COMMONWEALTH OF MASSACHUSETTS
BOARD OF EDUCATION
*****REGULAR MEETING*****
MASSACHUSETTS DEPARTMENT OF EDUCATION
350 MAIN STREET
MALDEN, MASSACHUSETTS
TUESDAY, SEPTEMBER 25, 2001
9:00 a.m. - 12:00 p.m.

MEMBERS OF THE BOARD OF EDUCATION PRESENT:
Mr. James A. Peyser, Chairman, Dorchester
Dr. Roberta R. Schaefer, Worcester
Mr. Charles D. Baker, Swampscott
Mr. J. Richard Crowley, Andover
Mr. William K. Irwin, Wilmington
Mr. James Madden, Chair, Student Advisory Council,
Dr. Abigail Thernstrom, Lexington
Mr. Henry M. Thomas, III, Vice-Chairperson

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

MEMBERS OF THE BOARD OF EDUCATION ABSENT:
Dr. Judith I. Gill, Chancellor,
Board of Higher Education, Boston

COMMENTS FROM THE CHAIRMAN

CHAIRMAN PEYSER: Thank you and good morning. I want to begin today's meeting by commenting on what I have observed through several school visits over the last couple of weeks, and certainly by what I have read and heard through many sources about the wonderful, and in some cases I think even heroic performance of our teachers, principals and educators, counselors, and others throughout the Commonwealth during these very difficult weeks. Actually, a couple of days after the events in New York and Washington, the Governor and I visited a school in Milton, the Cunningham Elementary School, and had a meeting with the principal and several of the staff, teachers and others, to talk about what they had done with the children in the elementary school on the day of and the days following those tragic events. What was remarkable was the professionalism of the group, how well prepared they were for this kind of event, and the way in which they handled themselves and handled the children to get them through this very difficult and confusing time.

I just want to extend my own personal thanks to teachers and principals and counselors and educators throughout the Commonwealth who have done such a tremendous job over the last several weeks in making sure that our schools carry on, that children continue to learn, and that those children who are having difficulty processing or dealing with this series of events have an opportunity to talk about it, to learn and to understand to the extent that any of us can. So, again, I want to thank all the educators in the field for all of the work that they've done. At this point would like to cede the rest of my time to Rick Crowley to comment on his recent experience with the standard-setting process.

MR. CROWLEY: Thanks, Jim. Over the summer I was involved with about 20 educators working to set the minimum standards of the various categories, and it was a three-day process which was very valuable for me. There were a couple of things I learned. Number one, the quality of the educators is outstanding, and we were actually looking at exams. In the first full day, we were taking a peek at 30 exams, and then from those 30 exams classified where we felt these children should break, and the level of discussion was just superb. I mean, you had educators, not all of which were necessarily 6th grade teachers, again it was 6th grade math. But in terms of looking at the short responses, obviously more than the multiple choice, even though I think the multiple choice will tell you things as well, the discussion that went on around the various classifications, by the end of the process, there was a strong consensus, and it was really pretty clear as to what the kids had to know to put themselves in each of the categories. The process strengthened, again for me, the understanding that we're trying to test these kids on things that they should know, and the strength of the educators, again, was most impressive.

I was very much a spectator of the process, but in being that spectator I came away with a much better understanding of what we're trying to do, combined with, as I said, tremendous compassion on the part of these educators as they tried to distinguish between the classifications, as well as also helping send messages to the kids that are doing real well, or certainly at the 6th grade level when they would have to do better. So it was very helpful to me.

CHAIRMAN PEYSER: Thank you. And I only underline your comments by saying that I think a couple of us may have gone through a similar process three or four years ago, and I think my experience certainly was very similar to the one you described. It's a very rigorous and certainly fascinating process which results in far more agreement and disagreement about what is adequate work and what isn't. With that, let me turn it over to you, Commissioner.

COMMISSIONER DRISCOLL: Thank you, Mr. Chairman. First of all, I'd like to reiterate what Chairman Peyser has said about how our schools, and particularly our teachers and administrators, handled the events of September 11th and following. This has been a time when public servants have rightly received great admiration, obviously the recent firemen in New York, many of whom gave their lives in their service, and we haven't read much about the teachers in New York who also did a phenomenal job. Many stayed through the night, around the clock, because their students couldn't be reached by their families, so they in fact stayed in the schools all night and provided safe harbor.

As the Chairman mentioned, across this state our schools responded in a remarkable way. They didn't have a lot of time. The issue occurred immediately, and they had to deal right away with students and their feelings and their shock, with something that we hear a lot about now, but schools dealt with immediately on that day, and that is the needs and fears of Arab families and students, and I just couldn't be prouder of the way our schools handled those tragic events. Every school that I talked to and visited, and the superintendents I talked to had all sent notices home to parents. I heard from parents across the state as to how pleased they were. There were a number of parents that naturally were very worried about the safety of their own children in that regard, and the schools just did a remarkable job.

I also wanted to mention that this has been a very smooth opening. I've been in several schools, Jim has been, as well as the Governor, who said when she became Governor "I'm going to visit schools as I did as Lieutenant Governor." Many people thought she'd never have the time, et cetera, particularly without a lieutenant governor. She has visited at least nine schools this month, if not more by now, and that's a tremendous commitment on her part. But as I go throughout the districts, it's unanimous, the opinion of principals and superintendents and teachers, that it was an extremely smooth opening, and at a time when there were a lot of challenges. Many school districts face delays in construction. We have housed in shopping malls. We have middle school students that had to be moved into high school libraries. We had delays causing schools to open two, three days late, et cetera. As you probably are aware because of the media coverage, there's a lot of scrambling to try and get certified teachers at the last minute, even right up till the time school opened. Despite all that, schools opened extremely well and settled right down into the business at hand, and I visited schools in the first couple of days of operation, and they were right at it, writing and starting projects. So I think that also is a great tribute to our schools.

We had a very busy summer. Rick talked about his experience. We do, of course, a great deal of MCAS work in the summer, with the threshold scorings and so forth, but every summer seems to get more intense, and I've listed a number of things in back that I won't go over, but they include the Summer Content Institutes, the MCAS Scoring Institutes, and our Bay State Readers program, which include very intense training. It was tremendous. Our CPCs, early childhood groups, their summer institutes, et cetera. So a tremendous amount of work went on. And, of course, the summer school programs and academic support for kids were rampant throughout the state.

I want to comment briefly about what we're calling, or at least I'm calling, Project 2003. What are we going to do for kids in the 10th grade who face the graduate requirement, beginning with the Class of 2003? We have a great deal of activities that have gone on. I've mentioned two in the materials. We have two RFRS out. Alan Safran, as you may know, has assumed responsibility and leadership along with Darrell Pressley who is doing community outreach, particularly in our urban areas, and they met with the superintendents of all of our major urban areas face to face this summer, and we have a couple of RFRs on the street. The first one is going to provide online tutoring services for any child who fails the 10th grade test. Students will be able to receive online tutorial services beginning this fall, and we just had the bids yesterday, and we have six robust bids to review, which is very good news. We're also going to provide after January 1st an online, but real live person on the other end, graduate student, et cetera, to work directly with students to provide that kind of online tutorial or live services, and that will be available for up to a thousand students beginning in January, and we hope to do a lot more in the future. The Department of Education staff has committed to providing tutorial services for Malden High School students. We're partnering with Malden High School, and I'm proud to say that at least 40, and perhaps more, Department of Education employees, including yours truly, have committed to provide individual tutoring to students at Malden High School. So there's an awful lot that's been going on.

PUBLIC COMMENT

CHAIRMAN PEYSER: Next on the agenda is statements from the public, and I believe we have one person who has signed up, and that is Joe O'Sullivan from the Brockton Education Association.

Joe O' Sullivan - Brockton Education Association.

MR. O'SULLIVAN: Good morning. Before I get into my comments, I want to thank both you and the Commissioner for recognizing the effort that teachers have put in around the state since the September 11th tragedy that we've had. Teachers really did put aside their own fears and anxieties, and continue in their classroom to support the kids and give them a whole realm of services that go above and beyond just teaching, and they've done it consistently, and I appreciate your acknowledging that publicly. I wish to speak today regarding the appeals process. My apprehension regarding the proposed MCAS appeals process centers around my concern that it will indeed compound the inequity built into the test itself, and also create yet another complex, expensive administrative layer by utilizing a regional appeals board as part of the process. By comparing the appellant's MCAS grade with the MCAS performance of other students with similar grades, the missing four Cs of test validity are simply repeated and reinforced.

The first C is content validity. The frameworks have not been stable long enough for the test to be valid. Second, criterion validity. The test has not been nationally normed nor has its relationship with real-world criteria of success been adequately established. Three, construct validity. There is a very, very high correlation between success on MCAS and the value of the homes which students come from. But just as an entrance exam needs to be a reasonable predictor of college success, MCAS needs to be a predictor of academic success on something other than MCAS. And, last, and this is the newest one, as people keep exploring validity, consequential validity. The newest of the four Cs requires that there is a moral obligation that the consequences for performance are reasonable and just. I believe the issues of transient students from states and countries whose frameworks are not aligned with ours has not been adequately addressed either by MCAS or this process.

As a matter of fact, the proposed appeals process is not unlike how hogs are weighed in Texas. The process is three steps. You find a long pole and tie a hog to one end, and put a rock under the midpoint, then you search carefully and find just enough boulders for the other end to get the hog up off the ground. Step three is you then guess how much the rocks weigh.

My suggestions: First, MCAS was flawed from the start, please stop it now. Second, the ed. reform law included alternate assessments and even mentioned portfolios specifically. Your appeals process excluded them. Please conform to the intent of the law. Thank you very much, and I wish you the greatest of wisdom in your decisions.

CHAIRMAN PEYSER: Thank you, Joe. And I'll have to go to Texas with you sometime and watch this hog weighing. Thank you. The next item on the agenda is the approval of the minutes. Anybody like to move?

APPROVAL OF MINUTES

MR. MADDEN: The minutes say I'm from Concord.

CHAIRMAN PEYSER: And what should they say?

