COMMONWEALTH OF MASSACHUSETTS
BOARD OF EDUCATION

*****Regular Meeting*****

Massachusetts Board of Education
350 Main Street
Malden, Massachusetts

Tuesday February 26, 2002
9:00 a.m. – 12:00 noon

MEMBERS OF THE BOARD OF EDUCATION PRESENT:

JAMES A. PEYSER, Chairman, Dorchester
HENRY M. THOMAS, III, Vice-Chairman, Springfield
CHARLES D. BAKER, Swampscott
J. RICHARD CROWLEY, Andover
JUDITH I. GILL, Board of Higher Education
WILLIAM K. IRWIN, Wilmington
JAMES MADDEN, Randolph
DR. ROBERTA SCHAEFER, Worcester
DR. ABIGAIL THERNSTROM, Lexington

DR. DAVID P. DRISCOLL, Commissioner of Education, Secretary to the Board

Chairman Peyser called the meeting to order at 9:00 a.m.

CHAIRMAN PEYSER: Hopefully, Henry and Judy will be here shortly, but in the interest of time, we'll try to get started now. I will forego any specific comments at this time. Commissioner, do you have something you'd like to say?

COMMISSIONER DRISCOLL: No, I will do the same, Mr. Chairman.

CHAIRMAN PEYSER: I would refer Board members to their packet. The Commissioner has some notes in there. The only thing I'd mention is that we do expect to release results from the December MCAS retest later this week. So that should be something you all should keep an eye out for, and we'll be getting you the report as soon as it's available. With that, let's try to move on to the public comment period. I think we're starting out with Isa Zimmerman, representing BEST, regarding teaching state standards with technology grants. Good morning.

COMMISSIONER DRISCOLL: Good morning, Isa.

MS. ZIMMERMAN: Good morning, Mr. Pesyer. Good morning, Commissioner. Good morning, ladies and gentlemen. I'm Isa Zimmerman, and I speak today as Co-Coordinator of BEST. BEST is a coalition of business, education, and labor organizations that works with the leaders on Beacon Hill to establish state incentives that encourage local school committees to support students' development of 21st century skills. Specifically, we've worked since 1994 to obtain

matching grants that encourage the use of technology in schools in support of education reform. We're here to thank Commissioner Driscoll for targeting close to $600,000 for the Teaching State Standards with Technology, the TSST grants this year. We know this amount is not nearly enough to support all of the school districts, and all of the schools in the Commonwealth, not even the 161 school districts that made application this year; in fact, only eighteen.

The original commitment for this grant program was $35 million over four years. We understand that these are difficult economic times in our state and in the Department. But we still believe strongly in leveraging state money to help all schools make a substantial annual commitment to improve the use of powerful technologies for learning. We believe this education technology grant money is a smart investment in our future workforce, especially if it is sustained and predictable. It has a strong professional development component, and it is designed to support the implementation of the curriculum frameworks. Because of that, and while we thank the Commissioner, BEST will continue its work to maintain the three to one matching grants financed from the capital needs investment trust fund. Thank you.

CHAIRMAN PEYSER: Thank you very much, Isa. Next is Joseph O'Sullivan of the Brockton Education Association.

MR. O'SULLIVAN: Thank you. Good morning. I'm here this morning to express my concern about three parts of the MassPartners project position paper that you're going to hear about later today. I actually support some of this, but I have great concerns about the three that I've documented. First, peer review. Peer review is different from peer assistance. It involves teachers firing teachers. We're now at a point where collaboration and teamwork among teachers are beginning to pay off in terms of student progress. The cluster approach and mentoring teams using teams of teachers are examples of successful programs. Clearly, teachers in all situations in this state depend on each other daily for support, trust, and professionalism. They cannot have the same productive professional relationship with their colleagues if they have to be looking over their shoulder, concerned about being evaluated by members of their own team.

In America, teachers have the right to sue, and have sued their colleagues for adverse effects suffered from just such a program. This is the NEA's million-dollar liability policy. It does not cover teacher versus teacher suits. An exception was made to that to cover teachers who were sued for participating in a peer review process. They wouldn't have changed that policy if there wasn't a need for it.

Additionally, today's teachers just don't need any more things to do on their already full plate. Since 1999, the BOE has added literally dozens of burdensome regulations and guidelines to teachers' responsibilities, and has taken none away. The time and money needed to train hundreds of teachers, and then implement a peer review process could better be spent elsewhere. Remember, under the education reform law, both teachers and students are held accountable through performance standards accepted by the DOE for teachers for all communities in 1996. In addition, the Act calls for certification and renewal of teachers every five years, which requires teachers to participate in hundreds of hours of professional development programs. The Act also places the responsibility for evaluation on trained administrators, not classroom teachers. It's ironic that the Education Reform Act changed the formal evaluation process for professional status teachers from every three years to every two years, and these recommendations suggest now an even longer cycle return to it. The proposal is also dead on arrival because of time and staffing needed will greatly exceed Chapter 70

professional development allocations, and reduce needed professional development for veterans, staff, and all teachers if it's going to be competing for limited Chapter 70 funding that you have now.

My second issue concerns teacher evaluations based on student performance. That is usually the business community standard simplistic and erroneous answer to complex educational issues. My last classroom experience included starting the year with 105 students in my five high school science classes, ending the year with 103 students. However, during the year, 43 students left my class, and 40 students were admitted. That's a turnover of 83 out of 103 students in one year. If you really want the best and brightest people to work with inner city kids, to work with low income children, limited English children, tying teachers job evaluations and employment or tying their pay to student scores is not going to get you there.

And lastly is a reality check on parent student teacher evaluations. Nearly all teacher contracts already have language that requires all complaints about any teacher to be immediately called to the teacher's attention. Formalizing input for K to 12 students and parents beyond that is not needed and would be counter-productive. The system we have now is fair. It has worked for years, with results ranging from fair teacher discipline and dismissal to no trespass and restraining orders against parents for everyone's protection. Every time we do a strategic plan in this state every five years, parents are surveyed anyway. Typically, teachers are the strong point of those surveys. Our last one had 3,000 parents return their surveys.

And some suggestions. One, submit a real budget to the Legislature to cover the total cost of the programs you've already implemented, and don't change one more framework or regulation without funding the total cost for the change. Two, fund all public school students at the same higher per-pupil cost which you fund the students in parasitic Commonwealth Charter schools. That would provide better education for all students; allow for additional needed time, personnel, and of course, approximately double the state budget. I think it's unconscionable to grant more Commonwealth Charter school while your regular schools are hemorrhaging due to lack of funding.

Two more. Stop referring to our newest licensed teachers -- this one is free -- as non-professional status. Call them resident teachers, or interns, or something indicating a modicum of respect. Nobody goes to an emergency room and gets treated by a non-professional doctor. Why do we call our new teachers non-professional when they are licensed classroom teachers. You can stop that. And lastly -- and this is the part I really support in the program -- the need for continuing administrative training in our schools. Brockton Public Schools have two incredibly positive programs. Thirty years ago, the union and the administration negotiated an administrative internship program, where teachers shot money to get a sub for two months. They work with building administrators and they are trained as administrators. The second thing we have going is two years old, and that's a partnership with Bridgewater State College called the Leadership Academy, where we now have 20 teachers involved in a Master's program in education and 22 teachers involved an educational leadership CAGs program there. Both of them are cost effective and produce administrators who deeply care about children getting an excellent education. I wish you the greatest of wisdom in the decisions that you make. Thank you.

CHAIRMAN PEYSER: Thank you very much. Paul Dunphy, of Citizens for Public Schools.

MR. DUNPHY: Thank you, Mr. Chairman. I actually drove by Henry's hometown of Springfield on my way in this morning. Maybe I could have picked him up. It's kind of a long drive, but the coffee makes it worthwhile when you get here. Well, good morning. My name is Paul Dunphy, and it's still spelled the way it was when I was born, D-U-N-P-H-Y. I know that in the record, it's a little bit off, but we're working on it. It's always a pleasure to be in Malden on the last Tuesday of the month, and take part in the Board of Education meeting.

As you prepare to vote this morning on expanding the charter school initiative, I wanted to just convey some comments of a civic leader out in Northampton who spoke at a hearing that the Department held on, I believe it was the 8th of January. Anyway, it was early January. The Department was gathering sentiment from various communities about expanding charter schools. And the City's Mayor, her name is Claire Higgins, and she's widely regarded as a thoughtful, progressive, popular Chief Executive. She spoke in opposition to more charters out in Western Mass. because of what the two existing schools there, the two charter schools have done to the public school in Northampton. It's been a historically strong program, but it's been forced to make deep cuts in its staffing and its curriculum. What she said was, among other things, 'I can't tell you how devastating this has been.' She said, 'If the state wants to experiment, let's figure out a way to do it that doesn't pit parents against parents and schools against schools.' I mean, the Board of Education can approve more charters this morning, and I suspect it will.

But I think that as this initiative moves forward, we're building in difficulties. We're building in opposition. We're building in the kind of resentment that the Mayor spoke of. It's not a sound policy right now. It's built on sand rather than built on stone. To expand charter schools now, this year, 2002, when virtually every education program is being cut or eliminated, is institutionalizing that kind of opposition of public school parents against charter school parents. It's not a good dynamic to encourage. Also it's to disadvantage thousands of kids, like my own two kids who are in a public school. They like their teachers. They like their school. They haven't done anything wrong. You know, they just are part of a system in which funding is being deducted from their school budget to pay for a new school down the road. And to expand charters is also to disenfranchise every voter in Northampton, in Greenfield, Boston who doesn't have an opportunity to comment in a meaningful way on a new and expensive initiative. I would encourage the Board to build for the future.

As the growing number of legislators and municipal officials who support a moratorium have said, let's address the iniquities in the current arrangement before approving more schools. Otherwise, you continue to pit parents against parents and schools against schools. You as a Board can use education to pull communities together. Why use it to tear communities apart? Henry, I was just saying that I could have given you a ride down. But anyway, give it some thought.

CHAIRMAN PEYSER: Thank you. Thomas Smith of Smith Academy for Leadership Charter School.

MR. SMITH: Hi, I'm Thomas Smith, the founder of Smith Academy for Leadership Charter School, and this is the President of our Board, Roopom Banerjee. And we're here to speak today on an appeal for a 2002 start for Smith Academy for Leadership Charter School.

MR. BANERJEE: At the start, there are two things I'd like to request. First to acknowledge our founders and our Board, who are all here today. If I could just have you stand for a moment.

We have with us a broad representation of not only educational excellence, but also, community involvement in Roxbury, within Boston, and representation from a number of different corporate services who have helped us along the way in formulating or mission, as well as endurance to the philosophy and values of trying to service Boston's community and students better. In preparation for that, what I want to do is first request if we could merge the time with the Boys and Girl's Club of Boston speech, who will also be speaking with relevance to the Smith Academy.

That being said, there are two things I'd like to talk about. First, thank Commissioner Driscoll and, hopefully, this Board for recommending the Smith Academy for a 2003 start to the charter. We appreciate the Department of Education's belief that we can make the Smith Academy successful, both by adhering to its school mission, with a strong top-notch Board, and the management expertise to make it successful, and really have a positive impact on Boston and Roxbury's youth. We're here to appeal, actually for a 2002 start this year, instead of 2003, and in the process, emphasize the need and urgency, both in the Roxbury community and, specifically, for this initiative to really push forward on this, this year.

Secondly, demonstrate the momentum and preparation that we've got that we think hopefully puts us in a good position to start and open our doors in September of 2002, and show why, because of the facility situation, be believe that we can, and hopefully, with your approval, will open later this year. The first issue I'd like to address is quickly, Board evaluation. One of the concerns raised by the Department of Education was a sibling relationship between the Executive Director and the Headmaster of our school, which in our case, we believe has made for a tremendously strong partnership, both of whom are Thomas and Tammy Smith, who are both extremely strong; have demonstrated competence, preparation, dedication to the Smith Academy, and carry with it the vision and passion to make this successful. It's really a rare mix. Now, given the potential concerns about the conflict of interest in a sibling relationship, we've decided as a Board that the Headmaster and the Executive Director will be separately evaluated by the Board, rather than having the Headmaster evaluated by the Executive Director, just as a sub-point. With that, I'll turn it over to Thomas.

MR. SMITH: My primary points are around organizational capacity and traction. One of the key things that I think makes this school distinctive is the people who we've been able to get involved within it. And in addition to that, we've been able to set up a structure which has been effective for us, and also doing student recruiting, recruiting teachers, and getting the broader community involved, while ensuring all the traditional things that are important, such as financial viability and stable curriculum model. I think that one of the things that we've seen recently in terms of the school has been the addition of new professionals onto our Board which give us further depth in terms of educational expertise, in terms of real estate, in terms of financial expertise. And I think if you look through the back page of the handouts that we sent to you, you'll have a short bio of each of the new members that we've added, as well as the original Board which started.

In addition to that, I'd like to say that what we're doing in terms of this Board is putting together a series of leaders who come from different segments of the population. We're having people who are representing the public sector, as well as the private sector. And they're all involved in community leadership in their own right. We think that the background and experience of the Board members gives us a real opportunity to create this school this upcoming September. And further, as we'll speak about, there's a partnership with the Boys and Girls Club, which really gives us the opportunity to immediately seize on a window in time to open the school within a

facility that requires minimum renovation, but also integrates our curriculum and planning purposes for the September 2002 start.

I'd finally like to say that regardless of how the decision comes about, it's been an amazing experience working with all the people who are involved in the founding group. And I think that as you'll see, with the founders which are to follow, that they're extremely credible individuals who have gathered a lot of respect from their community through their past achievements, and are looking forward to demonstrating what we can do with Smith Academy for Leadership in the upcoming year.

MR. LAHEY: Good morning. My name is Bill Lahey. I'm a member of the Smith Academy Charter School founding Board. I'm here With Andrea Swain. Andrea and I are just going to spend three minutes talking a little more about the partnership arrangement between the Roxbury Boys and Girls Club and the Smith Academy Charter School. And why that's important is because the entire Board is convinced and confident that this partnership will allow us to be fully ready to open, in compliance with the charter this September. And we just wanted to touch upon a couple of those key points.

