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Commissioner's Update

December 3, 1999

Dear Superintendents and Leaders of Charter Schools and Collaboratives:

There will be only one more regular bi-monthly hard-copy mailing after this. Beginning in January, these coordinated mailings will be dramatically reduced in size as we will post most of my bi-monthly correspondence on our website at www.doe.mass.edu.

In this mailing, I have 8 items for you:

1. [Request for public comment on the passing level for the Competency Determination](#)
2. "[Board in Brief](#)," a summary of the November special and regular meetings of the Board of Education
3. [FY 2000 School Building Assistance Priority List and Funding Authorization List](#)
4. FY 2000 "Pothole" Reserve Program information
[No longer available]
5. [Information on the Dual Enrollment program](#)
6. [Information on reduction of fees for qualified students to take the AP exams](#)
7. Guidelines for instruction on preventing teen dating violence
[No longer available]
8. A "[Kids' Guide to Consumer Affairs](#)," and a "[Holiday Hints Campaign](#)," from Jennifer Davis Carey, State Director of Consumer Affairs and Business Regulation

Finally, my message to you during this holiday season is one of thankfulness and gratitude for all of your hard work and support on behalf of students. Best wishes to you, your families and your staff.

Sincerely,

David P. Driscoll
Commissioner of Education



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Competency Determination - Comments Requested by January 7, 2000

Memorandum

To: Interested Parties
From: David P. Driscoll, Commissioner of Education
Date: December 1, 1999

Beginning with the class of 2003, Massachusetts public school students must earn a Competency Determination in addition to meeting local requirements to graduate from high school. At its meeting on November 23, 1999, the Board of Education took a preliminary vote that students in the graduating class of 2003 must meet or exceed the *Needs Improvement* threshold score of 220 on both the English Language Arts and Mathematics grade 10 MCAS tests in order to satisfy the requirements of the Competency Determination. Further, the Board voted to reaffirm its intent to raise the minimum score required for the Competency Determination in future years. The Board intends to adopt the standard for the Competency Determination as a new regulation, which would read as follows:

Students in the graduating class of 2003 shall meet or exceed the *Needs Improvement* threshold scaled score of 220 on both the English Language Arts and the Mathematics MCAS grade 10 tests in order to satisfy the requirements of the Competency Determination. The Board intends to raise the threshold scaled score required for the Competency Determination in future years.

Attached is a [copy of the memorandum](#) I provided to the Board in November, which includes the rationale for setting the initial passing score at 220.

Before taking a final vote on the passing standard for the Competency Determination at its meeting on January 25, 2000, the Board is interested in receiving input on this matter from local educators, business and community leaders, representatives of higher education, parents, and the general public. Specifically, the Board seeks comments on the initial passing standard, as well as views on whether the standard should be raised and expanded to additional subjects in future years.

To ensure that the Board is able to consider your comments prior to the January meeting, we must receive them no later than **January 7, 2000**. Please mail your comments to the Massachusetts Department of Education, Assessment and Evaluation Services, 350 Main Street, Malden, MA 02148, or fax them to Jeff Nellhaus, Director of Student Assessment Programs, (781) 338-3630, or e-mail mcas@doe.mass.edu.

The Board is also interested in suggestions the public may have on any of the other issues identified in the attached memorandum concerning the implementation of the Competency Determination policy.

Among issues of particular interest are the schedule for retesting, an appeals process, further educational opportunities for students who fail to meet the Competency Determination, application of the standard to students from out-of-state who transfer into Massachusetts public high schools, and local certificates for students who fail to meet the Competency Determination after several attempts.

The Board and I look forward to your input on this critically important matter. Thank you.



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BOARD IN BRIEF

Wednesday, November 24, 1999

This is "Board in Brief," issued at the request of Commissioner David P. Driscoll, to bring you up to date on Board of Education matters. This is a report on a special meeting held in Worcester on Monday, November 22, and the regular monthly meeting held on Tuesday, November 23, 1999, at the Bryn Mawr School in Auburn.

download the minutes of the special meeting [[Adobe PDF](#) || [Microsoft Word](#)]

download the minutes of the regular meeting [[Adobe PDF](#) || [Microsoft Word](#)]

At the November 22 special meeting in Worcester, the Board discussed the proposed recommendation on the MCAS Grade 10 passing standard for the class of 2003, as well as a proposal for a new system of educator preparation, certification and evaluation. No votes were taken at the special meeting, and both items were discussed further at the November 23 regular meeting.