MR. MADDEN: Randolph.

CHAIRMAN PEYSER: I think they should. Did someone hear that? Any other comments or edits on the minutes?

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the minutes of the July 24, 2001 Regular Meeting as amended.

The vote was unanimous.

ANNUAL MEETING: ELECTION OF THE VICE-CHAIRPERSON - Discussion and Vote

CHAIRMAN PEYSER: The next item of business on the agenda is to conduct our annual meeting, which really entails only one action, which is the election of the vice-chair. As you know, for the last several years Roberta Schaefer has been vice-chair. She has done a wonderful job. But on the Board of Education, as in life, all good things must come to an end. The last time Roberta was elected to this position, we agreed that there would be a change when the next election came around so that we could share the wealth or the burden or the title or whatever it might be. So, before doing that, I do want to reiterate the point that Roberta has done an excellent job. She has chaired a meeting in my absence. She has been a very active member of the Board in committees and has been available at all times on the other end of the phone or elsewhere to provide advice, feedback, and to participate in various events that the Department or the Board has sponsored. So, Roberta, thank you very much for your efforts. I think Roberta can testify that it isn't too onerous of a position, and the pay is not so great either. But in any event --

DR. SCHAEFER: You just have to keep Jim on track.

CHAIRMAN PEYSER: That's right, which is very easy to do. So, with that, I'd like to open the floor to nominations for a new vice-chair.

MR. IRWIN: I'd be pleased to nominate Mr. Henry Thomas.

DR. THERNSTROM: Sure, seconded.

CHAIRMAN PEYSER: Are there any other nominations? Mr. Thomas, would you like to make a campaign speech? Assuming that Henry accepts the nomination, which I assume he does, and hearing no other nominations, is there a motion to approve his appointment by acclamation?

DR. THERNSTROM: So moved.

MR. IRWIN: Second.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education elect Henry M. Thomas, III as Vice-Chairman.

CHAIRMAN PEYSER: Congratulations Mr. Thomas, Mr. Vice-Chair.

MR. THOMAS: Thank you very much. Indeed, it's more than an honor to follow in the footsteps of the distinguished Dr. Schaefer. In a serious manner, and I do appreciate your vote of confidence, and hopefully I will be able to live up to your expectations. We will have to engage in prayer -- I know we can't do it in the schools, but perhaps in the meetings -- to make sure that Jim shows up to all of the meetings. Notwithstanding, I look forward to serving the Commonwealth and the Commissioner as well and the Department of Education. Thank you.

CHAIRMAN PEYSER: Thank you, Henry. And this probably means we're going to have to have a meeting in Springfield too, I guess.

MR. THOMAS: One of the trade-offs. Thank you.

CHAIRMAN PEYSER: Congratulations.

MR. THOMAS: Thank you very much.

COMPETENCY DETERMINATION: RECOMMENDATIONS ON MCAS APPEALS PROCESS - Initial Discussion

CHAIRMAN PEYSER: The next item is the discussion of the appeals process proposal that is making its way through the Blue Ribbon Advisory Commission which the Commissioner has put together. Commissioner and Jeff, if you could walk us through the proposal, and then we can have a discussion. Just to preface this, we're not taking a vote on this today. The expectation is that we will provide some feedback to the Commissioner and Jeff which they will take back to the Blue Ribbon Panel which will then try to integrate those comments into a more formal proposal which will come back to us at our next meeting in October. Then there will be a public comment period, and final approval after that. So this is the beginning of a process, not the end of it.

COMMISSIONER DRISCOLL: First of all, I want to thank members of the Blue Ribbon Advisory Committee. As the Chairman mentioned, they've been working with me and have done a great job. They represent the two unions, the bilingual teachers, we have a vocational principal and comprehensive principals, the superintendents' association, the school committees' association, higher education, and the business community. So we have a broad group, and they've been very helpful in providing me with very candid and very valuable feedback on a series of processes.

We're going to talk to today about the performance appeals process which is perhaps, at least from a media point of view, the one that will get the most attention, but there are other issues.

Students who move into this state at various times late in their high school careers, the issue of a technical appeal on scoring, and then there are some other issues that we need to deal with. For example, for a student whose first language may not be English, we need to look at that process where until they can actually pass the English portion of MCAS that we provide the mathematics portion, for example, in their native language. So there are a lot of issues that the Blue Ribbon Advisory Committee has helped me with.

I want to just mention two things before going through the slides and then opening it up for Board discussion. The first is, again, what Chairman Peyser has said, and I think it's very important, and that is this is the beginning of the process. While I'm very anxious to have closure at some point, we're not in any direct rush, and I'll talk about a couple of places where we do need to make progress fairly quickly, but otherwise we have time here, and somehow with the advanced media coverage and so forth there's this tendency to suggest that it's a fait accompli, we need to rush things, and that's far from the truth. The timing, again, as the Chair mentioned, initial presentation today. I'll be meeting with the Blue Ribbon Committee in the next few weeks. It will come back to this Board in October. If the Board is comfortable with the direction, then it can be voted. If it's not, then it will come up in November. If it is voted in October, it will go out for public comment. I would suggest at least a 90-day period. This is a very important issue, very important to parents. It's a matter of fairness. I think it will get a lot of discussion throughout the Commonwealth and should, and then it can come back to this Board again certainly sometime after the first of the year to be voted. There are some elements I'll discuss that should be put in place, but the main bulk of the process and the policy can wait until after the first of the year, and in my judgment should.

The second issue, which I must admit is an area of irritation for me. I'm fairly mild-mannered, as you know, but there are areas where I get irritated, and I get irritated at misinformation, and I get irritated when people don't tell the truth. We have a focused retest possibility for our students that will occur in December. That test holds students to the same standard. We take out the harder questions, to be sure. It's not the same test, but we are holding students to the same standard. In fact, mathematically students must get a much higher percentage correct on the focused retest in order to pass. So the standard of 220 is the same. It's not, as was recently reported by a major newspaper, a lowering of the standard. It is not. This performance appeals process is not backing off. It's not a retreat. It's not a slippery slope. It's not a lowering of the barrier. It is a way to provide fairness to students who for whatever reason are not able to demonstrate their true ability, their knowledge and skills of 220 in math and/or English, on MCAS for whatever reason. In the sense of fairness, we have to provide an opportunity for that child or family to appeal so that we can take a broader look, if we need to, where MCAS does not seemed to be indicating the true measure of that child's ability.

Let me quickly go through the slides, and then we'll open it up for Board members. The first is the definition, and, again, the purpose of this policy is to allow students who for whatever reason have not demonstrated 220 on the MCAS, but we want to give them an opportunity to show through specific measures -- this isn't about, well, it's a good kid, they've tried. This is about specific measures -- that they've reached a level of performance equivalent to 220 or higher -- it's actually equivalent to at least 220 -- in order to receive a competency determination. It is a three-step process.
First is obviously the submission, and this seems simple, but it really does require a lot of thought, and the Blue Ribbon Advisory Committee was very helpful on this issue. Appeals can

be initiated by almost anyone, the student themselves, their parents, a neighbor, whatever, but I'm recommending that the appeal be submitted by the superintendent or the charter school leader, or in a rare case by the collaborative leader. Ultimately it will funnel through the superintendent so we can have some clarity of process. And we're asking that the contents of that appeal, a) indicate that the student has met the eligibility requirements; and b) show that they possess the knowledge and skill in that content area. So in step one, what does the eligibility requirements mean? I've left this blank, and we had some discussion, and this is left for the Board to ultimately decide, but I think that first of all that they should have tried to pass MCAS on at least a couple of attempts, and, again, whether that's two, whether that's three, whether that's four, that's a question that remains for this Board, but certainly they ought to have taken advantage of the opportunities to take and retake the MCAS test.

Secondly, I'm suggesting that they score a certain amount on that test as a minimum, and, again, we had a lot of discussion in the Blue Ribbon Advisory Council as to whether that's one standard of error, which is approximately six points, or more, standard of error and a half or whatever. Thirdly that they maintain an attendance, good attendance in school. And the state average, Jeff, is 90 percent?

MR. NELLHAUS: For high schools.

COMMISSIONER DRISCOLL: For high schools. But anyway, they maintain an attendance. Remember, my statement has always been that we need the kids to meet us halfway. And finally, that they've completed X number of hours of activities that have been offered by school districts, either remediation efforts or summer school programs or tutoring programs or whatever it happens to be. So I'm suggesting that there be a set of eligibility requirements. This isn't just for anyone who just says, "Well, I want to appeal." They're going to have to do their part by attending school, taking advantage of remediation, taking the MCAS test, and, finally, if my recommendation is accepted, reach a certain level on the MCAS test.

Secondly, the evidence, and I think here is where we want to be very careful, because obviously if the evidence is squishy, then we are backing off, we are lowering the barrier, and I'm here to suggest that that's not what we want to do, and that's not what I'm recommending. The first thing that we want to look at is the grades that the student has received in their grades 10 and 11, and, depending on the appeal process -- we can talk about some of these details as to when the appeals process will unfold. There's the whole question about whether the appeal comes in before the final focused test and then is held until those results are back or that kind of thing. But anyway, so we would have at least the 10th and 11th grade grades, and perhaps even look at the first semester of the 12th grade. We would look at the MCAS scores of other students in the school who took the same courses. So we're looking for that sort of peer group. Here's a student taking a whole series of courses, and other students in the same school are taking those same courses. We would then do an analysis of that student's grades in the content area of the appeal to indicate that the student possesses the required knowledge and skill, and this is going to be kind of a key issue here, and I'll explain it more in the next slide. This is where it becomes evidence, it becomes objective and not subjective.

And finally, we would encourage other information. Again, specific evidence, not a letter that says this is a nice person that works hard or whatever, but supporting evidence. It may be a

work sample. It may be another standardized test, the Stanford 9 or SATs or whatever objective measures there are about that student would also be encouraged.