There are really three reasons that the Board is confident that this agreement is going to allow us to open on time in September, if the Board permits, of this year. Number 1, the facility is ideal. The Roxbury Boys and Girls Club is located in the heart of Dudley Square in Roxbury. It's accessible and well known to the community that the Smith Academy is designed to serve. There are over 400 school age children that current take advantage of the Roxbury Boys and Girls Club, and this is the very community that we're looking to serve. The Board has been through the entire facility. In fact, we routinely have our meetings there. It's spacious. It's sunny. It's conducive to learning. There's a gymnasium. There's an auditorium. There are spaces that are well suited for classrooms. We've already had an architect review the facility, and he has experience in school design. And his conclusion is that it would be easy to convert portions of the facility for school use, and we could do it within our budget, and by September.

The second reason is that this facility, as Andrea will talk a little more about, is available. Eighteen thousand square feet is available now. The Roxbury Boys and Girls Club is ready to give the Smith Academy a two-year lease, starting in August of this year. And in fact, as Andrea will describe, if we don't enter into that agreement now, there's a good chance that we won't have the opportunity to lease the space for the fall of 2003. That's why it's very important for us to secure this arrangement.

Finally, the last point is that there's really a wonderful synergy between the programming at the Roxbury Boys and Girls Club and the charter that we've put forward for you for the Smith Academy. The Smith Academy is ready to take immediate advantage of the Boys and Girls Club youth programming. There's counselors. There's a technology room. There's a homework lab, all of which can be easily integrated in our program, into the Smith Academy. And finally, the Roxbury Boys and Girls Club is ready to serve as a community service site, which will advance two of the key educational missions of the Smith Academy leadership and community service. With that, I'd like to introduce Andrea Swain, the Executive Director of the Roxbury Boys and Girls Club.

MS. SWAIN: Good morning. This morning, I just wanted to impress upon you the urgency for the Smith Academy to start in 2002. As a Boys and Girls Club, we have experience and expertise in operating a school. In the past, we have had a school at our site. We generally get

donations. A hundred percent of our operations is donations. And since that 9/11 tragedy, our donations have slowed down. And therefore, we need to seek revenue. The Smith Academy is consistent with our mission, and we'd like to serve a population of young people in Roxbury that need a charter school in terms of academics. We have the facility. We're ready. With minimal renovation, we can start in September. We have the expertise. We'd share facilities. We're interested in being a strategic partner for their community development base. We see this as a win-win for everyone. And I want to say thank you.

CHAIRMAN PEYSER: Thank you very much. Next, Ron Walker and Chris Hogan of the Lynn Community Charter School.

MR. WALKER: Good morning. Chairman Peyser, Members of the Board, Commissioner Driscoll, Chris and I want to thank you for the opportunity to present a few remarks this morning. My name is Ron Walker, and I am very proud to say that I am a member of the Lynn Community Charter School Board of Directors. I am here today to seek your support for renewal of our school's charter.

Since the last two meetings, I have taken time to review the findings, to study our plan for remediation, and to ask myself a very important question. That question is, is Lynn Community Charter School worth fighting for? After all, I am not a novice in the field of education. With over 35 years of experience, I in fact spend a significant portion of my working life providing assistance to troubled schools across the country. As a former teacher and principal, I understand the difficulties that go with turning a school in trouble around. Then I realized that in less than a month, a group of dedicated stakeholders, parents, community members, teachers, administrators and Board members have rallied around the belief that Lynn Community Charter School is a school worth fighting for.

Of course, my rational side understands the importance of your concerns and your decision to be made today. This is a very important case with national implications. But in this moment in time, friends, advocates, and employees of the Lynn Community Charter School realize that there are 265 good reasons to press on. As Board members, I believe that we have responded, in a short period of time, to the many issues around governance. We will continue to rebuild our Board with quality members. I have submitted to you for your review a list of candidates that have stepped up and shown interest in joining our Board. We can fund, as Chris will speak, the remediation plan with a responsible budget. We have addressed the missing question. We can extent our reach into the community and become a contributing and effective member.

And I want to acknowledge Jack Mogonicki from Lynn Economic Opportunity, who is here today to lend his support and his organization's support to our cause. And I do believe that our plan is well considered, doable, and designed to generate results. Above all, we believe, as Board members, that we have obliterated the cloud of dysfunction that has dogged our steps. We are all positive, focused, ready, willing and able. I would also suggest, too, that a very important thing has happened over the course of this past month, and that is defining leadership. I wanted just to acknowledge our principal and the individuals who have worked with her, the staff of the Lynn Community Charter School, the community, and of course, the Board members who are responding to the crisis that has faced us with signs of leadership. So I think it's a very instrumental moment for us, a key moment for us in time.

So in conclusion, I would like to thank each and every one of you for your thoughtfulness and your willingness to take into consideration our request for renewal. We believe that an

affirmative decision will serve the best interests of the Lynn Community Charter School community, the children, and the City of Lynn.

MR. HOGAN: I will only take a moment. Thank you very much for having us here today, Chairman Peyser, Commissioner Driscoll, Board of Education members. A very important question that has been asked is, is this plan feasible that we've put together, and is it fundable? And after a close analysis of the numbers, breaking down the FY 02 budget, looking at the future, we thoroughly believe that it is fundable, and it is doable. And we will work hard and continue to work hard to make sure that that happens, including developing an aggressive fund development program to help shore up our resource base. Thank you again. Thank you for all your time.

CHAIRMAN PEYSER: Thank you both. And next is Amy Marx, Rosi Muniz and Christopher Koerber of the Lynn Community Charter School.

MS. MARX: Good morning. Thank you, Chairman Peyser and the Board members for all the time that you have taken to consider our school's situation over the last month. Lynn Community Charter School has build a solid foundation of academic excellence in our early grades, kindergarten through fourth grade. And we are now poised to building on this foundation in the upper grades. The change in our school's leadership this summer has united us and focused all of our resources on improving academic performance. The performance of students who have been at LCCS for more than two years is significantly better than students who are new to the school. It is clear that students who have been at a school longer only perform at a higher level if the school's academic program is a success. Finally, minority students at LCCS are performing significantly higher on the English Language Arts MCAS than their peers at Lynn District schools.

We know we have further improvements to make, and we have vigorously begun these improvements. As we move forward, the addition of instructional coordinators in math, literacy and assessment will provide the support necessary to ensure effective skill-based instruction in all of our classrooms.

Many families chose LCCS because their child's emotional and academic needs were not being met in the regular district schools. If you vote not to renew our charter, these parents will be forced to return to the same schools that were not meeting their children's needs, and there will be children who fall through the cracks. If you vote to renew our charter with clear and measurable conditions, you will be supporting the turnaround of a charter school, and demonstrating that the Massachusetts accountability system works. I give you my word that if you grant us renewal with conditions, this school will become a model school of academic excellence within two years. Please give us and our students and families this opportunity. Thank you.

MR. KOERBER: Good morning. My name is Christopher Koerber, and this is my second year teaching math, science, literacy and technology at the Lynn Community Charter School. I also serve on our school's instructional leadership team, and I am Technology Coordinator for the school. Today, I speak on behalf of our school's teachers. First, I would like to express our support for the high standards to which you are holding our schools and all schools in the state of Massachusetts. We hold ourselves and our students to high standards, as well.

I fully agree that there are significant improvements that need to be made in our school's performance. We have presented a carefully considered achievable remediation plan, and the faculty has the will and ability to implement this plan.

Many of our teachers do not feel that the remediation plan represents a fundamentally new direction for our school. It is a refinement and accentuation of trends that began last year when the teachers of the school independently realized many of the issues highlighted by the renewal process. Our teachers have a history of using empirical evidence from the classroom to inform and modify instructional practice. We do not cling to any abstract philosophy, but embrace that which can be demonstrated to support high academic achievement for all our students. The trend is towards that which is traditionally proven to be effective in education.

An example of this process is the evolution of our school's philosophy on technology. Originally, it was the philosophy of the school's founder to have no use of the computers in the classroom. At the start of the last academic year, there were no computers for students. Many teachers observed that the philosophy was misguided and actually hindered the academic achievement of our students. Now, in the current school year, there is a two to one student to computer ratio in the sixth through eighth grade, and a comprehensive computer literacy curriculum has been implemented through teacher leadership and labor. I have seen this pattern repeated many times. When the Connected Mathematics curriculum was fully implemented last year, teachers found that there was a need for more structure, direct instruction and board work. Teachers worked to implement these modifications. These types of changes would have been much more difficult under the previous leadership.

It is clear to many of us that the house was built before there was a solid foundation. We recognize that much of the remediation plan is filling in the gaps in the foundation of our school. The urge to improve our curriculum and student outcomes did not come from the renewal process; rather, the urge is firmly established in the faculty, and we are unified with the necessary plan, focus, and support to pursue this purpose. We humbly ask for the opportunity to demonstrate this.

MS. MUNIZ: Good morning to all Board of Education and Commissioner Driscoll. My name is Rosabell Muniz. I'm the parent of Ernesto Muniz, a nine-year-old who is currently attending Lynn Community Charter School. My son became a student to the Charter School as of December of this past year, due to repeated incidents from the district public schools. He was a child who hated going to school and had a real bad concept about school. There were many conflicts between this classmates, teacher and school principal at his prior school. As soon as my son came to LCCS, we saw an incredible change in his self-esteem, as well as his self-confidence. The change is so great that I believe that the school has made a difference in our life. We notice this huge difference between the two schools, and we now believe that my child was not a problem, but that his prior school was. Now my son looks forward to going to school every morning. You can see the interest that he has of going into school and wanting to learn. Ernesto is now very sad with everything that's currently going on. He is afraid and very concerned that this great school may have to close down. Instead of closing LCCS, I believe that you should make it bigger for other children to enjoy, see and feel the good part of education, as well as to build their self-confidence. Thank you.

MS. MARX: We thank you very much for your consideration of our situation.

CHAIRMAN PEYSER: Thank you all. That concludes the public comment portion of the agenda. Let's move on to the business part, beginning with approval of the minutes.

APPROVAL OF MINUTES

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the Minutes of the January 22, 2002 Regular meeting.

The vote was unanimous.

MASSPARTNERS FOR PUBLIC SCHOOLS – PRESENTATION ON TEACHER EVALUATION

CHAIRMAN PEYSER: The next item is a presentation by MassPartners for Public Schools on teacher evaluation.

COMMISSIONER DRISCOLL: As Nadya Higgins, Kathy Kelley and Pat Sweitzer come forward -- and Phil and Steve Gorrie, et cetera -- leaving the substance aside for a moment, I do want to note that this is a pretty significant event in public education here in Massachusetts to have all of these groups, school committee associations, parents' association, the principal's groups, both secondary and elementary, and the superintendent's association, come together and present a unified set of goals and recommendations on an issue that is not easy. Teacher evaluation has a number of contentious parts to it. So, first of all, I compliment the group for choosing such a difficult topic to begin with, and secondly, for beginning this very important coalition working with the Department and others throughout the Commonwealth. I think it's a great start.

Today is simply a preliminary presentation. I think Board members know that we're not looking for a discussion particularly today. It's an initial presentation. And then, this will be on a future agenda, as we talk about the specifics.

MS. KELLEY: Good morning, Mr. Chairman and members of the Board of Education, Commissioner Driscoll. For the record, my name is Kathleen Kelley. I am President of the Massachusetts Federation of Teachers. And I am going to be very brief before I introduce our Chair of MassPartners. I would reiterate what the Commissioner said. This is an unprecedented partnership among all of the education groups that are most concerned with the achievement of our students and the improvement of our schools, unprecedented because across this country, although individual groups have worked together, it is not usual for all of these groups to come together.

I think it's worthwhile to really say to you that the groups represent the Massachusetts Association of School Committees, the Massachusetts Association of School Superintendents, the Massachusetts Teachers Association, the Massachusetts Federation of Teachers, the Massachusetts Association of Secondary School Administrators, the Massachusetts Elementary School Principals Association, and the Parent Teacher Organization. We came together for a number of reasons. First, we believe strongly that those that are closest to the children have an obligation and a right to make sure that we commented on policies and programs that we thought would improve schools. And that is what we did.

The first thing we chose was teacher evaluation, not an easy topic, I must tell you, by groups that have traditionally been adversaries in a lot of different forums. But we decided that that was an important issue for two reasons: number 1, it could have the most direct impact on student learning and teachers teaching; and number 2, as we looked at the research and we surveyed our own members, we know very clearly that effective evaluation is not happening for a number of reasons, many of which you will see in this report.

We really have to come to grips with making sure that we look at what is effective evaluation, and create what I consider crucial perspective in schools, and that's developing a community for professional growth within the school. That has to happen in order for us to move forward. So for us, that was the motivation, at least from my perspective. I am delighted to introduce the Chair of MassPartners, Nadya Higgins, who is Executive Director of the Elementary Principal's Association. And she is going to go through a brief presentation that we have done for you in PowerPoint so that we would impress you.

MS. HIGGINS: Thank you, Kathy. Chairman Peyser, Commissioner Driscoll, members of the Board. Thank you for this opportunity to discuss with you something that we feel is extraordinarily important. The leaders of the seven organizations are present here today. Some of them are here. We didn't want to overwhelm you by having all of us here. Others are seated behind us. And collectively, these seven individuals who lead the organizations have over 200 years of experience in public education. I think we've held our appearance pretty well, given that.

We are committed to improving public schools, and we have a strong and sincere and unbreakable commitment to that cause. This position paper will -- I hope we will briefly be able to show you what is in it. You will then get a copy of it, which we encourage you to read cover to cover. It'll probably keep you up at night, it will be so compelling. And we would like you then to invite us back if you have questions about it, which we will be happy to answer.

