COMMONWEALTH OF MASSACHUSETTS
BOARD OF EDUCATION

****REGULAR MEETING****
MASSACHUSETTS DEPARTMENT OF EDUCATION

350 MAIN STREET
MALDEN, MASSACHUSETTS

TUESDAY, JANUARY 22, 2002
9:00 a.m. – 12:00 p.m.

MEMBERS OF THE BOARD OF EDUCATION PRESENT:

Mr. James A. Peyser, Chairman, Dorchester
Mr. Henry M. Thomas, III, Vice-Chairman, Springfield
Mr. Charles D. Baker, Swampscott
Mr. J. Richard Crowley, Andover
Pat Plummer for Judith I. Gill, Chancellor, Board of Higher Education
Mr. William K. Irwin, Wilmington
Mr. James Madden, Randolph
Dr. Roberta Schaefer, Worcester
Dr. Abigail Thernstrom, Lexington

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

COMMENTS FROM THE CHAIRMAN

CHAIRMAN PEYSER: Good morning. We have a list of about ten people who want to make public comments, so why don't we do the public comments first, and then go into statements from myself and the Commissioner? To begin, why don't we start with Senator Hedlund and Representative Bradley?

DR. DRISCOLL: As the senator and representative come forward, I want to comment that they're here to represent a broad constituency, Superintendent Malvey and others, from the community who are here en masse, as you can see, to raise concerns about the School Building Assistance Program, basically the funding schedule, and therefore the schedule of reimbursement.

SENATOR HEDLUND: Thank you, Mr. Commissioner. I understand the constraints on your time this morning, so I'll be extremely brief and turn it over to my colleague to my right, Representative Bradley. Certainly as a Legislator recognizing the situation that we face, both in the Legislature and policy makers, such as yourself, constraints upon your budget and budget issues that you have to grapple with in the coming year. We're here obviously to speak about the School Building Assistance Program. It's something that communities that I represent, and other communities throughout the state have grown extremely reliant on, as we are in a period of time here where we're really making up for I think some deficiencies in the past in addressing adequate facilities. I've got communities that are represented here on the South Shore that have planned accordingly, and I think in a very competent fashion have planned. Hull, for instance, has been able to move two projects that are extremely necessary forward, without having to look for a Proposition 2-1/2 override. However, their planning was based on recent, I guess precedent, in

the School Building Assistance Program. Planning was done accordingly, based on the level of funding that has occurred in that program in recent years.

I know the discussion that's before us has to do with a decline from about $52 million in this current fiscal year, to a proposed expenditure of $19 million next year. I would hope that, as you grapple with your issues, that we really readjust priorities to really focus on this issue and what it means to communities. I think that adequate facilities certainly are just as important as pursuing the MCAS program the way we have, and I would hope that we really take a look at that and listen to the tale that some of the communities have before us. With that, I'd like to turn it over to Representative Bradley. Thank you.

REPRESENTATIVE BRADLEY: Thank you, Commissioner and members of the Board. I'm going to speak briefly and turn the remaining time over to Dr. Malvey, who represents those standing behind me. I'd like to thank you for the opportunity to speak here today about the $20 million authorization in new SBA grants next year, which is specifically what I'd like to speak to. This program has grown significantly over the last decade, but your decision to only authorize $20 million will substantially curtail the authorization for new SBA grants next year will have a ripple effect on a wait list of over communities, which will have a substantial impact on taxpayers of communities like Cohasset and Hull, that won't see reimbursement if this continues, within five years. The action will result in a tax increase in Cohasset alone of approximately $800 a year per household if reimbursement is not seen when expected. As the Governor had said yesterday, her first priority is to protect the taxpayers of Massachusetts. And I would suggest that this authorization does not accomplish that goal.

Looking at this in historical perspective, towns can expect, or could have expected, payments to begin within five years, especially since the State allows them to borrow to cover for five years. No town meeting is going to authorize, at least in my communities, an open-ended authorization to tax themselves. Second point I'd like to make is, by taking this action, this severe an action, it will likely kill this program in the future. I'm not sure how anyone could take the floor of town meeting and advocate that the community take such a leap of faith. And since this is such a blow to communities, we are here to ask you to reconsider your decision to only authorize $20 million, and if you do take this under advisement, as I expect you will, when and how will we receive or review your decision, and is there an appeal process that we could review? And I'd turn it over to Dr. Malvey at this point. And thank you for your time.

DR. MALVEY: Good morning. My name is Dr. Ted Malvey, School Superintendent for the Cohasset Public Schools. Dr. Driscoll, Mr. Peyser and members of the Board, with me today are representatives from the towns of Cohasset, Pembroke, Hull and Norwell. I have the Town Manager with me, to my right, Mark Haddad; the Chairman of the Board of Selectmen, Fred Cohen; Chairman of the Building Committee, Rob Spofford, and to my left, Chairman of the School Committee, Stephanie Noble. As well, we have the superintendent from Hull, and town administrators and managers from Pembroke, Hull and Norwell. Collectively, we have projects that are either under construction or on the planning stages to the tune of $175 million. We have a common interest in seeing that the school building assistance funds are maintained. Representative Bradley mentioned that with the cutbacks of approximately $19-20 million, the impact in Cohasset would in one fell swoop, put an additional $800 on the tax rate overnight.

What we're asking from you folks today is to take another look at that proposal or that potential proposal, we're not sure where it is at at this particular stage. It would have devastating effects for us, and I'm sure as Chris Martes, Executive Director for the Massachusetts Association of School Superintendents, will comment, it will have devastating effects statewide. We are into our project in Cohasset three years now, from the initial planning stages, the feasibility study. We have floated all our bonds. We have sold the project to the community, based upon the rules that were put forward by us, not only from the law, as well as from the Department of Education. In order to go forward with that, we stood at town meeting floor, saying to individuals at our town meeting, that there was a funding mechanism. And we believe that that funding mechanism should be honored throughout the course of our

project, as well as these other towns. To us, and I stand to be corrected, but to us, the issue is not the appropriation, the issue is the redistribution of approximately $50 million within the Department of Education. So we would ask that you would seriously consider that, we're looking for your help. We view ourselves as your customers, as the students and the communities that we serve, look at us as they being our customers. We need your help and we hope to have an appropriate response in the near future. We'd pleased to answer any questions that you may have.

COMMISSIONER DRISCOLL: Just a quick comment. I think the backdrop of all of this is the fiscal crisis we're going through. If you look over the last ten years and more, boards of education have been able to appropriate approximately $30 million, and that commitment commits the state in the following year, and then, for that matter, for the next 20 years. We were fortunate during good times to be able to increase that to $50 million, as we were able to do a year ago. The reality is, not only did we face severe cuts --and by the way, you asked where the process is, the Board of Education has submitted its budget, as it must, to the Governor, and the Governor will now present House 1 this week. I think everybody, generally speaking, is aware of the fiscal crisis, We are now aware, after yesterday, of even a greater fiscal crisis.

There's a $200 million reduction that needs to be made in the current budget, not FY03. We as an agency must cut an additional $27 million at this late date in the fiscal year. So, certainly I sympathize and recognize across the state, you're talking about projects that are down the list. In between you and the beginning of the list, are another 50 communities or 60 communities or maybe 70 communities, that are in that same predicament. Hopefully, we'll see better times and we can return to the kind of appropriations we have had. But we certainly recognize the strain it puts on, we recognize the planning and commitment, some times overrides need to voted in order to get these projects approved. We're hoping to right the ship, but at this particular time the Board had to vote a budget, it was very restrained, and it's going through the process.

MR. HADDAD: Commissioner, may I address ---

DR. DRISCOLL: We really need to move along, I'll defer to the Chair.

CHAIRMAN PEYSER: We have ten people on the agenda here this morning.

MR. HADDAD: I understand. I just would like to make one statement if I could. I'm the person who stood in town meeting twice to promote the Cohasset schools, and was the one that sat through the investigative process with the individuals, we talked about this issue, about how, if the funding would be there and it was a sacred cow, that this was not something that would ever be cut because of what we were trying to do. I think that what you need to understand, as well, by this course of action, as Representative Bradley has stated, you have effectively killed this program. And I feel for those communities that are not going to be able to get something through. The second point I would like to say, we will never in the Town of Cohasset be able to get an operational override through after this action is taken if this follows through. And what will happen? What will happen then is that the education process will die in our town because we won't be able to get operational overrides. So you are hitting us on two points, on the school side, increasing our taxes, this hits every single person in our community and the Commonwealth. And the second piece, we will never get another override through, sir.

CHAIRMAN PEYSER: I appreciate your comments. On the other hand, to stand at town meeting and say the legislature will appropriate $50 million every year from here to eternity is not a reflection of reality. You should have been more careful in your words.

MR. HADDAD: I disagree with that, sir.

CHAIRMAN PEYSER: On what basis has the legislature committed itself to fund $11 billion, which is what would result in five additional years of $50 million appropriations, for first payments?

MR. HADDAD: I disagree, I respectfully disagree with you, sir. I sat in two needs conferences with your individuals from the SBA and sat through those conferences. I never would have asked the Town of Cohasset to go on the hook for $42 million if the understanding would have been that it was an open ended. Your second piece ---

CHAIRMAN PEYSER: Well, you should ask your representatives if any vote by the legislature in one year commits it to a vote of the same appropriation in the following year.

MR. HADDAD: You know what was said to me at the SBA? That this was a sacred cow, that it was that you should go forward with ---

CHAIRMAN PEYSER: That's a political judgment, that is not a legal opinion.

MR. HADDAD: That came out of your Department, it was told to me in two needs conferences, sir. And so we went forward on that basis.

COMMISSIONER DRISCOLL: Anybody who has been in any position in this state for a long period of time understands the ebb and flow. And one need only go back about ten years to see this, even Chapter 70 was cut in the middle of the year. So there are no sacred cows and it's always subject to appropriation, and I would hope everybody would understand that. I would suggest to you that there are many, many people on this list, as well, who are all in the same boat. People are not making cuts because they want to. We're making reductions because we have to.

DR. THERNSTROM: There's nothing special about Massachusetts to this scene, your point is -- holds for the federal government, holds for other state government.

SENATOR HEDLUND: Mr. Chairman and Mr. Commissioner, I thank you for your time. I'd just like to, in closing, if I may, point out that there are a number of steps obviously remaining in the budget process, and the legislature obviously has a significant say in this. We appreciate the input you've given, and the Governor will now submit House 1. I would ask that if the legislature is really the budget authority and policy makers for the state, readjust the priorities, so to speak, and move towards an increase in this program, we hope it would have your support.

CHAIRMAN PEYSER: Thank you all very much.

REPRESENTATIVE BRADLEY: In closing, Commissioner. I'd like to thank you as well for your time. And, Mr. Chairman, I would just point out that it looks from my research in the last ten years, that this would be the deepest percentage cut since 1990. I know you've probably taken that into your consideration.

CHAIRMAN PEYSER: Just so we're clear, it's a $20 million increase over last year.

REPRESENTATIVE BRADLEY: I understand.

CHAIRMAN PEYSER: And there's a reduction in the increase from the prior year.

REPRESENTATIVE BRADLEY: I understand. Looking back to 1990, the difference I think is significant. And I thank you for your time.

CHAIRMAN PEYSER: Thank you. Next is Chris Martes, from the Massachusetts Association of School Superintendents.

MR. MARTES: Thank you. Commissioner Driscoll and Chairman Peyser, Members of the Board of Education, thank you for allowing me to speak this morning. My name is Chris Martes, and I'm the Executive Director of the Massachusetts Association of School Superintendents. We represent all of the public school superintendents in the Commonwealth, as well as a large number of assistant superintendents. I'm here today to discuss a very important issue, the School Building Assistance Program. It is the lifeblood of efforts to renovate and build public schools across the state. I'm aware, and even more aware now, that you know a great deal about this program. My message is that this important program needs to continue to be funded at at least the same level as in the past.

There are over 200 building projects already on the approved list. As you know, the enrollment boom is heading through the middle school level and into our high schools. Excellent progress has been made during the past decade to both renovate and build schools. This is an integral part of the educational reform effort. Offering a world-class education means offering world-class facilities. These are well-deserved by the students, teachers, parents and all of the citizens of Massachusetts. This is not the time to slow this program down. Commitments have been made, communities have been notified and the funding needs to follow in a timely fashion. I know that you've heard specific issues about specific building projects. I've heard many of them, as well. Communities are making commitments to fund projects through town meeting and override votes. It is now time for the state to continue its commitment, as well. This program has been described as the second most costly long-term funding issue after the Big Dig. When the Big Dig has had financial problems, there's been an increase in funding. I contend that the School Building Assistance Program is more important and needs to be funded, given the same kind of financial consideration. Our association will be advocating for additional funding at both the local and state levels. I hope that you will join us in this effort. Again, I appreciate the opportunity to speak with you this morning. Thank you.

