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The Massachusetts Board of Education

Regular Meeting Agenda Massachusetts Board of Elementary and Secondary Education

Somerville High School
81 Highland Avenue
Somerville, MA 02143
Tuesday, November 18, 2008
9:00 a.m.

[Briefing](#)

Comments from the Chair

Comments from the Commissioner

Comments from the Secretary



Statements from the Public*

Routine Business:

Approval of the Minutes of the October 21, 2008 Regular Meeting and October 20, 2008 Special Meeting - **Vote**

Items for Discussion and Action:

1. [Report of the Task Force on 21st Century Skills](#) - **Presentation**
2. [Board of Elementary and Secondary Education Budget Proposal for FY 2010](#) - **Discussion and Vote**
3. [MCAS Performance Appeals: Amendments to Regulation 603 CMR 30.05](#) (Performance Appeals in Science) - **Discussion and Vote to Adopt Final Regulation**
4. [State System of Accountability: Charter School Review and Renewal Process and Standards](#) - **Discussion**
5. Charter Schools:

1. [Charter Amendment for Rising Tide Charter School](#) - **Discussion and Vote**
2. Modification of Probation Conditions for Boston Renaissance Charter Public School  
Discussion and Vote
6. [Proposed Amendments to Vocational Technical Education Regulations](#), 603 CMR 4.00 - **Initial Discussion and Vote to Seek Public Comment**

Other Items for Information:

7. National History Teacher of the Year
8. Education-Related News Clippings
9. [Report on Grants and Charter School Extended Loan Terms Approved by the Commissioner](#)
10. [2002-2008 MCAS Achievement Gap Analysis](#): Additional Information
11. Directions to the Meeting

last updated: November 17, 2008

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The Massachusetts Board of Education

Briefing for the November 18, 2008 Meeting of the Board of Elementary and Secondary Education

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: November 7, 2008

The next regular meeting of the Board of Elementary and Secondary Education will be on Tuesday, November 18, 2008, at Somerville High School, 81 Highland Avenue, Somerville. The meeting will start at 9 a.m., preceded by a tour of the high school at 8:30, and will adjourn by 1 p.m. If you need overnight accommodations or any additional information about the schedule, please call Belinda Wilson at (781) 338-3118.

Overview

Superintendent Anthony Pierantozzi and Somerville High School principal Anthony Ciccariello will welcome Board members to join them on a tour of the school promptly at 8:30 a.m. Our meeting will convene at 9 a.m. in the school auditorium. The agenda includes presentation of the report of the Task Force on 21st Century Skills, a vote on our education budget proposal for FY2010, a final vote on amendments to the MCAS performance appeals regulations for Science and Technology/Engineering, discussion of the process and standards for charter school renewals and votes on two other charter school matters, and an initial discussion and vote on proposed amendments to the regulations on licensure of vocational technical educators.

Comments from the Chair

Chair Maura Banta will brief the Board on current issues and activities.

Comments from the Commissioner

Advisory councils. Chair Banta, Board members Tom Fortmann and AJ Fajnzylber, and I met in Worcester on

November 3rd with the chairs and many members of the Board's 17 appointed advisory councils, including the new Advisory Council on School and District Accountability and Assistance. (The Board actually has 18 advisory councils, counting the State Student Advisory Council that AJ chairs.) I charged all of the councils to advise us on closing the achievement gap and the expectation gap for students. Over the course of the year we will draw on the expertise of particular councils on policy issues that come before the Board.

Wallace Foundation and Council of Chief State School Officers (CCSSO) conferences. I will report on the November 6-7 Wallace Foundation conference in Boston on educational leadership and the CCSSO annual policy forum that I am attending on November 13-16.

Comments from the Secretary

Secretary Paul Reville will update the Board on the work of the Executive Office of Education.

Items for Discussion and Action

1. Report of Task Force on 21st Century Skills - Presentation

In April 2008, then-Board Chairman Paul Reville asked member Gerald Chertavian to lead a task force to develop recommendations that would build on our existing high academic standards by integrating 21st century skills and knowledge into the core educational program. At our November meeting, Gerald and several task force members will present their recommendations. The white paper is still being refined and will be distributed at the meeting. The Board will have a full discussion on the task force recommendations at the December meeting.

2. Board of Elementary and Secondary Education Budget Proposal for FY 2010 - Discussion and Vote

The Board's budget committee met again on November 5th. We are continuing to work on the budget documents based on the committee's deliberations and the information we are receiving from the Administration about the state's fiscal situation and budget planning for FY 2010. I will distribute the updated budget proposal to you when it is ready. The Board will vote on the budget at the November 18th meeting. Per Mass. Gen. Laws c. 69, § 1A, as amended in March 2008 by the education reorganization act, I will transmit the Board's recommendations to the Secretary of Education, who "shall then prepare and submit a budget request on behalf of the department to the house and senate committees on ways and means, the joint committee on education, and the secretary of administration and finance."

3. MCAS Performance Appeals: Amendment to Regulation 603 CMR 30.05 (Performance Appeals in Science) - Discussion and Vote to Adopt Final Regulation

In September the Board adopted amendments to the MCAS performance appeals regulations to allow students in the class of 2010 and beyond who have not passed the high school Science and Technology/Engineering MCAS test to file a performance appeal in that subject area. The regulations already provide a performance appeals process for English Language Arts and Mathematics. As required by the Administrative Procedures Act, we have solicited public comment on the amendments, which the Board adopted on an

emergency basis. We received only one comment, which is described and addressed in the memo under Tab 3. I recommend that the Board vote this month to adopt the amendments as final regulations.

