Minutes of the Regular Meeting
of the Massachusetts Board of Education

September 24, 2002
9:00 a.m. – 12:30 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
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 Commissioner

Commissioner Driscoll opened the meeting by complimenting Massachusetts educators and students for a smooth and purposeful beginning of the school year. The Commissioner also commented on the progress evident in the most recent MCAS results. He said the Department will continue to work with schools to educate all students to meet the state standards, noting that MCAS has shed light on achievement gaps that education reform is designed to address.

The Commissioner called the Board's attention to the Department's draft operational plan, included in the Board's materials. The plan, developed under the direction of Deputy Commissioner Mark

McQuillan, integrates the Department's initiatives under the Education Reform Act, the No Child Left Behind Act, and the Board of Education's Goals and Strategies adopted in February 2000.

Commissioner Driscoll and the Board congratulated Jeff Nellhaus, Associate Commissioner for Student Assessment, who will receive the Manuel Carballo Governor's Award for Excellence in Public Service. The Carballo Award recognizes the highest standards of public service, and is awarded to ten individuals or work units each year from among all Executive Department employees in the Commonwealth.

Statements from the Public

- Michael Sullivan, Mayor of Cambridge, addressed the Board on standards for the adult diploma.
- Kathy Boudreau, President of the Massachusetts Teachers Association, addressed the Board on the state-endorsed credential.
- Barbara Brown of Boston University addressed the Board on the History and Social Science Curriculum Framework.
- Rick Porteus, founder of the Sturgis Charter School, addressed the Board on the Sturgis Charter School.
- Tom Dolby of Barnstable addressed the Board on the Sturgis Charter School.
- Harvey Auerbach, Fred Tirell, Anne Rowland, and Pamela Olson addressed the Board on the Sturgis Charter School.
- Catherine Moore, Chair of the Board of Trustees of the River Valley Charter School, addressed the Board on the River Valley Charter School.

Approval of the Minutes of the August 27, 2002 Regular Meeting

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the minutes of the August 27, 2002 regular meeting as presented by the Commissioner.

The vote was unanimous.

1. **Annual Meeting: Election of Vice-Chairperson**

Under the Board's by-laws, the September meeting is the annual meeting of the Board at which the Vice-Chairperson is elected. The Vice-Chairperson holds office until the next annual meeting of the Board, and until a successor is elected and qualified.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education re-elect Henry M. Thomas, III, of Springfield as its Vice-Chairman.

The vote was unanimous.

2. **Proposed Policy on State-Endorsed Local Certificates**

Commissioner Driscoll presented to the Board proposed criteria for the state-endorsed credential. Developed with assistance from the Commissioner's Blue Ribbon Advisory Committee, including Board Vice-Chairman Henry Thomas and Board members Bill Irwin and Jeff DeFlavio, the proposed state-endorsed credential provides school committees with the option of granting a certificate of achievement, based on specified criteria, to students who have completed local graduation requirements but have not yet earned a competency determination by their scheduled graduation date.

Commissioner Driscoll noted that school districts already have authority to issue local certificates to students who meet local requirements. The criteria for a state-endorsed credential were developed in response to requests from superintendents and principals, who reason that a credential based on clear criteria established at the state level may carry more weight than a local credential with employers, community colleges, and other organizations. Consequently, it will open more opportunities for students to benefit from additional education and job training as well as employment.

Chairman Peyser complimented the Commissioner for his work in convening the Advisory Committee, involving interested parties in developing the proposal, and presenting a set of guidelines for the Board's consideration. He noted that the proposal is not intended to create an alternative diploma or a second class diploma. Chairman Peyser said the promise of standards-based reform is to hold the standards constant and treat time as the variable, and the Board is not giving up on any young people in terms of their potential to qualify for the high school diploma. He added that even before the advent of the state graduation requirement, some high school seniors did not qualify to earn a diploma under local standards.

Board members Bill Irwin, Roberta Schaefer and Judy Gill recommended including a minimum attendance requirement, starting with the Class of 2004, as part of the criteria for earning a state-endorsed credential. Dr. Schaefer also proposed including a "sunset provision" to ensure that the policy on the local credential comes back to the Board for annual review and reconsideration within three years. Board member Richard Crowley added that the sunset provision should provide for analysis and review after the policy has been in effect, without mandating that it be repealed or revised. There was consensus on the Board to amend the motion to include these two provisions.

Vice-Chairman Thomas commended the Commissioner for working with the Advisory Committee and drafting the policy. He said the guidelines for the local credential should provide opportunities for students without mitigating the integrity of the standards-based high school diploma.

Commissioner Driscoll said he is confident the state-endorsed local credential will open doors for students in the business community, and that with the Board's approval of the criteria he will continue working with community colleges, community-based organizations and the federal government to ensure opportunities for students. Chancellor Gill said that while questions about financial aid eligibility remain, the community colleges have made a commitment to work with these students.

Chairman Peyser suggested that the public comment on the proposed criteria should address several questions, including what the credential should be called (e.g., certificate of achievement or certificate of completion) and whether some of the criteria for the Class of 2004 and beyond should be applied to the Class of 2003.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education authorize the Commissioner to solicit public comment on the proposed policy on state-endorsed local certificates, as amended by the Board to include a minimum 95% attendance rate starting with the Class of 2004 and a provision that the policy be in effect for three years and subject to annual review by the Board of Education.