CHAIRMAN PEYSER: Thank you. Next is Steve Gorrie, from the Massachusetts Teachers Association.

MR. GORRIE: Good morning. And thank you for the opportunity to speak. I'll be very brief. First of all, for the record, my name is Steve Gorrie, and I'm President of the Massachusetts Teachers Association. I would like to first echo the remarks of the previous speaker, Chris Martes, on SBAB. My main purpose in speaking today was on the regulations, the changes in regulations for vocational/technical education. It is my understanding that the Commissioner will recommend deferring discussion and action on this till the next meeting. And we do applaud that recommendation. That was to be the essence of my comments. I've assured the Commissioner that we will forward our complete concerns to him in that time period, so that when it does come up for discussion, hopefully those will be taken into consideration, and then reserve my right to speak on that issue at the next meeting if necessary.

One other item of interest I think to the Board might be that the National Commission on Service Learning, of which I serve as a commissioner, and is chaired by Senator John Glenn, is going to be releasing its national report next week in Washington. And we will be looking in Massachusetts for opportunities to outreach and so forth, and look forward to working with the Department and other associations throughout the state, as that commission's very important report unveils. Thank you for your time, and I will speak to this issue next meeting.

COMMISSIONER DRISCOLL: Thank you, Steve.

CHAIRMAN PEYSER: Next is Paul Dunphy of Citizens for Public Schools. Good morning.

MR. DUNPHY: Thank you, Mr. Chairman. My name is Paul Dunphy. I'm a policy analyst for Citizens for Public Schools, a statewide coalition of civic, civil rights, religious, labor and education organizations. And I'd like

to comment briefly today on the Department's recommendation that the charter for the Lynn Community Charter School not be renewed. Instead of being an indication, as someone suggested, that this shows that the charter initiative is working and that struggling schools are not recommended for renewal, I would suggest that this another indication of how deeply flawed the charter initiative is. The so-called market dynamic of winners and losers and the notion that some schools will succeed and others will fail, that's really inherent in the charter ideology. It should not and cannot be appropriately applied to schools. It doesn't work. I mean, children's education isn't a game of survivor. Schools shouldn't be considered disposable. The idea that the charter initiative is somehow superior because charters can be revoked is really an abdication of responsibility for insuring that every school succeeds.

Secondly, the claim advanced by charter gurus, such as Steve Wilson in his book, Steve wrote a book called Reinventing the Schools, that suggest poor schools will close, and in closing, they'll give way to superior schools; and that this winnowing process will somehow elevate the whole educational landscape. Here, again, we see it has no basis in reality. I mean, how do the shortcomings of Lynn Charter School strengthen education in Lynn? How did the collapse last year of the North Star Academy Charter School promote what Wilson called the cycle of improvement? I mean, all it's done, besides costing millions of dollars, it sidestepped the real challenges of strengthening urban schools. It's been a diversion from that challenge. And what about the assertion that charter schools empower parents to make better educational choices? Voting with their feet is what Chester Finn and other charter proponents like to say. But here's a situation where parents have voted, they're here today, and the Board wants to throw out the ballots. Obviously parental choice alone is not the basis for sound educational policy. Instead of opening more charter schools, the Department of Education should take a lesson from Springfield. It's an expensive lesson, millions of dollars are gone, children's lives have been disrupted, their learning experience has been uneven at best. But the lesson seems clear, the state should not be opening more charter schools, instead, it should recommit itself to strengthening the public schools
we already have, in particular, those systems that face enormous challenges, given the needs of the students they serve.

The DOE should not be playing Darwin, and it certainly should not be undermining public schools by drawing millions of dollars away to start new charters that one day may be closed. Educational leadership is not about the survival of the fittest. It's about ensuring that every public school succeeds. Thank you.

CHAIRMAN PEYSER: Next is Amy Marx of the Lynn Community Charter School.

MS. MARX: Thank you. Thank you, Commissioner Driscoll and Mr. Peyser and the Board members for letting me have this opportunity to speak. My name is Amy Marx and I'm the Principal of the Lynn Community Charter School. And I'm here obviously to speak to you about the Commissioner's recommendation for non-renewal of our school's charter. I believe this recommendation is not based on accurate information or judgments that are linked to viable evidence. And I believe it is a recommendation that is clearly not in the best interest of the 265 students and families of our school.

There are two main points that I believe are essential for Board members to consider before voting on the Commissioner's recommendation. First, President Bush has clearly set the course for all future policy decisions in regards to public education in his directive to ‘Leave No Child Behind’. The Lynn Community Charter School has served for four and a half years as an alternative school for many families in Lynn whose children have not fit into or been successful in the Lynn District. This may have been due to the students' educational gaps, learning disabilities, emotional difficulties, social conflicts or advanced academic needs which were not being challenged in the regular school system. These children were falling through the cracks of the larger educational institutions of the district. They do not fall through the cracks at the Lynn Community Charter School, with the smaller number of students, smaller class sizes and our lower student to adult ratio, every student is well-known and their social, emotional and academic strengths and weaknesses are clearly identified and addressed.

While attracting and focusing on these children does not necessarily raise our standardized test scores, we believe we are working in partnership with the Lynn District to serve the public good and to ensure that all children are supported in reaching their full potential. If the Board of Education approves the Commissioner's recommendation, how will you ensure that the 265 young people are not left behind or do not fall through the cracks when they are forced to return to the same schools that were not meeting their needs before? If we are truly to leave no child behind, then the Lynn Community Charter School must continue to serve these children.

Second, I strongly believe that all schools should be held accountable to high standards of student achievement, but schools that have turned their academic program and organizational structure around and have shown substantial progress should not be shut down. The MCAS, although a very important component of a comprehensive assessment system, should not be the only measure of whether a school's academic program is a success. The Lynn Community Charter School's academic program is a success and we should now be allowed to build on our solid foundation over a reasonable period of time to show dramatic improvements in the specific areas measured by the MCAS. Nearly everything in the SchoolWorks inspection team report pointed to the strength of our academic program, except the school's standardized test scores from past years. And even these test scores have shown improvements in the last year.

Last year, our fourth graders' average scaled scores increased from the prior year in both English language arts and mathematics. Our third graders showed strong results in reading. And students who had been at the school for three years or more scored much better than school students in their first or second year.

We ask today, how can you shut down a school that has started to show improvement in the one external measure that had not clearly shown evidence of success in the past? We respectfully request that you give us two years, just 24 months, to show that these initial signs of academic success on external standardized measures will not only continue to increase, but actually improve significantly. We hold that it is fiscally, morally and socially irresponsible to shut down a charter school that has already shown evidence of success and has laid a solid foundation for dramatic continued improvements, while at the same time opening up new charter schools that can show no concrete evidence that they will be successful in helping students to reach levels of academic in the same 24 months.

I encourage the Board of Education members to listen closely to the voices of the Lynn Community Charter School parents, students, board members and staff. Would a school that needed to be closed have this many parents and students who are highly satisfied and who speak passionately about the difference the school has made in their child's life? I also want to extend an invitation to each of you, as well as to the Commissioner himself, to visit the school before voting on this recommendation. Your decision is crucial to our children. Please take the time to see firsthand the incredible teaching and learning that is occurring on a daily basis in our school. Perhaps then you will understand why all stakeholders feel so strongly that this school should not be closed. Thank you for your serious consideration of this most important issue.

CHAIRMAN PEYSER: Thank you. Just to clarify, we're not voting on this matter today. There's an initial report that's being made by the Department. We intend to have a hearing in the coming month in Lynn to have a full airing of views on the part of the folks in the school, parents, students, Board members, et cetera. So, thank you very much. Next is Joseph Russavage of the Lynn PTO.

MS. BROWN: Actually, not Joe, but a stand in.

CHAIRMAN PEYSER: Good morning. Could you just tell us your name for the record?

MS. BROWN: Good morning. My name is Michelle Brown. Commissioner Driscoll, members of the Massachusetts Board of Education, my name is Michelle Brown, once again, and I address you this morning as a parent of four happy and enthusiastic learners currently attending the Lynn Community Charter School. As a parent in search of healthy learning environments and effective and teaching tools, I jumped at the opportunity to enroll my children at the charter school when it first opened its doors. I stand strong, along with all parents, in support of its charter renewal. Here are some very vital reasons why I believe the school's charter should be renewed. The unification between the board of trustees and the administration is stronger than ever. I know this because I have attended numerous Board meetings and I have kept in constant communication mode with both members on both sides. Students' self-confidence and self-esteem are extremely high because the climate of the school is such where these key elements to their successes are fostered continuously. Teachers attentiveness toward their students, as well as their approach to teaching to the whole child, are unlike any other in the City of Lynn. Teachers work collaboratively with parents and guardians to help identify students' strengths and weaknesses and use such information to increase their strengths and decrease their weaknesses, thus, creating academically sound children. The school looks at ways they can adapt to their children, rather than blame them for their weaknesses. If these are not signs of a great learning institution, then I will say, I am happily fooled. As a parent I know that the school's great accomplishments rather than its MCAS scores and other cited shortcomings are better barometers that tell the true story. When my children exhibit enthusiasm and excitement in getting ready for school each morning and actually anticipates the beginning of a new school year each fall, it tells me that the charter school is doing a lot for its children, that’s somehow missed in the evaluation report.

Members of the Board of Education, as you mull over the documentations on the charter school, I urge you to look beyond the reported weaknesses of the Lynn Community Charter School. Look instead at its strengths, its poise for the future. Pay us a visit if you may. And, finally, think about the 265 students who will be crammed into the corners of an already overcrowded public school system in the City of Lynn, if the Commissioner's recommendations should go through. Thank you.

CHAIRMAN PEYSER: Thank you. Kathleen Jost, also from Lynn Community Charter School. Good morning.

MS. JOST: Good morning. Thank you for pronouncing my name correctly, by the way, that never happens. Commissioner Driscoll and members of the Board, my name is Kathleen Jost, and I'm currently in my third year of teaching fifth and sixth grades at the Lynn Community Charter School. I'm speaking to you this morning on behalf of the faculty. Mr. Driscoll, your recommendation to revoke our charter is a mistake. Members of the Board, I hope that you will take the time to fully analyze all of the available data, to listen to the voices of parents, students and community members, and to visit our school before you vote on this recommendation. And when you do vote, I ask that you vote for renewal with conditions.

I realize that what I'm asking you to do will take, not only time, but courage. I know that it will be challenging for you to look past our MCAS scores to see all of the learning and growth that is taking place at LCCS. At the same time that I recognize the courage you will need to take the time to develop a fuller and clearer vision of our school and to vote for renewal with conditions. I also know that I am asking no more of you than any teacher does of her students on a daily basis. That is, to review all of the data before you revise and refine based on new information and feedback. I'm asking you to find this courage to do this deeper analysis for two reasons. First, although we have not met all of the goals in the first term of our charter, we are uniquely poised to do so now. We have a new leadership, a leadership that is committed to the ultimate goal of high student achievement. And we have a faculty who fully understands and is committed to using the various components of our charter, our project based learning, our focus on the whole child, and our connections with the community, as vehicles for ensuring that all students are achieving at high levels.

The staff did not have this clarity or unity three years ago. And part of the reason that we have had high turnover is not everyone in the past was fully committed to our vision. Now we all are. Additionally, we have made significant

progress in developing and implementing our internal assessment system, as well as skill and content standards that are aligned with state frameworks. We're now firmly committed to aligning all of our decisions, both academic and fiscal, to the goal of high student achievement. I can tell you this was not the case when I came to LCCS three years ago. And that was a mistake, a mistake by the former leadership of the school, but to punish the current school community for the mistakes of the past, especially when we have come so far, is unfair, for it does not keep the interest of our students or of the Commonwealth in mind.

The second reason that you should vote to renew us with conditions is that we serve a unique population within the City of Lynn. Many students come to us, especially in the upper grades, substantially below level in reading and math because their needs are not being met in the regular public schools. With our small class size and our uniquely dedicated staff, we're working with these students to take them from where they are when they come to us, to where they need to be to pass the eighth grade, but it takes time for this hard work to translate into MCAS scores, especially given our small sample size. Due to our small sample size, however, we are able to be fully committed to ensuring that no child falls between the cracks here and that every child is fully supported to reach his or her potential and to pass the eighth grade MCAS.

Please take the time to visit us, review the facts, especially the changes that we have gone through in the past year, and make the sensible decision to renew our charter with conditions, so that we can continue to grow as a school and to meet our ultimate goal of providing an excellent education to all of our students. Thank you.

CHAIRMAN PEYSER: Thank you. It says here Ron Walker or Herb Fox.

MR. WALKER: Ron Walker.