4. State System of Accountability: Charter School Review and Renewal Process and Standards - Discussion

At the Board's special meeting in Holyoke on October 20th, we discussed the state system of accountability and assistance, which will be a continuing subject for the Board's policy consideration over the next year. Board members expressed interest in reviewing how the process and standards for charter school review and renewal fit within the larger accountability system. This month we are presenting an overview of the charter school review and renewal process. It is timely not only in relation to the accountability discussion but also because the Board will take action on renewal of 11 charters in this fiscal year. Associate Commissioner Jeff Wulfson and Charter Schools Director Mary Street will present the overview and respond to your questions.

5. Charter Schools:

1. Charter Amendment for Rising Tide Charter School - Discussion and Vote

Pursuant to the charter school regulations, the Board must approve major changes in the material terms of a school's charter, including changes to a school's maximum enrollment and grades served. The Rising Tide Charter School in Plymouth has requested an amendment to add a high school to the current middle school program and to increase the school's maximum enrollment from 320 students in grades 5 through 8, to a total of 700 students in grades 5 through 12. We are providing to you the request from the charter school as well as comments from the Plymouth school superintendent. I recommend that the Board approve the charter amendment as presented.

2. Modification of Probation Conditions for Boston Renaissance Charter Public School - Discussion and Vote

Boston Renaissance Charter Public School (Renaissance) opened in 1995 and the Board renewed the charter for the second time in 2005. The Board placed conditions on the 2005 renewal regarding academic achievement and reduction of grade span, and voted in February 2007 to place the school on probation with new conditions. This month we are reporting on the charter school's progress in meeting the 2007 conditions and I am recommending some modifications to those conditions. The memo under Tab 5(b) provides details.

6. Proposed Amendments to Vocational Technical Education Regulations, 603 CMR 4.00 - Initial Discussion and Vote to Seek Public Comment

We are proposing amendments to revise the sections of the Vocational Technical Education Regulations, 603 CMR 4.00, that relate to licensure of vocational technical educators. The proposed amendments would add one new vocational technical teacher license and align the licensure provisions more closely in several areas with the Educator Licensure and Preparation Program Approval Regulations, 603 CMR 7.00, and the Recertification Regulations, 603 CMR 44.00. With the Board's approval, we will solicit public comment on the proposed amendments and then bring them back to the Board in final form for a vote at the January 2009 meeting.

Other Items for Information

7. National History Teacher of the Year

We are delighted that David B. Mitchell, a history teacher at Masconomet Regional High School in Topsfield, has been named the nation's 2008 Preserve America History Teacher of the Year. He was selected from all of the state winners as the national honoree and received the award from First Lady Laura Bush in New York City a few weeks ago. Our press release is enclosed under Tab 7. We are hoping Mr. Mitchell will be able to join us at our meeting on November 18th so that the Board can recognize and congratulate him.

8. Education-Related News Clippings

Enclosed are several recent articles about education.

9. Report on Grants and Charter School Extended Loan Terms Approved by the Commissioner

The Board voted in June and September 2008 to delegate grant approvals to the commissioner temporarily, and then voted in October 2008 to delegate these approvals indefinitely. This authorization allows us to make decisions and inform grant applicants on a timely basis. Enclosed under Tab 9 is a report on grants I have approved in the last month. The Board also voted in October 2008 to delegate to the commissioner authority to approve extended loan terms for charter schools, a routine administrative matter. Under the charter school statute, a charter school may incur temporary debt in anticipation of receipt of funds, but requires approval from the Board if it wishes to agree to repayment terms that exceed the duration of the school's charter. The Commonwealth has no liability for any portion of these loans. The second item enclosed under Tab 9 is a memo on one charter school extended loan term that I approved on the Board's behalf under this authorization.

10. 2002-2008 MCAS Achievement Gap Analysis: Additional Information

Last month I presented an overview of the spring 2008 MCAS results, including several graphs displaying students' grade 10 MCAS performance in English language arts and mathematics, 2002-2008, by race/ethnicity, low income status, special education/general education, and limited English proficiency. The Board requested that similar graphs be generated for other student groups, in particular, for males and females. The additional graphs are enclosed under Tab 10.

11. Directions to the Meeting

If you have questions about any agenda items, please call me. I look forward to seeing you in Somerville on November 18th.

last updated: November 10, 2008

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The Massachusetts Board of Education

Recommendations from the Task Force on 21st Century Skills

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: November 7, 2008

In April 2008, then-Board Chairman Paul Reville asked Board member Gerald Chertavian to lead a task force to develop a set of recommendations that build on our existing high academic standards by integrating 21st century skills and knowledge into our core educational program. Specifically, the task force was asked to identify appropriate standards, assessment tools, measures of accountability and professional development efforts that could lead to successful inclusion of 21st century skills. The charge to the task force is on page 2 of this memo.

To focus its work, the task force defined 21st century skills using the framework of broad categories and themes identified by the nationally-recognized Partnership for 21st Century Skills:

- Information and communication
- Thinking and problem-solving
- Interpersonal and self-direction skills
- Global knowledge and understanding
- Financial, economic and business literacy, and developing entrepreneurial skills to enhance workplace productivity and career options
- Civic literacy

Members of the task force included Board members Harneen Chernow, Andrew "AJ" Fajnzylber, and Tom Fortmann, as well as leaders and key stakeholders from the Legislature, education, business and technology industries. The list of members is on page 3 of this memo. The group met seven times and held a public forum in August to solicit outside comment.

