**Minutes of the Regular Meeting**
**of the Massachusetts Board of Education**

**May 27, 2003**
**9:10 a.m. – 11:50 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
**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 congratulating Vice Chairman Henry M. Thomas, III, who was recently awarded the President's Medallion from Western New England College School of Law. The award is given to those who have distinguished themselves in a particular field or in service to an important cause, and who are role models to all.

Commissioner Driscoll commented on the May 15th decision of U.S. District Court Judge Michael Ponsor in the *Student 1* (high school graduation standards) case, denying the plaintiffs' request for a preliminary injunction, which leaves the competency determination standard in effect. The Commissioner thanked Senior Associate Commissioner and General Counsel Rhoda Schneider, and Lucy Wall of the Department's legal office, for their work with the Attorney General's office, the

Board and the Department in defending high standards and educational opportunities for students in the Commonwealth.

The Commissioner also congratulated Department of Education staff members who have recently been honored. For her many years of excellent leadership and guidance as Statewide Title I Coordinator, Barbara Solomon was chosen to have a Council of Administrators for Compensatory Education (CACE) Scholarship dedicated in her name. The CACE Scholarship award is the highest honor bestowed upon an educator working in Title I, and only two other individuals in Massachusetts have been so honored. In addition, the Boston Chapter of the Association of Government Accountants is presenting awards to three Department of Education staff members this year. Its Annual Achievement Award for leadership and outstanding achievement in developing, implementing and improving financial management in government service will be given to Jay Sullivan and Dave LeBlanc. Additionally, the Association is presenting its annual scholarship to Keenyn McFarlane of the Department's Budget Office.

The Commissioner updated the Board on the request of the Holyoke Community Charter School board of trustees to amend the school's charter. He is receiving periodic updates from the trustees. He also commented on the FY 04 state budget proposal that will be debated in the Senate shortly. He concluded by reporting that the Department and the Performance Appeals Board have now reviewed over 2,300 MCAS performance appeals, and about half have been granted. He commended the educators on the Performance Appeals Board and the Department's team for their care and thoughtfulness in reviewing the appeals.

**Statements from the Public**

- Rahel Ayelew, Ted Cullinare, and Janine Quarles, students from Project HIP-HOP, addressed the Board on the school and district rating system.

**Approval of the Minutes**

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education approve the minutes of the April 29, 2003 regular meeting as presented by the Commissioner.**

The vote was unanimous.

**1. English Proficiency Benchmarks and Outcomes for English Language Learners**

The Board discussed the *English Proficiency Benchmarks and Outcomes for English Language Learners*. Commissioner Driscoll thanked Kathryn Riley of the Department and the local educators and outside experts who worked on the Benchmarks and Outcomes. The Commissioner said the document is a national model.

Deputy Commissioner Mark McQuillan noted that this document was designed to provide helpful guidance to schools as they implement the state and federal laws relating to the education of students

whose first language is not English. The document will serve as a supplement to, rather than a replacement for, the English Language Arts curriculum framework.

Commissioner Driscoll said that the term "Competent" used to describe the top proficiency level in the document would be changed in the final version of the *English Proficiency Benchmarks and Outcomes for English Language Learners*. He will inform Board members of the new term, which will be chosen in order to avoid confusion between the terms "competent" and "competency determination."

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education, in accordance with G.L. chapter 69, § 1B and G.L. c. 71A, as amended, hereby approve the *English Proficiency Benchmarks and Outcomes for English Language Learners,* as presented by the Commissioner.**

The vote was unanimous. The document will be disseminated to school districts, and this summer the Department will work with districts to help them use the Benchmarks and Outcomes to plan and strengthen curriculum for structured English immersion classes.

Associate Commissioner Jeff Nellhaus updated the Board on plans for developing a new English Proficiency Assessment based on the Benchmarks and Outcomes. Both state law (Question 2) and federal law (the No Child Left Behind Act) require the annual assessment of English proficiency for English language learners, and schools are doing so now. The new English Proficiency Assessment will consist of an oral (speaking and understanding) and a written (reading and writing) component. The Department plans to administer the new English Proficiency Assessment starting in the fall of 2004. Thereafter, newly arrived English learners will take the assessment in the fall, to get baseline data, and all English learners will take the assessment each spring, so that students' progress can be tracked longitudinally.

## 2. School and District Rating System: Proposed Changes for Cycle III

Associate Commissioner Juliane Dow briefed the Board on proposed modifications to the School and District Accountability System to meet the new federal mandates under the No Child Left Behind Act. The Board discussed the changes anticipated for Cycle III (2003 and 2004), which include adding student attendance and graduation rates as performance indicators. Ms. Dow said the U.S. Department of Education requires the state to implement additional indicators now rather than deferring them until the next rating cycle in 2005.

Board member Abigail Thernstrom commented that the Board should be concerned about two groups of students: those who are excessively absent from school, and those who are physically in school, but who are not participating. Commissioner Driscoll noted that students are putting in much more effort since the competency determination requirement, as evidenced by the fact that 92% of students in the Class of 2003 have earned a competency determination. He said that chronic absenteeism is the most acute problem, and one that the Department has the capacity to track through its Student Information Management System (SIMS). Board Vice Chairman Henry Thomas agreed that students are much more engaged in their studies now because of the competency determination requirement.