Competency Determination: [MCAS Grade 10](#) Passing Standard for the Class of 2003

After extensive discussion at the special and regular meetings, the Board voted 8-1 to send out for public comment the standard for the Competency Determination for students in the high school graduating class of 2003, as recommended jointly by Commissioner Driscoll and Board of Education Chairman James A. Peyser. The standard calls for students in the graduating class of 2003 to meet or exceed the Needs Improvement threshold scaled score of 220 on both the English Language Arts and the Mathematics MCAS grade 10 tests in order to satisfy the requirements of the Competency Determination. Further, the Board voted unanimously to reaffirm its intent to raise the threshold scaled score required for the Competency Determination in future years.

Chairman Peyser said the 220 threshold is a reasonable starting point. "Given the performance to date of 8th graders and 10th graders, it is clear that Needs Improvement is, unfortunately, a challenging standard for a large percentage of students - especially in math. Setting the initial standard at Proficient would likely result in de-motivating too many students and schools, and would at the same time undermine the widespread public and political support necessary to maintain the forward progress of education reform. Proficiency is our objective, but we cannot reach it in a single step. In essence, we must strike a balance between lighting a fire under the system to accelerate improvement and throwing a bomb that will leave the system in chaos. This initial standard is challenging but achievable."

As to whether the 220 threshold represents a lowering of standards, Chairman Peyser said, "The answer to that is a clear and unambiguous no. We are establishing a standard where none exists." Commissioner Driscoll added that setting the initial standard at 220 is an issue of fairness, and that the threshold will be increased over time. "It is important to note that this is a starting point - different from our goal. Its fair and it's the right thing to do," he said.

The Commissioner continued, "The standards-based approach defines what we want students to know and be able to do. Not only do we set the standards, but in fact we release the test each year. Examples of student work at each level are posted on our web site. The learning standards are public, students can study for them, and schools and teachers can and should prepare students to meet them." Commissioner Driscoll added that students who scored in the Needs Improvement category, by and large, scored in the 50th percentile or above on nationally normed tests. In contrast, students who scored in the Failing

category displayed work that was clearly inadequate. "On that basis, I rest my case, when I say that 220 is a fair, reasonable, and meaningful first step as we raise standards for all students in Massachusetts.

Board members Bill Irwin and Roberta Schaefer spoke in support of the recommendation, noting that the Board is establishing a high school graduation standard for the first time. Member Abigail Thernstrom said, "The point of education reform is to end up with students better educated than they are now. We are not today where we want to be, and getting there is going to take time." Board member Stanley Koplik, Chancellor of Higher Education, commented that his review of student work on the MCAS convinced him that students who score at 220 or above have the basics in English Language Arts and Mathematics, even though they need improvement. Student Board member Marcel LaFlamme said the State Student Advisory Council supports the standard.

Board member Edwin Delattre voted against the 220 standard, but voted in favor of the motion to raise the threshold scaled score in future years. "I think the proposed standard is too low. I think it threatens the integrity of education reform and it delays the delivery of educational opportunities, he said.

Board member Charles Baker commented that any organization seeking to change and improve must set standards that are viewed as achievable and fair, in order to build consensus. He said, "We are asking students, teachers and parents to stretch. With a fair standard, people will work toward it because they believe they can achieve the goal. I don't believe anybody can argue this standard isn't fair or that it shouldn't be achievable. Because of that, I think it's the right place to start." The Board then voted 8-1 to send out for public comment the standard recommended by the Commissioner and the Chairman, and voted unanimously to affirm its intent to raise the required threshold scaled score over time.

The Board also discussed issues related to the passing standard, such as: a schedule for re-testing students who do not meet the Competency Determination standard, and continuing educational opportunities for them; development of an appeals process; local awarding of certificates to students who complete local requirements but do not meet the Competency Determination standard; and possible criteria for the Certificate of Mastery. These issues will be explored further during the public comment period and at future Board meetings. The Board is expected to vote on final adoption of the Competency Determination standard at its January 2000 meeting.

Educator Quality: Outline of Proposed New System of Educator Preparation, Certification and Evaluation

The Board received a concept paper outlining a proposed new system of educator preparation, certification, and evaluation. Deputy Commissioner Sandra Stotsky presented an overview of the proposal. It is designed to streamline the current regulations on certification and evaluation, create multiple routes to licensure of educators, strengthen subject matter knowledge for each license, strengthen requirements for reading instruction, and remove unnecessary barriers to entry into public school teaching and administration. Commissioner Driscoll and Chairman Peyser said the concept paper is a very good beginning to a process that will enhance the quality of public school educators in Massachusetts. The concept paper will be disseminated for public comment through January 2000. Based on the concept paper and the public comment, the Department will prepare new regulations on certification and evaluation, for initial review by the Board in February or March.