CHAIRMAN PEYSER: Good morning

MR. WALKER: Good morning. Good morning, members of the Board, good morning, Commissioner. My name is Ron Walker, I'm a member, new member of the board of the Lynn Community Charter School, and I've been asked by my board colleagues to present this morning. I am a citizen of Lynn and I've been able to see the growth and progress just in my short period of time on the board, so I'm honored to be part of the board. I am an educator also with 30-plus years of experience. I'm a former teacher, former principal of the Peabody Elementary School in Cambridge, Massachusetts, former interim principal of Cambridge Rindge and Latin High School, currently Associate Director of the National School Reform Organization, and have previously served on four SchoolWorks charter school review panels. I believe I do know education. I believe I do know when a school is in the midst of turnaround. So I'm happy to say with vigor and passion, that the Lynn Community Charter School is in the midst of a turnaround.

I'm here to represent our interests and our concerns with all the power and conviction that I can muster. First, we understand the Board's mandate to ensure that accountability and standards are maintained. And while we understand the data paints a dismal picture so far, we know that there's another side of the story that is not clearly understood. As my colleagues have said in the previous presentations, we are a school that is responding to our needs and interests with a game plan. We want the entire story of the Lynn Community Charter School to be told and to be understood. Therefore, we strongly disagree with the recommendation for revocation, and at the minimum, we believe that renewal conditions should take place. Here are a few of our points as board members. This board, as I indicated, and as previous speakers have indicated, is a new one determined to lead. We've already weathered a major test around governors and management and come out of it with a strong sense of purpose and resolve. This board is aware of the disparaging student achievement data, in fact, we ourselves have called for a careful look at disaggregating the data and a careful review of the achievement gap and with the remedies to close the achievement gap at our school, such as our Saturday school recommendation, which will soon take place.

Unlike many charter schools, we are fiscally sound with a prudent reserve. We are also vigorously making community connections and developing ourselves as board members. We are a diverse board with many areas of talent, albeit small, but we are growing in our resolve to enlarge our board, as well. Recently, Interim Superintendent Nick Costin, a colleague that I respect in the City of Lynn, said in the January 16th edition of the Lynn Item, "We must do far more with far less, and we expect many students of need to enter the system in the foreseeable future." That statement seems to me that the City of Lynn needs the Lynn Community Charter School to remain open. The School Department of Lynn needs the Lynn Community Charter School to remain open. But above all, 265 reasons are testament enough to suggest that we should remain open. We are committed to making progress, and we ask that you do not vote to revoke our charter. Thank you.

CHAIRMAN PEYSER: Thank you. Steven Levy, Expeditionary Learning Outward Bound.

MR. LEVY: Good morning, Commissioner. Good morning, Mr. Peyser and the Board. May I ask first, do you have a student from Lynn on your list to speak?

CHAIRMAN PEYSER: Yes, right after you.

MR. LEVY: My name is Steven Levy. I last appeared before this Board in 1993 when I was honored to be named as the Massachusetts Teacher of the Year. And I'm here today to encourage you to renew the charter of the Lynn Community Charter School.

I've known this school from its founding. I've been an occasional consultant to them over the years, and have begun working regularly with them this year through their partnership with Expeditionary Learning Outward Bound, which is a new American school, a comprehensive school reform design. I've had a chance over these last ten years to work with probably a hundred schools, and I've seen so many different conditions and have gained some understanding of what pieces have to be in place in order for a school to really be able to move forward. And I just don't have any doubt that Lynn is in that place now. I think that they really have put together all the pieces that they need.

They have outstanding leadership. They have a core of dedicated and competent faculty members who are committed to the mission. They have a parent body that is enthusiastic about their school, and a supportive community. And they have students who love to go to school. And, furthermore, they've begun a partnership this past year, starting in September, with Expeditionary Learning, a three-year partnership. And we work with probably 120 or so schools throughout the country. The evidence from all of our work is that when schools implement this design, that every measure of school success grows. And Lynn being with it only for a short time has already begun to show, I think, a significant commitment and implementation of the Expeditionary Learning design.

I think closing this school now would be like a patient was in the hospital and they spent a bit of time trying to figure out exactly what the diagnosis was, they finally figure it out, they have the staff in place to heal, they've got the prescription ready to go, and then somebody says, well, the patient's not healed in the present, so we're going to take him away. And I understand that your responsibility is greater than just this one small school in Lynn. And I'm sure by closing down a school like this, you would be able to send a message to all the charter schools how serious you are about performance and particularly about MCAS. But in this case, I just think the price would be too great.

It's a community who you can see is mobilized and they're going to put a tremendous amount of effort, regardless of what you decide. And when I think about what that effort might look like, on the one hand, if you decide to close them, then it becomes hundreds of hours of writing letters and making signs and political meetings

and consulting lawyers and making phone calls and all which would be a further distraction from what really should be about making this a better school and focusing on teaching and learning. Wouldn't it be a stronger message and wouldn't it be so much more productive to renew their charter with some rigorous conditions, and then I think you'd see all that same time and energy and work go into designing curriculum, tutoring students, assessing learning, improving their school and increasing the achievement that you're looking for. And I think this process has already begun. It's just clear that be renewing their charter with conditions, that you could really use your authority to intensify and focus all of their work. And I think that would be a good thing for the students and families of Lynn. And I think it would give a real serious and positive message to the charter schools of Massachusetts. You know, in schools we talk about using assessment to improve performance, rather than to reward or punish. And I think you have a great opportunity to exemplify that for this community and for the charter schools and all of education in Massachusetts. Thank you for giving me a chance to speak and considering our plea.

CHAIRMAN PEYSER: Thank you. And, finally, we have a student, as of this moment, unnamed, but a student from Lynn Community Charter School. Good morning.

MS. GALLANT: Good morning. Members of the Board of Education, good morning. My name is Tashima Gallant. I am currently an eighth-grade student attending Lynn Community Charter School. I have been at this school from its beginning almost five years ago. I came from humble beginnings, to say the least, as did most children who attend LCCS. I didn't have any alternatives of where I wish to attend school. Before LCCS, I was one of those children who absolutely hated school. I went to a school where my third-grade class was just beginning to learn their multiplication tables. Although I could read on an eighth-grade level, I was confined to reading third-grade books. This environment did not suit me well. My mother heard of the then new charter school, and I attended the next year. I was ecstatic to finally leave my other school but I was not sure what to expect. What I found truly amazed me.

The teachers didn't start teaching by delving into new concepts that many of us could not comprehend. Instead, they found out what everyone had already learned, and they went from there. My math skills improved tremendously by this method. There were reading materials available with a very great levels. My story is not one seldom told. There are at least 265 other reasons why children have come to the charter school as opposed to any other public school. There's obviously something about this school which draws people here. This school offers an alternative for low income, middle class and special needs kids alike. Whether the children are behind in their learning or they are excelling, LCCS accommodates children at their own learning levels. There are small class sizes so teachers can focus on students on an individual basis. This also establishes a relationship between child and teacher, which is priceless when it comes to your learning. I look at my niece who is in the first grade, her eyes full of excitement and wonder. She tells me about all of her new projects and field trips with such enthusiasm. Just a year ago, she was getting into trouble and considered a problem child at her other school. She can now read above expectations held for her.

Another issue with my niece's old school was that she was one of the few children of color. LCCS is a diverse and cultured place where children can hear about their heritage as well as their classmates. LCCS opens children's minds to new possibilities and ideas once unimaginable. Given all of this information, I beseech you, Board of Education, keep our school doors open, let our community's children have a place to learn which suits their needs. Do what is right for our children, our community and our future, renew our charter so that children have a choice and a chance to become anything and everything they have ever dreamed. Thank you.

CHAIRMAN PEYSER: Thank you very much. That concludes our public comments. I think in light of the last seven speakers or so, we should go out of order in our agenda and take up this issue now while it's still fresh in all of our minds, keeping in mind that all we're doing in this meeting is receiving the report and recommendation from the Department. After having an initial discussion, we will follow that up with hearings and a further discussion

and vote at our next meeting. So why don't we approve the minutes and then just go into this item on the agenda, which is actually number 5, if the staff are ready.

APPROVAL OF MINUTES

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the minutes of the December 18, 2001 Regular meeting.

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

CHAIRMAN PEYSER: So let's move on to number 5 on the agenda and in your Board packets. Just a quick note here, we are dealing with two charter schools that are up for renewal. One is the Academy of the Pacific Rim Charter School, and the other is the Lynn Community Charter School.

MS. McINTOSH: That's correct, and also on the charter school agenda for information are the new applications that are pending. The Academy of the Pacific Rim is a very clean case for renewal. It is what I would characterize as one of the best performing charter schools in the Commonwealth. They have done a phenomenal job. And I think that's evident in the data and the information that we've gathered. The Lynn Community Charter School, as you probably can gather from the testimony, has been a much more difficult case at which to reach a determination and the Commissioner to reach a recommendation to the Board.

As you know, this is not a case where we're seeking to revoke the school's charter. This is not a revocation, and this is not a probation. The Commissioner has made a recommendation that you vote to not renew the school's charter. That recommendation was based upon the answer to three questions that appear in the charter school regulations. One, is the academic program a success? Two, is the school a viable organization? And, three, has the school been faithful to the terms of its charter?

We have looked carefully at all of the information that we typically gather in making a renewal recommendation or nonrenewal recommendation, including the SchoolWorks renewal inspection report; including two site visits, one in the second and the third year, including looking at the school's accountability plan and the progress or lack thereof that the school has made toward that. We have met and we have discussed it carefully, and we have met at length with the Commissioner regarding these issues. We are unable to sit before you and answer affirmatively to any of those questions.

It has been a very difficult position to arrive at. There is no doubt that changes have been put in place this year at this charter school. Unfortunately, it wasn't a year ago. This is the last year of their charter, they have four years to make their case for renewal. And there's no doubt as to the motivation and sincerity and the belief of the constituents at this school, and that's why we've arrived at the recommendation that we've arrived at. It is different from other schools at which we've seen more mixing in terms of the data and the results and the stage at which the school is at organizationally and how they have adhered to their accountability plan.

For instance, you may recall the Benjamin Banneker Charter School came before you last year around this same time. Benjamin Banneker was a school that had placed some changes in motion, probably a good eighteen months prior to where Lynn has in their charter school cycle. There was evidence that those changes were resulting in improvements at that school, and therefore the Commissioner recommended renewal of that charter with conditions. There was another school that came before you last year with a recommendation for nonrenewal, and that was North Star Academy, which has been previously mentioned here today. North Star Academy was probably the cleanest case for nonrenewal that I could imagine. Based on all of the data that was before us, that school was not

an academic success. Its students were failing, there was inadequate record keeping. And above all else, North Star Academy was at risk of becoming insolvent. It certainly was losing money hand over fist. Lynn Community Charter School is not a clean case, but it is a weaker case for renewal than Benjamin Banneker was with conditions, another school at which the recommendation was reached after much examination. And I fully support the Commissioner's recommendation.

CHAIRMAN PEYSER: Commissioner.

COMMISSIONER DRISCOLL: Thank you, Mr. Chairman. First of all, I'm compelled to say that the protest that the parents and faculty and supporters of the Lynn Community Charter School have put forth has been of the best quality I've seen. I unfortunately am the subject of many protests. It's been part of my adult life. But I must say, and I think it's worthy of note, that the entire community has conducted itself in a most reasonable, rational way and really put their best foot forward, which, frankly, for those of you that know other protestors, is good advice.

This is a difficult situation. On the one hand, we have very clear guidelines in our regulations that have been carefully thought out and have these three questions, which to me clearly quantify the success of a school. And so it is often that we get two yeses and a no or that kind of thing. Here, unfortunately, we have three nos. It is also the case, whether people want to de-emphasize it or not, and it's not just MCAS, but the results of standardized testing, both MCAS and others, have not indicated the kind of progress we would like to see. It is true that students who have been at the Lynn Community Charter School for three or more years have shown more progress than those that haven't. There have been organizational issues, and while people say they've now been resolved, that really still leaves us with a no in that particular case. Finally, whether or not they have kept faith with the original charter as it was put before this Department and this Board, clearly again there have been a number of changes and backtracking, if you will, to what was originally put before this Board. And so on a factual level, there is no question that there are concerns and problems with the school, which is why at this point I've recommended nonrenewal.

On the other hand, it is the case that with underperforming schools, even with Banneker last year, the reality of nonrenewal seems to cause things to happen. I often think of education reform as a series of sticks and carrots. And I would like reform to be more about carrots, but unfortunately, it appears that the kinds of changes that are most dramatic occur as a result of sticks, as a result of MCAS being a graduation requirement, as a result of underperforming schools facing the prospect of being reconstituted, and in this case, as a result of charter schools facing renewal issues. Clearly there has been a response, and I think in many ways, that response has been positive. There have been steps taken, a recognition of some of the problems, and that after all is the first step. So this is difficult. There are satisfied parents, no question about it. I can show you my voice mail with calls at 10 o'clock and 11 o'clock at night, 6 o'clock in the morning. Again, very respectful. I wasn't there to get them, by the way, I got them when I came in. So there is their sense of satisfaction.