As a first project, as Kathy says, MassPartners agreed to discuss the issue of teacher evaluation. We thought we'd start with something that was not very controversial. We believe that this issue is a key ingredient in the successful implementation of education reform, and we believe that it is necessary to connect solid teacher evaluation with the other areas of reform in order to strengthen their success. It's an area that touches all teachers and administrators, and represents one that often invokes different points of view.

The fact that we would come together in agreement on these recommendations is really no small matter. Kathy has already addressed that point. And we also hope that by coming together and agreeing on these recommendations, that we would begin to model for local districts a way that our constituent members can work together effectively for the betterment of student achievement in schools.

The question that we asked was a basic one. Does teacher evaluation support the improvement of teaching and learning? And in order to arrive at an answer to that question, we conducted a literature search that covered the years since the Ed Reform Act of 1993 was implemented, through 2001. In addition, three school districts -- an urban district, a suburban district and a rural district were surveyed. Focus groups were held. The communities were socioeconomically diverse, and we think the responses are quite credible, given the consistency

of those responses from all parties. The research findings of our efforts were pretty interesting, but not surprising.

To conduct good teacher evaluations, time and resources are necessary in order to advance the skills of teachers, and provide them not only with better opportunities for teaching, but continuous professional growth. In the current environment, there is not enough of either time or resources to do the job for every teacher thoroughly. We also found that educators were willing to work together to improve teaching and learning across the board.

Our group also addressed the issue of what is on the plates of administrators that is prohibiting thorough evaluations of all teachers. Does a redesign of the role of the principal need to be done to make more time for effective teacher evaluation? We addressed how can we make time to focus on those teachers who need most improvement. And we also talked about how to develop multiple sources of data and information for evaluation so that we would have the most complete body of knowledge about that teacher's performance.

Our research findings were really in four major areas, the first around standards. Effective evaluation requires a shared understanding of how standards are manifested and measured and practiced. And this slide shows that 42 percent of principals, and 53 percent of teachers do not think that there is agreement on performance criteria. We believe that this needs to change, and better professional development will help us to make more time for those kinds of conversations about standards and performance criteria in the schools.

Regarding training, teachers and principals say that if evaluation is to improve, teaching and learning and professional development is needed. To support our point, 96 percent of principals and 80 percent to teachers said that professional development is needed, and we heartily agree, to improve teaching. Around the issue of time, surveys done through the MassPartners, as well as individual surveys done by the principals' associations show that principals have come to the job wanting to engage in instructional leadership, while what they are spending their time on more and more are managerial issues. Thirty-nine percent of principals and 49 percent of teachers say principals don't have enough time to spend in classrooms. That's a pretty serious issue.

All educators value the process of evaluative conferences, yet they are infrequently held in traditional evaluation systems because of the points we've already made. All principals and 94 percent of teachers feel that, when done well, conferences help improve teaching and learning. This is where that time issue surfaces again. You will see in the recommended evaluation system, that by changing the requirements for experienced teachers who are doing well and have a proven record of doing well, there will be more time for administrators to give to new teachers, both those to the profession and those new to a district, and also give more time to those teachers who need improvement.

We believe, as a collective group, and teacher and administrator organizations do not want to keep under-performing teachers in the classroom. This system that we are recommending will allow us to better evaluate those people who are in the schools, and give to those who need the most improvement the most time. We recommend using the fundamental features of Teaching Matters to redesign a teacher evaluation so that it supports professional growth, becomes a meaningful improvement strategy, and helps solve a systemic problem.

As you read the document, you will see that our recommendations marry the beliefs that we have with a new practice for the betterment of increased student learning and achievements. If teacher evaluation is to improve teaching and learning, then we must reconfigure the use of time and personnel; help principals and skilled teachers become better instructional leaders; build a common language about professional standards; and expand the use of data and information used for that evaluation. So the redesign that we're recommending will create an evaluation system that acknowledges the career differences among teachers, while at the same time providing administrators with the time and the tools to do the job more effectively. The recommended framework shows a career-differentiated evaluation system that will deal with beginning teachers, teachers new to the district, experienced teachers, and teachers in need of improvement.

As you will see as you read this document, all teachers will be evaluated. This is not an effort to try to evaluate some. All teachers will be evaluated. There will just be different methods for people in these four categories that will be used. We have an example for beginning teachers and new teachers that will basically follow the format that's used as we currently know it. For beginning teachers, that process will include mentoring for two years. For new teachers new to a system, it will include mentoring for one year. And the details of this particular process are pretty close to what already exists.

An evaluation process for experienced teachers, we have an example that we can show you. To define experienced teachers, they are those who have been in a district for four or more years, and whose performance has consistently met district expectations. Don't be left with the impression that experienced teachers will not be evaluated. They will be. It will just be a different process, and the process will free up more time to work with other categories of teachers. For teachers needing improvement, this recommendation would provide a remediation program designed to provide intensive assistance to teachers in need of improvement. It is a clear, specific time-bound plan of action for the teacher and the support team created to assist the teacher. I call your attention when you get this book to Appendix A, which will give you a more definitive model for teachers who need improvement.

So where do we go with our next steps? We need to engage educational leaders and practitioners in redesigning teacher evaluation. Our organizations have started this dialogue on a new system, and we hope that local districts will do the same thing, by reading it, discussing it, seeing what works for them, and perhaps even modifying it. Number 2, we need to review and revise state policies and regulations, and also local contract language. A summary of these recommended policy changes will appear in your document on Page 7, with more detailed recommendations on Pages 20 and 21. And thirdly, we would like to support pilot initiatives designed to test and assess the fundamental features of Teaching Matters. And we have had a number of districts step forward already asking to be pilot sites for the model that we have been discussing.

The intent of Teaching Matters is to connect the task of evaluating teachers with the critical goal of improving student achievement. In closing, the intent of this paper is to make sure that the evaluation of teachers connects to the central goal of improving student achievement. We invite you to read the whole thing, and please understand that that is our main purpose. We will be happy to come back and answer any of the questions that you have, and we thank you for this opportunity to give you a brief overview of what this recommendation is.

CHAIRMAN PEYSER: Thank you. Steve, do you want to make a comment?

MR. GORRIE: Thank you. For the record, my name is Steve Gorrie, and I'm President of the Massachusetts Teachers Association. First, let me say that I have been proud to have been the Chair of this group in its fledgling years, the first couple of years in existence. We do have term limits. So I am now no longer the Chair, actually. We have a structure where we have a lead chair and co-chair, and so forth. And it was a remarkable experience to have worked with Nadia as my co-chair. She is now the Chair. What Kathy didn't tell you is, Kathy is now the new co-chair of the august group.

Just let me say that It think it was a remarkable achievement to even get these diverse groups to the table in the first place, never mind to stay there and begin to address issues of common concern, and those issues being among the most closely that affect those in the field.
We chose this one. As we said, it's a very difficult one, but we think it's very important because we want to have teachers gaining a meaningful experience with authentic feedback for their professional growth. It is a concern in the field. And although there wasn't necessarily unanimity on all aspects of putting this report together, there certainly is unanimity among the people of this group that something needed to be done, and we needed to look at different approaches, and this is what we have on the table.

I think the crux of this report is found in the last two paragraphs of the written section, when you get your reports, on Page 23. And just let me quickly highlight a couple of parts of that. We're talking about the political and public attention that's being paid to the quality of our teaching workforce as an influence on student achievement. And we chose this as our position paper, or at least our first one. The policy, regulations and procedures governing the very wish of all administrators must be reviewed and revised, as well. And here is the real key. "We hope that this paper initiates a public dialogue that will result in creating a teacher evaluation system that is valued by teachers and administrators as personal growth opportunities, and as an organizational improvement strategy for all of our schools and all of our classrooms." I think that's where the emphasis of this is. And if it's any indication of what's happened today, I think we've already started that conversation. Thank you very much.

CHAIRMAN PEYSER: Thank you.

MR. FLAHERTY: I'm Phil Flaherty from the Massachusetts Secondary School Administrators Association. Just one sentence. This report requires that it be read, at least by me, two or three times because you can walk away from it the first time with one impression, and when you read it in depth and look at the backup materials, you get an entirely different, or at least a modified impression. And therefore, my request is that all of you bring to bear the experience that you have considering large questions on this Board in your reading of this, and further, to suggest that if any of you wish to have clarification on something that you're reading, please call Pat Sweitzer, who I'm sure would be glad to arrange for that. I think it was kind of a miracle, too. And I can't tell you how many long-held instinctive gut reactions were altered during the course of these deliberations. So I wish you well in your reading, and I hope that you'll give us the benefit of your wisdom. Thank you.

MS. HIGGINS: And Pat Sweitzer, who does the support for MassPartners, had a very large in collecting this data and finalizing this document. So we thank her for that. Thank you very much for your time.

CHAIRMAN PEYSER: I thank all of you. I'll underline what the Commissioner said at the outset, in terms of thanking you for your initiative, and for acknowledging the achievement of getting to the point of being able to produce a document that reflects consensus or agreement across traditional barriers that may have existed and may continue to exist. So I think it's a great achievement to even get to this point. But in particular, your willingness to come forward and to put proposals on the table really in advance of our consideration of the details is very helpful for us, to give us a real grounding and foundation in practice and in experience, which I'm sure, whatever the outcome on a policy level might be, is going to ensure that we end up in a better place than we would have otherwise.

I will read with interest the sections, obviously, on the policy recommendations. I'd just be curious, though, as a general commentary, how much of this is really policy-oriented, and how much of it is practice? To what extent does the real work of this need to be done at a local level or school level versus either a Board level or, in general, at a state level?

MR. FLAHERTY: I'll try and respond to that. I think that as it is now constituted, there's a very large proportion of policy. But I think your implied point is very well taken; that this policy will not be worth a very great deal unless it causes and brings about the implementation of practices which are honed to make it work. So I think the proportion between policy and practice will change as this document matures.

CHAIRMAN PEYSER: The only other comment I'd make is that, as most of you are aware, there is other work going on in parallel to this around leadership, and in particular, around the redefinition of principals as instructional leaders. It sounds like there is a very close alignment between those efforts and these. We just want to make sure that we're integrating those two activities as closely as possible, because I do think that this is the most crucial area in terms of making the promise of education reform a reality.

MS. HIGGINS: I'm glad you made that point because, in fact, that is true. Many of us who sit on MassPartners also sit on that leadership task force. So I think there will be some close connections between the two groups. And it will be necessary, especially as it relates to time and responsibilities for administrators.

CHAIRMAN PEYSER: Are there other questions?

MS. GILL: I'd like to extend my congratulations also, and perhaps there's a model here that public higher education needs to consider. I also hope that as we move forward, that it will be possible for higher education to work with you on the kinds of projects that you're going to be undertaking. To not have the opportunity for our faculty be involved in some of these I think would be unfortunate for our faculty. It sounds like you're doing an incredible job, and I would like it if our faculty could participate with you on some of your efforts.

MS. HIGGINS: Thank you.

CHAIRMAN PEYSER: Thank you all very much. I appreciate it.

PROPOSED RENEWAL AGREEMENT WITH LAWRENCE PUBLIC SCHOOLS - DISCUSSION

CHAIRMAN PEYSER: Next is the proposed renewal of the agreements between the Board of Education and the Lawrence Public Schools. Coming forward are Mayor Sullivan, Superintendent Laboy, and Juliane Dow.

COMMISSIONER DRISCOLL: Let me also point out, in our audience are at least two, and I thought three members of the Legislature, Representative Teresi, Representative Feingold, and I think I saw Senator Tucker somewhere here earlier. Mr. Chairman, this is a very pleasant task to open this discussion to talk about the agreement between the Board of Education, the Commissioner of Education, and the Lawrence Public Schools. This began, as you may remember -- many of the Board members were here at the time -- really under a judge's direction, when there was a great contention between the Board of Education, the Department of Education, and the Lawrence Public Schools. Through the help of the judge, and the work of the Board, the then Commissioner Antonucci and the Lawrence School Committee and Mayor, we developed this agreement.

We may have something here that could really serve as a national model. The issues across the country of take-overs and under-performing schools and district are played out in a number of ways. And there have been takeovers, if you will, or reconstitutions and restructuring of schools and districts across the country. And very often, there have been some positive results. More often than not, it's been short-lived. And I think we have something here which is really a partnership, which says to the Lawrence Public Schools that they still are in control; that governance still is with the Lawrence Public Schools. And yet, there are some decisions that have to be jointly approved, like the selection of the Superintendent of Schools.

And so, it has come time to renew the agreement. I think the conditions in the Lawrence Public Schools today compared to that time when Rhoda and I were thrown out of the school committee room to today where we have a tremendous, positive working relationship between the Department and the Board and the Mayor's office and school committee is something to behold.

I'm going to turn it over to Juliane and the Mayor and the Superintendent. I refer in the report that you received from Lawrence to Page 22, which is the results of the Gates-McGinity testing that's done in the Lawrence Public Schools. And I think you'll see there what I think is the beginnings of the fruits of the labor of our new Superintendent, who certainly has hit the ground running -- and I think you'd agree with that, Mr. Mayor. You've hit the ground running to, as well, Mr. Mayor -- and has made, I think, some substantial changes in the focus of the Lawrence Public Schools, which all the reports, our fact-finding report, et cetera talked about this focus on student achievement. So there, we see the beginnings, and I hope just the beginnings of quite a sea change in the achievement of students, particularly at the primary grades, to reach proficiency and can see the changes in the first and second grades.

I'm very pleased at this point. It's been a long, hard struggle. We've seen a new school open, another one scheduled to open. We see plans for a new high school. We see a clear coordination in curriculum. It's been very positive. So with that, I'd like to open it up, and have our Lawrence officials present to us. So, Juliane?

MS. DOW: This is an opportunity for a brief update on what's going on in Lawrence. But I think, most importantly, we've come alongside and worked together, and are continuing to work together, state and local efforts for improvement. And I think that's the model. And that's what we propose to continue, not because we lack confidence in the current leadership; in fact, we have great confidence in the current leadership, and are very excited also about the new leadership at the high school. But we think that one of the things that probably many superintendents in the Commonwealth could benefit from is from strong partnership with the state Department of Education, and a careful look at how we make resources available, and how we can assist and support.

