questions about the existing UPK grant such as what is the average number of UPK classrooms in a program and whether the Department was determining if there were particular barriers that prohibited some programs from achieving QRIS Level Three. Mr. Swanson agreed to analyze the number of classrooms and their location and will report back to the board. He responded that the reasons programs were not attaining Level Three were outlined in the appendix; a particular barrier is the requirement that 75% of the educators in a program must have a Bachelor's Degree. Another board member questioned the health consultant requirement and its impact on family child care programs. Mr. Swanson explained that programs can seek an exemption from criterion and EEC would agree to it.

Acting Commissioner added that he and Mr. Swanson had discussed the possibility of releasing UPK funds that had been earmarked in FY2013 for consultants and trainings to now be used for additional classroom funding. Board members enthusiastically agreed with this recommendation.

New Business:

Board Member Wasser Gish explained that a top priority for the Board would now be a Commissioner Search process. She acknowledged that Board members had agreed to discuss this matter during the Executive Session but recognized the need for openness and transparency and so would discuss the search process now. She disclosed that she has a long-term professional relationship with Acting Commissioner Weber but will remain impartial to all potential commissioner candidates.

Board Member Wasser Gish suggested that in order to move ahead, the Board should develop a commissioner search process. She reported that considerations for the ideal candidate should include:

- stability for the Department,
- qualifications to lead the Department, and
- an ability to work with different administrations.

Board Member Wasser Gish stated that Acting Commissioner Weber has expressed his interest in being considered as a candidate.

Board Member Wasser Gish then identified three options in which to choose a commissioner:

- 1) Vet the Acting Commissioner. This process will be to review the qualifications of Acting Commissioner Weber and review his performance. A Search Committee will be established to review his resume, talk to past employers, confer with board members, check employment and personal references, and obtain feedback from the field. In response to questions, Board Wasser Gish explained that the vetting would occur immediately and would not be scheduled after Acting Commissioner Weber had been in his current position for a period of months.
- 2) Expand Search. The second option is to broaden the search by expanding the pool of candidates on a focused, Massachusetts-based search, since a nationwide search is intense and time consuming for a position lacking tenure. This Massachusetts-based search would include circulating the job description to ensure a diverse candidate pool. The search would likely be a vetting process with possibly one to three rounds of interviews. Following the interviews, the Board would then select a candidate to recommend to the Executive Office of Education.
- 3) Hybrid of Options 1 and 2. This process would begin by vetting the Acting Commissioner and then have the Board evaluate if there was a need to seek a pool of candidates. This option will allow the Board to capitalize on observing the Acting Commissioner “on-the job”, while keeping the option open to expand the search.

Board Member Wasser Gish emphasized that the Board needs to determine a timeframe, regardless of the option chosen. It was suggested that the Board have a commissioner candidate recommendation by June. Board Member Block opined that the first option was the best, since it provides stability for EEC staff in a timely manner and Acting Commissioner Weber has done a great job of communicating with the staff and the Board. She added that it would be best to choose quickly so that a budget can be finalized. Vice Chairperson Huang stated that while the Board has to make a decision, there is a need for transparency and responsibility to ensure that the search process is done well. Secretary Malone, who had arrived at the Board meeting, commented that the Board should not only create a candidate profile but a Commissioner profile and that it should require that residency in Massachusetts.

Comments from the Secretary

Secretary Malone thanked Acting Commissioner Weber for doing a great job during trying times over the past month. He added that Acting Commissioner Weber has righted a ship that was taking on water and that the change in the attitude of Department staff has been noticeable and encouraging.

2. EEC Performance Measurement Data Dashboard—Discussion

Relevant resource included in Board Materials:

- *EEC Performance Measurement Data Dashboard, Using performance measures to drive results – April 2013, PowerPoint, dated April 9, 2013*

Tanuja Gopal, EEC Chief Information Officer presented information on the three components that comprise the EEC Performance Measurement Data Dashboard: MassResults, EEC/EOE Strategic Plan, and Program, Educator and Child data. The development of the dashboard is part of a larger state initiative to build a results-oriented government. EEC’s dashboard will showcase performance metrics,

show results and progress, target actions that need improvement, and allow leadership and staff to make informed decisions. The dashboard currently includes child care access and QRIS metrics, and will evolve to include other areas such as metrics on educators, licensing, and the Race to the Top – Early Learning Challenge grant.

