Minutes of the Regular Meeting
of the Massachusetts Board of Education

January 28, 2003
9:00 a.m. – 12:10 p.m.

Massachusetts Department of Education
350 Main Street, Malden, Massachusetts

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
Jeff DeFlavio, Chair, Student Advisory Council, Belmont
Judith Gill, Chancellor, Board of Higher Education (by Patricia Plummer, designee)
William K. Irwin, Wilmington
Roberta Schaefer, Worcester
Abigail Thernstrom, Lexington

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

Chairman Peyser called the meeting to order at 9:10 a.m.

Comments from the Commissioner

Commissioner Driscoll opened the meeting by reporting on the Department's recent public hearings on proposed amendments to the Regulations on Vocational-Technical Education and on proposed new charter schools. The Commissioner noted that the Department has received a significant amount of comment on both issues, and thanked the staff for their hard work. Board member William Irwin said he was pleased with the hearings on the vocational-technical education regulations. He said based on the comments he heard from school officials, he recommends that the final regulations leave it to each school to determine how best to schedule the "related instruction" component of the program. The Commissioner also reported on the current fiscal situation, and said the Department would have more information on education funding after the Governor's address on January 29th.

Statements from the Public

- Cathy Boudreau and Nora Todd of the Massachusetts Teachers Association addressed the Board on the regulations on educator licensure.
- Joanne Newcomb of Bridgewater State College addressed the Board on the regulations on educator licensure.
- Pam Richardson of Framingham addressed the Board on new charter school applications.
- Representative Deborah Blumer of Framingham addressed the Board on new charter school applications.
- Audrey Hall of Framingham addressed the Board on new charter school applications.

Approval of the Minutes of the December 17, 2002 Regular Meeting

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the minutes of the December 17, 2002 regular meeting as presented by the Commissioner.

The vote was unanimous.

1. Amendments to the Regulations on Educator Licensure

Commissioner Driscoll opened the discussion on the amendments to the Regulations on Educator Licensure by complimenting the Department staff who worked on the revisions. Chairman Peyser reviewed the history of the revision of these regulations. The Board adopted new licensure regulations in November of 2000, which he described as a top to bottom overhaul. Since then the Department has been converting its licensure records and application forms to an on-line system, and institutions of higher education have been changing programs and procedures to address the new regulations and the federal Title II requirements. As a result, some gaps and unintended obstacles in the regulations were identified, especially in relation to adding new fields and levels, matching the right subject matter test to the relevant license, facilitating support for new teachers, enlarging the potential pool of administrators, and eliminating individual transcript review.

Board members Henry Thomas and William Irwin asked if the Department has the capacity to implement the new regulations, given the budget reduction in certification. Commissioner Driscoll replied that the Department would do all it can to meet its responsibility to continue licensing educators, including seeking the necessary resources to serve customers well. The Commissioner also pledged to work with the professional associations, representatives of higher education, school districts and others to assist them in understanding and using the regulations to provide highly qualified teachers and administrators for all students.

Pat Plummer, for Chancellor Gill, thanked the Department for its work to improve the regulations. She asked about the Department's role in approving certain master's degree programs. Carol Gilbert of the

Department responded that the Department has been approving master's degree programs if they are intended to lead to educator licensure.

Chairman Peyser suggested amending the regulations for Route Four (for candidates who hold a Preliminary license, are hired as teachers of record, have not completed a practicum and related pedagogical study, are assigned to a mentor, and will receive their preparation in approved programs) to include the option of panel reviews for all grade levels, rather than grades 8-12 only.

On a motion duly made and seconded, it was:

VOTED: that the Board amend the regulations at section 7.05 (4)(d) by changing "at levels 8-12" and replacing it with "at all levels," and section 7.05 (4)(d) (1) by deleting "at levels 8-12."

The vote was unanimous.

The Commissioner distributed an addendum to section 7.14 (13) (f), changing the first reference to the date "October 1, 2003" to read "June 6, 2003."

On a motion duly made and seconded, it was:

VOTED: that the Board amend the regulations at section 7.14 (13) (f), by changing the first reference to the date "October 1, 2003" to read "June 6, 2003."

The vote was unanimous.

Board member Jeff DeFlavio proposed amending section 7.04 (2) (c) (5) (d) to delete the reference to the American Board for Certification of Teaching Excellence. The Commissioner said he had no objection to the change.

On a motion duly made and seconded, it was:

VOTED: that the Board amend the regulations at section 7.04 (2) (c) (5) (d) to delete the phrase "and the American Board for Certification of Teaching Excellence."

The motion passed 8-0 with one abstention.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L. c. 69, § 1B and c. 71, § 38G, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopt the proposed amendments to the *Regulations for Educator Licensure and Preparation Program Approval*, 603 CMR 7.00, as presented by the Commissioner and as amended by the Board.