So that's the nature of our partnership now, and one that I think we all agree will benefit the district over the next year and a half. We don't propose that this be a permanent arrangement. We do have a time certain in the agreement for us to conduct another evaluation and make a determination. But at that point, we do anticipate that we would discontinue the formal partnership, hopefully with the district fully underway with demonstrated improvements, both in terms of MCAS scores, and in terms of changes that have occurred, identifiable changes in the school's programs. So with that, it's my pleasure to introduce the Mayor and the Superintendent.

MAYOR SULLIVAN: Thank you all. Thank you for allowing me to be here as Mayor of the City and to take this time. And I'm here to thank you for the work you have done with the city, with the schools and with the kids. This has made my job fairly easy for the last three months as Mayor, to come in when there's something that's stable. I know for the last few years, the meetings we probably have had here haven't been good. And, you know, the ship is definitely sailing straight. It's sailing right. And our kids aren't going to be last any more. And this fellow on my left is a leader. We're on the right track here. And the DOE is part of the team.

My goals are easy -- whatever works, just keep doing it, and do it better and better, and what doesn't work, change it. And I think teaming up with the state over the last few years, you've identified issues that needed to be changed, and you've helped the city to do it. And now, we're continuing on the right path. And the goal will be when our kids excel, and that's the real reason why we're hear. And I'm excited about this. I'm excited about where our city is going, where our kids are going. And I'm very excited about the leader that's sitting to my left. And I'm going to turn this over to the person that is really driving this in this city, Superintendent Wilfredo Laboy. Thank you.

MR. LABOY: Thank you, Chairman Peyser and Commissioner Driscoll, and Board members. Much of the anxiety and nervousness I felt two years ago when I arrived here seems to kind of resurrect a little bit about coming before you today. Not too long ago I had come to you as an interviewee for the job as Superintendent of Lawrence Public Schools. Let me say to you that I wondered how that journey would take its course. Even when I left here that afternoon, and you were gracious enough to approve my appointment, and as I flew back to my wife and family, I really had second thoughts. Should I come? And more equal to that was the fact that after my appointment a number of other newsmen would call and kind of put the fear of God in me about 'Do you know about Lawrence?' and 'Do you know that there's a state takeover at Lawrence?'

I want to echo what the Commissioner said, that I believe that our partnership with the state, with the Commissioner and the leadership of the Board has been a healthy partnership. There's endemic suspicion about state's relationship to local educational agencies, just like there's an endemic suspicion at times. And I was very delighted to see the group before me working

between teachers and school systems and administrators. There's this inherent management and labor kind of synergy or energy that works itself out. And I honestly wondered about this relationship. I remember distinctly the Commissioner asked me a question, 'So how do you feel about someone looking over your shoulder?' And I said, "Well, if we go shoulder to shoulder, I would be more comfortable with that." Certainly, it's been that for us.

From the partners who come to us on a weekly basis, the team; the conversations around how we're doing with schools. But I believe we have found in Lawrence Public Schools is purpose and conduct; a purpose that we understand what our focus is. Our focus is strictly how kids are doing, how children are achieving. And a behavior that says if you want to be part of this school community, there is a behavior that you must have, behavior about -- your rigor towards an academic curriculum, your behavior about good practices of instruction, a behavior around ongoing assessment, and practice embedded professional development. We have seen those things emerge in our school system. We don't claim that we've gotten there yet. But certainly, we are encouraged. And all of those things have been supported by the work we've done through this partnership.

Many times, I've had private conversations with the Commissioner, both seeking his advice and counsel, and at the same time, consulting with him, with our local partners that come to us on a weekly basis. I think there's a healthy relationship among the school committee members. There's a sense now that it's not oppositional; that there's a real partnership. There's a collaborative spirit. And I'm very encouraged to see what's happening. I do believe that we do have what I believe is a very unique opportunity to model for our state, and possibly other parts of the country, what truly a state Board of Education can do to support a local school district that has come upon troubled waters and is trying to find its way to shore.

So I'm delighted to report to you that we come before you and we look forward to renewing the agreement. We need to stay the course a little bit more time. And as Associate Commissioner Juliane Dow said, that we're not talking about a permanent relationship. But certainly, at this point in time, I think it's still a good time to continue to strengthen and encourage this relationship collaboratively. Thank you for this opportunity to be with you this morning.

CHAIRMAN PEYSER: Thank you all. I want to reiterate what's already been said, which is the partnership that has emerged over the course of the last few years has been a genuine one, one in which both sides have been willing partners. I think this partnership has, as the Commissioner has indicated, helped us try to figure out, through actual work on the ground, how to intervene on behalf of the students and families of the district to improve the quality of education, and not simply to exact punishment or penalties that may ultimately not pay dividends in the classroom. So I think the work that we're doing here is not only important for what's going on in Lawrence specifically, but is going to build a foundation for other efforts that we do over time with other districts. So I thank you all for the work that you're doing.

I want to also reiterate that we have made a lot of progress over the last several years in the Lawrence Public School system, and I think it has to do with not only the partnership, but also with the individuals who have been put in places of leadership within the district. And certainly, the Superintendent deserves a whole lot of credit for that. But we have also had very supportive mayors. I think the transition from one administration to another has been extremely smooth, and very gratifying, from our point of view that, in fact, what we're dealing is not episodic or random improvement that can't be sustained, but something that is going to continue on into the future for many years to come. Procedurally here, I think what we will do is, next month,

applying the Schaefer Rule yet again, we will actually take a vote on this to approve it, and authorize the Commissioner and myself to sign the agreement. But in the interim, are there questions or comments that other Board members would like to make?

MR. LABOY: We have given you our District Improvement Plan. And the second part of that is the update as to where we are. Every year, we do a mid-year evaluation of where we are with goals and objectives. So that has been provided for you. And I also want to just go on the record to say how delighted I am as a school superintendent, to work with Mayor Sullivan, who I believe will move our city over the course of the next four years in a very positive direction. He's not only the Mayor. As you know, he also serves as the Chairperson of our School Committee. And his leadership, his boldness, his support for what we have to get done is relentless. And I just want to publicly thank him for his leadership. And our state representatives who are here, as well, have been real partners with us. And I also want to acknowledge the strength and the courage that we get from their partnership, as well.

CHAIRMAN PEYSER: Any closing remarks? Thank you all very much. Again, we'll bring this back next month.

CHARTER SCHOOLS – DISCUSSION AND VOTE

CHAIRMAN PEYSER: Next is Item 3, which is three separate items related to charter schools. Just so everyone is aware of the order here, the first item will be the consideration of applications for new charters. The second is the renewal applications of the Academy of the Pacific Rim and the Lynn Community Charter School. And then, the third is a waiver request from the North Bristol County Regional Charter School with respect to their opening date.

On the award of new charters, I'm going to need to recuse myself from this discussion and vote, given the fact that, within the course of the last year, I had a management relationship with an organization called the Massachusetts Charter School Resource Center that has run a fellowship program which has supported several of the applicants that are before you. So in order to avoid the appearance of any conflict of interest, I will not participate in the discussion or the vote with respect to the award of the new charters.

One other point. Just to clarify for others, the summaries of the applications as a whole have been available to Board members for a couple of months now. The recommendations specifically on these charters I think were delivered three weeks ago. So we're hopefully satisfying the Schaefer Rule in terms of having enough time for consideration of the applications that are pending before us.

MR. THOMAS: Are we to accept or reject each application individually, or are we going to ---

CHAIRMAN PEYSER: When it comes time to make the motion, I would certainly entertain either individual motions or a motion in block. Any amendments that Board members may have that they want to offer could be offered, I think, either way. I'll let the discussion determine how we want to go here. I'm willing to play it by ear. I think we could do it either way. Historically, we voted on these in block. But we can certainly break them out individually, as well.

COMMISSIONER DRISCOLL: Thank you, Mr. Chairman. As I think everyone knows by now, I am recommending five new charter schools, and four of them to open in the fall of 2003. The one exception is the Uphams Corner Charter School, which is being recommended to open this

year, in September of 2002. Four of the schools are located in the City of Boston, and one is located in Greenfield.

Let me say that -- and it's immaterial to me whether we want to take them one at a time or not. There may be individual questions. I do want to address the issue of the Smith Academy request. I do stand by my recommendation. I certainly recognize the practicality of the fact that they now have a facility that's available, and that's obviously something very important as a practical matter, as well as the fact that there is at least the possibility they could lose that facility if we waited another year.

However, I think it's very important to uphold the process. And the process has certain deadlines. And in fact, when we reached a deadline, this particular facility was not necessarily the facility that was even being considered for the school. There have been other changes since that deadline, and I frankly think that's somewhat unfair to the other applicants. I think we have a process. We had eight reviewers. I want to be very positive. Smith Academy was recommended as a charter school to open. So certainly, the reviewers saw an awful lot of merit. Clearly within the report, however, were clear indications that more time is needed for planning. There are some specific issues about conflict of interest and siblings. Again, that may have been solved after the deadline. But at the time, that existed.

But, more importantly to me in the overall sense was the fact that the program needs some work and needs more planning. And that came clear to the eight different reviewers -- I think that's the number -- looking at this application. So while I certainly recognize, being a pragmatist, that it's very enticing to have a facility, nonetheless, I think the process is important. And in the long run, we need to make sure, as we know from our experience, that particularly the curriculum programs and the overall educational program needs to be well thought out. So unless there are specific questions -- and perhaps you may want to take them one at a time, I leave it open to the Board. And we have staff here to answer any questions.

MR. CROWLEY: How many of the current charter schools are actually K through 8? And also, what's the thought process when we grant them, whether it's -- I think there are significantly different issues in the grade school versus middle school. I think we're seeing possibly some of that in the Lynn renewal. And I know on one of these that has been recommended for approval is K through 8. But I'd like some history on that thought process?

MS. McINTOSH: Kristin McIntosh. I'm Acting Associate Commissioner for Charter Schools and legal counsel. I'm actually going to hand the microphone over to Julie Lane, who is the Director of Charter School Development, to answer that question. Julie has done a wonderful job of overseeing the application process.

MS. LANE: At my very recent count, we have ten K through 8 charter schools currently in the state, with one K through 7, and then, one more K through 6 scheduled to open this fall. In terms of the recommendation to grant a K through 8 this fall, the application was actually submitted, as I'm sure you read, for a K through 9. And based on the eight reviewers that read the application and the final interview, and the application provided enough specifics about a curriculum both for an elementary and a middle school curriculum, but the overall decision to hold back on a grade 9 was because the application didn't demonstrate enough information about a high school curriculum, and we feel that an amendment further down the road could be possible if they want to go K-12. But, each application is evaluated based on criteria. And this

application was submitted for a K through 8 proposal, and K through 8 curriculum and capacity, and all sorts of things were demonstrated.

MR. CROWLEY: Do you believe that implementing a K through 8 program is significantly more difficult than a K through 6?

MS. LANE: I would say that it depends on how it's done. This particular school is starting rather slowly and focusing on K, 1, and 2, in the early years, and then, building out. I believe by their fifth year, they will be a K through 8. But the growth plan K, 1, 2 the first year; K, 1, 3, 5, and 6 -- they've done a very graduated approach. And I think that stands more likelihood to succeed. The think that history has taught us that the slower these charter schools grow, I think the more likely they are to be successful in addressing all students' needs.

DR. THERNSTROM: I'm still not completely convinced of your position with respect to the opening of the Smith Academy.

COMMISSIONER DRISCOLL: You're clear on my position. You're just not necessarily agreeing with it, which I understand.

DR. THERNSTROM: Look, it's extremely hard to find facilities. I'm not sure to what extent you're weighing process, and to what extent you're weighing substance here. It doesn't look to me, as I look at this outline of the charter school, that there are big substantive issues in terms of curriculum that can't be addressed between now and the opening of school. And again, I do think that the facilities question for all of these charter schools is such a high hurdle that I'd be tempted to give them break.

COMMISSIONER DRISCOLL: Well, I would agree with you that I am relying more on process than substance, particularly in the sense that the Smith Academy is starting out in the first year with one grade. So I think you raised that, and it's a very real issue. So the question could be, could a founding group make the kinds of corrections over a short period of time that have been raised by the review committee? For example, there's a governance issue that they seem to have now addressed. So I acknowledge your point, that it's probably more process than substance, because it would be very difficult for me to argue that someone couldn't address that has been recommended for a charter. So it's reached a certain level.

Then the question would be, how long does it take one to address the various issues? And if you're only dealing with one grade this fall, how much easier is even that? So I acknowledge your point. I think it's a very valid point. I don't want to micro-manage the process. I want to rely on the eight reviewers. And so, it may be wise to take another look, and I'd be glad to do that and come back. But I worry in the longer run that the educational program has to be well thought out. And that's missing here. You know, they rely, as many of them do, on certain given programs. And then, they have language about how they want students to be motivated and organized and engaged. Reading the report, it just comes out that there is more planning that -- that we'd be better off. I acknowledge the practicality. And I am trying to stay with the process, which I think is at least important from one perspective.

DR. THERNSTROM: As you say, one grade. How much advanced planning do you need for -- you know, it's kind of a nitty-gritty. I mean, a little bit you can, educationally, when you've got one grade, go by the seat of your pants as, what's on paper at the end of the day doesn't make, it seems to me, all that much difference. What matters is what happens when a school opens,

the quality of the teacher, the quality of literature, and so forth. And I'm not impressed that they need another 18 months.