To accomplish its work, the task force separated into subgroups to divide the areas of focus into four segments:

assessment and accountability; curriculum development, instruction and learning environments; standards and workforce development; and teacher preparation and professional development. At our November 18th Board meeting, Gerald Chertavian and the leaders from each subgroup will present the recommendations of the task force. The white paper is still being refined, and it will be distributed to you at the meeting. The Board will have a full discussion on the recommendations of the task force at our December meeting.

Statement from Education Secretary Paul Reville calling for the creation of the 21st Century Skills Task Force, April 29, 2008

"Americans increasingly recognize that the U.S. education system can and should do more to prepare our young people to succeed in the rapidly evolving 21st century. Skills such as global literacy, problem solving, innovation and creativity have become critical in today's increasingly interconnected workforce and society."

- *The Partnership for 21st Century Skills*

Massachusetts' leaders in business, government education believe that if the Commonwealth is to be competitive in the future, our education system must do a better job of education our young people in the core disciplines and in those subjects and skills necessary for success in the 21st century. The Board of Elementary and Secondary Education presides over the state's education system and has taken leadership in setting ambitious standards for students' learning in the core academic subjects. Those standards must be complemented, not replaced or diluted, by additional standards of knowledge and skill which will ensure that all of our students are prepared for success in post secondary education and in the jobs of the 21st century. A recent report (jointly released by the departments of Higher Education and Elementary and Secondary Education) about the high level of first year college student's remediation needs underscores this point.

We are not currently providing students with the skills they need to be successful in a technologically complex, globally competitive world. In many of our schools, there is insufficient time and attention given to broader skills' development and learning in areas such as oral communication, information processing, the application of technology to complex problems, critical thinking, media literacy, creativity/innovation, global awareness, cultural competency, problem-solving, teamwork/collaboration, self-directed learning and leadership. In many cases, these skills can be, and sometimes are, included in the strategies teachers use to address core subjects, however too often, these skills are neglected. Recognizing time limits and the pressures of current accountability incentives, the Board, nonetheless, is considering how to encourage a balanced education.

The Board of Elementary and Secondary Education is convening a Task Force on 21st Century Skills to assist the Board in considering how to infuse 21st century learning into the work of the state's public schools. Specifically, the Task Force is being asked to recommend how the Board might supplement its work on standards, assessments, accountability, curriculum, professional and teacher development to signal educators across the Commonwealth that 21st century skills should be infused into the curriculum.

The Task Force on 21st Century Skills will be charged with reviewing the literature on 21st century skills; making recommendations on how 21st century skills can be integrated into or used as a supplement to the state's existing educational program; identifying appropriate standards, assessment and accountability components as well as curriculum, professional and teacher development that will lead to successful inclusion of 21st century skills; and preparing a white paper to assist the Board in giving further consideration to these issues.

Members of the Task Force on 21st Century Skills

- James Canavan, Director of Human Resource Operations for Boston Medical Center
- Harneen Chernow, Vice Chair of the Board of Elementary and Secondary Education
- Gerald Chertavian, Founder of Year Up, Member of the Board of Elementary and Secondary Education, Chairman, Task Force on 21st Century Skills
- Chris Dede, Harvard Graduate School of Education Professor of Technology, Innovation, and Education
- Nick Donahue, President and CEO of the Nellie Mae Education Foundation
- Paul Dulac, Superintendent of the Marblehead Public Schools
- Kathy Ennis, Executive Director of Primary Source
- Charles Fadel, Global Lead, Education for Cisco Systems, Inc.
- Andrew "AJ" Fajnzylber, Chairman of State Student Advisory Council, Member of the Board of Elementary and Secondary Education
- Tom Fortmann, Member of the Board of Elementary and Secondary Education
- Chris Gabrieli, Chairman of Massachusetts 2020
- Paul Grogan, President of the Boston Foundation
- Rep. Patricia Haddad, Co-Chair of the Joint Committee on Education
- Robert Richardson, Education Program Manager at Intel
- George Russell, Executive Vice President of the State Street Corporation
- Eric Schwarz, President and CEO of Citizen Schools
- Gail Snowden, CEO of Gail Snowden Consulting Services
- Adria Steinberg, Vice President of Jobs for the Future
- Paul Toner, Vice President of the Massachusetts Teachers Association
- Anita Walker, Executive Director of MA Cultural Council
- Andrew Zimmer, Broad Institute
- Isa Zimmerman, University of Massachusetts



Enclosure: White Paper

School Reform in the New Millennium: Preparing All Children for 21st Century Success

last updated: November 10, 2008

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The Massachusetts Board of Education

BOE Budget Subcommittee FY2010 Maintenance and Expansion Budgets

To: Members of the Board of Elementary and Secondary Education

From: Maura Banta, Chair

Date: November 17, 2008

Attached, you will find the updated FY2010 budget recommendations resulting from the October 1st and November 5th Budget Subcommittee meetings. The attached worksheet and this memorandum reflect the discussion and work of the Subcommittee. I am grateful to Gerald Chertavian, Tom Fortmann, and Jeffrey Howard for the time and thought that they contributed to the development of these recommendations.

