Minutes of the Regular Meeting
of the Massachusetts Board of Education

October 22, 2002
9:00 a.m. – 1:15 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
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.

Comments from the Commissioner
Commissioner Driscoll opened the meeting by reporting that he is working with local school superintendents, superintendent-directors of regional vocational-technical schools and the Massachusetts Association of Vocational Administrators to update the Department's 1995 policy on non-resident vocational tuition arrangements. He also reported that the Department is continuing to work with school officials to implement the many components of the federal No Child Left Behind Act.

Statements from the Public
- Barbara Brown of Boston University addressed the Board on the History and Social Science Curriculum Framework.
- Bruce Kaneb of Manchester/Essex Public Schools addressed the Board on the History and Social Science Curriculum Framework.

- David Marshall of the Massachusetts Cultural Council addressed the Board on the History and Social Science Curriculum Framework.
- Sheldon Berman, Superintendent of Hudson Public Schools, addressed the Board on the History and Social Science Curriculum Framework.
- Steve Goodwin of Waltham Public Schools addressed the Board on the History and Social Science Curriculum Framework.
- Ellen Ray of Nantucket addressed the Board on bilingual education.
- Anne Wass, Vice President of the Massachusetts Teachers Association, addressed the Board on teacher certification issues.

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 September 24, 2002 regular meeting as presented by the Commissioner.

The vote was unanimous.

1. Revised History and Social Science Curriculum Framework

Commissioner Driscoll began the discussion of the revised History and Social Science Framework by reviewing the two-year revision process, which included surveys of more than 1000 teachers and curriculum coordinators, dozens of forums across the Commonwealth, and a series of drafts on which hundreds of educators commented. Commissioner Driscoll said, "I am enthusiastic about recommending this document because it will provide a solid base in content knowledge in both world and U.S. history for Massachusetts' students."

Chairman Peyser made the following statement about the framework:

> "The process by which this framework was developed has been open and prolonged. From September 2000 to March 2001, the framework review panel held 23 regional meetings. In April 2001, a statewide survey was conducted to solicit feedback on the 1997 framework and the existing assessment system. In July 2001, the Board voted to change the structure of the high school portion of the framework to allow for an end-of-course assessment in U.S. history in either the 10th or 11th grade. This change was adopted primarily to ensure that when history and social science is incorporated into the graduation requirement (as per the Education Reform Act), the focus will be U.S., rather than world history. In November 2001 a discussion draft was submitted to the Board and put out for public comment. Through December, the Department received over 700 comments. During January and February of 2002, 15 regional meetings were held, involving about 600 attendees, to discuss the new draft. In May, a more complete draft framework was presented to the Board and was sent out for public comment. Five additional public meetings were held over the summer. In September, a nearly final draft was submitted to the Board, in preparation for our meeting and vote today.

At no point along the way has there been any doubt or confusion about the overall direction and content of the framework. Specifically, the Board and the Department were committed to maintaining the 1997 framework's core knowledge focus, while presenting the material in a more useful grade-by-grade format and better integrating the learning skills with the content standards.

The document before us is faithful to those well-established objectives. At the same time it has gone through many editorial iterations in response to the many comments that have been received from educators and scholars.

In that nothing is ever perfect, there can always be a plausible argument for further consideration and consultation. But, in this case, I am not persuaded that prolonged discussion and redrafting will yield major substantive improvements to the content standards that are before us today. The process to date has gone on for two years. The points of philosophical disagreement that remain will not simply go away through further negotiation. And continued uncertainty over this matter will exact real costs, by damaging the ability of schools and teachers to adjust their curriculum in a timely fashion. The Board has a responsibility to make a decision, and the time to act is now. This does not mean that there is not more work to do in order to enhance the framework and, in the Commissioner's words, "make it come alive."

The framework is not a straight jacket. Our focus has been to answer the question of what students should know and be able to do, rather than how districts should design curriculum or how teachers should deliver instruction. There is nothing in this document that discourages, let alone prevents, teachers from using integrative concepts as a means of teaching history and the social sciences. Indeed, the framework's introduction suggests several possible overarching themes that might be used for exactly this purpose.