COMMISSIONER DRISCOLL: Well, again, I'm too much of a pragmatist to argue with you on some kind of a philosophical level here. I do not want people to go by the seat of their pants. But I would acknowledge in this particular case, this is a school that's been recommended for a charter. So there is some merit there. And it's just that if we are going to allow this kind of rolling application, I mean, they'd be back at us all the time. And that's the question. So we make a decision based on a careful review. We know long range, that this mission, the clear educational programs, et cetera, make a big difference. So to insist that they get it right the first year I think is very important. And so that fifth grade build to the sixth grade builds to the seventh grade. And five years, as the two schools will tell you, goes by pretty quickly. So I stand by my recommendation. I do acknowledge that you raise a very valid, practical point.

DR. THERNSTROM: Let me just make one last comment. The decision that was made was made without a crucial piece of information, which is that they do have a facility now. And getting it right the first year? No. No charter school is going to get it entirely right the first year. That's why we give them five years.

DR. SCHAEFER: No going by the seat of the pants. You really used the wrong expression because this is -- I've now been looking at this stuff for -- what is it? -- five or six years. And this is hard work. So to the extent that we can get it as right as possible the first year, I do think it's very important. On the other hand, I acknowledge that having a building makes a big difference. What I was going to suggest is, whether it's possible for us to approve the charter, and to allow the Department to work with a team to determine whether they're in a position to open this fall, or whether it needs to be delayed. If there are substantive issues that still need to be resolved, whether it's governance or whether it involves the program itself, is it possible to leave that to the discretion of the Department after we've given them the charter?

CHAIRMAN PEYSER: So in other words, I won't go quite so far as to say it's a motion, but a proposal would be to grant the charter with the parameters that are defined in the motion, but to empower the Department to authorize an earlier start date for the Smith Academy Leadership Charter School to as early as, obviously, September or whatever it might be of 2002?

DR. SCHAEFER: Right.

CHAIRMAN PEYSER: Procedurally, I'm not sure. I'd have to think about it a little bit here, but I think it's probably possible, although, I think it would probably have to come back in the form of an amendment or something to the charter. But, Kristin, do you have ---

MS. McINTOSH: If I may, I just would like to raise a couple of concerns with respect to doing that. Any school opening in the fall of this year has to have its by-laws in place, the Board of Trustees in place, and all enrollment completed and reported to the Department by March 15th so that we can report out to school districts by April 1st. That's why, in the process -- and I understand the concerns about the facility -- but frankly, the facility does not drive a decision regarding a recommendation for renewal, or for opening in the fall of the current or the fall of the following year. For all of the issues that have been placed on the table, particularly during Roberta's comments, that is why we have recommended this school for an opening in the fall of 2003.

CHAIRMAN PEYSER: So in other words, just to review the logistics of this, there's a requirement for enrollment reports essentially to be submitted in three weeks?

MS. McINTOSH: Precisely.

CHAIRMAN PEYSER: And therefore, if we don't decide now, there's no mechanical way for that to actually happen?

MS. McINTOSH: It poses tremendous logistical problems, particularly given the statutory deadlines.

CHAIRMAN PEYSER: And certainly, if you had to come back here for some approval of an amendment or something else, in terms of timeframe, clearly the window would be closed?

MS. McINTOSH: That's correct.

DR. SCHAEFER: And in your view, there are significant enough substantive issues to hold off until the fall of '03?

MS. McINTOSH: I'll let Julie answer that in more detail. But yes, there were substantive concerns, not sufficient enough to not recommend this particular application for a charter. It is a very strong application. But there are some things that substantively need more development. And we generally start with the presumption that there's not enough time to do that and open in the fall of the current calendar year.

CHAIRMAN PEYSER: Julie, could you just go through the specific concerns?

MS. LANE: Sure. Mainly, again, I just want to emphasize that there were five out of twenty-seven original proposals that are being recommended for charter. It is an extraordinarily rigorous process, and I think that should be noted here. I reviewed all the comment sheets by the eight reviewers. I've gone over interviews, et cetera, numerous times since the recommendation was made. The majority of the reviewers did feel that the action plan cited in the application was extremely aggressive and ambitious, as was the educational program in that it included several different pieces -- Saturday community service; implementation of single sex classes; a leadership curriculum, et cetera. And it was felt that a planning year would provide this founding group an opportunity to make this plan more cohesive.

Again, I will also note that at least four new Board members have signed on since the January 29th final interview. In terms of the final interview and the application, the Roxbury Boys and Girls Club partnership was not formalized, nor was the facility. So that is all new information since the final interview. In terms of specifics, again, because it was such a strong application, most was positive. But concerns around how the leadership curriculum would be thread throughout the curriculum, in terms of how the curriculum would be implemented, how the school would prioritize and understand that -- and this was reviewed by several charter leaders saying that they're trying to do a lot. And indeed, on paper, it looks quite different than real life, and they need to get a better sense of how to prioritize the practicalities of implementing this program.

There were concerns, as we've alluded to, around governance structure and long-term viability of the school that was being headed up by a brother/sister team, and wanting to get a stronger

sense of a long-term plan regarding governance and leadership for the school. And a strong sense that at the time of the interview, the Board of Trustees could use another year of development and, in turn, use that year to develop and formalize these partnerships. I will say that often, schools do have a easier time once they're recommended for a charter in securing a facility. Who wants to sign a lease with a school that may or may not be recommended for a charter? So I have major concerns about the facility driving the process because I think it indeed could compromise the rigor and integrity of the process in terms of accepting information once the final application stage is over, which is seen as the stage, based on reviewers comments, the final application stage is seen as the opportunity to ask those questions that arose and give the founding group the opportunity to answer those questions in detail. And then, shortly thereafter, the Commissioner makes his recommendation.

MS. McINTOSH: One more brief point with respect to the process. While we have substantive concerns, the process should not be viewed as merely bureaucratic or step-by-step driven. The process has real live implications with respect to the fairness to this entire applicant pool. And allowing one applicant to come forward with supplemental information at this stage when, frankly, I know that there are other applicants that would have been very grateful for that opportunity. So I just want to point out that the process concerns are not just by step-by-step process, but have some real substantive considerations, as well.

DR. THERNSTROM: Well, I am impressed with the answer, and I'm impressed with the March enrollment deadline. Though, I mean, two things. One, where does that requirement come from? How hard and fixed is it? The second thing is, I agree it's unfortunate. But inevitably, it is a learning process during the first year. And that's my only point here. What you're saying is, look, what they're proposing to open in the fall can't be done in a way that will satisfy -- and forget about for a second, which I don't think is unimportant, the precedent-setting question here -- can't be done in a way that would satisfy you in your judgment at the moment.

MS. LANE: I would say that's correct, and that that was the majority of the reviewers' feedback, as well. Again, I think we have learned from schools rushing to open quickly. And as I've also taught in a couple of those schools, I can attest to that. But I will say it really was based out of the panel the review, and in turn, out of the specificity of the answers that we received at the final application. I think the process was thorough, and I think that this recommendation is a solid one.

COMMISSIONER DRISCOLL: The deadlines are regulatory or statutory?

MS. LANE: The application deadlines?

DR. THERNSTROM: No, the enrollment.

MS. LANE: The enrollment deadline is April 1st, and that is statutory.

MR. THOMAS: Being one who has gone through this process, I have memories, of not absolutely every new charter school start-up under-estimates the awesomeness of the task. It will also humble you in the same context. And because of that, if you're on the start-up side of things, it's hard to really see that it is really huge what you're about to partake in. I am persuaded by the issue around facilities because I agree with you that facilities should not drive the decision-making. But facilities can really be a deal-breaker. And it is probably the most paramount issue, in addition to academic quality. It's a most paramount issue with charters.

What I've found is that, like in Springfield, we approved a charter a couple years ago, and they had to drop out of the picture because of a facilities issue, not being able to identify a facility. So even though it should not drive, I think it does deserve some serious consideration as a factor.

You know, you raise an equity issue. And being a lawyer, I can't sidestep that particular point as to the timing of the presentation and the new information. But I don't know. I'm not sure I understand well enough to determine whether that really should be a deal-breaker. And maybe there's more light to be shed on the timing issue as to when they presented the information.

The experience that I've had in a start-up, and it was a two-grade start-up initially, with twice the number of students. And it was hard when we did it. We got it done. And I don't know if it's a match for match as it relates to capacity, Board of Trustee kind of dynamics and quality. I don't know if it's an even match. Some schools manage to get it done and some don't. I guess we do have to rely on the feedback from the process, which are the volunteers who really made comment, as well as staff.

So having said that, I haven't talked myself into a position -- but anyway, having putting some additional food for thought out in the domain, I think that I could live with it either way, and I'm inclined just to --

CHAIRMAN PEYSER: Let me ask a kind of important procedural point here. Is there a Board member who is prepared to offer amendment to the date from 2003 to 2002?

DR. THERNSTROM: I guess I am. I mean, it's one grade only. And with all the considerations, I nevertheless, come down on ---

CHAIRMAN PEYSER: For now, let's set aside the Smith Academy issue. Are there any other comments or questions concerning the other four applications?

MR. MADDEN: I'd like to know what percentage of Boston's Chapter 70 funds already go to charter schools, and if these four new charters ---

MS. McINTOSH: I can't give you the answer on the percentage of Chapter 70 funds. That's actually an incredibly complicated calculation, and one that Roger Hatch, who I consider the quintessential expert on Chapter 70, cannot answer. So I feel like I'm in good company on that. I can tell you that granting these new charters will leave approximately 1,600 seats for charter school students still available in Boston.

CHAIRMAN PEYSER: It’s fair to say that there's a rough equivalence between the issue around the actual Chapter 70. I mean, it's more than Chapter 70. It's the total school budget spending in the community. There's a rough equivalence between the relative percentage of students enrolled in charter schools compared to district enrollment, and the relative percentage -- it's not precise.

MS. McINTOSH: And there's a nine-percent cap on the number of students that can attend commonwealth charter schools from most municipalities. There are some narrow exceptions.

CHAIRMAN PEYSER: And when you say 1,600, you're assuming full enrollment in these schools?

MS. McINTOSH: That's correct.

COMMISSIONER DRISCOLL: Full enrollment on all the schools this year and next.

MS. McINTOSH: Full enrollment as of Year 5; their total enrollment that they would be granted.

COMMISSIONER DRISCOLL: Right. Not just the one school opening this year, but the schools that ---

MS. McINTOSH: All the schools are proposed to be granted a charter, and assuming all Boston Commonwealth schools are at full capacity.

CHAIRMAN PEYSER: Is there a motion then to approve the four charter applications, excluding the Smith Academy? Is there any further discussion on these four applications?

MR. BAKER: I just want to recuse myself.

CHAIRMAN PEYSER: So we now have two recusals. There's seven of you left. In that case, let's move the question.

On a motion duly made and seconded, it was:

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

Commonwealth Charters:

Four Rivers Charter School

Location:	**Greenfield**
Fifth year number of students:	**180**
Fifth year grade levels:	**7-12**
Opening year:	**2003**

Roxbury Charter High School for Business, Finance, and Entrepreneurship

Location:	**Boston**
Fifth year number of students:	**400**
Fifth year grade levels:	**9-12**
Opening year:	**2003**

South End College Preparatory Charter School

Location:	**Boston**
Fifth year number of students:	**500**
Fifth year grade levels:	**K-8**
Opening year:	**2003**

Uphams Corner Charter School

Location:	**Boston**
Fifth year number of students:	**200**
Fifth year grade levels:	**5-8**
Opening year:	**2002**

The charter schools shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter. The Commissioner shall conduct a legal review of each charter application to ensure that it complies with all applicable requirements.

The vote was 6:1 in favor of approval, with 2 recusals.

CHAIRMAN PEYSER: Now, let's take up the Smith Academy for Leadership Charter School. Is there a motion to approve this charter? Are there any amendments?

DR. THERNSTROM: I do propose that we amend the charter to allow an opening in 2002.

CHAIRMAN PEYSER: Is there a second?

MR. THOMAS: I second the motion.

CHAIRMAN PEYSER: The amendment has been made and seconded. Is there any discussion on the amendment to move the opening day for the Smith Academy for Leadership Charter School from 2003 to 2002?

MR. CROWLEY: I think I heard in the explanation that there are more issues than just the facility, and also just the time frame in terms of having gotten everything in, if you will, to keep a level of fairness. And, I think we've asked the Department staff to evaluate all of those, and we've not gone into the specifics. I'm also noting that three of the other four are opening in the fall of '03, not '02. So my instinct is that there are probably good reasons beyond the facility to give them the extra year.

MS. LANE: I was just going to say, I would agree with that statement that the information cited by reviewers was not immediately addressed by the existence of a facility and new Board members, and the relationship with the Boys and Girls Club; that there are other issues that were raised that have not been addressed.

DR. SCHAEFER: I think that the Board always walks a fine line between listening to the Department's recommendations on things, and agreeing with them and just being a rubber stamp. And I think that the kind of work that goes into trying to evaluate these proposals, or renewals for that matter, is extensive. And it's a process that we have put in place, that we have approved. And so, I think it really does behoove us to find some extraordinary circumstances to overturn the work that they have done, given the extent of what's involved here. So given that, my inclination would be to go with the recommendation of opening in '03.

DR. THERNSTROM: You know, one of the problems with this discussion is that we raise questions here. We are not able to hear responses from the Charter School people themselves.

COMMISSIONER DRISCOLL: You mean from the school itself?

DR. THERNSTROM: Yes, they did testify, but we're now raising ---

COMMISSIONER DRISCOLL: May I just say that the Board of Education has to establish a certain process. And the reviewers have spent a lot of time --

DR. THERNSTROM: There is a kind of -- I'm feeling short of information.

COMMISSIONER DRISCOLL: Well, we can bring every applicant to this table, and you can decide yourselves how many charter schools you want. I think the process is far more important than having Board members get into the detail, frankly.

DR. THERNSTROM: All right.

CHAIRMAN PEYSER: The amendment has been moved and seconded. All in favor of the amendment say aye. All opposed? Okay, the amendment is defeated six to one. So the motion now stands. The underlying motion is approved, the Smith Academy for Leadership Charter School, with an opening date of 2003. Is there any further discussion on this question? Hearing none, we'll move the vote.