The next slide talks about an example, and this is just an example. Again, I would perhaps change the "C" to a "B," but this is the example, and it will give you a sense of how we're tying this to objective analysis. We used an example of a student who's filing an appeal who took Geometry in grade 10 and Algebra II in grade 11 and earned a "C" average across both those courses. We then look at 20 other students in the school who took the same two courses and had a "C" average. Of those 20 other students, 18 passed MCAS, and two didn't. So in this particular case, 90 percent of the students who got the same grades as this student passed MCAS. That would suggest that there's something to show that that student is demonstrating in classrooms across two grade levels in two different courses, is demonstrating to those teachers knowledge and skill equivalent to those that have passed MCAS. That means something to me, because, again, remember the purpose is to ensure a sense of fairness, to allow an appeal for a student who seems to be able to demonstrate the knowledge and skills of 220 but hasn't been able to do so on an MCAS test, for whatever reason. So, that's the crux of how we would provide evidence, measurable evidence.

Quickly, the review process. I'm calling for performance review boards. The Governor has suggested regional review boards. We would have one in English and one in mathematics, and I'm recommending that each review board be led by a principal. We talked about 10 to 12 members, and of course all of this is subject to the Board's input, and we would have, in my judgment, teachers and department heads from mathematics and English on those. We're suggesting a three-year term. And importantly, this is going to cost money, and I think we ought to spend some money for staff at the Department of Education to help coordinate this work, to see to it that across the state on these various regional boards that appeals are coming through the Board and to the Commissioner in a consistent way. The charge of the performance appeals boards is to determine first of all if they've met the eligibility, that there is this evidence to suggest that they possess the knowledge and skills, and then make a recommendation to me. I've been trying to word this last slide in such a way to suggest that by and large -- I don't want to term it a rubber stamp, but if we do the process correctly, then it would appear to me, if we follow all the steps, that I would be, generally speaking, accepting the recommendations of these groups, and it would be, in my judgment, that tightly developed. And if I didn't, I would want to send it back to the board to have at least another discussion about where we differ.

That is the general rubric of what I'm suggesting for a performance appeals process. Again, there's a lot of time. The Blue Ribbon Advisory Council was very helpful on a number of points, but most especially in this case. They said if we're going to use attendance, for example, some kind of rubric around attendance, and we're going to use some rubric around kids having to do a certain number of hours of remediation and so forth, those kids are in school now as juniors, and they're going to know relative soon how they did, and we already have given out the multiple choice results early in the summer. We want to put those kids on notice.

So with this Board's permission, I don't expect any decisions today, but I would want to send something out tomorrow alerting schools and students that these things may be considered and they ought to pay attention to their attendance and their efforts, so that we give them notice. That's the only thing I think we need right away, but I think that was a great suggestion. So

with that, I'd open it up. I do want to note that our last meeting was held at Camp Atwater, thanks to the generosity of Henry Thomas, and it was terrific, once we found it. Our next meeting is at Ipswich High School, which is a fabulous new high school, and we're looking forward to visiting the school as well as continuing in the discussion. So with that, Mr. Chairman, I'd open it up for all the Board to react to.

CHAIRMAN PEYSER: Let me just make a couple of very quick comments. I think one of the important elements of this to keep in mind is that what is presented here is intended to be a supplement to but not a substitute for MCAS. That's why there is some minimum MCAS performance required as part of the eligibility for an appeal, and that's a very important observation to make. There has been a lot of discussion over the years about multiple indicators, and to some extent this is a move in that direction for those individuals who have been qualified, under the various eligibility criteria that we have here, but multiple doesn't mean that MCAS gets thrown away and other things get used in their place. It means that there would be multiple indicators including MCAS that would be part of the consideration.

Two other things, though, which are sort of off the specific topic of performance appeal that I just want to mention that really should be part of the recommendations that come back to us. One is that there may be technical appeals that are not based on performance issues per se. So, for example, I'm a student, I got my test results back, I may have also my long composition. I've had a chance to look at it and see how it was scored. I had a chance to look at the item analysis, and, you know what, there's some mistakes that were made, or I have a dispute with the way something was scored. There may be appeals based on that, on that basis as well. The panel did discuss that earlier, and I think that's something that will come back as well.

The second issue which I'm not sure has been discussed by the panel directly, but I just want to throw out there, is that one of the things that the Governor indicated in her report back in January of this year in recommending that we study this issue was to also look at the possibility of accommodations for regular education students similar to those that may be available to certain special education students, and the particular issue that she was getting at there was that there are some students who may have borderline disabilities who don't have an IEP or have not been categorized as having special needs per se but nonetheless present similar kinds of issues as students who do have IEPs. The students with IEPs have access to the process that gets them certain accommodations that wouldn't be available to the regular education students. So I just throw that out there because I'm not sure it's been discussed. I've attended a couple of the meetings of the panel, but not all of them, but I should think that needs to be put back on the table as well. So my expectation is that we'll have not only these sort of performance appeals issues but also more technical kinds of appeals that may be made and then may go through a slightly different process, particularly one that may be more expedited.

DR. SCHAEFER: I don't mean to put our new vice-chairman on the spot, but since you're a member of the committee, I was wondering if you could talk a little about how you see this and what some of the issues are that the Board needs to consider at this point.

MR. THOMAS: Well, first let me just open with the fact that I thought that the process was fair and everyone had an opportunity to weigh in from their frame of reference, which was pretty diverse, and I thought the composition of the committee was a balanced one, because we had a lot of folks on the committee who were strongly opposed to MCAS, never mind the appeals

process, as well as we had folks that were somewhere in the middle, and those who were very pro. You know, I felt that the process was difficult because there's a delicate balance here, in that one would want to ensure equity within the test-taking process so that we don't unnecessarily harm one's opportunity to gain a graduation certification when there are real and viable indications that they have met competency levels but have not demonstrated it on the exam.

On the other hand, and this is the contrast that makes it difficult, is that everyone was concerned about opening up the floodgates for an opportunity for a get-out-of-jail-free card where that could possibly allow for an abuse. So that was the challenge I think everyone was sensitive to. I think that the committee was real concerned about how to allow for a challenge, who is going to be the central figure in agreeing that this student is worthy of an appeal. I think the staff gave us a number of scenarios, which we did not all accept. There were some scoring kinds of discussions, which I see the Commissioner didn't put the score because we weren't all together at all on what would be the kind of scores that determine whether it would be an appropriate measure to determine whether an appeal was worthy or not. To make a long story short, I think that our concern was really more on the logistics in the process, correct me if I'm wrong, as to how we get there. There's no question of an appeal process. Notwithstanding Mr. O'Sullivan's testimony, there was no question whether an appeals process was necessary or is necessary. The question is what steps would be appropriate, and I think that the Commissioner really laid out a solid framework to get us three-quarters of the way down the road. I think it needs a little bit more work. Hopefully that helps you out.

DR. THERNSTROM: Okay, four questions. I was very glad to hear you mention some possible distinction between the special education students and the regular students because I think that is an issue that we need to give some thought to. Here's the first question. Would there be on the student's diploma an indication that the student hadn't actually passed the MCAS test? Have we given any thought to that?

COMMISSIONER DRISCOLL: As far as I'm concerned, no. The issue is did they meet the competency determination under the law or didn't they, and I'm satisfied that they are as qualified a graduate as anyone else. It's just that, again, for whatever reason, this test, they just weren't able to pass this test, but otherwise demonstrated it. So to me, you have to meet the competency determination, and they've done that, so I wouldn't make a distinction.

DR. THERNSTROM: No, that's fine. I was just curious as to what you had in mind on that. You know, on the evidence of knowledge and skills, I'm trying to imagine the student who passes course exams but not the MCAS, and it will be interesting to see who falls into that category. I also think that there's got to be some discussion of the weighting of evidence here, that is if we were to weigh very heavily, for instance, other supporting information, work samples, then -- work samples don't get at the broad spectrum of skills and knowledge that we hope MCAS does, and so there's a question there of the weighing of the various criteria that we're looking at.

CHAIRMAN PEYSER: Henry or Dave, jump in here because you've attended more of these than I have, but in terms of the discussion that I heard, and certainly I think in terms of some of the discussions I've had with the Commissioner and Jeff around the analysis, the correlation between grades and MCAS performance of other students who took the same series of courses,

that that would probably serve as the core analysis, and then that would get you 80 percent of the way there, and the other data would be available to try to sort of confirm one way or the other whether a student was really above or below the standard. I think if you take that away and then were just looking at work samples and other results, then I think it's very difficult to, with any kind of certainty for outsiders, looking at a folder, basically, to be able to make that kind of judgment. So I think the work sample kind of thing -- when I say work sample, in my mind I'm thinking of writing in particular, where a student may not have done well on the essay on the MCAS but can present strong evidence that they are better writers and have demonstrated so in class, that that might be the sort of thing that tips you one way or the other if the other evidence gets you close.

DR. THERNSTROM: A couple of other things. Dave, I agree with your question about whether instead of a "C" average we might go to a "B" average.

COMMISSIONER DRISCOLL: That, of course, is just an example that we made up.

DR. THERNSTROM: Right. No, of course.

CHAIRMAN PEYSER: The problem just on that point is that obviously a C in one school is not necessarily a C in another.

DR. THERNSTROM: Right, but we do have a general problem with grade inflation.

CHAIRMAN PEYSER: That's why tying it to MCAS is so important, because otherwise I think it's just a random letter which really you can't evaluate independent of it.

COMMISSIONER DRISCOLL: In a subtle way we were trying to not talk about kids who get all A's and B's, and therefore should pass MCAS.

DR. THERNSTROM: Right, I understand. On the composition of the review performance appeals board, obviously we want teachers on that board, but I would think that teachers should recuse themselves from judging the appeal of students in their own school who may have --

COMMISSIONER DRISCOLL: Thank you very much for that, Abby. I was very remiss in making this point earlier. This process should be such that no one knows who the student is, that this is a blind evaluation of the student's work not knowing who the student is --

DR. THERNSTROM: Exactly.

COMMISSIONER DRISCOLL: -- and that's why the high school principals, so that we have someone who we can deal with, that can deal with the Department staff and so forth. We think we could use SASIDs and LASIDs. So our hope is that they would be evaluating the student based on the evidence strictly and not knowing who it is. So thank you for that.