After discussing the proposed indicators with superintendents and others over the next month, the Commissioner will bring the Cycle III changes to the Board for a vote in June.

### 3. Report on Holyoke from Educational Management Audit Council

Joe Rappa, Executive Director of the Office of Educational Quality and Accountability (EQA), presented a summary of EQA's Tier II report on the Holyoke Public Schools. Under the Regulations on Under-Performing Schools and Districts, the Board is responsible for reviewing any reports from EQA that "uncover serious or widespread deficiencies" which "are likely to have a substantial negative effect on the educational achievement of students attending the district's schools."

Dr. Rappa reported that EQA's review of Holyoke Public Schools, covering the years 1999 through 2002, found Holyoke to be a critically low performing district with inadequate improvement on MCAS and widespread deficiencies in the quality and adequacy of its programs, services, and management. Dr. Rappa said that positive initiatives are occurring in the district, including efforts to make schools safe and academic support programs at the high school level.

Commissioner Driscoll noted that this is the first EQA report that the Educational Management Audit Council has transmitted to the Board for a determination on whether or not a district is under-performing. He said positive changes are occurring in Holyoke, and added, "Good things can happen by shining a light on issues that need to be addressed."

The Commissioner said the new superintendent in Holyoke has "hit the ground running" with strong support from the school committee. In addition, the Department has been working with two schools in Holyoke that were declared under-performing. He noted that student and teacher attendance appears to be a problem in the district. The Commissioner asked Board members to consider how the Board and Department can work in partnership with a district to improve student achievement, while ensuring local ownership by the community in solving problems that have been identified.

Chairman Peyser reviewed the Board's next steps in the process, according to the Regulations on Under-Performing Schools and School Districts (603 CMR 2.00). The Holyoke Superintendent of Schools will be invited to respond to the report at the Board's June meeting. Based on additional information from district officials and from the Department, the Commissioner will prepare a recommendation for the Board's consideration this fall. Under the regulations, a district that is determined to be under-performing will be referred to EQA for a Tier III fact-finding team review, and will prepare a plan to improve its performance.

Board member Abigail Thernstrom suggested the Board should begin discussing the possible forms of a partnership between a district and the state. She asked for a summary of the history of state interventions in other states. Chairman Peyser noted that studies have been published recently on this topic. The Commissioner said he would send these reports to Board members for their review. Board member Roberta Schaefer suggested that the Board examine what was learned about the structure of partnerships based on its relationship with the Lawrence Public Schools.

Vice Chairman Henry Thomas said that if a district is chronically troubled, it is difficult for the district to correct itself. He commented that the Board would need to know the extent to which the Holyoke community is engaged in improving its schools. Commissioner Driscoll responded that the mayor has been actively involved and the school committee has been supportive of the superintendent; however, he agreed that community engagement and ownership would be critical.

Board member Richard Crowley said that the data suggest under-performance, but he noted that the district appears to be off to a good start with the new superintendent and district leaders. Board member Charles Baker said it is critical to have local leaders implement a plan for improvement, and that the district faces a very difficult management challenge. He added that he would be interested in hearing from students in Holyoke who scored in the Advanced performance level on the MCAS.

Chairman Peyser said the Board will continue the discussion at the June meeting. The Superintendent of Schools in Holyoke will be invited to respond to the findings of the report, and to update the Board on the district's initiatives to improve student achievement.

**4. School Building Assistance**

The Board discussed the annual adjustments to the cost factors in the School Building Assistance Regulations, 603 CMR 38.06. The proposed cost factors represent an increase of 0.5%.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education, under the authority of G.L. Chapter 69, Section 1B and G.L. c. 70B, § 3, and having solicited and reviewed public comment in accordance with said Chapter 70B and General Laws Chapter 30A, the Administrative Procedure Act, hereby adopt the amendments to the Regulations on School Construction, 603 CMR 38.06, as presented by the Commissioner.**

The vote was unanimous.

The Board also discussed final costs and adjusted annual grant payments for thirteen School Building Assistance projects, based on post-construction audits that have been completed. Associate Commissioner Jeff Wulfson explained that the vote on the Lynn projects is separate because of special legislation relating to Lynn.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education determine and approve the final approved costs and state construction grants for ten School Building Assistance projects, as presented by the Commissioner.**

**VOTED: that the Board of Education determine and approve the final approved costs for three School Building Assistance projects in Lynn, as presented by the Commissioner.**

The votes were unanimous.

**5. Proposed Charter Amendments (City on a Hill and Lowell Community Charter Schools)**

The Board discussed amendments to charters that were requested by the boards of trustees of two charter schools. The City on a Hill Charter School amendment relates to its bylaws and governance structure, and the Lowell Community Charter School amendment relates to its bylaws. Acting Associate Commissioner Kristin McIntosh said she will contact the City on a Hill Charter School board of trustees about issues that Board members raised concerning a few of the changes to the bylaws.

**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 City on a Hill Charter School (bylaws and governance) and Lowell Community Charter School (bylaws) as presented by the Commissioner.**

The motion passed 8:1, with Mr. DeFlavio voting in opposition.

**6. Approval of Federal Grants**

The Commissioner presented for consideration $189,035 in federal grants for History/Social Science Curriculum Framework Implementation Groups.

**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 11:50 a.m., subject to the call of the Chairman.**

Respectfully submitted,

David P. Driscoll
Commissioner of Education
and Secretary of the Board