Minutes of the Regular Meeting
of the Massachusetts Board of Education

August 27, 2002
9:00 a.m. – 11:30 a.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
J. Richard Crowley, Andover
Jeff DeFlavio, Chair, Student Advisory Council, Belmont
Judith Gill, Chancellor, Board of Higher Education
William K. Irwin, Wilmington
Roberta Schaefer, Worcester

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

Members of the Board of Education Absent:

Charles D. Baker, Swampscott
Abigail Thernstrom, Lexington

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

Comments from the Chairman

Chairman Peyser opened the meeting by welcoming Jeff DeFlavio, the 2002-03 student Board member. Mr. DeFlavio is entering his junior year at Belmont High School.

Chairman Peyser updated the Board on the FY 03 final budget. Overall, according to the Chairman, the Department of Education and its programs fared better than many other agencies. Chapter 70 was fully funded; MCAS remediation grants were restored to $50 million, and an additional $20 million was added to the School Building Assistance Program. However, the budget presents some real challenges, including the level-funding of the Department's

administrative account and the decrease in the assessment line item. Chairman Peyser noted that the current budget is based on the assumption that state revenues will grow at approximately 2.4%. If actual revenues do not meet the projections, there may be some additional cuts to non-local aid accounts, and the Department is planning for this possibility.

Chairman Peyser also reported on the recent articles and the report issued by the Department regarding dropout rates in Massachusetts. The Chairman noted that there has been fear that the dropout numbers would spike in this era of standards-based reform. Based on the report released this week, *Dropout Rates in Massachusetts Public Schools 2000-01*, there is no indication that the dropout rate is increasing. The 2000-01 annual dropout rate of 3.5 percent remained the same as in the 1999-2000 reporting year.

The Chairman noted that he plans to reconvene the Budget Committee of the Board for a September meeting. The committee is comprised of the Chairman and Board members Charles Baker, Richard Crowley, and Roberta Schaefer. The Board plans to adopt its final budget recommendations at the November meeting.

Chairman Peyser also noted that, unless Board members object, Board meetings henceforth will be documented for the public record by videotape and by minutes, instead of verbatim transcripts. No Board members objected to this procedural change, which will result in cost savings.

Comments from the Commissioner

Commissioner Driscoll updated the Board on Massachusetts SAT results, which, for the 11th straight year, have increased in both mathematics and English. Massachusetts students topped the nation on the 2002 SAT exams, with an average of 512 on the verbal exam and 516 on the math, with a participation rate of 81 percent.

Commissioner Driscoll reported that the statewide MCAS results for the Class of 2004 will be released on August 29. The Commissioner noted that in 1998, the results were not available until early December, and he congratulated Department staff and Harcourt for their diligent work to report the results faster for students and schools.

The Commissioner noted that Governor Swift will make her annual State of Education address on Thursday, September 5 at West Roxbury High School.

The Commissioner updated the Board on the Department's continuing work with the U.S. Department of Education and Massachusetts school leaders to implement the federal No Child Left Behind/Elementary and Secondary Education Act in the Commonwealth. Massachusetts is one of the first states in the nation to have its consolidated plan approved. The Department also submitted an application under the Reading First program at the end of June, and has received indications that it will be approved for funding. This grant program will provide over $15 million a year for six years to strengthen classroom reading instruction in grades kindergarten

through three. Also, Associate Commissioner Juliane Dow and others from the Department met on August 23 with a visiting team from the U.S. Department of Education to discuss the Massachusetts school and district accountability system and how it meets the new federal requirements under NCLB. Commissioner Driscoll announced that a monthly report on the implementation of the No Child Left Behind Act will be a standing item on Board of Education agendas.

The Commissioner also noted that he plans to make recommendations to the Board at the September meeting on the state-endorsed local credential. The Commissioner established an Advisory Committee on Local Certificates, which met on July 24 and is scheduled to meet again on August 28. The purpose of the committee is to assist in developing recommendations for the Board on options that school committees could exercise in awarding students, who do not earn a competency determination by their scheduled graduation date, a certificate that recognizes their achievements. This certificate may serve as a credential for entry into certain post-secondary opportunities. School committees could issue the state-endorsed credential to students who meet the criteria to be approved by the Board of Education.

Commissioner Driscoll also reported that, because of the severe budget cuts in the Educator Licensure line item, the Department has a serious backlog in the processing of certification/licensure applications. In an attempt to address the immediate issues in the office, the staff has been directed to focus all of their efforts on three areas: processing payments, evaluating applications and issuing licenses. Consequently, customer service functions have essentially been suspended until further notice. The Commissioner reported that he is prioritizing the processing of applications for candidates who need certification for September in order to ensure a smooth opening of schools.

