# Minutes of the Regular Meeting

**of the Massachusetts Board of Education**

# February 27, 2007

**9:05 a.m. – 12:45 p.m.**

**Department of Education**

**350 Main Street, Malden, Massachusetts**

Members of the Board of Education Present:

**Christopher R. Anderson**,Chairman, Westford

**Ann J. Reale**, Vice-Chair, Commissioner of Early Education and Care

**Harneen Chernow,** Jamaica Plain

**Thomas E. Fortmann,** Lexington

**Trevor Frederick**, Chair, Student Advisory Council, Ipswich

**Patricia F. Plummer**, Chancellor, Board of Higher Education, by Clantha McCurdy, designee

**Roberta R. Schaefer**, Worcester

**Sandra L. Stotsky,** Brookline

**Henry M. Thomas, III,** Springfield

**David P. Driscoll,** Commissioner of Education, Secretary to the Board

Chairman Christopher R. Anderson called the meeting to order at 9:05 a.m.

## Statements from the Public

* Ron Walker, a grandparent of a student at the Boston Renaissance Charter School, addressed the Board on the Boston Renaissance Charter School.
* Alexandra Buckmire*,* Director of Family and Student Services at the Boston Renaissance Charter School,addressed the Board on the Boston Renaissance Charter School.
* Sarah Hewitt, a literacy consultant, addressed the Board on the Boston Renaissance Charter School.

#### Comments from the Chairman

Chairman Christopher R. Anderson opened the meeting by reporting on the search process for a new Commissioner to replace Commissioner Driscoll, who has announced he is retiring as of August 31, 2007. Chairman Anderson said that after reviewing submitted proposals, the Board has hired the National Association of State Boards of Education (NASBE) to assist in conducting the search for the next Commissioner of Education.

Chairman Anderson also pointed out a recent story in the *Salem News* about Trevor Frederick and his role as the student member of the Board.

#### Comments from the Commissioner

Commissioner Driscoll gave a brief report to the Board on current issues, including the critical need for additional funding to support targeted assistance in underperforming schools. Commissioner Driscoll thanked Governor Patrick for his commitment to education funding.

#### Approval of the Minutes

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education approve the minutes of the January 23, 2007 regular meeting, as presented by the Commissioner.**

The vote was unanimous.

# 1. Proposed Changes to School and District Accountability System: Graduation Rate as an Element of Adequate Yearly Progress (AYP) Calculation

Continuing its discussion from last month, the Board discussed setting a minimum graduation rate of 55% for purposes of calculating AYP for all public high schools in the Commonwealth. The Board also reviewed preliminary state-level graduation rate data for the graduating class of 2006.

At the January 2007 meeting, the Board discussed the federal No Child Left Behind Act (NCLB) requirement that every state use a graduation rate to determine "Adequate Yearly Progress" (AYP) for each public secondary school. Commissioner Driscoll explained the rationale for the recommended graduation rate standard and said the Department will now submit these accountability system modifications to the U.S. Department of Education for review and approval.

Chairman Anderson said he has discussed the proposed rate of 55% with superintendents, teachers, and legislators, and although he is a little concerned that it might be misunderstood, he is comfortable with it. He also said he would like to amend the motion to state that the Board intends to set a five-year rate in the future.

The Board discussed establishing a task force to review additional data and consider questions of capacity and resources to increase the percentage of students who graduate from high school. Board member Sandra Stotsky requested that the staff regularly provide data on differences in graduation rates for boys and girls. Chairman Anderson said he hopes the task force would assist and advise the Commissioner and the Board in determining future actions with respect to the graduation rate.

On a motion duly made and seconded, it was:

**VOTED: that the Board of Education establish a task force to work with the Department of Education staff to review additional data relating to the high school graduation rate – including five-year graduation data when available – and to consider issues including recommendations for improvement targets and questions of capacity and resources to increase the percentage of students who graduate from high school.**

The vote was unanimous.

On a motion duly made and seconded, it was:

**VOTED: that the Board of Education acknowledge the proposed changes to the Massachusetts School and District Accountability System as presented by the Commissioner, and further, that the Board hereby approve the minimum 4-year graduation rate standard of 55 percent as the required Adequate Yearly Progress target for purposes of the federal No Child Left Behind Act.**

The vote was unanimous.

# 2. Four Schools Considered for Commonwealth Pilot School Status – Progress Report

Commissioner Driscoll reported to the Board on the progress of four schools that are being considered for Commonwealth Pilot School status. Chairman Anderson recommended in November that the Board consider a Commonwealth Pilot School alternative for four schools (the English High School in Boston, Academy Middle School in Fitchburg, and Duggan Middle School and Putnam Vocational-Technical High School in Springfield), in lieu of a declaration of chronic underperformance. The Board's intent for the Commonwealth Pilot Schools is to promote greater school autonomy while also complying with the stricter accountability expectations that would accompany a declaration of chronic underperformance.