On a motion duly made and seconded, it was:

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

Commonwealth Charters:

Smith Academy for Leadership Charter School

Location:	**Boston**
Fifth year number of students:	**216**
Fifth year grade levels:	**6-8**
Opening year:	**2003**

The charter schools shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter. The Commissioner shall conduct a legal review of each charter application to ensure that it complies with all applicable requirements.

The motion was adopted 6:1, with 2 recusals.

CHAIRMAN PEYSER: So these five charters are approved, based on the parameters set out in the original motion. Congratulations to all the schools.

Next on the agenda in this category are the renewals. And again, there are two renewals before us. The first in your book is for the Academy of the Pacific Rim Charter School. Again, this, as well as the Lynn Community Charter School were on again last month. Is there any further discussion preceding a vote on the renewal of the Academy of Pacific Rim Charter School?

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2002 through June 30, 2007, as recommended by the Commissioner:

Commonwealth Charter School:

Academy of the Pacific Rim Charter School
Location: Boston

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

The vote was unanimous.

CHAIRMAN PEYSER: I would just comment, now that the vote is over, and my recusal on that vote is in the past, that I think the Academy of the Pacific Rim Charter School is one of the finest examples of what charters can achieve. This is a school that is in the City of Boston. They are dealing with a population that has many challenges. But they have set very high expectations for themselves and their students, and they have held true to those expectations from day one until this time. And the results that they have achieved are truly extraordinary. So I want to congratulate everyone associated, not only with the founding, but also the current operation of the school; that's volunteers, parents, students, Board members, and teachers alike, for a job well done.

With that, let's go on to the Lynn Community Charter School. And Commissioner, I think what I'd like to do is begin by reading a statement of mine, and then turn it to you, and then, open it up for general discussion. Obviously, we've had a lot of discussion on this issue, both in terms of our prior Board meetings, in terms of discussion, meeting at the Lynn Community Charter School earlier this month, and I think a lot of phone lines have been burned up over the last month, as well.

Before addressing the specific issue of renewal, I want to first thank all the people who have worked so hard over the past five years on behalf of the students and families of the Lynn Community Charter School.

Starting a charter school is hard work. It is a 24 hour-a-day, 7 day-a-week job, which demands both an ability to juggle ten things at once and a willingness to do any task—no matter how menial. It is not for the faint of heart, or for those who require comfort and security. People who launch charter schools often face skepticism and outright hostility from friends and neighbors.

What's more, there are no guarantees. If the buses don't arrive on time, you can't call the district for help. And if there aren't enough parents willing to choose your school, you can't assign other students to fill the empty seats.

In the end, what keeps charter school founders going is a fervent belief that they can create excellence for students who would otherwise have to settle for mediocrity or worse. And by doing this work, these pioneers believe they can help improve the public school system, as a whole.

I speak for all my colleagues on the Board, when I say that the founders, staff, board and volunteers of the Lynn Community Charter School deserve our deepest gratitude and respect for embracing this challenge with courage, persistence, and good faith.

Today, the Board is faced with a difficult decision. The staff and leadership of the Lynn Community Charter School have made a heroic effort to create an innovative school that expands and improves educational opportunities for urban students who face many difficult challenges. The parents and students of LCCS are deeply committed to the school and passionate about its nurturing environment. Nevertheless, there is little evidence that the school has been successful in raising student achievement and its governance structure is in disarray. Now, we are asked to set aside the record of the school's first four years, and rely instead on a plan for change and a promise of stronger leadership.

The process for renewing a charter, however, is not about plans and promises; it is about results. Is the school an academic success? Has it been faithful to its charter? Is the school a viable organization? These have been the ground rules for renewal since the day the Lynn Community Charter School first opened its doors.

Even though the criteria are clear, there is flexibility built into the renewal process, to ensure that strong schools that get off to a slow start are not unfairly penalized. Charter schools that demonstrate effective leadership and high quality academic programs, despite the lack of an established track record of student achievement, can and should be renewed—although, such renewals may come with conditions. The case before us, however, does not meet even this more forgiving standard.

Lynn Community Charter School is not a strong school that just took a few years to hit its stride. Instead, it is a school that is in the midst of dramatic and pervasive change, whose outcome is entirely uncertain. The school's curriculum and academic culture are being overhauled. Turnover levels of staff and students have been persistently high. The professional leadership, which has just recently changed hands, lacks a chief executive and has several vacancies in key positions. The board of trustees, which has been rent by disagreements over core elements of the school's mission and values, has been barely half filled for the past school year and has just lost its chairman.

The principal is widely praised for her commitment, intelligence, and vision. Nevertheless, she lacks a supporting team of experienced professionals who can implement the school's ambitious turn-around plan. What's more, her authority and role in the leadership structure remain uncertain, as there continues to be a vacancy in the executive director's position.

Even if the status of the professional leadership were clearer, that would not mitigate the fact that the board of trustees is foundering. For in the end, it is the board, not the staff, which holds

the charter and is accountable to the state. As well meaning as the present board members are, the fact remains that the board has not functioned effectively for well over a year. Indeed, the recent resignation of the chairman, in an apparent attempt to assuage concerns of this Board, only serves to confirm the extent of drift and confusion.

I know that many of my colleagues have struggled with whether the closure of LCCS would be in the best interests of the students, irrespective of the school's lackluster performance. After all, these young people and their families remain committed to the school, and the Lynn Public Schools—while improving—have problems of their own.

There is no easy answer to these concerns. Nevertheless, the data presented to the Board at our special meeting earlier this month indicate that student performance in the Lynn Public Schools generally exceeds that of the Lynn Community Charter School—even after taking demographic factors into account. And although no one can guarantee that every LCCS student will be better off in the Lynn Public Schools, the Commissioner is committed to working with the Lynn superintendent to ensure that LCCS students are placed in schools and programs that fit their needs.

As much as we have an obligation to the 260 students currently enrolled in the Lynn Community Charter School, we also have an obligation to the many thousands of students yet to come, who deserve a higher quality public education system. For these students, whose names we do not know and whose faces we do not see, we must ensure that the promise of charter schools and education reform is fulfilled, through a system of high expectations and accountability for results. Excusing poor performance by accepting plans and promises, would be a disservice to future generations of students, in Lynn and throughout the Commonwealth.

For these reasons, it is with tremendous regret that I urge members of the Board to vote in favor of the motion not to renew the charter of the Lynn Community Charter School. Commissioner?

COMMISSIONER DRISCOLL: Well, Mr. Chairman, after that statement, I'm not sure there's much to add. I obviously stand by my recommendation. I understand how difficult this decision has been for Board members, and for members of the Lynn Community Charter School community.

The Review Committee was asked to answer three questions. And in this particular case, the answer to all three questions was no, which is what prompted my recommendation to you that this school not be renewed. The data is clear. The record is clear. And I leave it to you. Our job, and my commitment, is whatever this Board decides. We will, as a staff, take whatever steps we can. If the school is renewed, we will work with the school. Obviously, they have a certain independence as a charter schools. If the Board upholds the recommendation, I will work with the Lynn Public Schools and the Superintendent to see to it that the students are properly placed in the Lynn Public Schools, if that's the choice of the parents.

CHAIRMAN PEYSER: Are there other comments or questions by Board members?

MR. BAKER: Well, as I've told Jim, I'm going to vote against the motion. And that's not because it's an easy decision. I think Jim's outline of the issues at hand was, as usual, full and comprehensive, and intellectually honest. For me, the real issue on this sort of comes down to how to think about both the City of Lynn, the kids in the City of Lynn, and the school itself. And

if I didn't think Amy Marx had anything going for her, or if she didn't understand and appreciate what the issues and concerns were there, I'd have no trouble voting not to renew this.

My problem is, it feels a lot to me like a conversation I had with a lot of public officials, and you can see how important it was to me, in January of 2000, involving my own organization. And in that context, I think about what ultimately came out of that. And frankly, many people in state government made a bet on me, and on the organization that I was involved in.
And so, I have to end up looking at this one through that lens. And in that context, I guess I would prefer to see the Board do something that involved a conditional renewal.

I think the evidence on grades 7 and 8 is good enough to justify shrinking the size of the program to something more like K to 5 or K to 6. I think they have got to deliver on the Board, and they have got to deliver on the Board soon. I think those key management positions underneath her absolutely have to be filled, and they've got to be filled with people who know what they're doing and plan to stick around. I think that a vision ought to be allowed to attend Board meetings, to attend the school whenever it sort of feels like, and to basically have carte blanche to inject itself in whatever way it chooses to inject itself. But, you know, I don't view this as an easy decision or a quick-cut one. And frankly, I think the Board has a very difficult decision to make.

DR. SCHAEFER: I echo what Charlie said about the difficulty of the decision. However, a few things that I'd like to point out. Regardless of the Principal's merits, the charter is not with the Principal; it is with the Board. And the Board is not there. We were just given a list of potential Board members. I find this very troubling. The previous Chairman has just resigned. I personally do not know who is on the Board, or what it stands for. The mission statement was redone after our hearing. And by the way, for the record, all of us took this very seriously. Seven of the nine of us attended the hearing that lasted almost four hours, and the other two members visited the school. And maybe some of the rest of you visited, as well. I don't know. We also had numerous conversations with people from the school. So I just want to state that none of us took this lightly.

We just talked about another case, the Smith Academy and the process that was used. For the charter schools, we have set in place an accountability process, with evaluators going in, I believe, in the second and the third years, and then, a team going in in the early part of the fifth year. No other public school goes through this kind of accountability process. We put this in place, and I do believe that we should take it very seriously.

What I said before, we can't second-guess. We were not part of the team that went in there and saw what they saw and evaluated what they evaluated. But we have put it in place. And without being a rubber stamp, the Board does have to take that process very seriously. What I heard at the hearing was that the curriculum is in flux. Each time I've heard about it, I've heard something different. The Board is in flux. Again, the charter is with the Board. And for these reasons, I would have to oppose renewal of the Lynn Community Charter School.

MR. MADDEN: The State Student Advisory Council invited several students from the Lynn Community Charter School to come speak with us at our last meeting, and they were impressive, intelligent, articulate and dedicated to the school. And as eighth grade students, for them it almost doesn't matter as much whether or not the school is renewed because they won't be there next year anyway. But they are very much dedicated to their school, and defended it very well.

I'm not sure how I feel about student achievement at this school after hearing from the students about what they do in class and hearing just the way they speak. It's certainly not a school that is geared towards teaching to tests. Unfortunately, all we have to judge them on is the MCAS and the CAT exams because their portfolio process has just begun. And I find that as my main problem, that a lot of the processes have just begun. There is a report that we received from 2000 that was an assessment of the school that raised a number of the same concerns that we're dealing with today. So to see these processes just beginning and the administrative problems, I feel that in spite of what the academics may or may not be there, that they may not be as terrible as perceived, that I will have to vote against renewal. And also, most of the benefits that come from the school seem to result solely from the small class size and individual attention. And I don't know how much of a factor that should be in our decision.

DR. THERNSTROM: Well, I'm also in the camp of -- I'm in a camp we're all in. This was not an easy decision. It's a judgment call. There are good arguments on both sides. For the reasons that the Chairman stated, Roberta Schaefer stated, et cetera, I will vote with the Commissioner's recommendation. But as I understand it, there is nothing to stop a new Board from submitting a new charter proposal in the future; is that not correct?

CHAIRMAN PEYSER: They're certainly free to do that. Obviously, in terms of the next school year, it would not --- no, there's certainly no barring of future applications for charter schools.

MR. IRWIN: Thank you, Mr. Chairman. I, like many of the other members, attended the meeting in Lynn that we had. And I walked through the door with a very open mind because I felt strongly that I didn't want to just determine the outcome of what's going to happen with the school solely on the MCAS issue. But after attending the hearing and listening to a lot that was said, there was definitely a governance issue, and an issue with the actual charter itself.

I do not bring into question at all the dedication of the people, particularly Amy Marx and some other staff that are with her. If we could all be like that, it would be wonderful. But I, too, cannot support the renewal of the school because of, particularly the governance issue and what's been going on.

MR. THOMAS: First of all, I want to thank you, Mr. Chairman, for the thoughts that you conveyed. I thought they were pointed and, as Charlie said, intellectually honest. And I believe that it exemplified the leadership that you provided the Board, obviously, but also, it typified the difficulty of the decision-making here. To be brutally candid, I think that the case for non-renewal is very strong, but not absolute. Further, Commissioner Driscoll and his staff have done an extraordinary job in scrutinizing the application and making a tough call for non-renewal.

We've all lived long enough to know all through life, there's an X factor that would defy the odds, that will defy formula assessments. Perhaps it was the X factor that made our New England Patriots the Superbowl champions, notwithstanding the first five games. And those who know me know I know a little bit about football. Five games on the professional level is like five years. In this case, the X factor that favors renewal, with strong stipulations of contingencies are, well, the X factors are, customer satisfaction among students and parents. There were no testimonies in opposition to Lynn Community Charter School. It did not appear that there was any residual negatives looming strong enough to want to come forward and say this would not be a good thing for us to renew the charter.

The other point is, new leadership alignment, starting with the Board. Yes, I agree that we saw a lot of evidence of dysfunctionality within the Board. But we also witnessed some individuals who appeared to be resolved, intelligent, and reasonably presumed capable of doing what's necessary to satisfy the fiduciary responsibilities of the Board, and understanding that it's not something that's a known, but we can oftentimes just look at the indicators that give us the kind of gut reaction that perhaps it could work. There is admittedly some evidence of progress on the academic level in the lower grades. I think that was reported out by the staff, albeit minimal at this particular point, but moving in the right direction.

And then the other X factor, I believe, is substantial community support, starting with the Chief Executive Officer of the City of Lynn, the Mayor. We know, from our experience with charters throughout the Commonwealth, there are not a lot of mayors who are standing up waving the flag in favor or charters because it clearly presents some political and other kinds of issues for them. But it appears that there are a number of major stakeholders in the City of Lynn who have stated that they are in favor of supporting the school and helping it meet its challenges, and I think that that's significant.