What we need to guard against as the Department and as a Board, is that parent satisfaction has been a problem of public education in America for perhaps a couple generations. People are very satisfied with their school, but in the meantime, very often the school is not succeeding as it should. And so we have to weigh that, and it's a very difficult responsibility that will fall ultimately to this Board.

I am clear in my recommendation of nonrenewal. I am also clear in the process, which says that this Board shall conduct a public hearing at the Lynn Community Charter School, when this community will have an opportunity to present in detail, unlike the public hearing today, which is limited in time if not substance, the progress it feels it made and perhaps changes that it intends to make in the future. In any event, this will be a difficult matter. We are torn between people who have sincerely come forward thinking that their students are receiving a good, if not more than good education, and we are charged with the responsibility to see to it that charter schools in fact do live up to the standard that we've established. And, so, Mr. Chairman, it's with a heavy heart that I continue my

recommendation of nonrenewal. I look forward to the public hearing and the process that this Board will go through before it comes back to this Board for a final vote in February.

CHAIRMAN PEYSER: Thank you, Commissioner. I want to echo your comments concerning public testimony and comments this morning, which I found very helpful and, again, respectful of the process and substantive in content. I look forward to more of the same when we actually do hold a hearing within the next couple of weeks in Lynn. I also want to thank all of the people in the charter school office for the work that they've done. This is not easy work for them either. As difficult a recommendation as it is for the Commissioner, it is equally difficult for the members of the office to come forward with such a recommendation. Our goal here is to recognize excellence and support diversity in education, but accountability is also part of the mission and it's not an easy component.

Two comments I want to make -- let me preface it by saying that I think for Board members, while we obviously need to read the report that has been given to us and listen to the comments the Commissioner and others from the Department have made, it's our responsibility to keep an open mind in this process, to hear out what the members of the Lynn Community Charter School have to say, and then to come back here and make a decision a month from now, not today. Having said that, I think there are a couple of things that I'd like to throw out on the table for us to consider as we go forward here.

One is really in reference to the conversation we had at our last meeting, where we were talking about the school and district accountability system. In that discussion, we had some interchange around charter schools. One of the elements of that discussion is the charter schools are held to a standard which is somewhat different and higher than other public schools. In particular, in terms of sanctions for other public schools, the focus is on those that are underperforming. But the standard for charter renewal is not simply that a school is not underperforming. It is a higher standard than that. Charter schools, and charter renewal, in particular, is not supposed to be about mediocrity. It's supposed to be about something more. That is a little bit more difficult to define, but that's the challenge in front of us.

The other issue, which also we've confronted on the school accountability side, is that transitions are very hard to evaluate when you're taking a snapshot of something that's in motion. This has been difficult. Again, we've looked at other public schools where we've identified patterns of underperformance in the past, but there's something going on in the present, which is positive and which offers hope and promise for the future. We've seen a couple of middle schools that are merging with other schools, and we're trying to make evaluations about the school that existed prior to the merger. These are complicated issues that are hard to untangle, and ultimately don't come down to a number that you can write down on a page or a formula that you can put through a computer, but, rather, it comes down to judgment. And there's been judgment, up until this process,
and we are going to have to exercise our collective judgments in the months ahead. Hopefully, that judgment is one that's based on fact and reality, not on intuition, not on unsubstantiated hope, but on things that are real and that one can grasp. But it's tough and there are close calls in this business, and this may be one of them.

So I just urge you all to maintain an open mind, to stick with this process, to keep your ears open and listen to what's said on both sides and then to come back and exercise your judgment a month from now. Are there any other comments or questions that members might have?

MR. CROWLEY: How many charters have we voted not to renew over the years?

COMMISSIONER DRISCOLL: Really just one, and that school closed before we got a chance to finalize that vote.

CHAIRMAN PEYSER: Technically, this would be the first one. There have been three schools that have closed. Is that right?

COMMISSIONER DRISCOLL: There have been other schools closed.

CHAIRMAN PEYSER: There have been three schools that have either closed or returned their charters, which may have been done, at least in some cases, in a preemptive way to avoid going through this final process. In those cases, I think as Kristin may have mentioned, the causes were certainly partially in terms of educational performance, but the more proximate causes had to do with financial difficulty or potential improprieties in some of the accounting, not just financial, but in terms of student attendance and that sort of thing. So the issues went beyond the kinds of issues that are on the table today, which makes this, on the one hand, a more difficult judgment to make, and also a more interesting and, I think, also a more important one for us to consider.

COMMISSIONER DRISCOLL: If I could just make a point of clarification. Is it not true, Kristin, that the vote that the Board will is whether to renew or not; and, therefore, if it is to renew, it's a five-year renewal. There can be conditions, but technically the Board could not vote, for example, a two-year charter, correct? They could have conditions, but it would be a five-year renewal?

MS. McINTOSH: Charters are for five-year terms, the conditions could be imposed on a renewal, such that if a condition was not met by the end of year one or by the end of year two, a very clear, concrete condition, that the charter would expire by virtue of that.

DR. THERNSTROM: And what would such a clear, concrete condition look like? I mean, could it look like your scores have to be up X percentage or what could it look like?

MS. McINTOSH: You have a full range here. I would suggest that student performance might be a place to start. One of the troubling things has been there hasn't been an internal assessment that's been up and running at this particular school. When you're dealing with a large number of students, larger than their resident district, that have greater needs, that would have been very persuasive evidence, it wasn't there. So it could be an internal assessment system, it could be a variety of things.

DR. THERNSTROM: So at the point at which the condition is made, let's say we tie them to scores, the MCAS scores, at the point at which the condition is not met, that's the end?

MS. McINTOSH: The condition, could be worded in such a way that failure to meet that would lead to revocation of the charter.

CHAIRMAN PEYSER: I would add a word of caution, not that I want to close off discussion or consideration of this path, but I guess my experience here is that a year from now, if you were to go back and look at the situation again, you would probably be presented with a picture that has pluses and minuses that is or partially meeting the condition or partially not, that may have produced either weaknesses or strengths in other areas that we hadn't considered as part of the conditions, that are very important or relevant to a decision about revocation or nonrenewal. In some ways, while being reasonable, we also need to avoid putting off the inevitable and just deferring decisions that aren't going to necessarily get easier. So, again, I don't mean to at all put off discussion about that, but it's not quite as simple a matter as just saying, there are some clear conditions we could put in place and if we don't meet them, it will be obvious to everyone what the results should be.

DR. THERNSTROM: But, Jim, it's an interesting, the fact that we can put clear conditions in place, it's interesting because it means, in fact, that a charter renewal isn't necessarily for five years, it is in effect for one year or two years or however we word those conditions. So that, you know, there's a little bit of ---

CHAIRMAN PEYSER: I think there is some flexibility here in structuring a renewal to make it somewhat less than a full five-year commitment. But, again, I think the issue that we're going to be confronted with is going to be an ambiguous one when the time comes, whenever that is.

MR. THOMAS: Mr. Chairman, I guess I'll just make a couple observations. First, I'd like to, also, compliment the Lynn Charter School, along with its presenters, for a well-articulated and thought-out presentation. Even though I think we can't deny the fact that accountability is where the rubber meets the road, parent satisfaction is necessary but not sufficient, and the answer to those three controlling questions are really critically important. In contrast to that reality, I think that through the presentations, I'm moved in the way that I want to hear more. I think that there could be a case that might be able to be made that Lynn is on the right track, and with time, we could see ourselves taking another look at this in another way.

I think the staff has a real tough job in that they are following the edict of the legislation and the mission of the Board as to how we want performance to be--academic achievement to be the call for the day. And we really can't afford to compromise that. I don't care how good we feel about the school. There are a lot of schools where parents feel good because they feel that their kids are safe, but not because they're necessarily learning. And so we don't want to be bamboozled by feelings, even though feelings are important. But when you to see a community that is mobilized to support an institution that appears to have the fortitude and the promise that was articulated today, then I think we do have to have open minds. I do appreciate the request, and that's with all due respect to the Commissioner and the staff, because they're doing what we asked them to do, and they're doing a good job at that. I do think that community mobilization is an important element, but by itself is not sufficient. I do think that the board of directors that is a leadership board and not just a meddling board, is an important feature, as well.

So there are some things in the report that are troubling and are worth serious concern, but I would like to hear more. I do think that an open mind is appropriate, and to the extent that there is some flexibility, that is appropriate for us to convey, I think that we ought to consider that. It's not going to be easy, but we appreciate the opportunity.

DR. SCHAEFER: I just wanted to ask if you could refresh our memories about the Benjamin Banneker. Was that a one-year with conditions?

MS. McINTOSH: It was renewed for five years, and there were a number of conditions imposed on that.

CHAIRMAN PEYSER: And there were some dates in there, which are coming up, essentially, in March? Is that right?

MS. WOLF: They have dates for a plan by May 1st and they have done the plans. The implementation of the plans are unclear. There will be a two-day visit that we're doing in May. But the conditions were worded such that the actually conditions were a plan.

DR. SCHAEFER: Okay. So we don't have an instance here that we can refer to in terms of ---

MS. WOLF: And they were renewed for five years. They would have their charter renewed for five years.

DR. SCHAEFER: Right. But that has to be, in any case, under the law, that has to be renewed for five years, but if it's with conditions that are -- and dates are set for those conditions, that they haven't met them?

MS. WOLF: Right.

CHAIRMAN PEYSER: Right. And also just keep in mind that charters can be revoked at any time by this Board.

COMMISSIONER DRISCOLL: I want to be very direct about this. We learned our lesson, and to go back to Abigail's question earlier. We set conditions, but we did so in too broad a way, in my judgment. And so we are paying that price, to a certain extent, but anybody can present a plan. So we're going to learn as we go along, I think. As we look at this option for any school, a set of conditions, I agree we owe it to ourselves, to the schools and everybody else to be very specific about what the outcomes and results are.

DR. SCHAEFER: Okay. Thank you.

DR. THERNSTROM: You know, I wouldn't mind having a little bit of additional data as we consider this question. The charter school has slightly different demographics than the district as a whole. I would like to have these MCAS comparisons controlled with demographic differences. And I think that that might be an additional piece of information that would be useful for us.

CHAIRMAN PEYSER: We can certainly do that. There are issues, as you're very aware, because of some of the sample sizes we're talking about here, the more you cut the data, the less reliable it gets.

DR. THERNSTROM: Right.

CHAIRMAN PEYSER: But I think we can certainly do that kind of analysis.

COMMISSIONER DRISCOLL: I feel compelled to point out, when you read the report, that's one of the weaknesses of the school, is taking the data and addressing the needs of students from the data. Again, is this issue of the independence and rightly so, of the school itself, and so that's why we do an inspection to see what they're doing. And so it is one of the weaknesses.

MR. MADDEN: I'd like to echo Mr. Thomas' remarks in appreciation of coming forth, especially with Tashima and the rest of the students because students are obviously the most important thing here. And I would just like to say that: When we come to the public comment forum and hearing more, I'd like to hear more about the focus on learning within the school. Obviously, standardized test is a problem, and if the focus on learning in the school is not on the standardized tests, is there something else we could look at, because certainly not all students learn, based on standardized tests and preparing for these. And it looks like you might have a population that the main obstacle is not into that type of academic style. I'd like to hear more about where the actual focus on learning is, so perhaps we can look beyond just MCAS scores and just other standardized tests.

MS. McINTOSH: If I could just clarify with respect to the hearing. It is a formal due process hearing. It is a trial in the administrative context, under the Administrative Procedure Act. So you will presumably hear from both sides in that context.

CHAIRMAN PEYSER: Any other comments or questions?

MR. THOMAS: Just with a quick one. And this kind of goes to Abigail's point. It's not my point. If you take a look at the Pacific Rim demographics and you take a look at Lynn's demographics, you really have a steep contrast as it relates to low income, minority, et cetera. And to the extent of the number of students who are coming into the school, on below-grade levels, there's a great difficulty in getting them beyond the hump versus another school that may have more students coming in around level. That kind of information, that demographic, you know, this aggregation may be real helpful, just to see the limits of challenge.

DR. THERNSTROM: That's exactly my point.

MS. McINTOSH: We will certainly do what we can with that.

MR. THOMAS: I want to acknowledge the fact that we are talking about two different circumstances, environmental circumstances.

MS. McINTOSH: Absolutely. And that's why we would have worked -- it is up the charter schools to present us with evidence regarding internal assessments and performance in cohort groups and how they've improved in their performance on other standardized tests. MCAS alone is really not a great tool for tracking progress in the short term, of a specific cohort groups.