DR. THERNSTROM: That's it.

MR. THOMAS: Just a point of clarification. Didn't we indicate that we would have the sitting principal or was it the superintendent of the district that would have to sign off on whether the appeal was one that was to advance based on their own assessment?

COMMISSIONER DRISCOLL: That's right. That's why all appeals must eventually come through the superintendent, because we want the superintendent to sign off. In most cases the communities have one high school, so certainly a high school principal would be very important, and maybe the principal that's dealing with the whole performance process may want to deal with the principal if there are any questions, otherwise the panels won't know who the students are.

MR. THOMAS: Okay. The reason I raise that as needing some clarification is that this would not be a system where any parent who felt that their child should receive a competency determination or should have passed and didn't therefore should appeal. They wouldn't be able to just en masse go into the superintendent's office asking for an appeal. So it doesn't get to your level until the local authorities would --

COMMISSIONER DRISCOLL: My hope is any experienced superintendent is use to having loads of parents on whether it's a bus route they want to change or --

CHAIRMAN PEYSER: It might be useful for us to develop as part of this process some guidelines for superintendents and districts in how to handle their process.

COMMISSIONER DRISCOLL: That's why we think that the Department staff is important. This is important staff because it's important for the future of kids, and it's important to have the process right.

DR. SCHAEFER: Dave, you mentioned that in order to be eligible students would have to have scored, at least on one attempt one standard error below 220, and I believe you mentioned as an example that would be 214, and you said one and a half, maybe even lower, so maybe 211, 212. Do we have any idea based on last year's test how many students would be eligible based on that criteria alone?

COMMISSIONER DRISCOLL: Well, we actually do, but I would -- at this point, I'm so close to my goal of having real results for 10th graders, that I'll answer that question at the next meeting, because I'd like to have real results, but we have --

MR. BAKER: That was going to be one of my questions. So let's turn it around and just, instead of getting really specific about it, what do people think the number of kids coming through the process will be? Is it going to be 1000, 2000, 10,000, 15,000?

COMMISSIONER DRISCOLL: I think it's going to be ultimately a low number, and with this -- depending on what the Board eventually votes for eligibility, I think you're talking a thousand at the most in the pool, and then I think you've got a low number coming forward, that's what I think. Because I think that the issue is almost the way Abby asked it, here you've got someone that can demonstrate 220 in other ways, and they get repeated opportunities on MCAS, which means a Stanford 9 essentially. Kids are use to being tested. So I guess the only

explanation would be for whatever reason they freeze on MCAS or whatever. My own opinion is that as the test becomes more and more valid and reliable, and I think when kids try at the 10th grade level we'll see the kind of reliability and validity that we've seen at other grade levels, then the number of appeals will decrease. So that's my guess, Charlie. But, again, I think to your question, at the next meeting we should have the results of 2001, and we should put those forward as to what the numbers are.

CHAIRMAN PEYSER: The other thing I'd just say to underline the point that I think we're talking about relatively small numbers here is that I'm convinced, and others are as well, by looking at actual MCAS performance and comparing it to performance in school and on other measures that MCAS results remain the most consistent, most reliable, most valid measure we have for evaluating student achievement, and that you will find that students who are in the below 220 category are generally not doing very well in school, and this is intended to open the door to the fact that there may be some exceptions to that, but I think those are going to be relatively rare exceptions. So it's not enough to score, let's say, 215, whatever, 214, whatever the number is, because you have to have the other evidence to suggest that you're actually performing quite a bit better than that, and I think most of those students who were scoring in these categories are doing similarly in the rest of their coursework. So if the standard is held constant, which the Commissioner has assured us it will, and rightly so, I just don't think we're going to have a whole lot of people coming in and saying, "Gee, this student has a really solid academic record but just keeps doing very poorly on MCAS." I think those two things don't happen very frequently. They may happen occasionally, and I think that's what this is intended to address.

MR. IRWIN: I have a few items here. On the evidence of knowledge, you're looking to look at their grades in 10th, 11th, and possibly 12th. I think I understand why it's not going to be the 9th, but don't you think that even the 9th grade courses should be weighed in as evidence towards this, even though we're not testing at the 9th grade level, because it may show something there, for instance, with Algebra I and then Geometry in the 10th grade or something like that.

COMMISSIONER DRISCOLL: Let me just answer and say I wouldn't disagree with that. I guess I agree. Again, as long as it's objective evidence, I think it should be put in the pile. So if the 9th grade is instructive and it shows us something, sure.

MR. IRWIN: Right, it would show a pattern. There's more of a pattern in that. Also, on the part where grade 12 in the content area of the appeal if available, I think something like that should be taken up to the appeal. In other words, where they're at up to the time of the appeal. So when the appeal is put in, then what their grades are up to that point during that appeal should be included, instead of just saying, no, it's up to the 11th and that's it, because you got to understand when I take this further up to the submission of the eligibility requirements I feel strongly it should be attempted four times, the test. You don't want to let somebody know in the 11th grade that, well, if you appeal it in the 11th grade then you don't have to take it any further.

COMMISSIONER DRISCOLL: So by that you would mean up through the focus retest of their senior year in December?

MR. IRWIN: Correct.

COMMISSIONER DRISCOLL: So they take it the end of their junior year -- I see. The end of their sophomore year, twice as juniors and once as seniors.

MR. IRWIN: Right, and then you'd have --

COMMISSIONER DRISCOLL: So then they can at least graduate with their class which was one of the issues.

MR. IRWIN: Correct, that's what we want to do, but we don't also want to send the message that, well, you can appeal it in the 11th grade and don't worry about anything else after that.

CHAIRMAN PEYSER: I guess there are two points I'd make. One is that if you assume, and this is something obviously for us to decide here, but if you assume the decisions are made after January, and beyond of the student's senior year on appeals, then as a practical matter you might need to start the paperwork process prior to the December retest of that year, but in no case I think was there any discussion about exempting students from taking that test.

DR. THERNSTROM: The retest?

CHAIRMAN PEYSER: The retest in December. Even though they filed the appeal, no decision would be reached until after that final retest, but I think that we need to work that through because there may be some practical issues as well. One other point I'll just put on the table is there are students who transferred into the state late in their high school career. They may not have as many attempts to take the test. By transferring in their junior year, they've obviously missed the sophomore test, and so there are obviously some special circumstances where exceptions will need to be made.

MR. IRWIN: Right, I understand that.

COMMISSIONER DRISCOLL: If I could just add a few things to that. There was a lot of discussion about other aspects. For example, if we have as part of evidence, let's say 90 percent, which is the state average of high school students, the student in order to apply for an appeal has to have 90-percent attendance.

MR. IRWIN: Well, I'm going to talk about that.

COMMISSIONER DRISCOLL: So then the question is do you have exceptions for kids who have asthma or whatever, so that's another issue. Because in most policies you want to have an appeal to the policy. So, the other issue is on the case of having taken it four times, if that's what this Board decides, which means that a student in order to appeal must have taken it the three times and be ready to take it in December, there is the question raised, and that's why we have principals on there to think of these examples. What happens if you've got a kid who is really just not taking it seriously enough and blows it off as a sophomore, and blows it off this December, just doesn't take the retest this December, all of a sudden in January wakes up and

says, you know what, MCAS isn't going away. My friend told me it was, but it's not. So now all of a sudden starts to meet us halfway, as I said. Now they only have three opportunities. So my only point is, at the end of the process we want to fairly evaluate kids and give them an opportunity. So if a child wasn't able to take four for whatever reason, we may want to think about that, that's all. But I would say -- you know, I didn't fill in the number, but we do need to fill in the number, and I'd be comfortable with four or any number as long as we're able to provide some flexibility within reason.

MR. IRWIN: Okay, I'll let go of that one for right now.

COMMISSIONER DRISCOLL: Well, you get to eventually vote.

MR. IRWIN: I know that.

COMMISSIONER DRISCOLL: I'll do what you tell me.

MR. IRWIN: As far as using a number of 90-percent attendance rate, that's not good enough, that's 18 days absent in the course of a year. Now, time and learning standards that we have, what do the time and learning standards say as far as absences? Eighteen days is an awful lot to be absent.

DR. THERNSTROM: I agree with that.

MR. IRWIN: Unless, again, there's some other things such as asthma or something like that that can be proven. There's no effort there.

CHAIRMAN PEYSER: Just to put it in the concept of time and learning, because I think that's a good benchmark to use, there was talk here a little about the remediation programs, and there are no hours put in there, but I think the initial number that was put on the table was 40 hours which I think is actually probably a little bit above average in terms of number of hours in remediation programs for students who participate. So let's assume it's 40 hours, just for argument's sake. 10 percent of the time in learning hours which is suppose to be 990 in high school is 99 hours, so that swamps the remediation time. So if you're absent 99 hours, picking up 40 on remediation, well, you're not really getting much extra time. You're not even getting what we hope every student is supposed to get. Absences obviously happen for some very legitimate reasons, but I think your point is a good one.

MR. IRWIN: And, also, how can a teacher teach to a student who's not in a class? It doesn't work.

COMMISSIONER DRISCOLL: Which is the same as how can a child learn if they're not there.

MR. MADDEN: Let me say how amused I am first by the absence thing since I should be in my AP English class right now. I'm glad Mr. Thomas brought it up earlier, dealing with how much discretion a superintendent should have over the appeals process, to push it forward or to reject it, and I'd just like to weigh in by saying that once we set the eligibility requirements the superintendent shouldn't have too much power beyond the eligibility requirements. If we

set them and that's the minimum that we think they should set, I don't see any reason why a student who meets those requirements should be denied, at least by one person, the superintendent, rather than by the review board, and I'd also just like to talk a little bit about the eligibility requirements. I'd like to say that the process that you've proposed seems like a very, very good way to deal with students who might not just test well or had a bad day or are weak in this test.

CHAIRMAN PEYSER: Or four bad days.