The budget worksheet contains the two Board of Elementary and Secondary Education FY2010 Budget requests (a maintenance and an expansion budget) that are being forwarded to you from the Subcommittee. Both FY2010 budget requests are in blue text and the priority expansion or consolidated programs are in bold text. You will note that neither budget includes an estimated amount to fully fund the FY2010 Chapter #70 formula. A number of data elements used in the calculation of the Chapter #70 formula are not available at this early date. The Department will work with the Governor, the Legislature, and the Secretary to assist with the calculation of the Chapter #70 formula as the data becomes available.

The spreadsheet columns identify:

- the FY2009 ESE budget as adopted;
- the FY2009 budget after the reductions implemented last month;
- the percentage reduction from the FY2009 adopted budget to the current budget;
- the FY2010 maintenance budget that the Board Subcommittee is presenting to the full Board for your consideration (this budget was developed within the fiscal constraints established by the Executive Office for Administration and Finance for each Secretariat);
- the cumulative change that the FY2010 maintenance budget represents from the adopted FY2009 ESE budget; and
- the FY2010 expansion budget that the Board Subcommittee is presenting to the full Board for your

consideration (the lines recommended for increased funding and/or a consolidation of programs in FY2010 are in bold text).

The budget items are presented in four categories on the spreadsheet: 1) grants to school districts and other entities; 2) direct educational services in institutional settings; 3) Department-directed programs; and 4) local aid, including Chapter 70.

You will recall from our October presentation that several principles guided the development of the proposed budgets you will be discussing this month. These principles include the elimination of earmarked funds in favor of DESE-implemented initiatives that include the solicitation of non-governmental partners through a competitive bidding process to secure performance-based contracts for services.

Brief descriptions of all the BOE's budget expansion items are listed below in the same order as they appear on the attached two-page chart:

- Expansion of the Department's current Full Day Kindergarten (FDK) Program to \$42.8 million. The requested increase will allow the Department to increase funding for FDK classrooms in low income / high need districts to \$18,000, will allow funding for those high need districts that have not been eligible under the current budget language and will allow for continued "Transition to FDK" grants to achieve the goal of universal FDK.
- \$26.0 million for a new consolidated Extended Learning Day Program. This new program consolidates the After-School and Expanded Learning Time Programs into a comprehensive Extended Learning Day Grant Program.
- \$2.2 million for a new consolidated Gifted and Talented Grant Program. This new program consolidates the current W.P.I. School of Excellence and Gifted and Talented Programs.
- \$10 million for a new consolidated State-Wide Reading Program for elementary and middle schools. This new program combines the current Bay State Reading Institute and Early Intervention Tutorial Programs earmarks with the John Silber Early Literacy funds to create a new State-Wide Reading Program.
- \$5.0 million for a new consolidated Drop-Out Prevention and Recovery Program. This new program consolidates the current Matching Citizen School and Youthbuild earmarks to create a new Drop-Out Prevention and Recovery Program.
- \$12.0 million for a new Interdisciplinary Human Services Grant and Technical Assistance Program to promote integrated academic, human services and health promotion activities.
- \$1.5 million for new 21st Century Challenge Grants to create up to five 21st Century Districts and up to ten 21st Century Schools, which will allow ESE to fund pilot sites consistent with the recommendations of the Board's Task Force on 21st Century Skills.
- \$5.0 million for expansion of the Department's current Professional Development for Mathematics Program funded. The increase is requested to more adequately address the state-wide demand for content based professional development in mathematics and science.
- \$1.0 million for a new consolidated Professional Development for Individualized Student Instruction Program. This program supplants the current Professional Development for English Language Acquisition (ELA) Program with additional funding to train classroom teachers to address the individual needs of English language learners and students with disabilities within the regular classroom setting.
- \$2.0 million of new funds to the Department to develop curriculum resources to assist schools and educators in the improvement of curriculum and to identify and disseminate effective school- and district-based

instructional practices.

- \$3.6 million to adequately fund the Educational Quality and Accountability Center that was transferred to ESE this past Just. The increase of \$600K represents the annualized cost of staff salaries and full-year contracts to meet the requirements of the legislation.
- \$34.1 million to fund the MCAS contract and the staff associated with implementing this program. The increase of \$4.8M will allow the development and piloting of multiple assessment measures, participation in a multi-state Algebra II end-of-course exam, development of an on-line Biology test, and accelerated scoring next year.
- \$1.0 million for a new Regionalization Planning and Implementation Grant Program.
- \$17.3 million for the Department's Main Administration Account. This represents the minimum funds required in FY2010 to maintain the Department's new offices and administrative staff that are funded in FY2009.
- \$65.0 million to fully fund Regional School Transportation, an increase of \$3.7 million above the FY2009 GAA.
- \$2.2 million to fully fund the Transportation of Non-Resident Students, an increase of \$125 thousand above the FY2009 GAA.
- \$247.5 million to fully fund the Special Education Circuit Breaker Program at the 75% reimbursement rate, an increase of \$17.4 million above the FY2009 GAA.
- \$91.8 million to fully fund the Charter School Tuition Reimbursements, an increase of \$12.0 million above the FY2009 GAA.

I look forward to our discussion and vote on these two budgets at our November meeting.