DR. THERNSTROM: I mean, there is a problem that Jim has mentioned, it's a very small sample.

MR. MADDEN: I imagine that this hearing will generate additional questions. I'd appreciate it if it was something other than February 22nd.

CHAIRMAN PEYSER: Actually, you read my mind here. I think probably the week of February 11th makes the most sense, because I think that next week is a school vacation week. And I'm not sure we can pull it all together prior to that. Does that, from the status point perspective, does that seem to make sense? And does anyone represent, maybe the principal of the school? Does that sound right?

MS. McINTOSH: There are some dates that we -- that it would not work with us.

CHAIRMAN PEYSER: Right. Okay. Well, let's shoot for the week of February 11th for a hearing.
All right? Again, we'll bring this back, both this matter, as well as the Pacific Rim. Again, Pacific Rim, we will come next month for a final note. Thank you very much. What I'd like to do now is to go back to the original order. I think what we'll do here is we'll deal with this first item, which is a review of the Commissioner's performance, and then maybe take a brief break.

We did skip over comments from myself and the Commissioner. I'll waive my comments, Commissioner, but I'm sure yours are more important than my would have been.

COMMISSIONER DRISCOLL: Well, I won't waive them, but I'll try to go very quickly. A topic for another time, but I must put before this Board the issue of the new federal legislation. Lest you just go by the quick summaries in the Globe or Ed Week The Herald or whatever, this is a far reaching piece of legislation that I believe within a short few years will dominate the educational scene across this country, including here in Massachusetts. And so that every school in Massachusetts will be greatly affected by the No Child Left Behind legislation. It is not just about testing in English and mathematics, Grades 3 through 8, although that's obvious the cornerstone, and then the accompanying check on the public schools who do not make annual yearly progress will be put on notice.

This law goes across the board with bilingual education issues, fundamental equity in school finance, tremendous focus and perhaps extra money in the area of reading, et cetera. A lot more flexibility. So topic for another day, but this federal legislation is far reaching and we need to pay strict attention.

MR. THOMAS: It is not similar to our SBA problem?

COMMISSIONER DRISCOLL: No. No, that was the one area they did not talk -- and there are still other areas -- well, special education, IDEA, reauthorization, so. Unfortunately, the facilities part of it did not come through. And obvious kudos to Senator Kennedy, who did a tremendous job in playing a leadership role in fashioning this

legislation, which has great promise. I'll leave all the other things as part of my package, but there are some things I wish people would look at.

The two last things are sort of a negative and a positive, so I'll start with the negative. As you may know, the Governor called an emergency cabinet meeting yesterday to deal, once again, with FY02, which never seems to end. I guess it will end on June 30th, whether we like it or not. Even though she will be presenting House 1 for FY03 this week, we face a continuing deficit and major deficit in FY02. And so the Governor has essentially put forward two plans. One calls for closing a $200 million debt in the current fiscal year by using $133 million in pension deferral funds, deferring that payment and putting off the ultimate payment of the pension liabilities to 2028, rather than 2018. And then with a series of other reductions, some of which involve our budget, which she had originally vetoed, they were overridden, she's urging the legislature and putting notice that those are areas she feels can be cut, that gets us to the approximate $190 million that she's trying to -- if the legislature does not go along with the reduction or the deferment, if you will, of the $133 million, then the Governor and agencies must come up with that money in other areas. And so she's given various agencies a target, including this department. And so if Plan B, if you will, if the legislature does not go along with the deferment of the $133 million in pension funds, then we as an agency must cut $27 million between now and the end of the fiscal year. That's a very tall order and it's going to be very, very difficult for us. Almost all of that will be addressed through programs. Moneys that go out to districts, I am today freezing all accounts. In fact, the authority I asked from you, which you granted me, and I authorized a number of grants, which in your package included $1.5 million, in early learning. Had I to do that over, again, we probably would have had to have frozen that, but I've done it. You gave me the authority, I did it, with full knowledge of the administration, by the way.

So we are in very tight, tight, tight times. And as you may know, many other agencies have been greatly affected. We have had some layoffs, but nothing compared to some of the other agencies in state government, and obviously education has been spared, particularly up till now, any great reduction. But this is going to be difficult. So we will be about the business of identifying the $27 million, but which we must do, and I will in turn inform this Board, and we'll take it from there. We'll see what the legislature does and what the Governor does as we go forward. But I need to bring this to you. It's very difficult, the receipts for January, which aren't totally known yet, but seem to be down. You know, we've got a continuing crises in FY02 before we even begin FY03, and it has to be addressed, and we're asked to do our part.

Finally, some good news, if I might. This past week, we gained a new -- or I certainly gained a great right arm in a new Deputy Commissioner of Education, who comes to us with more than 30 years of experience in a number of school districts. He has worked on our English language arts framework. He has a long background in curriculum development. He's been a superintendent in both Lincoln for the past nine years and Andover, and assistant superintendent in Beverly. He's a man of great integrity and scholarship and energy, thankfully, and focus, and I look forward to working with him, and I present to you our new Deputy Commissioner, Mark McQuillan.

CHAIRMAN PEYSER: Okay, thank you, Commissioner. And, also, I was reminded by my Vice-Chair there's actually someone new sitting at the table here, and some of you may have been wondering who she is. This is Pat Plummer, from the Board of Higher Education, and she is sitting in for Judy Gill today. So welcome, Pat.

MS. PLUMMER: Thank you.

CHAIRMAN PEYSER: Again, I'd like to go to number 1 on the agenda here, which is review of the Commissioner's performance, and then we'll take a short break, and afterwards continue on with the agenda. Bill Irwin, Henry Thomas and I had telephone discussions actually over the last few days to review and make recommendations with respect to the Commissioner's 2001 job performance. There are typically two parts of this discussion. One is just the evaluation of the Commissioner's overall performance and his performance in four specific categories, and four

specific criteria that we've used the last couple of years. Another part has to do with salary adjustment. But as the Commissioner just described in the fiscal straits that we find ourselves in, manager salary adjustments are at the moment, at best, in doubt, and actually at the moment frozen. Therefore, the discussion today will not be about salary adjustment per se; however, it's important for you all to know that in making a judgment about overall performance, there is an implicit connection to salary, and there is a certain mechanism in place governing state employees, so that having a particular performance rating yields a particular salary adjustment. And so while we're not making any specific recommendation on salary, and what we are saying is that we hope to get some agreement from the Board on overall performance, and that at such time as salary adjustments are possible or allowable through the administration for a manager such as the Commissioner, that he be given an adjustment that is commensurate with his performance rating.

Now, getting to the substance of it, overall the committee agreed the Commissioner's performance during 2001 was outstanding, which is the highest performance rating that we can give. There are four categories: outstanding, meritorious, satisfactory, and needs improvement. There are four criteria that we evaluated the Commissioner on. One is effectiveness in supporting the Board's work, and that is helping us, obviously, prepare for and get through meetings as well as other things that go on with respect to meetings that involves your committees or individual members of the Board. There was consensus among the three of that his performance in this category was outstanding.

With respect to the second category, effectiveness of building external support for Board policies--in other words, going out and selling the decisions that we make to those who are interested in the public at large on the wisdom of our decisions. We also gave him an outstanding rating. He has been a tireless and effective spokesman for our policies. If anyone who has tried to actually call the Commissioner or find him at any point in time, you will typically know that he is in the car, on his way somewhere in order to advocate on behalf of our policies, and education reform, generally.

Third, effectiveness in managing the Department and its staff, we gave a rating of meritorious. In 2000, the Board adopted a number of major policy issues which had implications administratively in 2001, and those new responsibilities have been handled very effectively, even in a time that, at best, flat resources that have been available to the Commissioner and the Department for implementation. At the same time, and I think it's appropriate the Commissioner has introduced Mark. The Commissioner has taken steps to strengthen the senior management team by creating new positions, both Mark's position, as well as the position of chief information officer, in order to make sure that there are sufficient senior management resources in place to make sure the Commissioner has time to do all the other things that he's responsible for doing, while at the same time ensuring that the Department is well-run and that all the trains run on time. And so, again, that is a meritorious rating.

And then, finally, effectiveness of rating student performance. This is the Commissioner's trip to Disney World. As we all know, MCAS performance in 2001 exceeded, I think, anyone's best expectations for improvement, and the Commissioner and all the Department deserve a great deal of credit for helping to make that a reality.
As we have done after the last couple of years, this is an important component in evaluating not only the performance of our schools and districts, as well as students, but appropriately the Commissioner; and, therefore, we agreed that he deserves an outstanding rating in that category, as well.

So just doing the math, there are three outstandings and one meritorious, that seemed to average an outstanding, and so that is the recommendation of the committee and I would open it up for comments or dissension by any of the committee members or other members of the Board.

MR. IRWIN: Thank you, Mr. Chairman. As you can see, I do concur with our recommendation as one of the Board members on the committee. But I just want to correct David. Earlier today, he made the statement that he's not there at 6 o'clock in the morning to take his messages. Countless times, I don't know how many times between 6 o'clock

and 6:30 in the morning, David and I have had conversations on the telephone that lasted well over a half an hour. And then saying that he can't be there at 10 o'clock at night, I think we're all aware and know that David is traveling across the state and doing a lot of things that are beyond the call of duty. So I just wanted to say that I concur with this, and I thank him for his tireless effort.

MR. MADDEN: I just want to take this opportunity to thank you for your support of the student advisory council over this year and the previous year that I was on it, especially where our own opinions and the ideas we were advocating for were very much at odds with possibly, your own personal beliefs that we, the larger part of the board, you've been outstanding in supporting us in public in our work, where there has been a little bit of opposing views.

DR. SCHAEFER: I'd like to concur with the findings of the committee, and thank the Commissioner for his hard work.

DR. THERNSTROM: Well, needless to say, Dave, I also concur, I mean, I am worried about your swelled head. I'm watching it, as well as I sit here, but anyway it's been very gratifying. I'm very appreciative.

CHAIRMAN PEYSER: I just would add, I think, as a personal commentary, not only has your performance been outstanding in the past year, Dave, but it's been very gratifying to me to be able to work on a day-to-day basis in partnership with you to further the mission and purposes of this Board, and education reform. In the last year or most of the last year, since I moved into the Governor's office and seen your work not just on an episodic basis, but on a daily basis, and it has given me even greater assurance that this board two years ago made the right choice in making you Commissioner of Education.

MR. THOMAS: Commissioner, before you go into a gracious mode, I want to get my opportunity to say, amen, and just to let you know that I have been super impressed with your work ethics, No. 1; and, secondly, but not necessarily the order of importance, is your fairness in addressing all the issues, the tough issues that come before us, and certainly want to thank you for making my acclamation to the Board as stressless as possible in the stressful environment. So we do appreciate, and I do appreciate your work.

MS. PLUMMER: On behalf of the Board of Higher Education and speaking for Chancellor Gill, I would also like to congratulate Commissioner Driscoll on his outstanding performance and thank him for the efforts that he's put in. He's over at the Board of Higher Education frequently, not just as a member of the Board of Higher Education, but dealing with us on a number of issues that had to do with MCAS and how it would be used in higher education, and many other issues that are of great importance in higher education, and we really appreciate that.

CHAIRMAN PEYSER: Okay. Commissioner, do you have anything to say?

COMMISSIONER DRISCOLL: First of all, obviously, a great thank you to Board members. And I have often joked -- and you've been very kind in your evaluation in the past, as well, and I've kind of joked as a probably a defense mechanism, but I think on a very serious note, I take this evaluation and the opportunity that it presents very seriously. First of all, I joke about Disney World, but the fact of the matter is, if we're going to be successful in education here in the Commonwealth and in this country, all the pieces have to work together. And I'm quite taken by the fact that the Board, various school committees, superintendents have contentions and so forth, and I maintain that that really has an effect on student performance.

And so I think all the pieces have to fit together. When I joked about last year when people tied my salary to MCAS results, obviously, on one level that's a little bizarre to think that the Commissioner is going to effect student results, and I joked about running around, talking to all the 10th graders. On the other hand, if all the pieces fit, then we should have results, and I take that very seriously. We had great results in MCAS last year, primarily because of the

work of teachers, because of the effort of students themselves and, obviously, administrators, parents and the like. I'm somewhat tangential to that, but it's still the whole piece.

Now, I think the Board was very right. I joked about it, to talk about results, because that's what we have to talk about. And I, quite frankly, am tired of the excuses that occur across the country. We understand that kids come to us with various challenges, but we are the hope, and we have to take that position.