The faculties at each of the four schools voted by a greater than two-thirds margin to pursue Commonwealth Pilot School status. Each school formed a design team, consisting of the principal, faculty, central office administrators, parents, and community representatives, and submitted an initial design proposal to the Department on February 9th. State review panels have reviewed the proposals and concluded that each of them requires revision. For that reason, the Board decided to delay consideration of Commonwealth Pilot School status for these schools until the March Board meeting.

# 3. Recommendations on Plans from Seven Underperforming Schools

The Board discussed this month accepting the plans to improve student performance submitted by seven Boston schools that were identified as underperforming in the 2006 review cycle. Superintendent Michael Contompasis presented the plans and responded to questions. All seven school plans and the school district's overview respond to the criteria in the regulations on underperforming schools and school districts that the Board adopted in October. The schools are the Louis Agassiz Elementary School, Mary E. Curley Middle School, Solomon Lewenberg Middle School, John Marshall Elementary School, William E. Russell Elementary School, William Monroe Trotter Elementary School, and John Winthrop Elementary School. The schools will implement the plans over the next 24 months.

On a motion duly made and seconded, it was:

**VOTED: that the Board of Education, in accordance with G.L. chapter 69, § 1J and 603 CMR 2.03, and upon recommendation of the Commissioner, hereby accept the plans for improving student performance submitted by the Boston Public Schools for the following schools:**

* **Louis Agassiz Elementary School**
* **Mary E. Curley Middle School**
* **Solomon Lewenberg Middle School**
* **John Marshall Elementary School**
* **William E. Russell Elementary School**
* **William Monroe Trotter Elementary School**
* **John Winthrop Elementary School**

The vote was unanimous.

#  Recommendations to Grant New Charters

The charter school statute directs the Board to review applications for new charters and grant the charters in February. At last month's meeting the Board received summaries of the four final applications for new Commonwealth charters that were submitted for consideration this year. This month, the Board discussed granting one new charter, to the Pioneer Valley Chinese Immersion Charter School. This new charter school is scheduled to open in the fall of 2007.

Chairman Anderson said that he attended the public hearing for this proposed school and many spoke in support of the school. He said the opposition seems to be largely concerning the funding. Associate Commissioner Jeff Wulfson commented that since this would be a regional charter school, it is likely to have less of a financial impact on any individual district.

Board member Trevor Frederick questioned whether the school has public support in the districts and said he is concerned that the school may end up not being racially diverse due to its course of study.

Board member Harneen Chernow expressed concern about the funding and the effect this school may have on the Amherst-Pelham Chinese language program that is already in existence.

On a motion duly made and seconded, it was:

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, and subject to the conditions set forth below, hereby grants a charter to the following school as recommended by the Commissioner:**

 ***Commonwealth Charter:***

### Pioneer Valley Chinese Immersion Charter School (regional)

**Location: within region**

**Districts in region:**

**Agawam, Amherst, Amherst-Pelham (Amherst, Leverett, Pelham, Shutesbury), Belchertown, Chesterfield-Goshen (Chesterfield, Goshen), Chicopee, Conway, Deerfield, East Longmeadow, Easthampton, Frontier (Conway, Deerfield, Sunderland, Whately), Gill-Montague (Gill, Montague), Granby, Granville, Greenfield, Hadley, Hampden-Wilbraham (Hamden, Wilbraham), Hampshire (Chesterfield, Goshen, Southampton, Westhampton, Williamsburg), Hatfield, Hawlemont, Holyoke, Leverett, Longmeadow, Ludlow, Mohawk Trail (Ashfield, Buckland, Charlemont, Colrain, Hawley, Heath, Plainfield, Shelburne), Northampton, Pelham, Pioneer Valley (Bernardston, Leyden, Northfield, Warwick), Shutesbury, South Hadley, Southampton, Springfield, Sunderland, West Springfield, Westfield, Westhampton, Whately, Williamsburg, Southwick-Tolland (Southwick, Tolland)**

**Eighth year number of students: 300**

**Grade levels: K-8**

 **Opening year: 2007**

**The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The motion passed by a vote of 7-2. Board members Harneen Chernow and Trevor Frederick voted in opposition.