  Attachment: BESE FY2010 Maintenance and Expansion Budget Requests- FINAL

last updated: December 2, 2008

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The Massachusetts Board of Education

Proposed Amendments to 603 CMR 30, Massachusetts Comprehensive Assessment System and Standards For Competency Determination

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: November 7, 2008

At its September 10, 2008 meeting, the Board voted to promulgate emergency regulations to amend the MCAS performance appeals process to allow students in the class of 2010 and beyond who have not passed the high school Science and Technology/Engineering (STE) MCAS test to file a performance appeal in that subject area. The need for this change to the regulation was prompted by state regulation [603 CMR 30.03\(3\)](#), which requires students beginning with the class of 2010 to meet or exceed the state standard in Science and Technology/Engineering in addition to English Language Arts (ELA) and Mathematics as a condition for high school graduation.

The changes to the appeals regulations will have no impact on the current appeals process for English Language Arts and Mathematics, other than to clarify that a student granted a performance appeal in ELA or Mathematics still needs to demonstrate proficiency or complete an Educational Proficiency Plan in order to meet the Competency Determination standard. The changes do establish the eligibility criteria that students must meet in order to file an appeal in STE. To be eligible to file an appeal in STE, a student must take at least one high school STE test, as well as meet the same 95 percent attendance requirement that applies to ELA and Mathematics and be enrolled in a science course during the year in which an appeal in STE is filed. For the 2008-09 school year only, superintendents may file appeals for students in STE who failed the test but who are not currently enrolled in a science course, since those students did not have notice of the additional course-taking requirement before scheduling their courses.

Emergency regulations are limited in duration to three months. In order to make the regulations permanent, the Administrative Procedures Act (M.G.L. c.30A), requires that we solicit public comment, and we have done so. The Department issued a Notice of Public Comment as required by law and sent notice to various professional education organizations, advocacy groups, key members of the Administration and the Legislature, and others.

We received only one comment on the regulations, from the Massachusetts Association of Vocational

Administrators (MAVA). A copy of the October 30, 2008 letter from MAVA Executive Director David J. Ferreira is attached. MAVA requested that we revise the eligibility criterion that requires a student to be enrolled in a STE class in the year in which an appeal in STE is filed, so that it would read "they must be enrolled in a science course, a Chapter 74 related theory course, or a formal science remediation program during the year in which an appeal in STE is filed." MAVA's rationale is that students in Chapter 74 vocational technical programs could be enrolled in one of several different types of science-related courses other than a standard full-year science course in grade 11 or 12.

Deputy Commissioner Jeff Nellhaus has discussed this with David Ferreira of MAVA, and explained that the intent of the eligibility requirement is to ensure that students who have not yet passed the STE MCAS test are enrolled in a science course that will enable them to meet the state standards in biology, chemistry, introductory physics, or technology/engineering. Further, the commissioner has authority under the existing regulation to waive, for good cause, any one or more of the eligibility requirements, upon the written request of the superintendent. (603 CMR 30.05 (4) states: "Upon the written request of the superintendent, the Commissioner of Education may for good cause waive one or more of the eligibility requirements listed in 603 CMR 30.05 (3).") Superintendents may submit an eligibility waiver request that includes evidence such as a course syllabus to demonstrate how a "Chapter 74 related theory course," for example, incorporates applied science.

Mr. Ferreira was reassured that the waiver provision would provide appropriate flexibility to deal with these individual cases. Therefore, it is my recommendation that the Board vote to make these regulations permanent without any further changes.

Attached are the comments from MAVA, the proposed amendments to the regulations, and a motion for their approval. Deputy Commissioner Jeff Nellhaus and General Counsel Rhoda Schneider will be available at the meeting to answer any questions.



Comment from Massachusetts Association of Vocational Administrators

last updated: November 10, 2008

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The Massachusetts Board of Education

Charter School Renewals - Process and Standards

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: November 7, 2008

This year the Board will be reviewing the applications of eleven charter schools to renew their five-year charter terms:

- Barnstable Horace Mann Charter School
- Berkshire Arts & Technology Charter School
- Boston Preparatory Charter Public School
- Conservatory Lab Charter School
- Hill View Montessori Charter Public School
- KIPP Academy Lynn Charter School
- Marstons Mills East Horace Mann Charter Public School
- River Valley Charter School
- Robert M. Hughes Academy Charter School
- Roxbury Preparatory Charter School
- Salem Academy Charter School

These renewals will be on the agenda for the Board's December, January, and February meetings.

In addition, the Board has placed conditions on the charters of four schools; Benjamin Banneker Charter Public School, Boston Renaissance Charter Public School, North Central Charter Essential School, and Uphams Corner Charter School. Over the next several months, starting this month with Boston Renaissance, I will report on their progress in meeting the conditions, and I will make recommendations as to any further Board actions that may be appropriate.

In preparation for these discussions and votes, we will spend time at our November meeting reviewing the

framework for charter school accountability: the process, information sources, and standards that we use to make recommendations on charter school renewals. We will also discuss the relationship between charter schools and the overall state system of accountability for schools and districts. I am enclosing two Department documents that provide background information for this discussion - the Charter School Accountability Guide and the Common School Performance Criteria. Associate Commissioner Jeff Wulfson and Director of Charter Schools Mary Street will join me at our meeting for the presentation.

  [Massachusetts Charter School Accountability Guide](#)

  [Massachusetts Charter School Common School Performance Criteria](#)

last updated: November 12, 2008

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The Massachusetts Board of Education

Charter Schools - Approval of Charter Amendment Request for Rising Tide Charter School

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: November 7, 2008

Pursuant to the Charter School Regulations at 603 CMR 1.11(1), the Board of Elementary and Secondary Education (Board) must approve major changes in the material terms of a school's charter, including changes to maximum enrollment and grades served.