MR. MADDEN: Yeah, something like that, because they're still being held to the standard of the MCAS through their peers who have the same grade point average. They're still being held to the same standard. I don't think beyond that it deals with a whole lot of exceptions or reasons why someone might do poorly, just if there's a fluke of the day of the test, they don't test well for whatever reason. So, for that reason, I don't think that we should give them or force them to take the retest a large number of times or force them to take a large number of remediation programs. Because if their problem is that they just don't test well or they've had a bad day, then it shouldn't take too long to figure that out or to deal with it, and you're putting time and money into remediating the student and forcing them to take the retest. And if they do test poorly or, you know, if that's a problem, that won't help a whole lot I don't believe. Remediation and tutoring, you're basically spending time and money to teach someone how to take the test. If they have the skills, if they validly have the skills and should be granted an appeal, then it shouldn't take four tests to figure that out, it shouldn't take a large number of remediation hours to figure that out. If the standards are there from the beginning, a lot of remediation on how to take the test shouldn't be necessary.

COMMISSIONER DRISCOLL: Well, I respectfully disagree, but that's all right.

CHAIRMAN PEYSER: Well, there are a couple of elements. One I suppose is that without question some of the remediation services provided have to do with helping students understand how to take a test, which may be one reason why they don't perform as well as they might otherwise, but I think the major part of the remediation effort has to do with skill building for students who really lack the skills. And while there may be some cases you're talking about, I'd be interested in your opinion in terms of the people that you know, but my suspicion is that those are relatively few exceptions, and in crafting a policy like this, it's hard to make it so sensitive that it handles absolutely every possibility. As we get into this further, if you think that some of those categories are larger than we might think, I'd like to hear about it. But I do think in terms of the remediation, my expectation and hope and belief is that most of us focus on building essential skills that students lack, and that it's not a waste of their time but a benefit, and spending more time in it is actually better for them than not.

MR. MADDEN: I do agree with you on that. It seems to me that this appeals process is for students who show the skills and have the skills. If you can pass this appeals process, if by your grade point average and comparing your peers' grade point averages with their MCAS scores you can show that you do have these skills, then you don't need the remediation to gain those skills if you already have them. I don't see that this appeals process is for students who lack the skills so much. It's just for students who've tested poorly.

COMMISSIONER DRISCOLL: Well, I respectfully disagree. We will see how the appeals process plays out. The question was asked earlier, and I think many of us have that question, is why can't a student show their knowledge on the MCAS test, because after all students today, despite the pressure of MCAS, are taking pressure-laden tests all the time. People use the SATs and PSATs and so forth, but the one example I always like to use, the one that puts the most pressure on students, is their driver's license exam. Students who don't show 90 percent attendance and don't seem to know their basic algebra facts sure enough learn pretty quickly how many feet from a fire hydrant they're suppose to be, et cetera. So some of it's motivational, and the other issue is that the MCAS test in and of itself is a very important diagnostic tool, and so I think that there are a whole series of reasons, notwithstanding the fact that I believe people have to meet us halfway.

I believe MCAS is ultimately extremely fair, but I have to accept the idea that there could be students, and I think it's going to be a low number, but there could be students that for whatever reason, I really can't explain it. You know, vocational people have told the Chairman and I that there are kids who can demonstrate that ability in a shop, but they can't do it on a pencil and paper test. We've tried to test that with MCAS with some of our questions. So I simply think, James, that MCAS is too valuable a tool for diagnosis and help. It's too important a tool to really be a measure of truly where students are. In my judgment, we will know when we get the 2001 results when kids have really tried. But generally speaking, if you talk to teachers, they'll tell you, kids who do well on MCAS are kids who do well in school, kids who don't aren't, and that equated with the Stanford 9s when we did it with the 10th grade test, and with the Iowas grades 3 and 4, same kids. Those who failed the low basic in grade 3 Iowas were failing the MCAS. There's a tremendous correlation. So I just respectfully disagree. I think that as much as possible we ought to make students try as best they can on MCAS. We can't turn a blind eye to students who have otherwise shown that they have this ability and, again, for whatever reason can't demonstrate it on MCAS, but can meet 220.

MR. THOMAS: I think James asked a good question in logic, and I think it may not be a matter of fact. It may be more of a question of judgment, but I was going to approach it in a little different manner. What if in fact we do have a student who can make a compelling case in the 11th grade that they have all of the requisite competencies but just did not demonstrate it in obtaining the 220 score. Is it, and I'm not sure where I come out on this yet either, but is it really fair to say, okay, take it again in the 12th grade, in the 12th grade when in the 11th grade if you did the appeal based on how you have performed thus far you might come up with a pass on that?

COMMISSIONER DRISCOLL: I think that the framers of the whole assessment system, which was not only our legislature and the administration here in Massachusetts but really based on other states as well, a comprehensive education reform standards-based approach, suggest that one of the great areas of growth and development normally for students is between the 10th and 12th grade, so to some extent I personally would want to hold students to the standard that I think is so important for them to demonstrate. MCAS is a very hard test to get into proficient and advanced, as it should be. But I don't believe on certain levels, depending on obviously a student that doesn't have severe disabilities or language difficulties, I don't think for the average kid it's a hard test to pass. And so I think we ought to take advantage of the whole growth and development between grades 10 and 12. Many, many of the kids who are just missing in grade 10 will be able to grow in 11 and 12, so I'd like to stay with that.

MR. THOMAS: So time and experience would be the X factors.

COMMISSIONER DRISCOLL: Right. I said I disagree, but respectfully. I think James does raise a valid issue.

CHAIRMAN PEYSER: The other thing is just in terms of, and I sort of hate to put it this way, but I'm not sure of any other way to put it, in terms of students who don't test well. I have a hard time grasping the concept completely, especially in terms of numbers that sort of rise to any level of significance, but I don't think you can really judge whether the student is having a problem with this particular test until they've had a couple of opportunities. Is the number three or four? I think that's something that we need to look at. I think it's more than one for sure.

MR. MADDEN: I'd agree to that.

MR. BAKER: First of all, if there are 300 districts, I think you're going to end up with more than a thousand kids, that's only three kids a district, which seems to me to be kind of a small number. The second question I had is sort of off the wall which is, did anybody think about making this an exception process instead of an appeals process? Have the state establish certain criteria, and basically give the districts the ability to review on the criteria, and the state's role would basically be sort of random reviews. Appeals processes generally tend to be, for lack of a better word, messy.

COMMISSIONER DRISCOLL: To use my least favorite words, that would be a slippery slope.

MR. BAKER: I think an appeals process will end up being one too, Dave. Don't kid yourself.

COMMISSIONER DRISCOLL: Not with me as the final arbitrator.

MR. BAKER: I would argue that you'd would have twice the authority if you simply said that you were going to randomly review how people were actually executing on the exception process. And if people didn't, boom, they can't use the exception process for some period of time.

CHAIRMAN PEYSER: There are two issues. One is the conversation we had earlier about superintendents or educators in a particular district being, for lack of a better term, judges in their own cases, so the ability to really separate themselves from all the other pressures they have been under in order to make a fair evaluation that is reasonably consistent across the entire state. The other thing, though, is the example that was cited in the correlation to the MCAS grades. Part of that is intended not only to validate the grades, but also to simplify the process so that the energy that's put into the appeals process is looking at those cases that are the tough ones, as opposed to the ones that are easy. One of the assumptions is, and we won't know until we actually get into it, is that by doing that correlation exercise between other students' performance and MCAS results, there will be some fairly easy or straight forward judgments that the panels can make so that they can devote more time to those that present borderline cases. So I think it's a combination of the complexity of process and the likely

volume that will flow that is going to determine whether or not there's a problem, and I think part of the next few months we can evaluate whether either one of those two things is going to create a bureaucratic or administrative problem for us.

COMMISSIONER DRISCOLL: I can't believe I'm saying this to you, Charlie, but that's why I think we have 775,000 young people in our work force who don't have basic skills in English and mathematics, that's a great example of the exception process.

MR. BAKER: I'm telling you, Dave, right now when you lay out what those criteria are, and those are going to be the criteria to determine yes or no for the most part on an appeal process, and depending upon how people administer and execute on it, you can get the same thing out of an exception process just as easily. At the end of the day, I'm going to do whatever the majority of people want me to do, because you know more about this than I do, but I dealt with a lot of appeals processes when I was in government, and people have a wonderful capacity to go like this with them (indicating), and I think in some ways they can be a lot slipperier than are exceptions.

COMMISSIONER DRISCOLL: Well, I would simply say to you, at least in the field of education, this is the most important appeals policy process as we have ever dealt with, and I believe, and it's up to this Board if you're going to have an appeals process as opposed to an exception process, is keep faith with the educational format that says thou shall not have a competency determination unless they can demonstrate the knowledge and skills, and this Board has determined what that level is, and I think did an absolutely superb job doing that, in English and math, starting with English and math as far as a very reasonable standard, and I guess it's in the eye of the beholder. I'd invite the Board members to look over my shoulder when we finally get in the appeals process. If we do it right, if we staff it right, if we're consistent with it, I think, whatever the number is -- if there are that many kids, I'm wrong, and you're right. If there are thousands of kids out there that can demonstrate 220 ability but not on MCAS, then I'll stand corrected. But I don't believe the process is going to stretch like taffy. I think it's going to hold together, that's my personal opinion.

MR. IRWIN: Charlie, while I agree with what you're saying, to eliminate the bureaucracy, if you use an exception process and you find somebody that's not following what we're suppose to follow and you shut them down, we're not penalizing that person. We're penalizing students that are in the process and students that come along afterwards, and that's the problem I see with something like that. I do agree with eliminating bureaucracy, but in this area here, I can't enforce that without hurting the students that had a legitimate appeal.

MR. BAKER: I'm going to abide by those who are smarter than me on this, but I think if you want the districts to be in charge of the process, you should let them be in charge of the process. And if they screw up (indicating). And you're right, that is something that hurts, but that's something they have to take into consideration when they manage and administer. There's not going to be much difference, Dave, if it works the way it's supposed to, between an appeal and a exception process if those are going to be the criteria by which you ultimately determine, you know. By the way, I'm not even sure we should have an appeal process, because we're setting a pretty low bar to begin with.