With respect to my salary, obviously, even if the Board didn't comply, I would comply. We have to freeze it. It cannot be raised by the Commissioner under these circumstances, not when I'm giving layoff notices to people. That's just a reality, and I accept it, and accept it very willingly. Finally, we just saw a tremendous bipartisan effort in the country with our senior senator and the President and others coming together. This Board represents a diverse group of people with different views on a number of items, a number of issues. But we have come together, I believe, in a very important way, around what's right for kids. And it's very easy for me to advocate the policies of this Board, because they are not partisan in any sense, they've been about high standards, they've been about expectations. And so I think we've conducted ourselves as a Board and as a Department extremely well. I'm very proud of that. I'm glad to be an instrument of that, but I really think it was a team effort, and this Board deserves an awful lot of credit. It's a good example of our senior senator to work with Warren Hatch and work with Jerry Falwell and work with President Bush. We get into labels all the time, and we make a big mistake. What we ought to look at is what the policies are in this Board and what they've passed. They've been consistently right for kids, and so it's been very easy for me to advocate. And I am cutting back on my hours, because my wife told me to. Thank you very much.

DR. SCHAEFER: Jim, you made a statement about a decision that was made two years ago. I would just like to compliment you and the Commissioner on the complementary of roles that you have played in meeting the Board and meeting every forum across the state. And I think that the message that has been sent is that the Board and the Commissioner are united on what the important issues are, and not without debate, first, but that I think we've set an example of how the Board can work together well. Of course, there's some Boards in space.

COMMISSIONER DRISCOLL: And this Board at one time.

DR. SCHAEFER: And that it's been a tremendous contrast as to what was, and I really appreciate the work that both of you have done in working together on these important issues.

CHAIRMAN PEYSER: Thank you. And now we open it up to the audience, if there are any other comments and words of praise only. Commissioner, can you give us a couple of program notes before we proceed?

COMMISSIONER DRISCOLL: If I may, two items. First of all, I do have the copy, the report from the Technical Advisory Committee that's been looking at our teacher test that's been in the works, some national people. So I'm going to give that report out to Board members. Secondly, the discussion on Chapter 74 is actually going to be deferred a month. Board members may want to talk a little bit about it, but for many in the audience that are here, that will be taken up in detail next month.

CHAIRMAN PEYSER: Thank you, Commissioner. The next item on the agenda is the proposed amendments to the MCAS appeals process. And just so we're all clear here, back in, I guess it was now January of last year, then Lieutenant Governor Swift produced a report making recommendations about the establishment of an appeals process to allow for some flexibility in the application of the competency determination. The Commissioner followed up on that by establishing a blue ribbon panel of educators from various parts of the state, and also with various roles and responsibilities within the system, to discuss various specific details about how such a process would come into being and be implemented. Recommendations were subsequently made to this Board, as in the

form of regulations. Those regulations have been out for public comment and we've received public comment back, and now final, amended regulations are coming before us for, hopefully, a final discussion and vote today, so that we can begin the process of implementation.

As the Commissioner will describe, there are some last-minute changes as a result of a commentary that we received from the Mass. Teachers Association, which was dated in December, but I believe wasn't received until January 15th; and, therefore, is sort of subsequent to the spin of the regulations that you have before you. So there's some specific changes that will be recommended as a result of those comments. But, hopefully, we can get agreement around those changes, as well as around the regulations as they exist in your briefing book, and get a vote on that today.

COMMISSIONER DRISCOLL: Thank you, Mr. Chairman. Three quick points and I'll turn it over to Rhoda and Jeff. Number 1, I think it has been pointed out by some people, the blue ribbon committee, which is tremendous, and represented superintendents and principals, the teachers' unions, and parents, and special education representation, vocational representation, principals, it was a tremendous group, but these recommendations are mine. We did not take consensus votes. I certainly listened long and hard to the blue ribbon committee who were extremely valuable, but these are my recommendations.

Secondly, I think it's very important, because every time we talk about appeals, I get the same media questions, and people want, for whatever reason, to suggest that somehow we're lowering the standard. Like other states that have allowed an alternative, if you will, another way of accumulation of points or whatever to occur, rather than just passing a test, this is not that case. We are allowing an appeals process that has two parts: Eligibility and evidence. And we should not confuse the two. The eligibility: Good attendance, taking advantage of the tutoring that's being offered, taking advantage of the retest, getting a certain score, in our case, one standard of error, 216, at least once in their retest. All of that is just eligibility. That just gets you in the door for an appeal. In order to actually gain the appeal, you must show evidence that the student has met 220 standard. Now, that can mean perhaps another standardized test. If someone got 600 on their college boards, I would argue that they've met the requirement, the Stanford 9s or whatever, or the fact that they're getting the same grades as their peers, all of whom are passing the MCAS. So it's evidence.

The third point is that we did receive, through no fault of anyone, the MTA very thoughtful and detailed response late, and so we do have three or four changes, and I think they've raised a number of thoughtful issues, and we'd like to -- I'd like to have Rhoda walk through a few changes that we would like to make, even at this late date, and then I would recommend it to the Board.

MS. SCHNEIDER: Thank you, Commissioner, Mr. Chairman, members of the Board. The Board package that you have under Tab 2, has the proposed regulations in blue, and if you follow along with me, I'll tell you what the last-minute changes are. The changes on the blue pages that are underlined are the changes that resulted from the public comments that we received by the December deadline, and that's explained in your cover memo. These additional changes are resulting from our review of the MTA's comments are as follows: The first blue page, under score appeals, 30.042, second enumerated paragraph under there, it's an insert at the end of the end of the first sentence, which says: "A score appeal on behalf of a student may be filed only by the superintendent of schools for the school district in which the student is enrolled." We recommend inserting there: "or by the superintendent's designee." That's a suggestion from the MTA and it's a good one.

The second change, still on that same Paragraph 2, but at the very end of the paragraph, after the sentence that's underlined, please insert the following language as recommended by the Commissioner: "If the superintendent declines to file a score appeal on behalf of a student, the student's parent or guardian may appeal the superintendent's decision to the school committee." In other words, it's the superintendent's decision

to go forward or not with a score appeal and will have a corresponding recommendation on performance appeals, but there's a safety valve there for the parent who disagrees with the superintendent's decision not to go forward.

The third recommended change, if you turn to Page 2 of the blue pages, in Paragraph 4, which says: "The superintendent shall send the score appeal to the Commissioner of Education as soon as possible and no later than 60 calendars days." Please insert after that, in parentheses: "(not counting summer vacation.)" The MTA's point here was that if the superintendent needs access to information from teachers or other school staff who are not present during summer vacation periods, that students should not pay the price for that.

The fourth change recommended by the Commissioner is on Page 3, in Paragraph 6, please insert a sentence at the end that says: "Within 21 calendar days after receipt of the Commissioner's decision, the superintendent may respond, including seeking reconsideration." And, by the way, I will give all of these changes to the stenographer, if you don't want to take them down verbatim. I'll read it again. "Within 21 calendar days, after receipt of the Commissioner's decision, the superintendent may respond, including seeking reconsideration." The point made by the MTA is that if, for some reason, the Commissioner declines to send a test question in for rescoring, for example, the superintendent ought to have a chance to respond to the Commissioner and try to persuade him otherwise.

Turning to Page 4, two changes that correspond to the ones that I just read to you earlier on the score appeals section, but this time they appear in performance appeals. In Paragraph 2, the first sentence, which again says that the performance appeal, like the score appeal, may be filed only by the superintendent. Please insert at the end of that sentence: "or by the superintendent's designee." And at the end of Paragraph 2, similar language to that recommended under score appeals, we would add a sentence that says: "If the superintendent declines to file a performance appeal on behalf of a student, the student's parent or guardian may appeal the superintendent's decision to the school committee."

Just two more changes. On Page 5, under Paragraph 5, which lists the kinds of evidence that the superintendent is directed to provide in a performance appeal. In Section D, which says: "The percentage of students in the school who took the same courses and had the same grades" please insert after the word, "same," or "similar," so that it says "same or similar grades," so that the analysis can include other students who got, say a B or a B plus, and look at their MCAS performance to help decide if this particular student met the performance standard.

The final recommended change is on Page 6, Section 8. This relates to the activity and the information gathering of the performance appeals board, which will be the group of people appointed by the Commissioner, who are expert in the particular area, whether it's English language, arts or mathematics, who will decide if this student, in fact, does meet the 220 performance standard, even though that's not evident from MCAS scores. The last two sentences of the current regulation, as proposed on the blue page, say that if the performance appeals board decides it needs additional information, the chair of the performance appeals board, who will be a school principal, appointed by the commissioner, may obtain that information, including individually identifiable information relating to that student. The MTA, in its comments, in our view, quite properly pointed out that if we want to maintain the integrity of the process, there should be no indication at all of what a student's identity is when the performance appeals board reviews the information. So in keeping with that, we recommend the
Following change in Paragraph 8. If you count up five lines from the end of that paragraph, we would delete the language of that, beginning with "may obtain the information." Strike out the rest of that paragraph, including the following sentence, and insert, in place of that, the following language, and than I'll read you the whole last sentence. The new language says: "Shall contact the Commissioner's office to request the information, which shall be provided with only the student number as an identifier." Let me read you the whole sentence now and see if this makes sense. It would say: "If the performance appeals board decides that it needs additional information on a particular student in order to fulfill its duties, the chair of the performance appeals board, and here's the new language: Shall contact the commissioner's office to request the information, which shall be provided with only the student number as an identifier." In other words, the Commissioner or someone on his staff will act as the

intermediary, get the additional information that the appeals board needs, and provide it with identities masked to the appeals board.

CHAIRMAN PEYSER: Does anyone have any questions about those specific changes? And, again, these were all changes that result from the commentary that was provided by the MTA.

MS. SCHNEIDER: Just to clarify that, the language about the same or similar grades, actually came from Jeff and Department staff.

CHAIRMAN PEYSER: Also to clarify, the amendments the regulations are not necessarily exactly what the MTA requested.

MS. SCHNEIDER: Right.

CHAIRMAN PEYSER: In some cases, the MTA pointed out a weakness in the draft regulations, but the solution that they offer is not necessarily one that the Commissioner and the Department agree with; and nonetheless we attempted to address those issues in a way that I think made more sense and are more consistent with the spirit of the appeals process itself. So just to be clear, we are trying to be responsive to the thoughtful commentary from the MTA, but we were not necessarily adopting their language in terms of the solutions themselves.

One other point which I would follow up related to their commentary, which I don't think requires any regulatory change, it may require some clarification, just on the public record, those people going forward, what's meant by terms in Section 5, 30.05, on the performance appeals. There's a reference to grade point average. What the MTA suggested is that that term doesn't necessarily mean the same thing to the same people, in that when some districts or schools saying grade point average, it's a weighted average in which some courses count for more than others; and, therefore, it's somewhat ambiguous what that term means. But if I'm understanding our definition of the term correctly, this applies to an average, a straight averaging of grades in the same or similar courses or the same courses that students have actually taken. There's no weighting process involved in this whatsoever; and, therefore, the averages are calculated in the same way for all students and across all schools and districts. Is that a fair statement?

MR. NELLHAUS: Well, actually, I don't think this will have any impact, as long as it's done consistently within the school itself.

CHAIRMAN PEYSER: Within the school, correct.

MR. NELLHAUS: And for the group of courses that are being looked at.

CHAIRMAN PEYSER: So it could be a different scale?

MR. NELLHAUS: Right.

CHAIRMAN PEYSER: But they're all just averaged in a consistent way.

MR. NELLHAUS: As long as it's done consistently within the school.

CHAIRMAN PEYSER: Presumably each grade will carry the same weight?

MR. NELLHAUS: That's right.

CHAIRMAN PEYSER: Within each district in the school?

MR. NELLHAUS: Yes.

CHAIRMAN PEYSER: Okay.

MR. NELLHAUS: Jim, I'd just like to add that are small issues like this that we're actually working with five different high schools right now to pilot this particular methodology, and there may be small -- and the things we learn from the study that will help us implement this in a fair way to avoid any types of bias that might occur because of weighted grade point averages or whatever. So we're looking at procedures to implement this.

CHAIRMAN PEYSER: Right. And just as sort of a refresher for Board members and for others, this part of the process is designed to determine whether or not there is sort of a disconnect between students' MCAS performance and his or her grade performance in classes. And the way that this would be calculated or the way this would be approached is to look at other students in those classes who received the same or similar grades, and also look at their MCAS performance; and if you were to find, for example, that a student who is a B student in a particular series of math courses was not performing in the 220 level on the MCAS math test, but his other peers who were also B students were performing at or above 220, would be an indicator that there is something, in particular, about that student's match or mismatch with the test, rather than simply that the student is not performing or achieving at the levels required by the standards. So that's the sort of base of the calculation.

DR. THERNSTROM: Well, of course, that whole process will only work if grade inflation has not resulted in all students basically having the same grade point average as other failed courses.

