Minutes of the Regular Meeting
of the Massachusetts Board of Education

November 26, 2002
9:00 a.m. – 12:20 p.m.

Wilmington High School
159 Church Street, Wilmington, 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
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 9:00 a.m. Board member William Irwin introduced Wilmington Public Schools Assistant Superintendent Lore Neilsen and Wilmington High School Principal Edward J. Woods, who welcomed the Board to Wilmington High School.

Comments from the Commissioner
Commissioner Driscoll opened the meeting by reporting that the Department released the Cycle II School Performance Rating Reports on November 25 at a press conference at the State House. The Commissioner explained that the goal of the ratings is to have all students scoring at Proficient or higher in English language arts and mathematics by 2014. He reported that the state is making great progress, particularly in English language arts, and that more growth is needed in mathematics. Overall, 194 schools out of 1,630 were declared in need of improvement.

Commissioner Driscoll also provided a brief update on the MCAS appeals process. He reported that superintendents have submitted nearly 500 MCAS performance appeals on behalf of students in the

Class of 2003 who have not yet passed the grade 10 MCAS test in English language arts or mathematics, and it looks as though about 50% will be granted.

Statements from the Public

- John Mudd of the Massachusetts Advocacy Center addressed the Board on local certificates.
- Thomas Crowder of Newton addressed the Board on local certificates.
- Joshua Kauffman, a Brookline High School student, addressed the Board on local certificates.
- Phillip Katz and Sherry Ayers of the Healthy Schools Network addressed the Board on the School Building Assistance Regulations.
- Tolle Graham of the Healthy Schools Network addressed the Board on the School Building Assistance Regulations.
- Sumner Rotman of UMass Amherst addressed the Board on the Chapter 74 Regulations.
- Charlie Lyons of Shawsheen Regional Vocational Technical High School addressed the Board on the Chapter 74 Regulations.
- Jerry Corrodino of W.J. Dean Technical High School addressed the Board on the Chapter 74 Regulations.
- Susan Veins, President of the Massachusetts Association of Vocational Administrators, addressed the Board on the Chapter 74 Regulations.
- Neil Kinnon, Chair of the Mystic Valley Charter School, addressed the Board on the renewal of the Mystic Valley charter.

Approval of the Minutes of the September 24, 2002 Regular Meeting

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the minutes of the October 22, 2002 regular meeting as presented by the Commissioner.

The vote was unanimous.

1. FY 2004 Budget Proposal

Chairman Peyser reported on the Board's FY 04 budget proposal, as developed by the Board's budget committee. The FY 04 budget proposal is level-funded at the Department's current FY 03 budget of $4.125 billion. The proposed budget includes increases in funding for student assessment, special education residential schools, educational services in institutional settings, educator mentoring, Certificates of Occupational Proficiency, school building assistance, certification/licensure operations, and the administration and information technology budget for the Department. The proposed budget includes reductions in funding for pupil transportation and regional school transportation.

Commissioner Driscoll commended the Board's budget committee for a well-thought-out budget proposal. Board member Jeff DeFlavio suggested restoring comprehensive health education to its FY 01 funding level of $11.6 million. Chairman Peyser noted that, while he agreed with the intent,

restoring the funding would require the Board to cut $11.6 million from the budget elsewhere. He also noted that some comprehensive school health programs are continuing with local funds.

On a motion duly made and seconded, it was:

MOVED: that the Board of Education add $11.6 million to the budget for comprehensive health education.

The motion failed 8-1.

Board Vice-Chairman Henry Thomas III expressed concerns about the $30 million in cuts to charter school reimbursements, and the impact of these cuts on local school districts. Board member Roberta Schaefer requested more information on the impact on districts of the cut in charter school reimbursements. Chairman Peyser asked the Commissioner to analyze the impact of this budget cut, and to share the information with the Board.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L. c. 69, § 1A, approve the FY 2004 budget proposal, and authorize the Commissioner to transmit the budget proposal to the House and Senate Committees on Ways and Means, the Joint Committee on Education, Arts and the Humanities, and the Secretary of Administration and Finance.

The vote was unanimous.

2. Proposed Amendments to Regulations on Vocational Technical Education (603 CMR 4.00)

Commissioner Driscoll opened the discussion on the proposed amendments to the Regulations on Vocational Technical Education by commending Board member William Irwin, representatives of the Massachusetts Association of Vocational Administrators, and Department staff for their work and dedication in drafting the proposed new regulations. David Tobin and James Santos of MAVA, and Jack Jones of Tri-County Regional Vocational Technical School addressed the Board on the regulations.