The vote was unanimous. After the public comment period (October 4 – November 8, 2002), the Commissioner will bring the policy back to the Board for a vote at the November 26, 2002 meeting.

3. **Revised History and Social Science Curriculum Framework**

Chairman Peyser began the discussion of the revised History and Social Science Curriculum Framework by stating that the framework is a document worthy of the Board's consideration and support. He praised Department staff members, including Mark McQuillan, Sandra Stotsky, Susan Wheltle and Anders Lewis, for their work in identifying a core body of knowledge and skills that students should have in history and social sciences, while providing options for teachers and schools in planning history and social science courses. Chairman Peyser asked Board members to make suggestions for additions to the appendices to the document. After copyediting, the Commissioner will bring the framework back to the Board at the October 22, 2002 meeting for a final vote.

4. **Bilingual Education: Overview of New Law and Implementation Plan**

The Board discussed the new Bilingual Education Law, Chapter 218 of the Acts of 2002, which governs the education of limited English proficient students and is scheduled to take full effect in July 2003. Chapter 218 directs the Board to promulgate new regulations, and the Commissioner plans to present the proposed regulations to the Board at the October 22, 2002 meeting.

5. **Plan for Cycle II School Performance Rating Process (NCLB Accountability System)**

Commissioner Driscoll and Associate Commissioner Juliane Dow presented an update on the modifications the Department is making to the school performance rating process for Cycle II, and plans for the school ratings that will be published in November. These changes will bring the Massachusetts school accountability system into conformity with the accountability provisions of the federal No Child Left Behind Act, under which states must determine and report on whether schools are making adequate yearly progress towards the goal of educating all students to proficiency by 2014. Information about the revised accountability system will be posted on the Department's website. Chairman Peyser noted that the school performance rating system dovetails with the district accountability system being implemented by the Office of Educational Quality and Accountability.

6. **FY 2004 Legislative Package and Budget Proposal**

The Board had a brief initial discussion of its FY 04 legislative package and budget proposal. The Commissioner expects to present several legislative proposals, including a new Chapter 70 formula, to the Board for consideration and action at the October meeting.

The Board's four-member budget committee, comprised of Chairman Peyser and Board members Charles Baker, Richard Crowley, and Bill Irwin, met on September 19th and will meet again in October to prepare recommendations for the FY 04 education budget, for review and discussion by the Board in October and a vote in November.

7. **Standards for Adult Diploma Programs**

Commissioner Driscoll presented his recommendation for the continued operation of adult diploma programs. A number of Massachusetts school districts have, for some years, been operating programs to provide an alternative path for adults to earn a high school diploma. These adult diploma or alternative diploma programs are separate from GED programs that award a high school equivalency diploma (GED credential) based on a student passing a battery of GED tests. With the competency determination requirement in effect for the high school graduating class of 2003, questions have been raised about the standards by which adult and alternative diploma programs may continue to grant high school diplomas, particularly to adults 25 years of age and older who have been out of school for a while.

The Commissioner recommended that, beginning in July of 2005, an adult diploma program sponsored by or operated by a school committee may award a high school diploma only to a student who meets the competency determination standard as well as the requirements of the adult program. The Commissioner will bring this issue back to the Board for further discussion at a future meeting.

8. **Charter Schools: Renewal of Charters**

The Board had an initial discussion on the renewal of the charter for the River Valley Charter School in Newburyport. The Commissioner will bring the charter back to the Board for a vote later in the fall.

The Board discussed the renewal of the charter for the Sturgis Charter School in Barnstable. The Commissioner stated he and Department staff have reviewed all of the information presented, and have concluded that the school's charter should be renewed because the school has met the standards in the three renewal questions. Chairman Peyser noted that the school is in substantial compliance with the terms of its charter, its student outcomes are impressive, and it is treating its commitments seriously and in good faith. Board member Roberta Schaefer said that the Board has put in place a charter school inspection and review process leading to the Commissioner's recommendation on any charter renewal, and it is important for the Board to abide by the process. Board member Jeff DeFlavio suggested renewing the charter with certain conditions. Commissioner Driscoll responded that renewal with conditions may be warranted in a case where a school has very serious problems, but that is not the case here. Chairman Peyser added that with or without explicit conditions, the Department oversees each charter school, and if a school does not

fulfill an element of its charter, the school could seek to amend the charter or the Department could intervene.

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>:

Sturgis Charter School
Location: Barnstable
Number of students: 540
Grade levels: 9-12

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.

9. **Approval of Grants**

The Board voted to approve $9.2 million in grants for programs in Technology Enhancement, Even Start Family Literacy, Elementary Schoolwide Literacy, Massachusetts 21st Century Community Learning Centers, and the Massachusetts Family Literacy Consortium.

On a motion duly made and seconded, it was:

VOTED: **that the meeting adjourn at 12:30 p.m., subject to the call of the Chairman.**

Respectfully submitted,

David P. Driscoll
Secretary to the Board