The board of trustees of the Rising Tide Charter Public School (RTCPS), located in Plymouth, requests approval to add a high school to the current middle school program and to increase the school's maximum enrollment from 320 students in grades 5 through 8, to a total of 700 students in grades 5 through 12. RTCPS opened in 1998 and is chartered to serve the district of Plymouth. The school's charter was renewed by the Board for a third charter term from July 1, 2008 through June 30, 2013.

In its request, RTCPS articulates three primary reasons for expansion: 1) parent demand; 2) community need; and 3) completion of the school's mission. A series of feasibility committees and focus groups conducted expansion planning activities during the past several years. Feedback was gathered from parents regarding a preference for a small, safe, tuition-free environment for high school as an alternative to the two large, district high schools in Plymouth. The school articulates the need for additional school options in Plymouth because the school-age population, particularly at the middle and high school level, continues to grow, and the two Plymouth high schools experience overcrowding. Additionally, the RTCPS Board and staff believe the school's mission, "RTCPS will graduate capable and prepared young adults who have already sown within themselves a sense of place and belonging," cannot be fully achieved by the end of middle school.

The school currently has no accountability status in either English language arts or mathematics and has made adequate yearly progress in the aggregate and for all subgroups in both subjects in all years.

As required by 603 CMR 1.11(5) for these types of amendment requests, comment was solicited from the Plymouth Public Schools Superintendent, Gary E. Maestas. He submitted comment opposing the proposed amendment request for several reasons, including lost revenue and the inability of the proposed RTCPS high school to help with overcrowding because of the limited number of students they would serve. His letter is attached.

After analyzing the effect of the proposed increases in maximum enrollment on the 9% net school spending cap for sending districts, the Department has determined that there are sufficient seats available to grant this request.

The Department has reviewed this request and it appears reasonable and consistent with the charter school statute and regulations. I recommend that the Board approve the amendment request as presented.

If you have any questions regarding this amendment or require additional information, please contact Jeff Wulfson, Associate Commissioner, at 781-338-6500; Mary Street, Director of Charter Schools, at 781-338-3200; or me.

last updated: November 10, 2008

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Massachusetts Department of Elementary and Secondary Education

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Mitchell D. Chester, Ed.D.
Commissioner

MEMORANDUM

To: Members of the Board of Elementary and Secondary Education
From: Mitchell D. Chester, Ed.D., Commissioner
Date: November 7, 2008
Subject: Boston Renaissance Charter Public School – Extension of conditions of probation

Boston Renaissance Charter Public School (Renaissance) opened in 1995 and was renewed for the second time in 2005. The 2005 renewal was granted with conditions regarding academic achievement and a reduction of grade span from K-12 to K-6. The conditions also required the school to consider a reduction in enrollment from 1,479 to 1,240 students. The Board voted to reduce the school's enrollment in September 2006. In 2007, at the conclusion of the time period for the conditions, the school was placed on probation for failing to meet the conditions. The Board then voted, on February 27, 2007, to place the school on probation with new conditions. These conditions again focused on improvement in the school's academic performance, as well as a requirement for the school to relocate and further reduce overall enrollment from 1,240 to 880 students by September of 2009.

When Renaissance was placed on probation, the Board committed to reviewing the school's progress toward meeting the requirements of the conditions each year. A summary of information gathered regarding the school since February 2007 was provided to the Board in December 2007. This memorandum includes a summary of information gathered most recently through a site visit conducted by the Charter School Office and serves as a report on the probationary conditions. The Site Visit Report is attached.

In addition, the school has requested an extension of the timeline for changing location and reducing enrollment. Although Renaissance has not met the adequate yearly progress (AYP) condition imposed in 2007, the school has made sufficient progress in moving students to proficiency to warrant my recommendation that the Board grant this request, with a requirement that the reduction in enrollment begin in the fall of 2009. If adopted, this would extend the school's probationary status until a determination is made regarding the school's renewal in FY2010.

Report on Conditions

The following conditions were imposed at the time the school was placed on probation.

Condition 1. By June 30, 2007, Boston Renaissance Charter School shall have submitted to and received approval from the Department of Education for the following items:

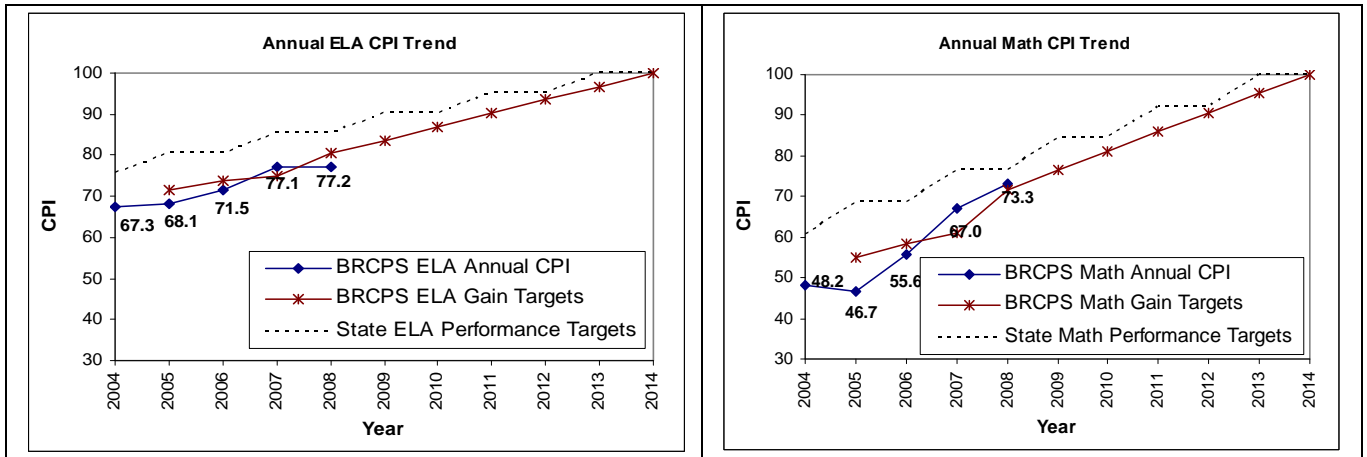
- A school improvement plan, consistent with the Department’s standards for a District Plan for School Intervention, including allocation of resources to achieve the goals of the school’s plan.
- A revised charter school Accountability Plan, including goals and annual benchmarks regarding academic success, organizational viability, and faithfulness to the terms of the school’s charter. The Accountability Plan must be aligned to the school’s plan for improvement as referenced above, and must include the school’s plan for achieving Adequate Yearly Progress in the aggregate and for all statistically significant subgroups in English language arts and mathematics.
- A report from the school on actions taken in response to the recommendations of a consultant hired by the school, upon approval by the Commissioner, to review the school’s leadership structure and effectiveness.

Status: The school worked with the Charter School Office to create a school improvement plan and accountability plan, and submitted all required documents by the June 30, 2007 deadline.

Condition 2. By December of 2008, Boston Renaissance Charter School shall demonstrate that it is an academic success by providing evidence that the school has met or is making substantial progress toward meeting all benchmarks in its 2007-2010 Accountability Plan and has made Adequate Yearly Progress in the aggregate and for all statistically significant subgroups in English language arts and mathematics for 2008.

Status: As detailed in the attached Site Visit Report, the school has met its Accountability Plan goals regarding organizational viability and faithfulness to charter. Accountability Plan goals regarding academic success reflect the school making AYP. These goals and the corresponding condition have not been met, although progress has been made in moving students toward proficiency. The following charts provide details on the school’s AYP status and the trajectory of progress in moving students to proficiency.

Adequate Yearly Progress History						NCLB Accountability Status
		2005	2006	2007	2008	
ELA	Aggregate	No	No	Yes	No	Corrective Action - Subgroups
	All Subgroups	No	No	No	No	
MATH	Aggregate	No	No	Yes	Yes	Restructuring Year 1 - Subgroups
	All Subgroups	No	No	No	Yes	



Condition 3. By December of 2008, Boston Renaissance Charter School shall have completed the necessary property acquisition and fundraising to permit a relocation of the school no later than September of 2009.

Status: The school has identified and purchased property in Hyde Park for renovation and construction. The sale of its current location on Stuart Street in downtown Boston is in process. The school is requesting an extension to September 2011 of the September 2009 deadline for relocation.

Condition 4. Boston Renaissance Charter School will reduce its maximum enrollment, without terminating the enrollment of any student currently attending the school, from 1,240 students to 880 students, beginning in the 2009-2010 school year.

Status: The school has also requested an extension of the deadline for reducing maximum enrollment. The Department requested and the school submitted a plan for starting the reduction in enrollment in 2009-10, however, reaching the mandated 880 students no later than September 2011. Should the school take occupancy of its new facility at an earlier date, the enrollment reduction would take effect for that same school year.

While I recommend approval of the school’s request to extend the deadline for relocation and have worked with the school to implement a phased-in reduction in enrollment, the school’s academic performance remains a concern, although it is moving in the right direction. The Site Visit Report provides information that indicates the school has implemented structures to drive improvement, but the results of the 2009 MCAS and information from the renewal inspection will be critical in determining my recommendation to you regarding the school’s renewal.

If you have any questions regarding this amendment or wish to see the school’s full request, please contact Mary Street, Director of Charter Schools, at 781-338-3200; Jeff Wulfson, Associate Commissioner, at 781-338-6500; or me.



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The Massachusetts Board of Education

Proposed Amendments to the Vocational Technical Education Regulations (Educator Licenses), 603 CMR 4.00

To: Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: November 7, 2008

The Department of Elementary and Secondary Education issues two types of licenses for preK-grade 12 educators:

- **Chapter 71 Educator licenses for preK- 12 teachers, administrators, and professional support personnel.** These educators work in district-wide, school-based, or other educational settings. Teachers of academic subjects in vocational technical education programs must have a Chapter 71 license.
- **Chapter 74 Vocational Technical Educator licenses for vocational technical teachers, administrators, and cooperative education coordinators.** These educators work in Department-approved vocational technical education programs.

We are proposing amendments to the Chapter 74 *Vocational Technical Education Regulations*, 603 CMR 4.00 that would add one new vocational technical teacher license and align the licensure provisions more closely in several areas with the Chapter 71 *Educator Licensure and Preparation Program Approval Regulations*, 603 CMR 7.00, and the *Recertification Regulations*, 603 CMR 44.00. The Massachusetts Association of Vocational Administrators (MAVA) and the Educational Personnel Advisory Council (EPAC) support the proposed amendments.