I'm not sure we have total clean hands with respect to us, the Board of Education. I think that in looking at the Lynn Charter School application, initialed it when it was first founded. I didn't know if it would stand the muster of acceptance today as it was, you know, five -- I guess it was four or five years ago when it was first accepted. So one could argue that we accepted something less than predictable item of excellence with regard to when we first awarded the charter to Lynn. And the question is, is there some intrinsic responsibility to give them some additional consideration in light of the challenge that we all are aware of?

After it's all said and done, for me, the question is, what's in the best interests of the students? And it's difficult to come up with an unequivocal answer here, in light of the blind spots and the unknowns that we've all spoken to. But if we balance the two detriments, one being the renewal with possible loss of academic achievement or continued academic achievement against the major disruption in the lives of students, parents, and community, and the school district, as well, which will absorb 260-plus students, I come down on the side of renewal with stipulations. Those stipulations ought to be the elimination of seventh and eighth grade. I agree with Charlie Baker on that particular point. No material changes in the academic plan, and stay with the plan that was first submitted as it related to the core project learning approach to the academic curriculum. And a yearly review that would be highly scrutinized to determine whether, after the first year and the second year, that they have, in fact, met our expectations in meeting the academic achievement goals of the school.

I don't think that it would be irresponsible to afford Lynn one last clear chance to get Lynn Community Charter School on track. I believe that we could make a decision for renewal under those type of conditions, and it would be considered not irresponsible, but fair. And not to do it, I think we create probably a bigger problem than we would if we gave them their renewal on a two-year. Thank you.

MS. GILL: Mr. Chairman, I work for the a board. I have a great deal of respect and concern for the responsibilities that boards hold. And for that reason, I am going to vote in support of the recommendation presented by the Commissioner. I do want to commend the Principal of the school. She has done an exceptional job. This has been a very difficult decision to come to. You and the Commissioner and I have had several conversations on this. But I do believe the

stability of the Board is paramount to being able to feel comfortable in terms of the future of this school. And I do not feel comfortable today.

MR. CROWLEY: I'd also like to echo a lot that was said here. First and foremost, there has been a lot of time spent on this issue amongst my colleagues here. And in my short time on the Board, this has clearly been the most difficult decision that I've had to make. And I very much appreciate the way in which people have gone about expressing their opinions. I've also spent time -- I've had conversations, as well as attended the meeting. I'm very impressed with Amy. I spent a little bit of time in the financial end dealing with the financial people. And I think that they have a sound understanding of where they are; in some respects, maybe better off than some of the cities and towns in what they're facing over the next year.

At the end of the day, for me it's heart versus head. And as I've listened and I've read, for me, it's not necessarily -- a big piece isn't the poor performance of the kids. I think it's a phenomenal undertaking for people to get a school up and running. It's one of the reasons why I wonder how much people -- how much they bite off. And that's why I'm curious about the K versus 5, K versus 6, as opposed to trying K through 8 or K through 9.

But what it call comes down to me is the leadership part. The head says that there has been very poor leadership at the top. And the heart, we're all here for the kids. That's the tough part. That's what makes it very difficult. And in conversations, if this motion is approved, I hope that we spend a lot of our energies focusing on those kids, and integrating them back into the school system. When all is said and done, though, this is one where I think the adults have failed, to be honest, as a group. And I think what we're being asked to do is to vote today on the current structure. And the current structure that exists at the top, I don't think is sufficient for us to feel comfortable approving a renewal. And while I at various times could absolutely get behind specific requirements for the renewal, I think at the end of the day, with what we're faced with, with in your words, with tremendous regret, I will vote to support the motion.

DR. SCHAEFER: I just wanted to make one more comment. Both James and Bill mentioned MCAS. And I think that we need to make clear for the record that this is not just about the MCAS scores at all; that we have put in place a very rigorous accountability process that includes much, much more, way above and beyond what the MCAS scores are. And Jim did point out that in the past, we have renewed charters where the MCAS scores have not shown tremendous improvement at all, so that it was the total school that we were looking at, and what was going on with respect to the three questions that we've been asking. So I think it really is important for everyone to know that this is not just about MCAS.

DR. THERNSTROM: I was actually about to say the same thing. But I have one other comment. Preliminary to that, I did visit the school. I'm tremendously appreciative of the kind of work and effort Amy Marx has put into that, and other people there. And I'm also concerned, of course, about disruption for kids. But at the end of the day, education is about kids. I mean, too often, it's about other things. But, in the view of, I think, everybody on this Board, it's about kids.

At the end of the day, the argument that you cannot disrupt the educational life of kids by once again integrating them into the regular public school system is an argument against closing any charter school. And I think that there's going to be an obligation, and I know that that obligation will be taken seriously on the part of the Commissioner and the Department to make sure those kids are taken care of properly. But we can't argue against ever closing schools. This is a very

hard decision on my part. I have changed my view over time, as more information came in. But at the end of the day ---

MR. THOMAS: I would agree that we ought not have a no touch rule with respect to closing charter schools. And my argument, hopefully, or it may be capable, or it may be available to be used by anyone not wanting to close any charter school, that is not the intent or the thrust behind the logic that I'm putting forward.

I think that it's not -- that reintegration of students into the mainstream of the school district is not an easy task. I think that it's a significant challenge. I think that parents have some kind of clue as to whether they're getting the satisfaction that they need from the educational experience. They may not be making that decision solely on academic performance because there's more in the educational experience. I mean, it may be around saving; it may be around treatment in general.

But that is necessary but not sufficient, I think. Where the rubber hits the road is academic performance. But I do think that on the lower grade levels, there is some glimmer of hope that things can be advanced in the right direction. And I don't see where providing one additional year to give the school an opportunity to prove itself based on some new -- Let's not hold it against them the things that they did in order to address, albeit it in a panic, and albeit in a stressful mode. They in fact did take some aggressive steps around reorganizing the Board and getting additional members, and changing the leadership within the Board structure. The staff, there have been some changes with respect to leadership there. Amy clearly has won the respect of most of us with regard to her capabilities, although not perfect.

So those things that have been done, have been done, yes, under the pressure of possible closure. But on the other hand, it's evidence of proactivity with respect to putting forth corrective actions to change the picture.

CHAIRMAN PEYSER: Kind of a logistical thing here, I suppose. In your booklets, it's about four pages from the Tab 4, is the motion the Commissioner has drafted. It has two parts. And I just want to explain what is technically in this motion. Obviously, the core of it has to do with the recommendation for non-renewal on the Lynn Community Charter School. However, there are two other components.

One has to do with the fact that, under General Laws, Chapter 30(A), any organization, or I suppose individual who has a license or contract with the state has a right to appeal an adverse decision that results in the cancellation of that contract or license. And therefore, the school itself would have the prerogative and the right to pursue an adjudicatory hearing under Chapter 30(A), and thereby appeal the decision, which would require that, ultimately, it would come back to us.

And the motion makes reference to Chapter 30(A). It makes reference to the fact that there would be a 15-day period starting now, during which the school could determine, if the motion were passed, whether to appeal. And then, the appeals process would begin from there. Frankly, I'm not sure how long it would take to complete. There are lawyers involved, in theory. And therefore, it may not be something that can conclude in time for our next meeting. But nonetheless, there is a process that would ultimately come back to us again.

And then there is a second part, which is, here is a second motion. I would suggest that if there is someone who wants to move this, that we move them simultaneously, which would waive the March 1st deadline for making a final determination around renewal or non-renewal in particular, of a charter. And obviously, we're meeting that deadline now in terms of our vote. But if there is an appeal, we would go beyond the March 1st deadline. Therefore, mechanically, we need to weigh that requirement in case there is an appeal. I would ask if anyone wishes to move the combined motions?

On a motion duly made and seconded, it was

VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby decline to renew the public school charter granted to the following school, as recommended by the Commissioner:

Commonwealth Charter School:

Lynn Community Charter School
Location: Lynn

Provided, that the non-renewal of the charter shall be conditional on the right of the Lynn Community Charter School to request an administrative hearing in accordance with General Laws chapter 30A, section 13 and 801 CMR 1.00; provided further, that any such request for a hearing shall be in writing, addressed to the Board of Education, and must be received within 15 days of the school's receipt of the notice of the Board's action. If the Board does not receive a request for a hearing from the school within the 15-day period, the Board's conditional action on non-renewal of the charter shall become final at the end of the 15-day period.

That as to the Lynn Community Charter School, the Board of Education waive the provision in the Charter School Regulations, 603 CMR 1.12 (1), that provides for notification to charter renewal applicants of the decision to renew or not to renew the charter and the reasons therefor no later than March 1 of the year in which the renewal application was received.

The motion was moved by Dr. Schaefer and seconded by Dr. Thernstrom. The motion was adopted 7-2.

CHAIRMAN PEYSER: There is one more motion in your packages with respect to charter schools. There is an amendment pending on the Northern Bristol County Regional Charter School, specifically to postpone its opening in the fall of 2002 to the fall of 2003. Is there any specific information that you, Commissioner ---

COMMISSIONER DRISCOLL: Just that they recognize that they need another planning year. And I think it's wise on their part. So I so recommend.

MR. MADDEN: Other questions. Just how exceptional are the circumstances? We have been not been able to find a facility. To have us waive the regulations had they not found a facility,

I'm concerned. It is exceptional. It's just something that happens regularly. However, if it is somehow a result of poor planning, I'd hate to see it repeated five years from now.

MS. McINTOSH: Yes, I certainly hear your concerns. I would just remind the Board that we occasionally get these motions. We had one last February with respect to the New Bedford Charter School, which is the Horace Mann Charter School scheduled to open this fall in New Bedford. I reviewed the papers. I spoke with the school. I feel confident that the bind that they are now in did not result from any lack of planning on their abilities, but simply, as Henry pointed out in a previous discussion, the difficulties in finding facilities, and the need to develop some other pieces of their program.

On a motion duly made and seconded, it was

VOTED: **that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.03(2), hereby grant a waiver of the requirements in 603 CMR section 1.04 (4)(b) to Northern Bristol County Regional Charter School. This waiver allows Northern Bristol County Regional Charter School to open in the Fall of 2003 instead of the Fall of 2002. Such waiver also operates to amend the charter granted to Northern Bristol County Regional Charter School.**

The vote was unanimous.

PROPOSED REGULATIONS ON SPECIAL EDUCATION REIMBURSEMENT PROGRAM – DISCUSSION AND VOTE

CHAIRMAN PEYSER: Moving on, and I think the pace may pick up here. The next item on the agenda are the regulations with respect to the special education reimbursement program, otherwise known as the Circuit Breaker. These have been before us before. They've gone out for public comment, and this is a return trip. There's some amendments made, as well as some commentary about the comments that were made during this period.

Again, as further background, this is a new program that is intended to replace the current reimbursement program whereby the state reimburses districts for 50 percent of their costs for residential special education placements, and to expand that to include reimbursements not only for residential placements, but also for day placements and for in-district placements, which is the most important new item here.

I would also add that there are some clear budgetary issues at stake. The Governor's House 1 budget does include funding for the Circuit Breaker program, but we have to get through the budget process to conclusion before we know that there's actually money there to fund the program as described. Nonetheless, we need to be ready for when that day comes and, hopefully, it will. And that's what you have before you now. Are there any comments, Commissioner, or Jeff or Marty or others, who need to make by way of clarification?

COMMISSIONER DRISCOLL: I want to emphasize, I think we have a pretty comprehensive list of the respondents and our reaction to them. So I leave it to the Board.

CHAIRMAN PEYSER: I just raise one question, which actually, I don't think was raised in the public comment. It may have been, but I don't think I'm aware of it. But there have been some

comments about the extent to which the reimbursements for in-district placements could extend to collaborative placements that are out of district. And I think most of you are aware that educational collaboratives are collaboratives of public school districts, but they themselves are not public school districts. And most of the programs operate outside of the boundaries or the facilities of any particular member district. Under these regulations that are proposed, they are not included within the in-district placement and, therefore, not eligible for the reimbursement scheme that's there. And I just wonder if you could comment on the, essentially, the statutory limitations that prevent that from happening.

MR. WULFSON: If I could actually clarify that, Mr. Chairman. The distinction between in-district and out of district isn't based on the organization that is running the program. It's based on the physical environment that the program is located in. The intent of the statute is to provide the higher in-district rate for programs that are operated in the same building as a general education program to encourage the inter-mingling of the special education and the general education students.

So if a collaborative is in a public school building of comparable grade range, that program, or the students in that program would be eligible for the higher in-district rate. If the collaborative is, for whatever reason, located off-site -- as many of our collaboratives are because of lack of space in the public school buildings -- then it would only get the out of district rate. And as you indicated, that's been a matter of some contention, but that is the statutory framework.

CHAIRMAN PEYSER: Are there any other questions or comments concerning the regulations? Hearing none, is there a motion to adopt?

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with G.L. chapter 69, section 1B and G.L chapter 71B, section 5A, 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 School Finance and Accountability Regulations, 603 CMR 10.00, as presented by the Commissioner. The amendments implement the new special education "circuit breaker" reimbursement program.**

The vote was unanimous.

INITIAL REVIEW OF PROPOSED ANNUAL UPDATE OF SCHOOL BUILDING ASSISTANCE COST FACTORS – DISCUSSION AND VOTE

CHAIRMAN PEYSER: The next item is the initial review proposing the annual update of school building assistance cost factors. Again, I think most of you have been through this certainly on an annual basis, but several times. Under school building assistance, there are reimbursements that the state makes essentially for debt service payments the districts themselves incur in order to support building projects. The amount of the reimbursement is not only based on a percentage of the total project, but also is based on an accounting of those costs that has to be driven by certain standard cost factors that the state has to annual update. And that's what you have before you now. So, Jeff, is there anything you want note here?