The proposed amendments would replace the current regulations on vocational education, which have not been amended substantively since the enactment of the Education Reform Act in 1993. The amendments incorporate learning standards from the Massachusetts curriculum frameworks and the Certificates of Occupational Proficiency as well as national industry standards. They strengthen the preparation, licensure, and professional development standards for vocational technical educators. The regulations also permit schools to offer no more than five full consecutive days of laboratory (shop) instruction followed by the same consecutive number of days of academic instruction.

Chairman Peyser said the Board is determined to wipe out any vestige of the misperception that vocational technical education is somehow a second class education. The intent of these regulations,

as with the Certificates of Occupational Proficiency, is to affirm the values and high standards of vocational technical education. Commissioner Driscoll added that more work will be done on the regulations during the public comment period. Board member Abigail Thernstrom asked about the regulatory standard for "adequate" resources. The Commissioner responded that the regulation puts school districts on notice that they should not start or run a vocational program unless they are prepared to support it with sufficient resources for that particular program, in the form of teachers, supplies, equipment and so on.

In making the motion to send out the proposed regulations for public comment, William Irwin said the bottom line is to raise standards for the benefit of all students. He said he plans to attend the public hearings that the Department will convene on the proposed regulations.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with G.L. chapter 69, § 1B and chapter 74, §§ 2 and 2A, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. chapter 30A, § 3, to solicit public comment on the proposal to repeal the existing Regulations on Vocational Education, 603 CMR 4.00, and replace them with the Regulations on Vocational Technical Education, 603 CMR 4.00, as presented by the Commissioner.**

The vote was unanimous. After the comments are reviewed and the necessary changes are made, the regulations will be brought back to the Board for a final vote at the February 2003 meeting.

3. Policy on State-Endorsed Local Certificates

The Board discussed the policy on state-endorsed local certificates. The purpose of the state-endorsed credential is to provide school committees with the option of granting a certificate of attainment, based on specified criteria, to students who have completed local graduation requirements but who do not yet qualify for the high school diploma because they have not yet earned a competency determination by their scheduled graduation date. Chairman Peyser noted that the certificates are meant to recognize effort, achievement, and persistence by students who may need more time to meet the grade 10 standards in English language arts and mathematics. He anticipates the certificate will be recognized by business leaders and higher education, and it will open opportunities for students who have not yet earned their competency determination.

Commissioner Driscoll stated that, by adopting the policy, the Board is giving school districts the option but not requiring them to grant the certificates. He said the local certificate option is an important step in the process of making standards-based reform fair for all students.

Board members Abigail Thernstrom and Roberta Schaefer expressed concern that the 90% attendance requirement may be too low. Chairman Peyser said the Board will look at data collected during the first year of the policy, and at that time, the Board may consider raising the attendance requirement to 95%.

Board member William Irwin, who served on the Blue Ribbon Committee, commended the Commissioner for his work. He said he felt strongly about the 95% attendance level as well, but had learned from other members of the Committee that 90% is the right place to start.

Vice-Chairman Henry Thomas also commended the Commissioner for his efforts in creating the certificate of attainment. He expressed concern about the perception of a two-tiered system, noting that moving to competency and proficiency is in the best interest of all students. He suggested a 2-year sunset provision for the policy, with careful scrutiny after one year.

Board member Jeff DeFlavio suggested delaying the Board's vote until the post-secondary opportunities for students with a certificate of attainment are more certain. Commissioner Driscoll responded that is important to define clearly what the certificate of attainment entails, so that higher education, business, the military, and others can decide what opportunities will be available to students with this certificate.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education amend the policy to require that students take the MCAS a minimum of three times (rather than once each year) and to include a two-year (rather than three-year) sunset provision.

The motion passed 8-1.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the policy on state-endorsed local certificates, as presented by the Commissioner and as amended by the Board.

The motion passed 8-1.

4. Progress Report on Reading First Program under No Child Left Behind Act

Deputy Commissioner Mark McQuillan and Associate Commissioner Barbara Gardner presented a brief report on the state's implementation of the federally funded Reading First Program. The Department's Reading First application under the No Child Left Behind Act was approved by the U.S. Department of Education last month. The grant to the Commonwealth will provide over $15 million the first year, and $100 million over six years to help school districts ensure that students are reading at or above grade level by the end of grade 3. Commissioner Driscoll commended Barbara Gardner and Dot Earle for their work on the grant.

Chairman Peyser and Dr. Thernstrom asked whether the Reading First approach is a significant change from current early literacy programs. Associate Commissioner Gardner responded that it is a shift but not a major one. She noted that the data on student performance in grade 3 reading and grade 4 English language arts show improvement across the Commonwealth. In response to a question from

Vice Chairman Thomas, she said the Donahue Institute will be conducting research and evaluation on the impact of the Reading First program in Massachusetts schools.