CHAIRMAN PEYSER: I think it's intended to be neutral with respect to grade inflation. In other words, if all students are A students and there's a wide disparity in their MCAS performance, that would be insufficient evidence to justify giving a student a competency determination on the base of an A in such a course. However, if, you know, 90 percent of the students who got Bs all were, you know, passing MCAS and this one student or two students who's in the cohort were getting the same grades but were not getting the same MCAS score, those would be the cases that would be brought forward by this process. But, in theory, if the grades are inflated, assuming they're inflated on a consistent basis rather than for an individual student, that would fall out of this.

DR. THERNSTROM: I mean, the point is there may be no Cs in the school, whatever. So that the B ---

CHAIRMAN PEYSER: I understand. But then the expectation -- and, Jeff, you can jump in. But any expectation would be that you wouldn't see that same pattern of students ---getting the same grades and getting different MCAS performance. Is there any further discussion or questions concerning the regulations before us?

MR. MADDEN: I'd like to say, actually, first off, thanking the MTA for their thoughtful additions, and Commissioner Driscoll for his changes, and especially being responsive to the student input on these regulations. We're still not entirely happy with some of the eligibility criteria, more particularly along the minimal retest and the attendance; however, the student advisory council decided that the compromises that were made and the way this stands now, is something we would approve of, so I will be voting for this. Thank you.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with G.L. chapter 69, sections 1B and 1D, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. chapter 30A, section 3, hereby adopt the proposed amendments to the Regulations on the Massachusetts Comprehensive Assessment System and Standards for the Competency Determination, 603 CMR 30.00, as amended by the Commissioner. The proposed amendments establish an MCAS appeals process for score appeals and performance appeals.**

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

CHAIRMAN PEYSER: The next item on the agenda was the vocational-technical education regulation, the Chapter 74 regulations. We're going to defer considerations on this. Commissioner, do you want to make any comment?

COMMISSIONER DRISCOLL: I do. I want to explain. First of all, as I see some members of the vocational committee, this has been a long-time issue that we've waited months and years for it get before the board. However, I do agree with the sentiment that in laying these out, this is very important, this is our opportunity to make significant change in the regulations, and to kick it up a notch, if you will, with respect to the expectations of vocational programs and the licensing and certification regulations and so forth. And it is confusing. And, therefore, what I'd like to do is go back, at Board members' suggestions, and lay out all of Chapter 74, the old Chapter 74, exactly what's happened, what's been added, what hasn't and so forth, so that the entire board gets a very good look and feel for exactly the kinds of changes that we're proposing and then can weigh in. So we'll just come back next month. And, of course, that will still go out for probable comment, but I think it's very important that we do that for the clarity of Board members.

MR. IRWIN: Just add one other thing. Anything else that's referenced in the document as far as other regulations, could you include that, also, please?

COMMISSIONER DRISCOLL: Very good.

MR. IRWIN: And, also, could we get it as soon as possible?

COMMISSIONER DRISCOLL: Yes.

MR. IRWIN: Thank you.

COMMISSIONER DRISCOLL: We will work on that right away.

MR. IRWIN: Thank you.

CHAIRMAN PEYSER: Thank you. Let's go on to the next item, which is the proposed amendments to student records regulations, and there's two things I want to say about this. One is that this throws out some discussions that have come about through something called the American Diploma Project, which is an activity that we are engaged in, both at the Board and Department level as well as the Board of Higher Education and represent the business community, to try to align standards for graduation, for college admission and for employment.
In the process of having some initial discussions, it became clear that aligning admission standards with high school graduation requirements was somewhat problematic in the context of MCAS performance, because schools were essentially precluded from including MCAS results onto student transcripts; and, therefore, the information that'll be necessary for admissions officers to make judgments that took MCAS performance into account was not there. And, therefore -- and we needed to go back after some analysis, to do some regulatory reform, in order to make that possible. So that's the genesis of this item on the agenda.

The other thing is the Commissioner just passed out a somewhat revised version of the regulation draft that you have in your packets and, in particular, on the first page, under the first bullet in Section 23.02, definition of terms, the underlined sections represent new language. In the draft that you have in your booklets, the reference was made to the student's score on the 10th grade MCAS. It wrote the scale score. But what you'll see here is that instead of that, there is reference to performance level achieved on all MCAS tests required for competency determination, and that takes two things into account. One is the distinction from the scale scores and performance levels. The other is to make it clear that it's the student's highest achieved performance, rather than the performance on the initial administration of the test in 10th grade. So students who were taking a retest or taking an administration test in the junior year, would be able to reflect on their transcript the highest performance level achieved. This shift from scale score to performance level is something that I would have to credit to the work and opinion of the student advisory council that had considered this point and made a recommendation that we shift from scores to performance levels, and I think that makes a lot of sense for a variety of reasons, one of which is to ensure that we aren't encouraging students to retake the test in order to bump their score up a few points in hopes that they will get a somewhat higher score that will look better on their transcript and will enhance their admissions chances at whatever institution they hope to attend. MCAS is not intended to be another version of the SAT. It is intended to be part of the graduation requirement. It is intended to be a reflection of the student's overall achievement, and it is pegged at the 10th grade level and not a 12th grade level; and, therefore, multiple retests solely for the purpose of moving within and beyond a performance doesn't seem to make economic sense, from our standpoint, administering the test, nor does it seem to make a whole lot of educational sense. In any event, that change has been make to the draft, you've got it before you, and I'd welcome any comments or questions before we consider sending it out for public comment.

MS. PLUMMER: Jim, I'd just like to ask a question about at what point will these be on the transcript? I say that, for the admissions committee of the Board of Higher Education has a concern about having the information available as soon as students put in even early applications to college, because knowing whether or not a student has passed MCAS would be very important to them in the fall for early admission.

CHAIRMAN PEYSER: Good question. I would assume, and I'm going -- I'm operating without a net here. I would assume that when a transcript is requested, that whatever the highest level of achievement exists at that point in time would be reflected on a transcript. That would change if the transcript is requested at a subsequent date and there's been a retested administered in the interim. Is that consistent with your understanding?

MS. PLUMMER: Yes.

CHAIRMAN PEYSER: But that may be something we need to clarify to make sure it's clear.

MS. PLUMMER: Yes. It's very important to admissions directors at the colleges that they know as soon as possible so that they can act on the applications in the students interest much more quickly.

MR. MADDEN: Good question. Did you consider making that part of the actual application for when you print the next MCAS scores?

MS. PLUMMER: That would have been the alternative, but a more difficult one, because then you'd have to be certain that they were accurate and came right from the high school. So it makes more sense for it to be right on the transcript and it's a little bit less red tape for the student to go to the transcript.

COMMISSIONER DRISCOLL: Wouldn't the sense be, this would be for the Class of 2003, right?

MS. PLUMMER: Yes.

COMMISSIONER DRISCOLL: So I think between our public comment period and making this change, I would assume that there would be time for the members of the Class 2003, even if they apply for early admission.

MS. PLUMMER: Yes.

COMMISSIONER DRISCOLL: It would give their latest.

MS. PLUMMER: Right. I think what the admissions officers are looking at, they're printing their applications and instructions to applications now. So if I can tell them, after your vote today, that they're not going to have to make special directions for students and that they will have it on their transcript, it saves that piece of red tape for both the admissions officers and the students.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with G.L. chapter 69, s. 1B and chapter 71, s. 34D and 34H, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. chapter 30A, s. 3, to solicit public comment on the proposed amendments to the Regulations on Student Records, 603 CMR 23.00, as presented by the Commissioner.**

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

CHAIRMAN PEYSER: No. 7 is a vote with respect to Pembroke High School tuition, Commissioner, for sports?

COMMISSIONER DRISCOLL: This is an occasion whereby the people have withdrawn -- the Town of Pembroke has withdrawn from Silver Lake Regional. They're quite separate and distinct from our hope that there would be more -- or fewer regions. But, anyway, they've done so; and, therefore, we need to establish this tuition arrangement under Chapter 71 in Sections 1, 4 and 6. So I recommend that you approve the motion that's in your package, that allows the students in Pembroke to be tuitioned to the Silver Lake Region.

CHAIRMAN PEYSER: Any questions or comments on the motion?

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with the provisions of G.L. c. 71 s. 1, 4, and 6, authorize the town and school district of Pembroke not to maintain public schools for grades 7 through 12 and to tuition its students to the Silver Lake Regional School District for said grades.**

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

CHAIRMAN PEYSER: So let's then go to what is now this final item on the agenda, presentation concerning on-line educator licensure and recruitment.

COMMISSIONER DRISCOLL: I think most people are pleased about this tool that we will soon have and allow people to, as they bank on-line and do other things on-line, to actually not only apply, but to check on their own progress and so forth on licensure. So, Michael, it's all yours. A very quick demonstration.

MR. SCHWARTZ: I'll try to emphasize quick, and I'll go through this fairly fast. Thank you, Chairman Peyser and Commissioner Driscoll, the rest of the board for taking the time to put this on the agenda. Let me start by introducing myself. I'm Mike Schwartz and I work in the Department of Education here. I'm the director of the educator licensure and recruitment initiative, working with Ann Duffy and Maureen Chew, who are on either side of me. Let me give you a little background, ELAR was born out of the -- the governing initiative was the Commonwealth was moving forward with. About a year ago they put forth a request for some grant, a grant, with a request for some proposals for agencies to use the internet, to leverage the internet, to reach to citizens within the Commonwealth. We were one of the handful of grants that were selected out of several hundred, to reach out to citizens in terms of becoming educators and recruitment.

I want to spend just a few second going through an overview of this project, and then we'll actually delve in and take a look at several of the screens, so that you can see what, how an educator, prospective educator, would interact with the system. As you're all greatly aware, we are certainly in a time of crisis in terms of insuring that we have adequate educators in our schools. We've got, you know, as you know, half of the educators leaving the profession within this decade. Additionally, within the department, we have struggled with the ability to review licenses and grant licenses for educators, and we are in the process of with ELAR as a piece of this, addressing that and providing much better service to our customers, both in terms of licensing, but I want to stress more than just licensing, actually going out and doing some, tying in some recruitment activities in this, as well, to try to recruit educators.

If you are not familiar with the current department web site, if you clicked on the educator web site of the Department, you would see a laundry list of several hundred news items, and that would be your entry as an educator. We're going to be rebuilding that as part of this ELAR initiative and we will be unveiling a new central, kind of one-stop shop for educators. Whether you're somebody who is in high school who is thinking about becoming an educator or whether you're somebody who is getting ready for retirement, you'll be able to come to this one portal in the department web site and find out information and connect it to different resources. We're going to be developing this home page. We'll also be developing a log-in version of this page, so if you log in with your security, you'll get a personal profile that will tell you about the licenses you currently hold from the department's perspective and give you access to some other resources.

CHAIRMAN PEYSER: Actually, a quick question on that. Where are we in terms of having the data available to plug into that feature?

MR. SCHWARTZ: We will be converting the existing certification data. So when this is brought live, and I'll show you, we can take some schedules in just a minute, but in the April time frame we'll have that data on-line for people who will be able to find out about their existing licenses. Which is a perfect segue to the other point I was going to mention, which is that we are developing a significant amount of content behind this home page, specifically in areas of becoming an educator and licensure. So we're developing the applications that allow you to renew your license and correct licenses on-line, apply for licenses, request waivers of the superintendent, a variety of functions around licensure and we'll walk through some of those. So the release schedule for this, we've contracted with Deloitte consulting and they are moving forward with their schedule. As of February, the end of February, we will be releasing the home page that we just saw, along with an on-line help tool that will allow people who want to get an understanding, if I want to teach and get a license in math for high school, what's required of me? And we'll walk through that in a minute.

In April, staying on the licensure topic, we will be releasing all these other functionalities, at least the functionality around licensure, on things like renewals and license and waivers and duplicate requests. In March, there's been a shift with the new regulations from reviewing the transcripts and reviewing courses to determine whether somebody is eligible for licensure to much more of a focus on programs, ensuring that programs are approved and programs are effective. With that said, part of this ELAR effort is to develop the applications that

allow us to manage that program approval process, so programs will be able to apply on-line, we'll do the whole review process, to be managed on-line, as well. And that will be released in March, the end of March.

Finally, as I mentioned, recruitment. There's going to be a heavy tie-in to all of this to ensure that we can leverage the data as best possible to try to recruit educators. We've got a significant number of folks who graduated our education programs in Massachusetts, but decide to either teach in another state or not to teach at all. We want to try to proactively reach out for those folks and keep them in our schools here in Massachusetts. Similarly, if there are high-need areas; for instance, if math in middle schools is high-need area, we'll reach out through the interface of the Board of Higher Ed to actually proactively let those folks know, who might not be pursuing an education degree, that through a provisional license they can get certified immediately upon taking a test; that there are these programs that they can get enrolled with or involved with education prep programs, and to receive their initial license in teaching very quickly. So we will be doing a lot of recruitment activities as well.