Equally important, the assessment plan, which includes only three tests—one on US history and geography in fifth grade, another on world geography and ancient civilizations in seventh grade, and a third on U.S history in 10th or 11th grade—ensures that schools will not be forced to follow in lock-step the specific scope and sequence implied by the framework.

With the adoption of these standards, we can turn our attention to giving teachers and curriculum specialists more guidance in how best to deliver instruction. This is a process that must involve practicing educators. Indeed, active teachers and curriculum developers must lead the way.

In addition to these more procedural or technical issues, there are several substantive complaints that have been made regarding the framework's content, and in defense of the good work that has been done I feel compelled to respond to at least a couple of them.

Some critics complain that the framework is primarily focused on history and content knowledge, while giving short shrift to other disciplines, such as sociology and psychology. This criticism is entirely accurate, but I happen to believe it reflects a strength, rather than a weakness. History must be at the center of a social studies curriculum. Students cannot

understand their place in the world, the foundations of their country or their responsibilities as citizens without a deep and persistent study of the people, events, institutions, and ideas of the past.

Too many social studies curricula today place history on the periphery, merely as an adjunct to the study of human relations and contemporary problems. Such an approach results in instruction that leaves students with barely any knowledge of authentic history, imparting little more than a set of highly selective, out-of-context, historical snapshots. This narrow focus on "relevance" and on using history to construct lessons that we can apply to the present, is fundamentally ahistorical and results in a distortion of the past by viewing it through the lens of today. In part, this framework is consciously intended as a counter-balance to this kind of curriculum.

Finally, let me address the charge that this document is "Eurocentric." This framework includes four full years of world history, in which about 40 percent of the standards relate to non-European societies. Of course, this statistic means that the majority of standards do in fact relate to European history. I believe this balance is entirely justified. I will not apologize for a framework that places the study of Western civilization at its core. Although we are an open society that has been deeply enriched by many non-Western influences, we cannot escape the fact that the United States is firmly anchored to the Western tradition. Indeed, one could argue that in the year 2002 we are at its epicenter.

The philosophical principles that form the basis of our political and social institutions are European in origin. And if students are to learn about what it means to be a citizen in a democracy, they must be steeped in the history and ideas that comprise Western civilization. This is not only an objective fact, but it is something for which I am deeply grateful. We are blessed to live in a country that holds sacred the ideals of individual freedom, equality before the law, pluralism, and representative government. Students educated in our public schools should not only understand the historical and philosophical foundations of these concepts, but they should also learn to cherish them.

In sum, I believe the framework before us today is sound and worthy of our support. At the same time, I think the Board should encourage the Department to work closely with educators in the field to develop enhancements to the document, including a rich set of guidelines to help curriculum developers and teachers create courses and units that make meaningful connections across disciplines, time and space, and that generate enthusiasm among students."

Deputy Commissioner Mark McQuillan and Department staff member Anders Lewis commented on the underlying rationale for the document, and reviewed the overall structure of the framework. Board members also discussed the concerns about the document expressed by some superintendents and curriculum coordinators. Commissioner Driscoll stated that he will meet with interested parties over the next few months to discuss the framework and to solicit suggestions to enhance the document through appendices and ancillary materials. Commissioner Driscoll will report back to the Board at the December meeting.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with Chapter 69, Section 1E of the General Laws, adopt the revised History and Social Science Curriculum Framework and direct the Commissioner to distribute copies to the Joint Committee on Education, Arts and Humanities for their information, and to public schools and other interested parties throughout the Commonwealth for use in improving curriculum and instruction.**

Further, that the Board direct the Commissioner to revise the MCAS tests in History and Social Science as necessary in accordance with the assessment plan set forth in the revised curriculum framework.

And further, that the Board extend its appreciation to the Department and to the many individuals and groups statewide that helped to revise and strengthen the History and Social Science Curriculum Framework as directed by the Education Reform Act of 1993.

The vote was unanimous.

2. Proposed Amendments to Regulations on Bilingual Education (603 CMR 14.00)

The Board discussed the proposed amendments to Regulations on Bilingual Education, to conform to Chapter 218 of the Acts of 2002, the new Massachusetts law governing the education of limited English proficient students. The new law replaces the Transitional Bilingual Education statute and amends portions of several other laws. Most of the substantive provisions of the new law take effect on July 1, 2003.