Construction Crafts License

We propose adding a new vocational technical teacher license titled *Construction Crafts*. This license would be required for individuals who will teach in a new high school vocational technical education program in the field of skilled construction laboring. The United States Department of Labor Employment and Training Administration - Office of Apprenticeship as well as the Massachusetts Department of Labor and Workforce Development - Division of Apprentice Training have approved a two-year registered apprenticeship program in skilled construction laboring. The high school program in Massachusetts is being developed in partnership with Local 22 of the Laborers

International Union. Students who complete the high school program will receive credit toward the two-year apprenticeship at the postsecondary level through an articulation agreement with Local 22. Upon completion of the apprenticeship, they will be journey workers engaged in technical work including hazardous materials remediation, remote tunneling, concrete work, and an array of building construction work.

A Vocational Technical Education Framework for the program is under development. The Framework will be based on all aspects of the skilled construction laboring industry. The Framework will have six strands (Occupational Safety & Health, Technical, Embedded Academics, Employability, Management & Entrepreneurship, and Technological) as do all the Vocational Technical Education Frameworks in the Construction Cluster.

Alignment With the Chapter 71 Educator Licensure Regulations

The proposed amendments would change the validity period of the various Chapter 74 vocational technical educator licenses so that they are consistent with the validity periods of the Chapter 71 educator licenses. It would do so by making the preliminary and the initial vocational technical educator licenses valid for five years of employment.

Alignment With the Chapter 71 Recertification Regulations

The proposal would add provisions regarding inactive and invalid licenses to the *Vocational Technical Education Regulations*. These provisions are basically identical to the provisions in the Recertification Regulations and provide that a license that is not renewed becomes inactive for a period of five years and an inactive license that is not renewed becomes invalid. The proposal allows educators to become employed under an inactive license and gives them two years from the date of employment to renew the inactive license. Educators cannot be employed under an invalid license unless the school district receives an employment waiver from the Commissioner.

I recommend that the Board send these proposed amendments out for a period of public comment, in accordance with the Administrative Procedure Act. After we receive and review the comments, I plan to bring recommendations back to the Board in January 2009 for final action.

Department staff will be at the meeting to respond to your questions.

last updated: November 12, 2008

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The Massachusetts Board of Education

Information Regarding Approval of Loan beyond Charter Term for Boston Renaissance Charter Public School

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: November 7, 2008

Under the charter school statute, G.L. c. 71, § 89(j)(6), a charter school may incur temporary debt in anticipation of receipt of funds, but requires approval of the Board of Elementary and Secondary Education (Board) if it wishes to agree to repayment terms that exceed the duration of the school's charter. At its October 21, 2008 meeting, the Board delegated to me the authority to approve such loan requests per G.L. c. 15, §1F, paragraph 3. During the past month, under this newly-delegated authority, I approved an extended loan request for the Boston Renaissance Charter Public School (BRCPS) as described below. This approval is explicitly conditioned upon the inclusion of the following standard language in the final loan agreement(s):

The parties to the loan(s) acknowledge and agree that the Commonwealth of Massachusetts, including but not limited to the Board and the Department of Elementary and Secondary Education, provides no representations or guarantees with respect to these loans and has no liability for any portion of the loans. Furthermore, specifically and without limitation, the Board's approval of the loan has no impact on any action that the Massachusetts Board of Elementary and Secondary Education may choose to take in the future with respect to probation, revocation, or renewal of the School's charter.

The school submitted its request in a letter dated October 23, 2008, in which the board of trustees of BRCPS requested approval to enter into financing agreements that extend beyond the term of the school's current charter for \$18,650,000 of debt. These loan agreements will consist of an \$11,650,000 tax exempt bond with a thirty year term, a \$5,000,000 Qualified Zone Academy Bond with a fifteen year term, and a \$2,000,000 conventional loan with a ten year term. This financing will be utilized in support of the \$40.6 million purchase and construction of a new, 1-3 story BRCPS facility at 1415 Hyde Park Avenue, Boston, and will be secured by that real estate. The move to this new facility is intended to satisfy the condition placed on the school's charter at the Board's February 27, 2007 meeting, which requires the school to relocate from its existing building on Stuart Street in Boston.

The request was reasonable and consistent with the charter school statute and regulations.

If you have any questions regarding this loan approval or wish to see the school's full request, please contact Mary Street, Director of Charter Schools, at 781-338-3200; Jeff Wulfson, Associate Commissioner, at 781-338-6500; or me.

last updated: November 12, 2008

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The Massachusetts Board of Education



2002-2008 MCAS Achievement Gap Analysis: Additional Information

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: November 7, 2008

At the October Board meeting I presented an overview of the results of the spring 2008 administration of the Massachusetts Comprehensive Assessment System (MCAS). As part of my overview I provided you with several graphs displaying students' grade 10 MCAS performance in English language arts and mathematics, 2002-2008, by race/ethnicity, low income status, special education/general education, and limited English proficiency. The graphs illustrate that the performance of all students has improved, but the achievement gap between and among various groups is persistent and unacceptably wide.

In the course of our discussion at the October meeting, the Board requested that similar graphs be generated for other student groups, in particular, for males and females. In response, enclosed are **additional graphs**   that illustrate grade 10 MCAS performance and achievement gaps among students by gender and other student populations.

I hope you will find the data useful. Please contact me if you have further questions.

last updated: November 12, 2008

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