CHAIRMAN PEYSER: I think there are two reasons for having appeals. One is the fairness question. I think there are a lot of open issues about how narrow or broad the process should be in order to accommodate legitimate fairness concerns. The other is more of a legal issue, and the extent to which we ensure we have a legally defensible system. And based on what folks tell me and my own analysis of the situation, we have to have some kind of an appeals process to ensure, if and when we go to court, that we show we did everything we possibly could to ensure that this system was applied consistently and fairly across all cases, and I think appeals is almost a necessary part of that in order to have a successful legal strategy. It doesn't tell you what kind of appeals process or how broad or how narrow, but I think we have to have something there, and I think that's also one of the reasons why we're going down this path.

DR. THERNSTROM: Well, Charlie, on your thousands of successful appeals, if we literally have thousands of students who can successful appeal who can't do well on MCAS or haven't don't well on MCAS but are solid students and, say, have bang-up SAT scores, well, then something is wrong with MCAS obviously, and that would force us to rethink what we're doing with the test. I don't think that's going to happen.

MR. BAKER: Three kids in a district gets you to a thousand. You're going to get a thousand. Ten kids in a district gets you to 3,000. I mean, I think the number is going to be somewhere between three and six thousand.

DR. THERNSTROM: Let's cross that bridge when we get to it. It's a premature discussion. I have a couple of other comments. I'm in total agreement with Bill on the attendance question. You're counting as good attendance kids who have been absent more than three weeks during the year, and that would trouble me. Dave, I think you said something very important in response to James. Look, 220 does not require a high level of academic skill and knowledge, and that is important to keep in mind when we think about this whole process and who we give a pass to despite a failing score.

Now, one question, and it's raised by something you said before. This is not on the appeals process, but it's a larger question. What in fact happens to the student who arrives in Massachusetts in his or her junior year and has not had a chance to take the 10th grade MCAS. Can that student take the regular MCAS rather than simply a retest, because you want those students to have the opportunity to pass MCAS, at a proficient or advanced level, obviously, and not simply get a passing grade on an MCAS. What have we done about that?

COMMISSIONER DRISCOLL: That is one of the discussions. And, again, our obligation is to see to it that a student demonstrates 220 in English and mathematics in order to get a competency determination in the Commonwealth of Massachusetts. Now, we did all of the scenarios. What do you do with a student who moves in March of their senior year from Indiana, et cetera? The principals were very helpful in this regard. In some instances it may be that the sending school, we would do that here in Massachusetts, might be willing to grant a diploma from their district in Indiana, assuming that the Massachusetts school simply sent the grades back for the second semester, so that's the worst example of someone who would just go back to their other state. For those students who are going to be graduates in Massachusetts and not go back to their previous states, then they're going to have to pass MCAS. Now, if they come in their junior year and they come before the focused test, they have the right to take the

focused retest, why not. We're simply interested in whether they can demonstrate 220 or not. Then, of course, if they weren't successful then, they could take it at the end of their junior year and so forth. So they would take it whenever it's available.

As to the argument how unfair is that for someone who moves in from another state to Massachusetts, let's say at the end of their sophomore year, for example, they come from, name your favorite state, and you say, now, that isn't fair. These kids are coming into Massachusetts. They've been in whatever state for ten years. They have not been subjected to the MCAS standards, the English standards, the math standards, et cetera. That's where I think the strength of this program ultimately at the end of the day, as you like to say, will be the valid and reliable nature of this standard, because it's a hard test to get into proficient and advanced, but it's not a hard test to pass, and the kinds of things we ask kids to do to pass English and math I dare say is hopefully being done in 50 states across this country. It's certainly being done in Taiwan. And so I think the basic mathematics and English -- we give them a question in mathematics to plot three points on a graph. They get two points for just plotting the points. I would hope every third grader in the state could do that. So I think the fairness of the test in basic English and mathematics at 220 level allows us to say you've got to pass our test when you come here whenever you come. Now, it gets far more complicated with limited English proficient, kids who come from other countries, et cetera. We're going to have to come forward with a set of recommendations on all of those issues as well.

DR. THERNSTROM: I was concerned about the student who could get an advanced but who hasn't arrived.

COMMISSIONER DRISCOLL: They would have the right to take that, of course.

CHAIRMAN PEYSER: Let's be specific about right now because there are students who have entered school for the first time in Massachusetts this September, and there's a test coming up in December. I think we ought to be sending a very clear signal to all schools and districts in the Commonwealth as well as the students and parents themselves that those students must take the test in December.

COMMISSIONER DRISCOLL: They must be offered the opportunity to take the test.

CHAIRMAN PEYSER: Well, they ought to be signed up.

COMMISSIONER DRISCOLL: They could be absent that day.

CHAIRMAN PEYSER: Yes, but it should not be presented as, gee, maybe it's a good idea. They should absolutely take it. We ought to also make sure that they have an opportunity to take it in the spring as well in order to determine whether or not they can score in the higher performing categories, but they should definitely not miss this opportunity to take this test in December just to make sure they can get over the threshold.

COMMISSIONER DRISCOLL: I'm going to send a memo tomorrow anyway.

MR. NELLHAUS: We sent it out last week.

COMMISSIONER DRISCOLL: That's right. We actually did send a memo out.

MR. CROWLEY: I've have had a piece of paper in front of me for a while that has blanks in it, and I just have this desire to immediately fill in the blanks, and I hear what you're saying. I think one of the most important ones is the minimum score, and I think that will determine the pool of candidates. I agree with you as well that 220 from what I've seen is an area that people should get over, so the whole appeal process is one where I'm not so sure how many people ultimately come through the door and be accepted. That having been said, I also think I heard at some point an appeal on this process. Let's leave that aside for a second. I agree with Charlie, at the end of the day I'm going to rely a lot on what you recommend, because frankly you're the professional, and in that context, three of the four, let's leave out the minimum score for a second, what's your reasonable range of where you'd like to see us come down?

COMMISSIONER DRISCOLL: What I was trying to do today was bring it before the Board and get a sense of the Board so I could come back to the advisory council and give them a sense of the Board, because ultimately it has to be something you're comfortable with, and then bring you back recommendations in October. I don't mind answering those questions if you force me to right now, because the one thing I've always done as either a superintendent or a Commissioner is be ready to answer the question directly. I'd prefer not to, but I'd be glad to. I mean, I have numbers there, the advisory council gave me their view. So, you ask it again, I'll answer it.

MR. CROWLEY: Okay. I'm not going to ask it again.

COMMISSIONER DRISCOLL: Let me say that our number on attendance would be too low. Based on what I would have filled in prior to this meeting, I'm now not only agreed with, I can almost see that the Board will vote a higher number, but I actually agree with that.

CHAIRMAN PEYSER: I just want to back up the Commissioner a little bit, because I think he's a little bit coy but not entirely coy, because he's trying to protect the integrity of the Blue Ribbon Advisory Committee process but not preempt it. So maybe I can whisper some things to you afterwards about what he might have said.

COMMISSIONER DRISCOLL: I'll be back with recommendations in October.

CHAIRMAN PEYSER: The point is that we want to make this a consultative process, and we don't want to preempt it by throwing numbers up there.

MR. CROWLEY: Well, given that, I accept that. Let me give you my quick thoughts. On the retest, I think we have to be aware of that fourth test and the timing, so I would like to try to stay away from appeal on the appeals, if you will, on the requirement, so I would be inclined -- in my mind it's a minimum of two. I'm not so sure logistically that four makes sense. The minimum score I think is a big one, and I think you have to look at the deviations of who is that going to bring into the group given what the 220 is suppose to represent. Attendance, absolutely. And I also look at the remediation hour requirement. It should be a lot of hours. I think 40 is too low, just in the context of I think we're looking for kids that are trying to get

through, and you're talking about meeting us halfway at least, so I think in those I think it should be a high number.

MR. IRWIN: When the committee looked at attendance, did they also take into consideration tardiness?

DR. THERNSTROM: Well, it's not only tardiness. It's the kid who shows up for an hour in the day, or basically doesn't go to classes, walks the hall, has lunch with his or her friends. Is that kid at school?

COMMISSIONER DRISCOLL: Tardiness is an issue. I mean, again, I --

MR. BAKER: Isn't that going to show up in some of the secondary stuff they're looking for, supporting information?

CHAIRMAN PEYSER: It should, but there's no question that not all data is equal, and it's not -

MR. THOMAS: For all practice practical purposes, the superintendent is going to access the information from the principal, and the principal is going to access it from the teachers, and so they'll know the profile on the student as to whether they're nonparticipatory.

CHAIRMAN PEYSER: If it's okay, I'd like to wrap this discussion up. Again, we're not taking a vote today. We're going to have plenty of time for more discussion on this next month. Ideally if what comes back is at least mostly acceptable, we can send it out for comment before we bring it back for final decision, so there's a lot of process to go on. But if it's okay, let's move on.

COMMISSIONER DRISCOLL: Thank you very much. It was helpful.

FY 2003 BUDGET PROPOSAL - Initial Discussion

CHAIRMAN PEYSER: The other items on the agenda are likely to pass fairly quickly. They look like there's some big issues on the table. In fact, there are, but they're not all ripe. So the discussions here or the issues that we need to address may be fairly limited. The next item in particular is one of those issues. It's a big issue, but it's not one we can talk about right now. It's the FY 2003 budget proposal. There are two things I wanted to get on the table first. One is that obviously the fiscal situation is different today than it was a couple of weeks ago and has been deteriorating for the last number of months in any event, and there are some re-evaluations going on right now, some of which were noted in the paper today. Others are going to be discussed later today and during the course of this week, which will effect the FY 2002 budget.