What I want to do now is walk you through an actual demo, using some power point presentation, as well. We're going to walk through the first scenario. And this is -- really, this is a scenario and this is the actual -- what the screens will look like in this application, of somebody who basically wants to understand the regulations. There are -- regulations are, you know, 50-plus pages, and the goal here is to really translate that into something that's meaningful for an individual applicant or somebody who is interested in teaching. So in this scenario, we've got John, he's a junior at a local college, he is enrolled in an education program. He hopes to teach biology at a high school level, and so we are excited about folks like John. And he is even proactive enough to want to come and make sure that he's fulfilling all the right requirements for licensure. So he will come through the main home page, and he can either come through becoming an educator or through the licensure link. Either one of those categories will get him to the on-line help.

And once in on-line help, there will be an introduction to him, letting him know what the school is all about, and the resources that are available for him. If you'll look on the left side of this, there is kind of three different avenues that somebody might come and get help. John falls under the first one, under introduction, which is determine the requirements for requirements for a particular license. So here John wants to find out what are the requirements to teach high school biology. He'll simply click on that link and be able to type in the field biology, the level he's interested in and the type of license that he wants to get. From there, the on-line help will return to him the different routes that are available for licensure, so it will pull out from the regulations the things that are meaningful for John. In here, there's three routes that are being display that somebody can go through to receive licensure. John falls under the first one that he can complete in an approved program to receive his license. And right underneath it are the four steps that are required for John to complete in the program, he needs to receive his Bachelor's degree and tests. So hopefully this will make it fairly evident to John, what's required to be licensed. If he has a question about any one of these requirements, he can click on the requirement and get even more detail. In this case, if he clicks on the program, a link, will find out what is an approved program. He'll actually be given a list of here are all the approved programs in the Commonwealth for high school biology, and even be able to connect to a link to that web site of that program provider.

The next scenario is for somebody who, rather than saying John, who knows he wants to be a teacher, it's for somebody who maybe hasn't thought about teaching before. Maybe it's somebody who, like John, has got a Bachelor's in biology and has been working in the private sector in a biotech firm for many years as a leader. So this person could come in and say, I don't know anything about licenses, but tell me what you would recommend to me. This person would enter in some basic information. They'd enter in what field they're interested in. This person, most likely, if they're from a biotech company, hopefully has an interest in biology, and so he or she can enter biology. They would enter in other criteria. Do they have some special Master's degrees that they received. In this case, our person has worked in an executive management or leadership role for many years, so

that person would check off that box. By entering that information, the on-line help would then be able to tell the person, based on your background, here is what makes most sense for you. You've got some leadership abilities and experience, so maybe a school principal is appropriate for you. We now have programs that are a lot better -- that are designed for folks coming in for executive management roles. In addition, you've shown that you've got an interest in biology. Maybe biology is an option for you. Here are the requirements that are required for you for your biology license. Again, if you click on the requirements, you'll find more detail. Finally, it might help you to frequently asked questions, so there's a series of frequently asked questions the department's gathered over the years and these will be available for people to -- a variety of questions that are commonly asked.

The next scenario we wanted to walk through, and we've just got two more here, is the apply case. So this is somebody who is ready to apply for licensure. In our example here, we've got Mary, who has got a math degree. And actually Mary received her Bachelor's in math and she was contacted last year as part of the ELAR system in our scenario, to let her know that it's a high-need area. As a result, she got her provisional license and is now teaching in a local public school, enrolled in a school district based educational program. She wants to go ahead and now apply for her initial license. So, again, Mary would come through the initial home page. She would log in under her profile. The first screen would just give an introduction to let her know what she's going to expect in this application process. And then she would walk through, we'd walk her through a five-step process on-line.

Now, the first step, she simply reviews her profile. Again, she's already applied for a provisional license in the past, so we know the basic information about her. If nothing changed, she just confirms it. If something has changed in her address or other information, she would update it. The second step is for her to tell us what she wants to apply for. So in this case she would enter in the field level and type of math, middle school, and initial licenses, because that's what she wants to apply for. And there's a little bit more information that we'll ask in terms of what Mary is applying for. We'll ask her to tell us what route she expects to be certified or licensed under. And so, again, like in on-line help, we'll provide her the different options she had. And it's hard to see on this overhead, but on the left side is a radial button that she would just check to say, I'm completing an approved program, because Mary, as we mentioned in this scenario, is enrolled in a district based program. So we would ask -- we would also display to Mary what information we already have on file for her, so she would know what she needs to send in to receive the license. Additionally, like in the on-line help, Mary can click on any one of these requirements to find more information. If she clicked on the Massachusetts math test, for instance, we would give her more information about what is the math test, what are the dates that it's being offered on, give her the link again to the teacher test web site so she can find out more information about the teacher test.

Another final step, once Mary has told us what she wants to apply for, we'll actually do some recommendations for her, as well. For instance, if she is applying for math and we know that general science is a high-need area right now, we might recommend that she also consider general science and let her know what's required. Similarly, if she is coming from out of state and she applies for an initial license and she hasn't taken the test, yet, you may not be aware, but there's a temporary license available for her, as well. So we would recommend to her that she might want to receive a temporary license, where she could start teaching immediately and spend a year working on her license. ¡So, again, we'll do some recommendations for the applicants, as well. Once they've finished applying or choosing the licenses they want to apply for, they'll have to confirm an affidavit to make sure that they don't have any criminal record that should raise flags. ¡Additionally, once they confirm their affidavit, we will summarize what they are applying for. And if you'll notice, there is going to be an on-line discount for this, for applying on-line, as well, and so we'll be offering people a discount and hopefully encouraging the use of this application. Finally, I don't have screens for it, but there will be a payment on-line, as well, so the applicant will be able to pay right on-line, entering their credit card number. They'll also be able to mail in payment, either with a cashier's check or a money order.

The last couple of slides I wanted to show you are around inquire. In addition to being able to request all

these applications on-line, you'll also be able to inquire on your status. Here we've got an example where Shirley has been a teacher for many years and she's now applying to be a principal. She applied and she wants to check on her status. Again, she would come through the main page. She'd click on licensure and be able to log into her profile. Here, we would be able to view, she would be able to view her profile. Again, all the contact information we have on site, as well as all the activity that she's performed, were requested with the Department. So any licenses that she currently owns, any waivers that might have been requested for her by a superintendent, any duplicate requests that she had requested for her licenses, as well. If you'll notice here on the bottom of this box, the second item, license, school principal, is her current application that she just filed today, and she wants to check the status on -- unfortunately, we're not quite that quick in approving it, but she could click on that item and it would give a list of the different requirements and where they stand. So in this scenario, for her school principal license that she applied for, there were four requirements, three of which the Department has already verified. We know that she already completed an approved program and we know that she already took the test, we awaiting on her three years of teaching license.

CHAIRMAN PEYSER: How will that status column, particularly the verified piece of it, how will that actually be connected to the actual process that's going on inside the Department?

MR. SCHWARTZ: Right. There are a variety of different requirements for different licenses. And so several of those requirements will have automated, where we've got interfaces to the testing service or we've got interfaces, links to the permit providers. Those will be electronically verified. Then there are a variety of requirements in the regulations for things that require a manual review, and those will be things that through the current process, and using now the ELAR system, we will wait for verification, either, for this example, a letter from the, you know, the school stating that ---

CHAIRMAN PEYSER: But will, for instance, whoever in the Department is responsible for verifying one of these elements, will they enter in, you know, the receipt of a letter from the school, for example, to a system that will automatically connect it to this? Are we going to have to, or at least for some period of time, some double entry to make sure that this system is updated to whatever the current status is?

MR. SCHWARTZ: Right. No, that's a good question. I didn't mention earlier. This will replace the existing certification system. So all that functionality will be part of this system.

CHAIRMAN PEYSER: So internally, it'll all be web-based, as well?

MR. SCHWARTZ: Yes. Yes. They will scan in that document into this system and an evaluator could actually here, click on something to bring up those scanned documents.

MR. BAKER: How long will it take to run tooling systems on stuff like this.

MR. THOMAS: How long will it take to bring this on-line?

MR. SCHWARTZ: The initial release, just that counseling piece or that help piece is going to come on line late in February. The rest of it will be rolled out over he next three months, so finishing up in May.

MR. BAKER: I hope all this stuff you're doing to boil all this down into understandable thought processes will be incorporated and considered in any print collateral that the Department has. I mean, the way you laid out what it takes to get a license, you know, from my point of view, that would look just as good in print inquiries as it would on a web site, and I would hate to see the amount of work that you're doing, to think about how to make this

stuff understandable and usable in that format, get lost in the context of other ways through which people want to access that kind of information from the Department.

MR. SCHWARTZ: That's a great idea.

MS. PLUMMER: I want to compliment and congratulate the Department on really an extraordinary service to future teachers in Massachusetts. And from the Board of Higher Education, there are a couple of specific things I want to point out. One of them being that right at the beginning, where you have, becoming an educator, it would be very helpful if you had a link to the Board of Higher Education web site, because on there we have a new program retrieval system where someone can put in education and get a list of all the schools and the programs that are available. So it would be a nice compliment if you could have that link kind of up front and that partnership between the Department and the Board of Higher Education.

My other comment is a little bit more of a concern, with only one of the cases, the first one, the John, who was a student, who is already a junior in an approved program. And I counted this from having been an academic officer at a college that had a teacher preparation program, so I can see that this is going to be a wonderful addition to what's being done at the Department to help recruit and get people to go through the whole process, because it is very difficult. My concern with this John as a junior at a local college is that I'd like to see something that would be put in that particular place, that says, refer to your department chair or your program coordinator, because I fear someone who is currently in college, in a program, might think, especially a young person who uses the web a lot, that this is all you really need to do, all the answers are here. And there are a lot of things left out there in terms of the requirements of that student to graduate. And there might be some misunderstanding that I've done everything that was -- that the department said, and then the student finds out at a late date they've missed a course that was a requirement at that particular school. So that's the only place where I think that there could be some confusion. The ones for the students who have already graduated in a program before, it's a wonderful service to help them get through. But I'm just concerned about those who are in approved programs right now, that they need to be referred back and make sure that they're doing everything at their local institution, as well as meeting the department's requirements. So thank you, again. It's very, very impressive.

CHAIRMAN PEYSER: Any other questions or comments? Great. Thank you very much.

MR. SCHWARTZ: Thank you.

CHAIRMAN PEYSER: And look forward to seeing it on-line.

MR. SCHWARTZ: So do we.

CHAIRMAN PEYSER: That's great.

COMMISSIONER DRISCOLL: Sandra, do you have copies of that technical report?

DR. STOTSKY: I believe they were passed out.

CHAIRMAN PEYSER:: That concludes our agenda for the day. Does anyone else have any other business or announcements or comments they want to make before we adjourn?

COMMISSIONER DRISCOLL: I would only say I'm going to follow up with a memo about the technical report. I just want to make sure you have it, and then we'll follow up, and may even be a matter of discussion for the board for a couple of minutes at a future agenda.

CHAIRMAN PEYSER: Okay. And just so we're all sort of regrouping here, a couple of things that will happen fairly soon. One is we're going to get some additional information with respect to Chapter 74 regulations. Two, is we will schedule a hearing as soon as possible with respect to Lynn Community Charter School, and all of you certainly will be invited to attend and hopefully many you can. And that will happen, obviously, before -- that will actually occur before our next meeting, and then we'll come back and certainly take up the Lynn Community Charter School and take up the Chapter 74 regulations as soon as possible.

COMMISSIONER DRISCOLL: Would we assume that that hearing would be late afternoon or early evening, or do we ---

CHAIRMAN PEYSER: Well, certainly, if it's at the school, it ought to be after school. But I think that's probably right. I think in late afternoon. In terms of allowing not only time enough for, you know, school activities to conclude, but also time enough for parents to make themselves available, should they want to appear.

MR. IRWIN: That's a good point, as far as making it available for the parents to appear. I think that needs to be looked at very closely.

CHAIRMAN PEYSER: Right.

MR. BAKER: That would mean we're going to go into the evening, right?

CHAIRMAN PEYSER: I mean, I would hope that we could start late afternoon. We start a lot of these on other things at 4 o'clock, if my memory serves, but that's flexible.

DR. THERNSTROM: Also, Jim, I assume that for those of us who can't make the actual hearing, there will be available a video transcript?

CHAIRMAN PEYSER: We ought to make sure that we do videotape it.

DR. THERNSTROM: I actually would find the transcript more useful than the video.

CHAIRMAN PEYSER: Transcripts. I don't know how quickly we can turn that around. There's a relatively tight time frame.

DR. THERNSTROM: Okay.

CHAIRMAN PEYSER: And there may be a very large number of comments. In any event, we will try, we will do our best to get something that's actually useful to the Board members as soon as possible following that. All right, with that, I think our business is concluded and we're adjourned until next month. Thank you.