# 5. Renewal of Four Charters

In January, the Board had an initial discussion of the charter renewal applications from four charter schools. This month, the Board discussed renewing the charters for the Academy of the Pacific Rim Charter Public School and the Edward Brooke Charter School, (both of which are in Boston), the Christa McAuliffe Regional Charter School (Framingham), and North Central Charter Essential School (Fitchburg).

Associate Commissioner Jeff Wulfson said the Academy of the Pacific Rim in Boston is an exemplary school that has achieved remarkable results in student performance. Board member Henry Thomas asked what the school and the Department are doing to share best practices and ideas from this charter school. Academy of the Pacific Rim school leader Spencer Blasdale responded to questions from the Board, noting that the charter school invites visitors from many other schools and districts and also participates in the Project for School Innovation, publishing best practices and working in partnership with district schools.

On a motion duly made and seconded, it was:

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2007 through June 30, 2012, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**Academy of the Pacific Rim Charter Public School**

**Location: Boston**

**Number of students: 475**

**Grade levels: 5 through 12**

 **Academy of the Pacific Rim Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

Associate Commissioner Wulfson reported that the Christa McAuliffe Charter School is up for its first renewal and has had some financial problems; therefore the motion before the Board is to renew the charter with conditions. School leader Robert Kaufman responded to questions from Board members.

On a motion duly made and seconded, it was:

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2007 through June 30, 2012, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**Christa McAuliffe Regional Charter Public School**

**Location: Framingham**

**Number of students: 306**

**Grade levels: 6 through 8**

**This renewal is granted upon the conditions that follow. Failure to meet any of these conditions may result in placing the Christa McAuliffe Regional Charter Public School on probation, revoking its charter, or imposing additional conditions on its charter.**

**1. The Christa McAuliffe Regional Charter Public School will demonstrate significant improvement in its financial condition in FY07 and FY08 as evidenced by:**

**a. Unqualified audit opinions with no material findings for both fiscal years;**

**b. Annual surpluses as determined by audited income statements for both fiscal years; and**

**c. Current assets exceeding current liabilities as determined by audited balance sheets for both fiscal years.**

**2. The Christa McAuliffe Regional Charter Public School will ensure that its facilities are programmatically accessible no later than June 30, 2008.**

 **Christa McAuliffe Regional Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The motion passed by a vote of 8-0-1. Board member Harneen Chernow abstained.

Next, Associate Commissioner Wulfson presented for the Board’s consideration the Edward Brooke Charter School, which he noted is an outstanding school.

On a motion duly made and seconded, it was:

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2007 through June 30, 2012, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**Edward W. Brooke Charter School**

**Location: Boston**

**Number of students: 450**

**Grade levels: K through 8**

 **Edward W. Brooke Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

Lastly, the Board discussed the renewal of the North Central Charter Essential School. Associate Commissioner Wulfson said that the recommendation is to renew with conditions around student performance. The Board discussed the school’s AYP status, lack of a wait list, and current curriculum. School leader Peter Garbus responded to questions from Board members.

On a motion duly made and seconded, it was:

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2007 through June 30, 2012, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**North Central Charter Essential School**

**Location: Fitchburg**

**Number of students: 400**

**Grade levels: 7 through 12**

**This renewal is explicitly conditioned upon the conditions that follow. Failure to meet conditions may result in the Board placing North Central Charter Essential School on probation, revoking its charter, or imposing additional conditions on its charter.**

**1. By June 30, 2007, the school shall submit a report on actions taken in response to the recommendations of a consultant, who shall be approved by the Commissioner, hired to complete a review of the school’s leadership structure and to provide assistance in the hiring process for school leadership.**

**2. By June 30, 2007, North Central Charter Essential School must submit to the Department’s Charter School Office a school improvement plan created through the Department’s process for creation of a District Plan for School Intervention.**

**3. By June 30, 2007, North Central Charter Essential School must have an Accountability Plan approved by the Charter School Office. The Accountability Plan must include annual benchmarks against goals and objectives that align to the school’s plan for improvement as referenced in Condition 1. Benchmarks within the Accountability Plan must include the school making Adequate Yearly Progress in the aggregate and for all statistically significant subgroups on all applicable tests.**

**4. North Central Charter Essential School must demonstrate that it is an academic success by December of 2008 by providing evidence that the school has met or is making substantial progress toward meeting benchmarks in its 2007-2012 Accountability Plan and has made Adequate Yearly Progress in the aggregate and for all statistically significant subgroups on all applicable tests on the spring 2007 and spring 2008 MCAS test administrations.**

 **North Central Charter Essential School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

# 6. Report on Boston Renaissance Charter School

In 2005, the Board renewed the charter for Boston Renaissance Charter School, with conditions, and directed the Department to report on the school's progress by February 2007. The Commissioner reported this month that although the charter school's academic performance has shown some very modest improvement, the school has not met all of the conditions that the Board set when the charter was renewed. The Board discussed this month placing the school on probation with additional conditions. The Board will review the school's progress toward meeting these conditions in October and April of each year.