5. School and District Accountability System

Associate Commissioner Juliane Dow provided an overview of the recently released Cycle II School and District Ratings. She also presented the Board with a set of proposed standards that will be helpful in reviewing the plans for improving school achievement which the Board will receive over the next few months from schools that have been designated as under-performing.

School and district performance and improvement ratings are used to identify instances of low performance as well as schools with exemplary improvement. The school and district performance rating process is the first stage of a multi-tiered process of school and district accountability. Ratings are used to determine whether adequate yearly progress (AYP) has been made, as mandated by the federal No Child Left Behind Act. Chairman Peyser noted that the approach focuses on moving students to proficiency, not just the "needs improvement" category. In response to a question about the Cycle II ratings, Associate Commissioner Dow stated that the Department is giving priority attention to the lowest performing schools, even if they have met their improvement targets.

Board member Roberta Schaefer suggested the Board discuss various aspects of the No Child Left Behind Act in more detail at a future meeting. The Commissioner agreed that this will be a regular agenda item.

6. Amendments to Regulations

The Board considered amendments to the Regulations on Under-Performing Schools and School Districts (603 CMR 2.00), incorporating the new statutory role and responsibilities of the Educational Management Audit Council and the Office of Educational Quality and Accountability.

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, 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 on Under-Performing Schools and School Districts, 603 CMR 2.00.

The vote was unanimous.

The Board also considered amendments to the School Finance Regulations (603 CMR 10.00) relating to school choice tuition calculations, transportation costs, accounting for municipal expenses, and a technical correction on extraordinary maintenance costs.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L. chapter 69, § 1B and chapter 70, §§ 2, 3 and 11, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. chapter 30A, § 3, hereby adopt the proposed amendments to the Regulations on School Finance, 603 CMR 10.00, as presented by the Commissioner.

The vote was unanimous.

The Board also discussed amendments to the Regulations on School Construction (603 CMR 38.00). Associate Commissioner for School Finance Jeff Wulfson distributed some additional editorial revisions. Board member Charlie Baker expressed concerns about the potential of environmental site assessments to greatly increase costs. He requested information on the number of communities that do Phase I and II environmental assessments currently.

The Board tabled voting on these amendments until the December or January meeting. Commissioner Driscoll and Associate Commissioner Wulfson will provide additional information on environmental site assessments, in response to questions from Board members.

7. Proposed Amendment to Recertification Regulations Relating to Fees

The Board considered an amendment to the Recertification Regulations which would eliminate the 50 percent discount on recertification application fees for educators who file and maintain their professional development plans on line. Implementation of this provision requires the approval of the Commissioner of Administration and Finance. In light of the Commonwealth's current fiscal situation, approval is unlikely. In addition, a discount in these fees would undermine the purpose of the legislation recently filed by the Board to establish a retained revenue account to support the Department's certification/licensure operations.

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, 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 the Recertification Regulations deleting section 44.09(3), as presented by the Commissioner.

The vote was unanimous. Following the public comment period, the Commissioner will bring the proposed amendment back to the Board in January 2003 for a final vote.

8. Charter Renewals: Mystic Valley Regional and River Valley Charter Schools

Kristin McIntosh, Acting Associate Commissioner for Charter Schools, provided a brief overview of the Mystic Valley Regional Charter School, located in Malden and Melrose.

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 (regional)</u>:

Mystic Valley Regional Charter School
Locations: Malden (K-8)
Melrose (9-12)
Districts in region: Malden, Medford, Everett, Melrose, Stoneham, Wakefield
Number of students: 1,176
Grade levels: K-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.

Ms. McIntosh also provided a brief overview of the River Valley Charter School, located in Newburyport.

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, 2004 through June 30, 2009, as recommended by the Commissioner:**

<u>Commonwealth Charter School (regional)</u>:

River Valley Charter School
Location: Newburyport
Districts in region: Amesbury, Newburyport, Pentucket, Triton
Number of students: 256
Grade levels: 1-8

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.

9. Advisory Council Membership and Reappointments

The Board considered the list of candidates for Advisory Council membership and reappointments. Candidates will serve a three-year term beginning November 1, 2002.

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 Advisory Council members as recommended by the Commissioner.

The vote was unanimous.

10. Approval of Grants

The Board considered $5.2 million in grants for English language acquisition programs under Title III (federal funds); an amendment to the Even Start family literacy program (federal funds); and academic support services for the Class of 2003 (state funds).

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 12:20 p.m., subject to the call of the Chairman.

Respectfully submitted,

David P. Driscoll
Secretary to the Board