The motion passed 8-1, with Mr. Irwin opposed.

2. School Improvement Plans for Academy Middle School, Fitchburg and Mt. Pleasant Elementary School, New Bedford

The Board heard presentations on plans for improving student performance submitted by Academy Middle School in Fitchburg and Mt. Pleasant Elementary School in New Bedford. Under the Regulations on Under-Performing Schools and School Districts, schools that have been declared under-performing must submit plans for improving student achievement to the Board. The Department evaluates each plan based on a rubric developed for this purpose as well as the detailed fact-finding report that identifies the school's areas of strength and weakness. The Commissioner then makes a recommendation to the Board as to whether to accept the plan.

Associate Commissioner Juliane Dow introduced the school superintendent and principal from each of the two districts and other members of their planning teams, who presented their plans to the Board and responded to questions. Fitchburg Superintendent Thomas Lamey said the performance improvement mapping process was so instructive that the district is now using it in all schools to analyze student data, establish benchmarks and devise action plans. New Bedford Superintendent Michael Longo said New Bedford has taken the same approach. He thanked the Department for its technical assistance.

Chairman Peyser said he is pleased the process is driving improvement in all the schools in these districts, not just those that have been declared under-performing. He noted that under the state law on under-performing schools, the Board does not endorse or prescribe a particular improvement plan; it accepts the plan that is presented by the school if it is reasonable and faithful to the state statute, regulations and standards. Associate Commissioner Dow commented with respect to the Mt. Pleasant/New Bedford plan that the school has made progress but all parties recognize the plan needs more specificity. She said it is reasonable for the Board to accept the plan now and expect the school and district to do more work on it.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with G.L. chapter 69, § 1J and 603 CMR 2.03 (6), and upon recommendation of the Commissioner, hereby accept the plans for improving student performance submitted by Academy Middle School in Fitchburg and Mt. Pleasant Elementary School in New Bedford.**

The vote was unanimous.

3. Charter Schools

The Board discussed three charter school renewals that were initially reviewed and discussed at the December 17, 2002 Board meeting.

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, 2003 through June 30, 2008, as recommended by the Commissioner:**

<u>Commonwealth Charter School</u>:

South Boston Harbor Academy Charter School
Location: Boston
Number of students: 425
Grade levels: 5-12

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.

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, 2003 through June 30, 2008, as recommended by the Commissioner:**

<u>Horace Mann Charter School</u>:

Champion Charter School of Brockton
Location: Brockton
Number of students: 125
Grade levels: Ungraded (9-12), ages 16-21

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.

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, 2003 through June 30, 2008, as recommended by the Commissioner:

<u>Horace Mann Charter School</u>:

Boston Evening Academy Charter School
Location: Boston
Number of students: 205
Grade levels: Ungraded (9-12), ages 16-23

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.

The Board discussed the proposed renewal of charters for Rising Tide Charter School, SABIS Foxborough Regional Charter School, New Leadership Charter School, Health Careers Academy Charter School, and Abby Kelley Foster Regional Charter School. The Board will vote on the renewal of these five charters at the February 25th Board meeting. Responding to a question from Board member William Irwin, Commissioner Driscoll confirmed that charter schools are required to comply with state laws such as the public bidding laws, where applicable.

The Board also received information about the eleven applicants for new charters this year. Chairman Peyser said the Board awards charters based on whether the proposals meet the high standards specified in the charter school law, acting within the numerical and funding caps set by the statute. He said the state's fiscal situation should not be used as an excuse to undermine education reform in areas such as charter schools, student assessment and accountability. The Governor is currently reviewing how the Commonwealth funds all public schools, including charter schools. Chairman Peyser is working with the Department to prepare a "finance primer" on charter schools. The Commissioner acknowledged the fiscal strain some school districts are experiencing because the state no longer funds charter school reimbursements, and said he expects to have more information on the funding situation by time the Board votes on the award of new charters at the February 25th Board meeting.

4. No Child Left Behind Act: Update on Supplemental Educational Services

Commissioner Driscoll briefly updated the Board on the provision in the No Child Left Behind Act that requires state education agencies to create and maintain a list of approved providers of supplemental educational services such as tutoring. Schools that receive Title I funding and are in their second year of school improvement must make arrangements so that eligible students from low-income families may receive supplemental educational services from a provider selected by the parent/guardian from the approved list.

The Department issued a Request for Responses in November 2002 to solicit applications from potential providers. To date, 13 of the 27 applications received have been approved and have been posted to the Department's website. Both public and private agencies are represented among the 13 approved providers. Vice Chairman Thomas said he would like to get more information about the supplemental education services program. The Commissioner said he would provide a more detailed update at a future meeting.