Chairman Anderson said the fact that the required progress has not been achieved is a disappointment. He said the Board could take the position that the school should not hold a charter, but he believes placing the school on probation with conditions and benchmarks will provide an opportunity for the school to succeed.

Roger Harris, school leader of the Boston Renaissance Charter School, addressed the Board on the proposed probation and conditions.

Commissioner Driscoll said he stands firmly behind this recommendation. He said the school simply has not shown enough improvement in its performance to date.

On a motion duly made and seconded, it was:

**VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.13 (4), hereby places Boston Renaissance Charter School on probation. The Board of Education will review the school’s progress toward meeting the requirements of the conditions in October and April of each year. Failure to meet any of these conditions may result in revocation of the Boston Renaissance Charter School charter or the imposition of additional conditions. The following conditions are imposed on the school’s charter:**

**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.**

 **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.**

**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.**

**4. Boston Renaissance Charter School shall 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.**

 Boston Renaissance Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.

The vote was unanimous.

# 7. Proposed Eligibility Criteria for Mathematics/Science Teacher Scholarship Program

The FY07 state budget allocates $1,000,000 for a pilot scholarship program to fund higher education courses for math and science teachers who have received waivers from certification regulations and are "out of field teachers." These funds are designed to help to increase the number of public school teachers in the Commonwealth who are certified in math and science. The legislation directs the Board of Education and the Board of Higher Education to establish guidelines for the new teacher scholarship program. The Board of Higher Education has approved the jointly developed guidelines.

This month, the Board of Education discussed approving the guidelines for the scholarship program. Board member Sandra Stotsky suggested some revisions to the guidelines. Board member Roberta Schaefer said she would prefer to defer a vote on the guidelines until next month’s meeting. Clantha McCurdy, representing Chancellor Pat Plummer, said that if the Board revises the guidelines, they would have to go back to the Board of Higher Education in April, which would delay implementation of the program. Chairman Anderson said the comments about the guidelines relate to the larger issue of licensure standards for teachers, which the Board will be discussing at an upcoming meeting.

On a motion duly made and seconded, it was:

**VOTED: that the Board of Education, in accordance with St. 2006, c. 139, § 2, line item 7061-9804, approve the *Math and Science Teachers Scholarship Program Guidelines* as presented by the Commissioner, and direct the Commissioner to work with the Board of Higher Education to administer the scholarship program.**

The motion passed by a vote of 6-2. Board members Roberta Schaefer and Sandra Stotsky voted in opposition.

# 8. Technical Amendments to Special Education Regulations (603 CMR 28.00)

The Board discussed technical amendments to Special Education Regulations (603 CMR 28.00.) The federal special education law (the Individuals with Disabilities Education Act, or IDEA) was reauthorized in December 2004, and new federal regulations took effect on October 13, 2006. In November 2006, the Board voted to solicit public comment on proposed amendments to the state Special Education Regulations to update citations to the federal special education law. These changes are technical rather than substantive. The Department received no comments on the proposed technical amendments.

On a motion duly made and seconded, it was:

**VOTED: that the Board of Education, in accordance with G.L. c. 69, §1B and G.L. c. 71B, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, §3, hereby adopt the proposed amendments to 603 CMR 28.00 (Special Education Regulations), as presented by the Commissioner. The amendments update citations to the federal special education law and make typographical corrections.**

The vote was unanimous.

# Grants

The Board discussed grants totaling $419,305 under the following programs: Secondary School Reading Planning Grant ($220,000 - federal funds); increases to two grants for Community Adult Learning Centers ($22,026 - state funds); Workplace Education Planning Grant - Phase I ($47,279 - state funds); increases to two grants for Transition to Full-Day Kindergarten ($30,000 - state funds); and Safe Schools for Gay and Lesbian Students ($100,000 - state funds). Board member Sandra Stotsky requested that all Secondary Reading Planning Grants include a major focus on the gap between boys’ and girls’ reading skills.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education approve the grants as presented by the Commissioner.**

The vote was 6-0-1 to approve the grants. Board member Harneen Chernow abstained from the vote.

On a motion duly made and seconded, it was:

**VOTED: that the meeting adjourn at 12:45 p.m., subject to the call of the Chairman.**

The vote was unanimous.

Respectfully submitted,

David P. Driscoll

Commissioner of Education

and Secretary of the Board