Finally, the Commissioner complimented Chairman Peyser for his contributions to the bilingual education reform law that was enacted this summer, which is scheduled to be implemented in schools as of July 1, 2003. The Board will discuss the changes that the new law makes, and a schedule for adopting necessary regulations, at its September meeting. The Commissioner distributed copies of the new bilingual education law to Board members.

Board member Bill Irwin commented on recent articles regarding charter schools. In particular, the North Central Essential Charter School in Fitchburg will be using a temporary facility in New Hampshire until its school building is ready for occupancy. Mr. Irwin expressed concern regarding the Department's authority to ensure safe facilities under another state's jurisdiction. The Commissioner noted that, from a legal standpoint, it is permissible for the school to use an out-of state facility temporarily, and he agreed that it is important for the Department to ensure that all public school facilities are safe.

Approval of the Minutes of the June 25, 2002 Regular Meeting

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education approve the minutes of the June 25, 2002 regular meeting as presented by the Commissioner.**

The vote was unanimous.

1. Proposed Amendments to Regulations on Under-Performing Schools and School Districts (603 CMR 2.00) – Discussion and Vote to Solicit Public Comment

Chairman Peyser briefly reviewed recent changes in state law which necessitate amendments to the Regulations on Under-Performing Schools and School Districts. General Laws chapter 15, section 55A, as amended by Chapter 384 of the Acts of 2000, established the Educational Management Audit Council (EMAC) and Office of Educational Quality and Accountability (EQA). The Commissioner distributed an updated version of the proposed amendments to the regulations for the Board's review and discussion.

The proposed amendments to the Regulations on Under-Performing Schools and Schools Districts refer to the statutory role and responsibilities of the EMAC and EQA. These amendments also align the district accountability process with the process which has been developed by the Department for school accountability.

Chairman Peyser reported that EQA currently oversees district accountability in the Commonwealth. The Chairman briefly reviewed the three "tiers" of the district accountability process. Tier One is an annual data analysis and report which will be produced by the EQA, under the direction of EMAC. This report will be produced in the fall of 2002 based on the latest MCAS data, and will include all districts in the Commonwealth.

The results of the Tier One annual report will trigger Tier Two reviews. Tier Two reviews will be based on other data reviews in the district, for both exemplary districts and districts whose students are not yet performing adequately on the MCAS.

Tier Three, or "fact-finding" reviews, will address issues of under-performance. The findings of the Tier Three reviews will be the basis for the district's improvement plan, which the district submits to the Commissioner and Board of Education for review and approval.

Based on follow-up reviews of the district, EQA/EMAC will send recommendations to the Commissioner and Board of Education, which the Board will consider in making determinations regarding chronic under-performance.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with G.L. c. 69, §§ 1B, 1J and 1K, hereby authorize the Commissioner to solicit public comment under the Administrative Procedure Act, G.L. c. 30A, § 3, on the proposed**

amendments to the Regulations on Under-Performing Schools and School Districts, 603 CMR 2.00.

The vote was unanimous. After the public comment period, the Commissioner will bring the proposed amendments back to the Board in October or November for a final vote.

2. Proposed Amendments to Charters for SABIS International, Somerville and River Valley Charter Schools

The Board reviewed the proposed amendments to the charters of three charter schools. SABIS International Charter School requested approval to utilize a temporary location in Chicopee for some of its grades. Somerville Charter School requested approval to move some of its grades to a location in Cambridge and to become a regional charter school. River Valley Charter School requested approval to amend its bylaws and to change its governance structure.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with General Laws chapter 71, section 89 and 603 CMR 1.00, hereby amend the charters granted to SABIS International Charter School (temporary change of municipality); Somerville Charter School (additional municipality and regional status); and River Valley Charter School (bylaws and governance) as presented by the Commissioner.**

The vote was unanimous on both the Somerville Charter School and the River Valley Charter School. The vote was 6:0 on the SABIS International Charter School; Board Vice-Chairman Henry Thomas, III, abstained from the vote on the SABIS International Charter School.

3. Planning for School Year 2002-2003

Deputy Commissioner Mark McQuillan updated the Board on the Department's work to develop the operational plan for the agency for FY 03. The objectives and activities flow from the Department's six overarching goals and the goals for education under the No Child Left Behind Act. Mr. McQuillan noted that the Department's reorganization of its senior staff intended to align the Department's work with the No Child Left Behind Act. Mr. McQuillan asked the Board for comments and suggestions on the goals that were outlined.