Just to keep everyone in sync here, we are in FY 2002. There is not a budget for this year. It is still under discussion. Nevertheless, this Board and the administration generally needs to prepare an FY 2003 budget, meaning July 2002 through June 2003, by the end of calendar year, so we're further ahead than most other people are thinking about at this point. Nonetheless, we need to begin that process now, even though there's uncertainty about 2002 and 2003 is so far

off. The other thing is we have a budget committee which has a vacancy at the moment, and I'm going to appoint Rick Crowley to fill that vacancy, and it is my hope that the budget committee will get together sometime in the next month, prior to the next Board meeting, to start talking about some of the big macro issues, if you will, about our budget, to start laying out some parameters so that by our November Board meeting we can actually have a budget proposal before us that we can approve and send on to the Governor as a recommendation for inclusion in her house one proposal.

COMMISSIONER DRISCOLL: In fact, there's a meeting today, and our staff is there with Secretary Crosby talking about some parameters for 2003 and perhaps 2002. So, as Jim mentioned, there's going to be very difficult times ahead, and we know that. The one thing I would ask Board members to think about, and unfortunately I've had some experience with, as others at this table have, with financial crises, and they're very difficult. They're very difficult emotionally and otherwise. But, things have a way of going on, and enterprises have a way of going on, and it actually turns out to be a pretty good time to set clear priorities, and that's what I would like Board members to think about. What is it that despite whatever we have to cut and whatever numbers we have to meet, what are the areas that are sort of non-negotiable from your perspective as to places we have to make progress? I would suggest a couple, and, again, we'll have to see how it all comes out, because you can list them all, of course, adult education, early childhood education, reading, literacy, mathematics, et cetera. I personally would want to continue to make progress on the Certificate of Occupational Proficiency. I think it's an important part of the law. The other issue is in one that's not so much in our budget anymore, but 50 percent in our budget, and that is the whole issue of school and district accountability. I still believe that as an initiative that drives reform. It's done it in other states. It gets the attention of adults in the buildings, not that MCAS hasn't, but I do think school and district accountability is very important, and I would like to see both the new EMAC board and our Department be given adequate funding to staff and/or contract with people who can provide the assessment program in looking at schools and districts and also the data collection and that kind of thing, the infrastructure, if you will, to use as a basis.

So those are just a couple of areas that I think we need to make progress on as we go forward, and so it's going to become very important, and I recognize that I'm also going to have to be and should be charged by this Board and others to make recommendations in areas we have to cut back, because in the final analysis these are going to be very difficult times for FY '02, let alone FY '03, and we'll see what happens in the future. So I think if Board members could be thinking about those things. As I said, for me it's the COP and the school district accountability. There are others, but those are two that I want to make progress on regardless of the kinds of budget limitations we have.

CHAIRMAN PEYSER: The other thing I'd just add in that vein is that -- I can't now remember exactly when it was, maybe it was as many as two years ago -- this Board had extended discussions around goals and objectives, which essentially was a process of trying to establish some priorities which we felt were most important over the long term. So I'd encourage you to go back to that document. For those of you who don't have it, please ask Melanie for a copy. It lays out some program areas, all of which have some budget implications, that the group collectively thought were particularly important, so I think it would be useful to revisit that as well. Any other comments that people might have about this process we're about to embark on?

MR. BAKER: Dave, how are you guys managing the 2002 piece, given that you don't have one yet, and what does that mean for sort of baseline with regards to 2003?

CHAIRMAN PEYSER: Well, as you know, we're getting used to it, Charlie. It used to be that people would raise up if people didn't complete a budget. Now, it's kind of the norm. What most people have tried to do in the past, and that's up for grabs now, is to look at the House and Senate budgets and just take the lower number, that's what I've done with the grants which we'll talk about later, but what we do is take the lower of two numbers in the House and Senate and go forward that way. Now, that up to this point had been very safe.

MR. BAKER: What are the cities and towns doing?

COMMISSIONER DRISCOLL: Well, they, if they were smart, used the lower number. But I don't think it's beyond the realm of possibility given the conditions that perhaps state government and others are going to have to even revisit the minimums that are currently before the state government. We're in that kind of a crisis. Now, I think state government wants to obviously keep faith in the cities and towns and work together and so forth, so I don't think they'd just pull the rug as it was sometime in our past, but I think these are very serious times, and I for one am not even going to proceed too much further on the minimum for 2000 until some decisions are made. It sounds as if the state government is trying to make some decisions on the overall rubric for FY '02 and FY '03 hopefully that we can operate. I'm really in a real contraction mode at this point, whereas three weeks ago, even though the economy was softening, I was comfortable using the House number if that were the lower of the two. Now I think we have to be very careful with everything we do.

CHAIRMAN PEYSER: I'll just say obviously much of it is speculative, but there seems to be some agreement around what the total statewide for 2002 ought to be. There also is 2001 surplus funds which essentially have been put in reserve, and there's probably going to be some efforts to apply those to 2002 if there's a shortfall. So it's not clear exactly what the impact is going to be. I think over the next week it's going to become clearer pretty quickly. If there are no other comments or questions on that, let's move on to the next item which is the establishment of an Advisory Council on Educational Technology.

ESTABLISHMENT OF ADVISORY COUNCIL ON EDUCATIONAL TECHNOLOGY - Discussion and Vote

COMMISSIONER DRISCOLL: I have some visitors here, and this can be brief. I would actually suggest that the Board not necessarily vote this. We have discussion and vote, but I'm comfortable having the discussion and voting it next month since it's before you for the first time. Beth Lowden is here, and I know Mike Gilbert is here. And Jim Stanton is here.

I think that my memo says it right. We've been blessed in Massachusetts with a number of organizations that have been very helpful in the area of educational technology, which is obviously a crucial area, and I'm hoping to see the day where it really makes a tremendous difference on the teaching and learning process beyond just the phenomenal capabilities that result from the use of technology. And I meet periodically with BEST, and they suggested a

while ago, and I included their recommendation to you, that it has risen to the level where we really ought to think about an advisory council. The law has listed 16 advisory councils-- well, 15, and we added one, so we by precedent added one in the past, and I think this does rise to the level of being important enough to have an advisory council for the Board. BEST has put forward even some basic recommendations on who the membership should be, or possibilities at least. And as you can see, it would be very inclusive. It's not about BEST wanting to be the advisory council itself, although it would have some input obviously because it's so active. But I think it's a terrific recommendation, and I endorse it to the Board, and would just conclude by adding that BEST has been a tremendous partner for us both in advocating for the use and importance of educational technology, but also weighing in on quality issues and been very active in helping us with budget requests and so forth. So they've been a great partner, and I think this makes some sense and would recommend it. I don't know if there's anything our friends would like to add.

MS. LOWDEN: I'm Beth Lowden. I'm one of the cochairmen of the BEST coalition. BEST stands for Business and Education for Schools and Technology, and we are a coalition of 25 organizations, business, education and labor. We came together in the mid 1990s, just as the Internet was becoming important, to support the educational technology bond bill, which was the first significant state funding for technology in Massachusetts. It was $30,000,000, and we did get those matching grants released, and they made a huge difference at the time that schools were beginning to get wired for the Internet. Then and now we build our coalition on the desire of educators to utilize powerful technologies to help students learn, and the need that business leaders perceive to attract students to math, science, engineering, and computer science. In a state with hundreds of school districts and hundreds of school committees, each of which makes its own budget decisions, we look to the state legislature to provide incentives for every school district to help students meet the technological challenges of the future.

Currently we're working on grants that we hope will distribute $35,000,000 over four years to help districts use technology to align their local curriculum with the frameworks. These were passed last year as part of the Capital Needs Investment Trust, but -- and, by the way, over 190 school districts have written proposals for these grants as well. The Department of Education has worked very hard on evaluating those. Supposedly the automatic funding has not come through and is now all tied up in the FY '02 budget process and the use of the FY '01 surplus, so we continue to work this fall to try to get those funds released for those school districts that have put in that amount of time. I want to let my colleague Jim Stanton from the Metro Southwest Employment Board talk about the advisory council and the need for that, 'cause he spearheaded that effort.

MR. STANTON: Thank you, Beth, and thank you, Board. About nine months ago BEST at one of its regular monthly meetings had a sustained discussion about our perception at that time that the then leadership of the department education technology effort had substantially isolated the department from an array of outside input that ought to be very important in making an array of decisions about policies for education technology. In subsequent months it became clear that efforts were made to reach out to a number of educators, but over time as that grew and larger numbers of educators become involved it seemed to us that the process was in fact quite unwieldy, and it was hard to really measure how the input that was being made was impacting policies.

Additionally, many of us, as I'm sure many of you are aware, that there are some really outstanding examples nationally and at the state level where business leaders and educators and third parties have worked together to address issues of how educational technology can be used effectively in the schools. I'd like to just quickly mention two of those. One is the CEO Forum which operates at a national level and includes senior executives from 17 or 18 of the major information technology corporations in the country in collaboration with the National School Boards Association and the National Education Association. They've produced four outstanding reports addressing infrastructure and connectivity, professional development, achievement this past June. So this is an outstanding example of how business leaders and educators and third parties can collaborate to really identify the best policies and promising practices that will be of use nationally, at the state level, and at the local level.

Additionally right here in Massachusetts, as you I'm sure all know, about a year and a half ago the Board of Higher Education appointed an Information Technology Task Force, and in October of last year they came up with their "Choosing to Compete in a New Economy: A Comprehensive Strategy and Investment Plan to Make Massachusetts Public Higher Education an Information Technology Leader." Again, this was a task force composed of business leaders in Massachusetts, third parties, and staff at the Board of Higher Education. They identified six major areas where they felt the state needed to make an investment in order to become this information technology leader. So, as we speak, there are six task forces where business leaders and educators are hard at work on these issues. This report was also the impetus for the CITI, The Commonwealth Information Technology Initiative, which is now in place in the schools. So our concern is that as business leaders and educators realize there's a substantial need to upgrade the technology skills of students at the higher education levels, it's imperative that there be a seamless interface between the K to 12 system and the higher education system so that our students that get through the K to 12 system are ready to deal with this new agenda at the higher education level. So it's for these reasons that we felt that the Commissioner and the Board would be well served by having an advisory board of some 18 to 20 members who would provide a consistent basis for giving feedback to the department on its policies and initiatives in the area of educational technology.