Ms. Gopal provided examples of available dashboard information, such as the ratio of children on the waitlist versus the number of children enrolled per month. Several board members commended Ms. Gopal on her presentation and expressed their excitement over the information available. Ms. Gopal was asked if the dashboard aligned with EEC's and EOE's Strategic Plan, to which Ms. Gopal responded affirmatively. Vice Chairperson Huang asked if regional dashboards would be useful, in that regions would be able to learn from other regions. Board Member Wasser Gish commented that adding a regional dimension to the dashboard would be helpful as statewide data can mask regional issue.

Acting Commissioner Weber stated that education policy is not easily digestible, but data in this format is very useful. EEC will have the ability to motivate its work, hold ourselves accountable and make the information accessible via this dashboard.

Executive Session

At approximately 3:00 p.m., Vice Chairperson Huang explained that the Board would now review the resignation of former EEC Commissioner Sherri Killins. He asked for a motion to convene into executive session in order to protect the former Commissioner's privacy rights in accordance with Mass. General Law c. 30A, § 21(a)(1). Vice Chairperson Huang stated that the Board would return to open session only to adjourn the meeting.

On a motion duly made and seconded, it was:

VOTED that the Board of Early Education and Care go into executive session to review the resignation of the former EEC Commissioner. General Counsel Carmel Sullivan called the roll for the vote. The vote was passed by a majority. Board Member Block was not present at the time of the roll call. The EEC conference rooms were then cleared and the Board went into executive session at approximately 3:10 p.m.

Several board members raised concerns about the personal and professional implications of ratifying the former Commissioner's resignation. Board members were assured that today's ratification vote was limited to their capacity as a member of the Board of Early Education and Care. To avoid concerns, board members were counseled to exercise a judicious approach and refrain from commenting on the former Commissioner's job performance.

Board members also asked about the implications if the resignation and separation agreement were not ratified or were not ratified in today's Executive Session. Board members were counseled about the impact of delaying ratification.

Some board members sought information about the transition services that the former Commissioner will perform as a consultant to the Department. Acting Commissioner Weber explained that he had asked former Commissioner Killins to produce a half dozen transition memos, particularly as they related to policies and initiatives within the Department, as she had functioned independently and without a policy director. Acting Commissioner Weber acknowledged that two memoranda had been produced to date and that their content has been helpful.

On a motion duly made and seconded, it was:

VOTED subject to the requirements of M.G.L. c. 15D, §4, that the Board of Early Education and Care hereby accepts the resignation of former Commissioner Sherri Killins and ratifies the terms and conditions of the Separation of Employment Agreement and Mutual General Release executed on March 11, 2013 by Sherri Killins, Matthew H. Malone, Secretary of Education, and J.D. Chesloff, Chairperson of the Board. The motion passed by majority vote. Vice Chairperson Huang, Board Members Scott-Chandler, Villegas-Reimers, Wallachy, Block and Stanley approved the motion. Board Members Childs and Wasser Gish were opposed. Secretary Malone and Board Member Betts abstained.

At 4:03 p.m., Vice Chairperson Huang asked for a motion to return to open session.

On a motion duly made and seconded, it was:

VOTED that the Board of Early Education and Care's Commissioner Search Subcommittee return to open session. General Counsel Carmel Sullivan called the roll for the vote. The vote was passed by unanimously.

The Board returned to open session.

Vice Chairperson Huang asked for a motion to adjourn the meeting.

On motion duly made and seconded, it was:

VOTED that the meeting adjourn at 4:08 pm, subject to the call of the Vice Chairperson. The motion passed unanimously.

Respectfully submitted,

Thomas L. Weber
Acting Commissioner of the Department and
Secretary to the Board