Comments from the Chairman

Chairman Peyser thanked Patricia E. Martin, Superintendent of the Auburn Public Schools, and Gerald A. Poulin, Principal of the Bryn Mawr School, for hosting the Board of Education meeting. The Chairman reported that the Massachusetts Senate voted 21-17 to adopt a bill to increase the number of charter schools, and the legislation is pending in the House. Chairman Peyser appointed a task force to review the Commissioner's performance and salary. The members of the task force are William Irwin, Roberta Schaefer, and Chairman Peyser. The Chairman also commented on legislation adopted as outside sections to the FY 2000 budget; on the work of the Joint Commission on Educator Preparation; and on a report that Board members received from the Education Commission of the States entitled, *Governing America's Schools: Changing the Rules*.

Comments from the Commissioner

Commissioner Driscoll announced several upcoming events. On Tuesday, November 30 the Department is sponsoring a conference for school administrators and teachers, "Mathematics, Science & Technology Success for All: Strategies for Student Achievement in Middle and High Schools." It will be held at the Beechwood Inn in Worcester. A conference on Character Education will be held on Wednesday, December 1, hosted by the Department and the Governor's Office. The conference, "Cultivating Character and Civility through the Curriculum Frameworks," will take place at the Worcester Centrum Conference Center.

The Commissioner noted that the amended recertification regulations adopted by the Board last month will take effect on December 1. The Department will publish guidelines to assist educators in understanding how the regulations will apply in specific situations.

The Board of Education will sponsor a forum on Chapter 70 on Tuesday, December 7 from 2:00 p.m. to 6:00 p.m. at the Department of Education in Malden. "This is very important as we look ahead to FY 2001, which will be the first year after the seven-year formula that was included in the Education Reform Act," Commissioner Driscoll said.

State Budget for Education

The Commissioner reported on the final FY 2000 budget that was recently signed into law. Commissioner Driscoll said, "There were significant increases for public education across the board." Chapter 70 aid to cities, towns, and regional school districts increased by \$245 million. The budget also increases funding for early childhood education and kindergarten development, after-school programs, regional school transportation, alternative education, and the Attracting Excellence to Teaching program. "Public education has really benefited under the FY 2000 budget," the Commissioner said.

Board member Charles Baker, on behalf of the Board's finance committee, presented a proposal for the FY 2001 education budget. The proposal represents a \$170 million increase over the FY 2000 appropriation. Most of the increase is in Chapter 70, School Building Assistance, and other non-discretionary spending, with discretionary accounts level funded. Commissioner Driscoll said he and Chairman Peyser are committed to a budget request that is both adequate and fiscally responsible. Increases for new initiatives such as research and evaluation, teacher mentoring and leadership training, alternative education and assessment are balanced with corresponding decreases in other accounts. Board members unanimously voted to approve the proposed FY 2001 budget, which will now be submitted to the Administration and the Legislature.

Update on Science and Technology/Engineering Framework

The Board discussed several recommendations related to the revised [Science and Technology/Engineering Framework](#), which has been out for public comment and will be presented to the Board for adoption early in 2000. The public comments have included, among other issues, recommendations to restore earth science to the high school curriculum, and to allow end-of-course assessments as an option for statewide high school science assessment. The Board will continue its consideration of these issues at the December meeting.

Charter School Renewals: Lawrence Family Development Charter School and Lowell Middlesex Academy Charter School

The Board voted to renew the charters of the Lawrence Family Development Charter School and Lowell Middlesex Academy Charter School, with two conditions specified for renewal of the Lowell Middlesex Academy charter.

[Approval of Grants](#) (Including School Building Assistance Priority List)

The Board approved \$9,441,030 in grants for: PALMS Research and Demonstration; [PALMS Phase II](#);

Goals 2000: Preservice/District-Based Teacher Certification; Goals 2000: Teacher Career Advancement (T-CAP); Refugee Children School Impact; Adult Basic Education Post-Secondary Transition; Essential Skills: Extended Opportunities for Success; Essential Skills: Successful School Restructuring; After-School and Other Out-of-School-Time Programs; and Individual Tutoring in Reading. The Board also approved School Building Assistance grants and the updated School Building Assistance priority list.