5. School Building Assistance: Annual Report

Associate Commissioner for School Finance Jeff Wulfson presented a draft of the School Building Assistance Annual Report, as required under the School Building Assistance Act. The report analyzes the anticipated needs for school facilities projects that are reimbursable under the Act and makes recommendations related to legislation and annual authorization levels for new projects.

Board member Richard Crowley requested information regarding aggregate dollar amounts for new and existing SBA projects. The Board will continue its discussion on this report and will vote on approving it at the February meeting. The report will be sent to the Governor and the Legislature after it is approved.

6. Amendment to Recertification Regulations Relating to Fees

The Board discussed a proposed amendment to the Recertification Regulations that would repeal section 44.09(3). This section, which was never implemented, proposed to reduce by 50% the recertification application fee for individuals who file their professional development plans on line. This provision has not been implemented, since it requires the approval of the Secretary of Administration and Finance and the Commonwealth's current fiscal situation makes such approval highly unlikely. It also is inconsistent with the legislation the Board has filed to establish a retained revenue account to support educator certification/licensure. With the proposed change, the fees for recertification will be set uniformly by Administration and Finance. The Board voted to solicit public comment on the proposed amendment in November 2002.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with G.L. c. 69, §1B and G.L. c. 71, §38G, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, §3, hereby adopt the proposed amendment to the Recertification Regulations deleting section 44.09(3), as presented by the Commissioner.**

The vote was unanimous.

7. Proposed Amendment to Special Education Regulations

The Board discussed a proposed amendment to the Special Education Regulations. The U.S. Office of Special Education Programs identified the existing state regulation as one that must be amended to

ensure compliance with the federal special education regulations. The amendment will allow school districts, if they choose, to require parents to attend a meeting that explains the benefits of mediation.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L. c. 69, §1B and G.L. c. 71B, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c. 30A, §3, to solicit public comment on the proposed amendment to 603 CMR 28.08 (4) (Special Education Regulations), as presented by the Commissioner.

The vote was unanimous. After the public comment period, the Commissioner will bring the proposed amendment back to the Board in April for a final vote.

8. Report of Board Committee on Commissioner's Performance Review

The Board heard a report from its committee on the Commissioner's Annual Performance Review. The committee was comprised of Chairman James Peyser, Vice Chairman Henry Thomas, and Board member William Irwin. The committee recommended an overall rating of "outstanding" for the Commissioner, which is the highest performance rating in state government. The rating was based on the Commissioner's performance relative to four criteria: (1) effectiveness in supporting the Board's work; (2) effectiveness in building external support for Board policies; (3) effectiveness in managing the Department and staff; and (4) effectiveness in improving student performance. Chairman Peyser said the committee gave the Commissioner an "outstanding" rating on the first two criteria and a "meritorious" rating on the last two. He noted that both the Board and the Commissioner are intent on making more rapid progress in improving student performance and reducing the achievement gap among subgroups of students.

Chairman Peyser said, "I am deeply impressed by the work of this Commissioner. This is a challenging time, but he has consistently risen to the challenge. The Commissioner's performance has been widely recognized, both in Massachusetts and nationally, in putting the Commonwealth at the cutting edge of education reform."

Vice Chairman Thomas thanked the Commissioner for his work, saying "The integrity and competence that the Commissioner brings to his work is extraordinary. In my travels across the country, Massachusetts is seen as a leader, and it is due to great leadership He is an excellent internal and external communicator." Board member William Irwin agreed, saying "The Commissioner's leadership and work ethic are well received throughout the country."

Chairman Peyser said the committee believes the Commissioner deserves a salary adjustment based on his outstanding performance and the fact that he has not had a raise in two years. A salary adjustment is not possible now because of budget constraints, but the Board will revisit the issue in June.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education approve the Commissioner's performance rating of "outstanding" as recommended by the Board's committee.**

The vote was unanimous.

Commissioner Driscoll thanked the Board and the Department, noting that the progress and success reflect a team effort.

9. Appointments to Parent and Community Education/Involvement Advisory Council

The Commissioner recommended two candidates to fill vacancies on the Parent and Community Education/Involvement Advisory Council beginning February 1, 2003.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with General Laws Chapter 15, § 1G, hereby appoint, to three-year terms, the two additional Advisory Council members as recommended by the Commissioner.**

The vote was unanimous.

10. Approval of Federal Grants

The Board considered $247,393 in grants under two federal programs: Collaboration: Project Playgroup Support to support the transition of young children with disabilities into early care and education programs ($180,000), and Perkins Vocational/Technical Education Act: English Language Learners Support ($67,393).

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.

On a motion duly made and seconded, it was:

VOTED: **that the meeting adjourn at 12:10 p.m., subject to the call of the Chairman.**

Respectfully submitted,

David P. Driscoll
Secretary to the Board