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 71A, as amended by St. 2002, c. 218, 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 Transitional Bilingual Education Regulations, 603 CMR 14.00, and replace them with the Regulations Governing English Language Learner Programs, 603 CMR 14.00, as presented by the Commissioner.**

The vote was unanimous. The Commissioner will solicit comment on the proposed regulations after November 5th. If the law changes, either as a result of Question 2 on the November ballot or through further legislative action, the Commissioner will come back to the Board to discuss next steps.

3. Certificate of Occupational Proficiency: Proposed Standards for Four Occupational Clusters

The Board discussed the proposed standards for the Certificate of Occupational Proficiency in four areas: Carpentry/Cabinetmaking, Electronics, Graphic Communications and Marketing, and the standards for Employability Skills. These supplement the standards the Board adopted in June 2001 for the Certificate of Occupational Proficiency in Automotive Service Technology, Cosmetology, Culinary Arts and Horticulture. The Department developed the standards in close collaboration with vocational-technical educators and workplace representatives.

The Certificate of Occupational Proficiency is one of the three state certificates for students (along with the competency determination and the certificate of mastery) authorized under General Laws Chapter 69, § 1D. The law states that the Certificate of Occupational Proficiency is to be awarded to students who have acquired a competency determination (that is, who have met the state standards in English language arts and mathematics on the grade 10 MCAS) and who "successfully complete a comprehensive education and training program in a particular trade or professional skill area."

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with G.L. chapter 69, sections 1B and 1D, and having solicited and reviewed public comment, hereby adopt the proposed standards for the Certificate of Occupational Proficiency in Carpentry/Cabinetmaking, Electronics, Graphic Communications and Marketing, and the standards for Employability Skills, as presented by the Commissioner.**

The vote was unanimous.

4. Amendments to Regulations on Educator Licensure (603 CMR 7.00)

The Board continued its discussion on the amendments to Regulations on Educator Licensure. In May 2002 the Board voted to solicit public comment on proposed amendments to the regulations. Based on the comments received, Department staff made further revisions to the proposed amendments.

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, hereby authorize the Commissioner to solicit additional public comment on proposed amendments to the *Regulations for Educator Licensure and Preparation Program Approval*, 603 CMR 7.00, as presented by the Commissioner.**

The vote was unanimous. After constituents in school districts and higher education have reviewed the latest changes, the Commissioner will bring the regulations back to the Board for a final vote in December.

5. Legislative Package

The Board discussed its legislative package, which includes four legislative proposals: a new Chapter 70 formula; amendments to the school building assistance law; establishment of a retained revenue account for educator licensure; and an amendment to change the time period for acquiring professional teacher status (formerly, tenure) to match the time period for earning a professional ("standard") teaching license. By statute, the Board has discretion to file a legislative package on or before the first Wednesday in November. Mr. Thomas and Mr. Irwin proposed revising section 8 of the school building assistance proposal, to require only a 1:1 match on maintenance funds.

The Board may also submit legislative proposals at other times, through a member of the Legislature. Board member William Irwin proposed that the Board consider possible legislation to limit MCAS testing and the competency determination for students in vocational-technical education programs to mathematics and English language arts only. Chairman Peyser and several other Board members agreed with the spirit of Mr. Irwin's proposal, but suggested including U.S. history as well because of its relevance and importance to all students. The Commissioner will bring draft legislation back to the Board for its consideration.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education file its legislative package as presented in the October 15, 2002 memorandum from the Commissioner, as revised with respect to section 8 of the school building assistance bill.

The vote was unanimous. The Commissioner will file the legislative package by November 6, 2002.

6. FY 2004 Budget Proposal

Chairman Peyser reported on the Board's October 18, 2002 budget committee meeting, and discussed the committee's recommendations for the FY 04 education budget. Based on revenue projections for FY 04, the committee is preparing to recommend a level-funded budget. However, because of growth built into accounts such as Chapter 70, preparing a level-funded budget will require funding cuts in some accounts. The Board will vote on its budget proposal for FY 04 at the November meeting.

7. School Building Assistance: Audit Adjustments and Cost Waiver Requests

The Board discussed two requests for waivers of the project cost limits established under the School Construction regulations for high school projects in Chicopee and Monson.