MR. WULFSON: The policy of the Board for the last two or three years is to base our initial recommendations on the Engineering News Record annual building cost index for the City of Boston. Because the index has not increased since last year, we are basically proposing no increase in the cost factors, but we would still like to go out through a formal public comment process because this is something that is of great interest and concern to districts that are involved in school building projects. It affects the amount of their reimbursement, and it affects the total cost of the program. We know there are folks out there who would like to offer up comments and evidence to the contrary. And so we would like to, even though we're not proposing any change to the regulations at this point, to go out with a public notice for comment, and come back to you in April, I guess, with a summary of their comments. And we can then make a determination then as to the final adjustment for next year.

CHAIRMAN PEYSER: Could I ask you a question which is a little bit off point, but we use Boston as the benchmark, which is arguably the highest cost part of the state. Have there been efforts in the past; is there any reason why we're restricted in doing so in the future of creating some regional indexes that may more accurately reflect actual costs in different parts of the state?

MR. WULFSON: First of all, there's some question as to how much of a difference there is geographically. Certainly, material costs can actually be a little bit higher out in the outlying areas because of transportation. Labor costs, there tends to be not as much of a differential as there would be on private projects because of the state's prevailing wage laws. Having said that, I think we'd all be delighted to use a more refined index if one was available. We did do some research a couple of years ago. We're not able to find anything that was more closely attuned to the different areas of the state. I think it's probably beyond our resources in the Department to create such an index ourselves. But I'm open to suggestions.

DR. SCHAEFER: Is it possible to get together with some other agencies and contract for somebody to do that? I mean, this is a question that comes up every year.

CHAIRMAN PEYSER: I think it would be worth exploring. We do have, just in the operation of the Chapter 70 formula, there are regional wage factors that are put in. Now, they aren't necessarily specifically the construction industry. And thankfully, Bill has returned, and maybe he can shed more light on that. But, you know, truthfully, I don't know what the logistical, practical, and cost implications are for ---

MR. WULFSON: I would remind the Board members that, although we have one standard set of wage rates, under the new statute and under our regulations, we provide a five percent increment where we have projects on what are referred to as constricted urban sites where the costs tend to be higher because of noise mitigation and dust mitigation and lack of room for staging and all. So there is some reflection of higher cost type projects.

CHAIRMAN PEYSER: So there's sort of an up side, but there's not a down side?

MR. WULFSON: Right. That's correct.

MR. IRWIN: I don't know what the question is, so I can't answer it.

DR. SCHAEFER: Well, we were asking whether there is some way of differentiating the costs for building from one part of the state to another?

MR. IRWIN: The way the state sets it in the Wage and Hour Division, no, they don't.

CHAIRMAN PEYSER: That doesn't mean -- I guess ---

MR. IRWIN: Yes, there is. Yes, you can. Yes.

CHAIRMAN PEYSER: In your opinion, do you think there really is a difference as ---you go from one part of the state to another?

MR. IRWIN: Yes, there is.

CHAIRMAN PEYSER: Well, let's -- Over the course of the next year, let's do some work on that and see if there's some progress we can make. Somebody remind me. Yes, Rick?

MR. CROWLEY: Jumping ahead a little bit, and looking at the draft annual report, we now have funding for all -- same topic, not the cost factors, but the funding -- we now have on the waiting list almost the amount of money that's been spent for eleven years. And just conceptually, big picture, what should be the practical effect on the communities that are looking to build schools? I know you can't tell me whether and when this will be funded, but should there be an effect on the communities knowing that there's that size of a commitment out there, and some uncertainty, I would imagine, over the timing of when it can be funded?

MR. WULFSON: It's a very big impact. Some communities are able to go ahead and start construction and borrow up front and wait for the state reimbursement. Many communities, including those with some very urgent projects are not able to. And we clearly recognize that the size of the waiting list, for various reasons, has gotten to be almost unmanageable at this point, and we need to be taking some aggressive action to start bringing that waiting list down so that we can meet the goal of being able to fund a project within a couple of years of the application being approved.

CHAIRMAN PEYSER: I think, Rick, you're raising a real issue here, which came up I think in our last Board meeting, and I think we will have to wrestle with again, probably sooner rather than later, which is that there is a huge backlog of projects that have been approved, but for which there is no funding available, and for which there probably won't be funding available for the next six, seven, eight years, possibly even more, which means two things. One is, we have a very significant liability that this state has bought into at some level, which in fact, rivals the Big Dig in terms of the scale. I think by some calculus it's more than the Big Dig because we own all of it instead of sharing it with the federal government. And then the other is managing not only the costs of individual projects, but managing the overall debt and financial obligation that the state has taken on. And the way this is funded, which is, I think, not certainly optimal, is that the municipalities go out and float bonds, and then we reimburse off the current operating budget of the state. In reality, this is a state capital obligation, but we don't fund it that way, and we don't recognize the flow of funds that way. And I think, therefore, there's this disconnect between what's actually being funded and supported on the ground, and the way in which the state budget reflects that obligation. And I think, as a result of that, we've got in deeper and deeper and deeper without really understanding where the bottom is. And I think we're at a point now where we can no longer sort of pretend that we're in shallow water. It's getting pretty deep.

MR. WULFSON: And this is a relative recent phenomenon. I mean, up until like probably three years ago, the waiting list was a very manageable, you know, two or three years. It's only been, for a variety of reasons, in the last three years that it has exploded.

MR. CROWLEY: And when you talk about aggressively reducing the waiting list, what are the one or two things that you would do to do that?

MR. WULFSON: Certainly one thing is to put fewer projects on the waiting list.

MR. CROWLEY: And thus rejecting the projects simply for financial reasons?

MR. WULFSON: That is a process that we are going through this year. As we told districts last fall, that unlike in the past where basically any project that met the minimum requirements of the program was able to get on the waiting list, we have told districts this year that because of the size of the waiting list, because of the Commonwealth's fiscal situation, we expect to only put perhaps the most urgent and top priority projects on the list.

CHAIRMAN PEYSER: You know, that is a containment strategy, which still doesn't answer the existing liability problem that we have with 280 or so projects that are on the waiting list. It's a big problem.

MR. WULFSON: It'll keep the problem from getting worse, but we don't have a solution for the one we've already created.

CHAIRMAN PEYSER: Okay, so we're going to vote on this next month?

MR. WULFSON: We need a vote, I believe, Mr. Chairman, to go after the public comment.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, as authorized by M.G.L. chapter 69, section 1B and M.G.L. chapter 70B, section 3, shall give notice of and solicit public comment on its proposed annual update of the school building assistance cost factors (603 CMR 38.06), in accordance with the Administrative Procedures Act (M.G.L. chapter 30A).**

The vote was unanimous.

UPDATE ON VOCATIONAL-TECHNICAL EDUCATION AND CAREER CLUSTERS - DISCUSSION

CHAIRMAN PEYSER: The Commissioner will give an update on the Chapter 74 Regulations.

COMMISSIONER DRISCOLL: We're continuing to struggle to try and, hopefully, eventually bring all of Chapter 74 before you. And I want to compliment Bill Irwin for the leadership he's taken in working with us. It's an opportunity that we want to take advantage of because it could very well set the vision and implementation of, not only vocational education, but really, school business partnerships, work-based learning, et cetera.

So we're not quite ready to bring it all forward, and it has a number of movable parts. But one thing that will set the tone are these career clusters. And so what I'm proposing is that the Board really adopt these -- I don't know if they have to vote, Rhoda? No. So we've basically taken the federal clusters, with the exception of establishing our own technology and engineering cluster, an eighth cluster. And this will help us drive all of -- many of the other components, including the certificate of occupational proficiency. So it's really an update, Mr. Chairman. And it's a way of just really sort of moving the parts. It depends on what definition you use. The federal government has their own. So what we've tried to do is put out a system that will make here in Massachusetts. And these are the eight that make sense to us, and will help us drive towards everything else.

I do want to mention that this is the last formal meeting for Fran Kane, who's been the administrator in this area. He's taking advantage of the retirement. He, in his previous life, before coming to the Department, was a superintendent of schools and a principal, and then, spent a number of years in the dreaded private sector before joining us here at the Department of Education. And I think his legacy, and one that's very, very important to me, will be the coordination of all of these various parts. And in this area of work-based development, there are more alphabet soups that I think anywhere else, with SWIBs and WIBs, et cetera. But what Fran has been able to do, through an awful lot of hard work, and really interpersonal relationships with the private sector, with school districts, with community-based organizations, with other state agencies, it's a very complicated web. And through it all, what we've been able to establish I think is pretty noteworthy. And that is, to me, after all is said and done about education reform, what it really comes down to is students engaged. That to me sends the real message. If we can engage students in meaningful activities, then student achievement will improve. And what Fran has done is kept his eye on that focus so that our work-based learning plan is really a national model, whereby when a youngster enters a business, any business, for whatever reason -- be it an externship, be it a school to work experience, whether it be in our tech prep program -- whatever it is, we have a specific plan as to what we want that kid to gain while in that setting.

Now, the governor and I just celebrated last week at Boston High School the work out in the western part of the state, in the Berkshires and so forth -- across this state, we're not only seeing that unification of what it is kids are supposed to learn while on the site, but we've actually been able to document the skill gain, which is tremendous. So we can show the skills that have been gained by students in actual reports, both in English Language Arts, and in mathematics. So this bringing together of education reform with what a lot of people look at as the non-academic area has been truly amazing. And I wanted to thank Fran for that because he's been the guy that has -- and what we're losing is the one guy, the usher that can point out everybody in the audience because he's able to work with, whether it be the community colleges, whether it be business, and so forth. So Fran, I wanted to thank you for your tremendous service.

CHAIRMAN PEYSER: I want to echo those remarks, Commissioner. Over the last eight or nine months, I've gotten an indoctrination in the arena of workforce development, which has given me a new appreciation for the work that Fran has been doing for these many years in trying to put the pieces together, because there are a lot of pieces. There are very few people who can even identify what the pieces are. But Fran is one of those few people who has built the relationships, and also, the knowledge base to try to pull services together from a variety of different sources to make a difference in the lives of young people, and to improve the quality, not only of the vocational technical schools, but of the school to work system as a whole. So

you've done a great job, Fran, and we appreciate it. On that note, however, I might suggest that at the next Board meeting, you might want to give us an update on retirement issues and other staffing issues that are resulting as the budget develops and unfolds.

COMMISSIONER DRISCOLL: Very quickly, and you're going to hear this across the state. There are a number of people who are taking advantage of the retirement. We have a deadline for state employees. And working it straight through the Legislature is also the opportunity for people on federal grants. And may of our people are on federal grants. So there may be another round. The good news is, it's very good for individual employees; the bad news is, we're going to be losing a number of very, very valuable people. So I will make a note of that at the March meeting because the deadline is March 15th, in fact for the state employees. And then, by that time, we'll probably know the Federal, at least what the deadline is. So I will give that report.

ANNUAL REPORT OF THE BOARD OF EDUCATION FOR 2001 - DISCUSSION

CHAIRMAN PEYSER: Thank you. The next item on the agenda is the annual report. I don't think we need to spend much time on it in the meeting. You have the report now in front of you. Actually, the one thing that is most absent is -- although you can't tell it from this -- is my letter, which I haven't written yet. But you can't edit that, anyway. But if you would please go through this. If there are any editorial comments you have or changes you have, or things that you think are missing or not clear, please make sure that you get that information to Melanie or myself so that we can make those edits. If you don't like your picture in the back, we'll do whatever we can with the artists available on our staff to make you look better.

But I don't think this is something -- and if anyone has an objection, let me know -- I don't think this is something we need to actually vote on and approve. But I just want to make sure that all your input is taken into account so that we can get a finished document out the door in the next several weeks. So please, again, take a look at the report and, hopefully, we can get it out prior to the next Board meeting. The last item on the agenda is the grants.

APPROVAL OF GRANTS – DISCUSSION AND VOTE

COMMISSIONER DRISCOLL: I did give you an amendment. The one question, Anthony, was do we have the final okay on these from Fiscal Affairs on all the ones that are before the Board? The change that I've given you is that some of the grants under 596, which is the competitive class of 2003, this is the legislative language of $2.5 million for specific programs under MCAS remediation. We had listed in the Board packet, I think it's six districts. And in fact, the money is going directly to Princeton Review. So that's basically the change that is occurring in these grants. Otherwise, we have ---

CHAIRMAN PEYSER: Just for clarification, this is out of the MCAS remediation funds, or the academic support services. There was a two and a half million dollar earmark, which was the initiative of Senator Antonioni to establish competitive grants that would, while including districts as partners, would not be essentially limited exclusively to districts. And the idea was to bring in some outside players as part of the MCAS remediation efforts. And these grants are a reflection of that. Now, the funds allocated are $1.2 million. I guess the question I have, is do we anticipate this to be the last round of grants for this particular earmark, or do we expect another round if there are additional funds available? Alan?

MR. SAFRAN: Commissioner and Board members, the total of the grant available is two and a half million dollars, divided into two parts: one a spring program, Fund Code 596, reflected on the pink sheet, and one a summer program, 597. The sum of those is $2.43 million recommended for the Board's approval today, leaving about $70,000 for potential use in terms of evaluation or amendments that may be necessary for some of these grants as they go forward.

CHAIRMAN PEYSER: So in voting for what's before us, we're effectively voting for $2.5 million, $2.4 million?

MR. SAFRAN: That's correct, yes.

CHAIRMAN PEYSER: Are there any other questions concerning either these sets of grants or the other grants that are in the package?

DR. SCHAEFER: Are we voting on the whole?

CHAIRMAN PEYSER: Unless you'd like to do otherwise.

DR. SCHAEFER: I have to recuse myself.

On a motion duly made and seconded, it was:

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

The vote was unanimous, with one recusal.

CHAIRMAN PEYSER: I think that concludes our business, unless there are other pressing items that Board members want to bring up. We will be in touch with before the end of this week. Until that time, we're adjourned.

On a motion duly made and seconded, it was:

VOTED: that the meeting adjourn at 12:00 noon, subject to the call of the Chairman.

Respectfully submitted,

David P. Driscoll
Secretary to the Board