CHAIRMAN PEYSER: Thank you, and thank you all for coming. I want to say first that I support the establishment of this advisory body, and I think we should approve it, and possibly can do that today, but I want to say something also that maybe sounds somewhat at variance with that. I think the panel needs to be an advocate for the sound application of technology to enhance and accelerate learning or improve efficiency. At the same time, it ought to be a vocal skeptic of technology for technology sake, and should take full consideration of all the trade-offs associated with investing in new technology at a school or district level. These are not free additions. They don't come from some pot of money that isn't available for any other purpose. We need to think about what's in the best interests of our children, not necessarily what's in the best interests of the technology infrastructure of the school, that's an interesting subset of the larger issue which is about teaching and learning.

I think that also will have some implications on who the members should be. I think the membership should be a mixed group, not necessarily technology specialists entirely, but people who bring different values or different experiences to bear, some of which may be quite skeptical. I think that kind of interchange is very important for a council to have and very

important for us to hear. One of the problems with advisory councils is sometimes they become advocates, and all we hear from the advisory council -- I don't mean to categorize them all this way, but sometimes the information we get or the advice we get is simply advocacy for their particular interest, and ultimately that's not very helpful to us. We need people who are able to objectively evaluate the pros and cons of different alternatives and to advise us as to what's the best use of our resources, what the best policy options might be. So that's the sort of charge I would give to you all and to the members, whoever they might be, so the council is an effective and integral part of our policy-making activity. Are there any other comments that members might have or questions that members might have?

MR. MADDEN: I'd just like to say I was pleasantly surprised to see that the proposal includes a student member, and I think that would be --

COMMISSIONER DRISCOLL: We're learning. I did want to introduce Mike Gilbert who chose not to speak which was smart.

DR. GILL: I've sat on your side before, David.

COMMISSIONER DRISCOLL: He e-mails me constantly and represents the school committee association as well. One other advantage is -- and if board members are comfortable, I'd love to have you vote it. One other very important advantage to having a formal advisory council to the board, rather than just what they are now with BEST and others, is that all the advisory councils work together, that is to say I bring them all together once a year, we give them a common charge, and I think it's very important that the advisory councils learn from one another, and that's one of the great things that happens, not only in educational technology but all these other advisory councils when they interact recognize how important it is to have a coordinated effort.

MR. THOMAS: I have one question. What was the cite for the report?

MR. STANTON: There are two reports. One is the CEO Forum Report, and there are actually four of those, and I can give you the information about how you can obtain a copy after, and then the second was the "Choosing to Compete in the New Economy," which is a report by the Board of Higher Education, the Massachusetts Board of Higher Education, and the date is October 2000.

MS. LOWDEN: Just in answer to your admonition not to have too many technology specialists on, there's only one.

DR. SCHAEFER: I was going to say that I'm willing to suspend Schaefer's rule under these circumstances if the Board would like to take a vote.

CHAIRMAN PEYSER: Does she have unilateral authority? It requires two-thirds. Is there any objection to waiving the Schaefer rule?

MR. BAKER: I don't know what the Schaefer rule is.

CHAIRMAN PEYSER: The Schaefer rule requires that for us to take a vote on any issue it has to have been on the agenda during the prior or at least a prior Board meeting, so essentially that all items that we vote on have to appear before us twice.

DR. SCHAEFER: You have to understand the past history, which we won't go into now.

MR. IRWIN: I make a motion.

CHAIRMAN PEYSER: Okay, let's make it official. Is there a second?

DR. THERNSTROM: Second.

CHAIRMAN PEYSER: All in favor? Opposed? Hearing no opposition, the Schaefer rule is waived, which will allow us to entertain a motion on establishing the advisory council.

On a motion duly made and seconded, it was;

VOTED: that the Board of Education, in accordance with General Laws Chapter 15, §1G, hereby establish an Advisory Council on Educational Technology.

The motion was made by Mr. Thomas and seconded by Mr. Irwin. The vote was unanimous.

UPDATE ON SCHOOL BUILDING ASSISTANCE - Discussion

COMMISSIONER DRISCOLL: I think we'd just as soon defer until next month. We want to see what the money rubrics are, et cetera.

CHAIRMAN PEYSER: Just by way of process, there's an annual report which I think has a deadline November 1st. Let me ask you a question, does the report have to be approved by the Board or is it something that comes out of your office which has to be approved by the Board?

MR. WULFSON: It's a report of the Board.

CHAIRMAN PEYSER: So the Board will have to approve the report. Much of the report is informational, so there's not much to approve per se, but there may be some policy implications that are embedded in it, all of which is to say that we ought to make sure that as soon as -- there's some internal meetings going on now. As soon as you've got a document that's ready, if you could send it out in advance of the Board packet so members have enough time to take a look at it, that would help, where we do have a deadline of November 1st.

COMMISSIONER DRISCOLL: We should be able to get that out fairly soon. We just need -- as you suggest, there are some decisions being made hopefully this weekend so we can move.

CHARTER SCHOOL AMENDMENTS - Discussion and Vote

CHAIRMAN PEYSER: The next item is charter school amendments, and these are a couple of amendments to some existing charters, in particular the Abby Kelley Foster Charter and the

Neighborhood House Charter School. I think it's pretty straightforward, hopefully members have had a chance to read it, but if you could just quickly summarize what the amendments of the two charters are, that would be helpful.

MS. McINTOSH: There are three amendments pending before you today, two requested by Abby Kelley Foster Charter School in Worcester, and one requested by Neighborhood House Charter School. Both schools requested change to their mission statements, and Abby Kelley Foster requests to extend their region to include the municipalities of Holden and West Boylston. They're pretty straightforward.

MR. BAKER: I'll tell you, this stuff is pretty self-explanatory.

CHAIRMAN PEYSER: And we're obliged to vote on any material change in the charter, so that's why it's before us. Again, I think this is the first time we've seen these, is that a fair statement? Which implies we have to get another waiver of the Schaefer rule. I'm not sure we actually saw any of the content.

MS. McINTOSH: This is the first time you've seen the content.

COMMISSIONER DRISCOLL: This is another challenge to the Schaefer rule.

MR. BAKER: I thought we waived the Schaefer rule period.

MS. SCHNEIDER: By all means take a vote on the by-law first.

CHAIRMAN PEYSER: All right. Do I hear a motion to waive the Schaefer rule?

MR. IRWIN: So moved.

CHAIRMAN PEYSER: Is there a second?

MR. BAKER: Second.

CHAIRMAN PEYSER: All in favor? Opposed? The Schaefer rule is waived. Now, is there a motion to -- well, let me back up. Is there any discussion or questions about these two amendments or these three amendments to the two charters?

MR. BAKER: It looks like they've changed their region primarily to deal with some issues particular to the siting of their facility and a particular interest in a couple of communities to participate.

MS. McINTOSH: That's correct.

MR. BAKER: Pretty simple.

CHAIRMAN PEYSER: And they've discontinued their contract in their schools which is the other reason the Neighborhood House has really minimized --

MR. BAKER: They have a much shorter much more realistic mission statement.

MS. McINTOSH: Yes, I would agree with that.

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 amend the charters granted to Abby Kelley Foster Charter School (mission statement and region) and Neighborhood House Charter School (mission statement) as presented by the Commissioner.**

The motion was made by Mr. Baker and seconded by Mr. Thomas. The vote was unanimous.

CHAIRMAN PEYSER: The next item, I believe, is the scheduling of future meetings.

SCHEDULE OF REGULAR BOARD MEETING DATES THROUGH JUNE 2002 - Discussion and Vote

COMMISSIONER DRISCOLL: For the Board schedule, what we are proposing for dates, except for April the 4th, I believe is the fourth Tuesday of each month. In April, there is an April vacation, and we do pay attention to that for the purpose of schools, and sometimes even others plan things that week. So unless there's great objection, hopefully we can vote this.

DR. THERNSTROM: I have a question. What is the location of these meetings, that is when are we going to be not in Malden?

COMMISSIONER DRISCOLL: Well, we visit Randolph, not Concord, in May, correct?

MS. SCHNEIDER: Commissioner, we didn't schedule locations yet. We thought that the October and/or the November meeting might be out of Malden, perhaps in Central Massachusetts.

COMMISSIONER DRISCOLL: Do we need to do a western point?

MS. SCHNEIDER: Springfield.

COMMISSIONER DRISCOLL: We'll inform you about that, Abigail. But we do know that May will be the student's, traditionally is in the student's high school, so May will be Randolph. And usually we don't schedule the western, necessarily schedule the western meeting in January or February because of weather, so I would probably think March. So March would likely be in the western, and May would be in Randolph, which is close enough to Boston, and then either October or November will be --

DR. THERNSTROM: It takes a lot more time. You have to schedule, put in your calendar a lot more time.

CHAIRMAN PEYSER: Now, we are tentatively planning to be out of Malden at our next meeting in October. Any thoughts at this point of where that might be?

COMMISSIONER DRISCOLL: No, and we need to discuss that.

CHAIRMAN PEYSER: Before the end of next week, we ought to let everybody know what the plan is.

COMMISSIONER DRISCOLL: So the dates seem to work?

MR. IRWIN: Yes, they work for me.

CHAIRMAN PEYSER: Is there any problem? Have people checked out their calendars? Are they all bad, Charlie?

MR. BAKER: No, no.

CHAIRMAN PEYSER: Do we actually need to approve?

COMMISSIONER DRISCOLL: Not really. No, I would think as long as there's a consensus.

STATE AND FEDERAL GRANTS - Vote

CHAIRMAN PEYSER: As the Commissioner has already said, with his powers which we vested in him back in July he has already approved all of these grants, is that correct?

COMMISSIONER DRISCOLL: That's right. It really is informational. And back to Charlie's question, some of these we got out very early because of the need for districts to get started. I approved them at the lower number, but grants in future starting with next month we're going to have to look at carefully, because we may not even have that number, but we'll know a lot more at the October meeting.

CHAIRMAN PEYSER: Is there any other business anyone has or any other comments that anyone would like to make in closing? Hearing none, we're adjourned.