On a motion duly made and seconded, it was:

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

City of Chicopee – New High School Project, provided that said waiver shall not exceed $2,972,741;

Town of Monson – High School Project, provided that said waiver shall not exceed $1,387,000;

provided, further that said waivers shall be subject to such additional terms and conditions as may be imposed by the Commissioner

The vote was unanimous.

The Board also discussed the final grant amounts for 17 capital projects that have completed final close-out audits.

On a motion duly made and seconded, it was:

VOTED: **that the final approved cost and state construction grant are to be determined to be and approved as follows:**

District	School Name	Final Approved Cost	Final Approved Grant
CHELMSFORD	CENTER SCHOOL - REOPEN	11,754,912	7,523,144
CONCORD	THOREAU	1,388,622	791,515
CONCORD	WILLARD	1,355,457	772,610
FITCHBURG	SOUTH STREET	8,012,863	6,410,290
LEXINGTON	HASTINGS ELEM.-REOPEN	2,914,754	1,719,705
MILTON	MILTON HIGH - Science labs	3,657,880	2,231,307
NEWTON	BIGELOW MIDDLE REOPEN	4,336,578	2,601,947
NEWTON	FRANKLIN	400,088	240,053
NEWTON	NEWTON SOUTH HIGH	12,187,134	7,312,280
NEWTON	UNDERWOOD	262,004	157,202
NORTHBOROUGH	NORTHBOROUGH MIDDLE	419,278	251,567
NORTHBOROUGH	MARGUERITE E PEASLEE	262,263	157,358
OAK BLUFFS	OAK BLUFFS ELEMENTARY	20,567,289	11,929,028
PRINCETON	THOMAS PRINCE	10,812,078	8,109,059
SANDWICH	FORESTDALE ELEMENTARY	21,779,206	15,245,444
SANDWICH	WING ELEMENTARY	5,031,330	3,521,931
SANDWICH	RIDGE STREET ELEMENTARY	22,034,836	15,424,385
		$127,176,572	**$84,398,824**

The vote was unanimous.

8. Charter Schools: Loan Term for Holyoke Charter School

The Board discussed a loan term for the Holyoke Charter School. The Holyoke Community Charter School, opening in September 2003, requested the Board's approval for a loan term that extends beyond the term of the school's current charter, which ends in 2008. Under state law, a charter school may incur temporary debt in anticipation of receipt of funds, but Board approval is required if the school wants to agree to repayment terms that exceed the duration of the school's charter. The agreements explicitly acknowledge that the Commonwealth of Massachusetts, including but not limited to the Board and the Department of Education, has no liability for any portion of the loans.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89(j)(6), approve the request of the Board of Trustees of the Holyoke Community Charter School to enter into proposed loan agreements that extend beyond the term of the school's current charter and are not to exceed twenty years. The Board's approval is conditioned upon the acknowledgement and agreement of the parties to the loans that the Commonwealth, including but not limited to the Board and the Department of Education, has no liability for any portion of the loans and provides no representations or guarantees with respect to these loans. Specifically and without limitation, the Board's approval has no impact on any action the Board may choose to take in the future with respect to probation, revocation, or renewal of the charter of the Holyoke Community Charter School.

The vote was unanimous.

9. Approval of Grants

The Board considered $16.6 million in grants under four federal programs: Adult Basic Education/Learning Disabilities Assistance, McKinney-Vento Homeless Education, Charter School Dissemination and Repair & Renovation Grants, and one state program: Universal School Breakfast program.

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.

Executive Session

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education go into executive session for the purpose of discussing strategy with respect to litigation.**

A roll call vote was taken by Commissioner Driscoll. The vote was unanimous. The Board will return to open session only to adjourn the meeting.

Department of Education General Counsel Rhoda Schneider briefed the Board on two matters which are currently in litigation: Hancock v. Driscoll, and Student 1, et. al. v. Driscoll, et. al.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education return to open session.**

The vote was unanimous.

On a motion duly made and seconded, it was:

VOTED: **that the meeting adjourn at 1:15 p.m., subject to the call of the Chairman.**

Respectfully submitted,

David P. Driscoll
Secretary to the Board