Chairman Peyser suggested that the Department compare this list of goals to the Board of Education's Goals and Strategies, which were adopted by the Board in February 2000. The Chairman also recommended developing a plan for monitoring progress on the goals, as well as a plan for reporting back to the Board on the progress made toward each of these goals. He also suggested adding some specific objectives, including the promotion and development of educator induction programs; updated Chapter 74 regulations for vocational-technical education; the continued work on the development of "year 13" programs, including One-Stop Career Centers,

Adult Basic Education, etc.; and strengthening the Department's capacity to manage the test development process. The Commissioner will keep the Board informed about the operational plan as it evolves, as well as the goals, objectives, and activities of the Department.

4. Proposed Amendments to School Finance Regulations (603 CMR 10.00)

The Board discussed several proposed amendments to the School Finance Regulations, including an additional technical correction distributed at the meeting. One amendment would modify the tuition calculation for special education students under the school choice program. Another would limit to 100% of actual cost the state reimbursement for transportation of low-income school choice and charter school students. Other amendments would clarify that expenses for employee benefit administration and school security services should be included in the reporting of municipal expenditures in support of public schools, and make technical corrections in the regulations.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with G.L. chapter 69, section 1B; chapter 70, section 3; and chapter 76, section 12B, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. chapter 30A, section 3, to solicit public comment on the proposed amendments to the school finance regulations (603 CMR 10) as presented by the Commissioner.**

The vote was unanimous. After the public comment period, the Board will take a final vote on the amendments at the November meeting.

5. School Building Assistance

The Board discussed proposed amendments to the School Construction (SBA) Regulations (603 CMR 38.00). The amendments would establish a requirement for environmental assessment of new sites in accordance with nationally recognized standards, require construction site signage, and clarify some wording throughout the regulations. Chairman Peyser, Vice Chairman Thomas, and Mr. Irwin asked about the potential costs and benefits of requiring environmental site assessments conforming to ASTM Phase 1 standards. Associate Commissioner Jeff Wulfson responded that during the public comment period on the proposed amendments, the Department will invite comment and seek further information on this particular issue.

VOTED: **that the Board of Education, in accordance with G.L. chapter 69, section 1B, and G.L. chapter 70B, section 3, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. chapter 30A, section 3, to solicit public comment on the proposed amendments to the school construction regulations (603 CMR 38.00), as presented by the Commissioner.**

The vote was unanimous. After the public comment period, the Board will take a final vote on the amendments in the fall.

The Board discussed School Building Assistance grants. The FY 2003 state budget, signed into law by Governor Swift on July 29, provides approximately $22 million in authorization for new school construction projects. The Board reviewed 19 School Building Assistance grants: 4 grants for desegregation projects; 13 grants for other construction and renovation projects; and 2 grants for major repairs. The first payment for these grants will be in fiscal year 2004.

On a motion duly made and seconded, it was:

VOTED: **That the Board of Education, in accordance with the provisions of M.G.L. Chapter 70B and 603 CMR 38 and on the recommendation of the Commissioner, hereby approve four Desegregation school construction grants totaling $7,043,760, with estimated cost, grant amount, and first annual payment as shown on List A - Approvals.**

The vote was unanimous.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with the provisions of M.G.L. Chapter 70B and 603 CMR 38 and on the recommendation of the Commissioner, hereby approve fifteen new List B and List C school construction grants totaling $14,935,325, with estimated costs, grant amounts, and first annual payments as shown on List A – Approvals.**

The vote was unanimous.

The Board also discussed the SBA cost waivers that have been requested for the Somerville Lincoln Park Community School and the Beverly Centerville Elementary School.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with 603 CMR 38.13 and on the recommendation of the Commissioner, hereby waive the cost standards of 603 CMR 38.06 for the following projects:**

City of Somerville – Lincoln Park Community School Project, provided that said waiver shall not exceed $910, 958

City of Beverly – Centerville Elementary, provided that said waiver shall not exceed $332,120

The vote was unanimous.

6. Federal Grants

The Board considered $4.8 million in grants under the following federal programs: Model Technology Integration; Technology Enhancement; Even Start Family Literacy; Massachusetts Career Resource Network; and Massachusetts Family Literacy Consortium.

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.

The Board also received information on grants the Commissioner approved during the summer in accordance with the Board's vote of delegation in June 2002.

On a motion duly made and seconded, it was:

VOTED: that the meeting adjourn at 11:30 a.m., subject to the call of the Chairman.

Respectfully submitted,

David P. Driscoll
Secretary to the Board