Commissioner Driscoll highlighted the \$125,666 awarded for 10 planning grants under the Teacher Career Advancement Program (T-CAP). This program enables schools to develop innovative professional career ladders for teachers as an incentive for them to remain in teaching while taking on expanded roles in mentoring, administration, and partnerships with business and industry.

Other Matters

Chairman Peyser and Commissioner Driscoll recommended that the Board consider revising the criteria for the Certificate of Mastery that the Board adopted in 1997. The Board will continue its discussion of this issue next month. The Board also voted to appoint individuals who will serve for 3-year terms on 13 Advisory Councils that are established by statute to advise the Board on various areas of educational policy.

Next Meeting

The next regular Board meeting will be held on Tuesday, December 21, at the Department of Education in Malden.

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School Finance: School Building Assistance

FY 2000 School Building Assistance Capital Construction Projects Authorized for Funding

Category One			
Rank	Project Identification	Individual Authorization	Cumulative Authorization
1/98	Fall River North End Elementary	\$1,285,129	\$1,285,129
2/98	Worcester Forest Grove Middle	\$1,422,237	\$2,707,366
3/98	Brockton Belmont St. Elementary	\$1,182,684	\$3,890,050
4/98	Boston Latin	\$2,344,728	\$6,234,778
5/98	Lowell Pawtucket Memorial Elementary	\$697,480	\$6,932,258
6/98	Salem Bates Elementary	\$750,232	\$7,682,490
7/98	Lowell Pyne Elementary	\$737,168	\$8,419,658
8/98	Framingham Cameron Middle	\$1,132,290	\$9,551,948

Category Two & Three			
Rank	Project Identification	Individual Authorization	Cumulative Authorization
1/96	Pittsfield Egremont Elementary	\$406,260	\$406,260
2/96	Southborough Elementary	\$326,225	\$732,485
3/96	Greenfield Middle	\$781,337	\$1,513,822
4/96	Barnstable Middle	\$715,114	\$2,228,936
5/96	Pittsfield Allendale Elementary	\$263,472	\$2,492,408
6/96	Quaboag Junior-Senior High School	\$1,269,958	\$3,762,366
7/96	Pittsfield Highland Elementary	\$247,008	\$4,009,374
8/96	Boxford Cole Elementary	\$100,309	\$4,109,683
9/96	Pittsfield Williams Elementary	\$354,172	\$4,463,855

10/96	Pittsfield Stearns Elementary	\$257,983	\$4,721,838
11/96	Nashoba-Stow Hale Middle	\$346,495	\$5,068,333
12/96	Newton Day Middle	\$213,896	\$5,282,229
13/96	Newton Brown Middle	\$215,147	\$5,497,376
14/96	Newton Oak Hill Middle	\$795,006	\$6,292,382
15/96	Chatham Middle	\$697,714	\$6,990,096
16/96	Brookline High School	\$2,214,516	\$9,204,612
17/96	Carlisle Elementary	\$137,807	\$9,342,419
18/96	Chatham Elementary	\$339,878	\$9,682,297
19/96	Weston High School	\$625,135	\$10,307,432
20/96	Clinton Middle	\$156,658	\$10,464,090
21/96	Berkley Middle School	\$824,024	\$11,288,114
22/97	Hanson Middle School	\$975,489	\$12,263,603
23/97	Middleborough Middle School	\$1,613,264	\$13,876,867
24/97	Dracut Middle School	\$1,146,650	\$15,023,517
25/97	Randolph Middle School	\$831,072	\$15,854,589
26/97	Ipswich Middle/High School	\$1,877,298	\$17,731,887
27/97	Holden Dawson Elementary	\$333,669	\$18,065,556
28/97	Holden Bullard Elementary	\$727,258	\$18,792,814
29/97	Holliston Miller Elementary	\$1,834,054	\$20,626,868
30/97	Sterling Elementary	\$1,077,495	\$21,704,363
31/97	Plymouth Middle School	\$1,228,492	\$22,932,855
32/97	Westfield Middle School	\$1,329,149	\$24,262,004
33/97	Everett Lafayette Elementary	\$1,117,485	\$25,379,489
34/97	Sutton Elementary	\$1,448,581	\$26,828,070
35/97	Kingston Elementary	\$560,313	\$27,388,383
36/97	Kingston New Elementary	\$970,526	\$28,358,909
37/97	North Andover New Elementary	\$423,926	\$28,782,835
38/97	Hopedale High School	\$802,056	\$29,584,891
39/97	Holden Bubar Elementary	\$638,300	\$30,223,191
40/97	Lanesborough Elementary	\$460,509	\$30,683,700
41/97	Hudson C.A. Farley Elementary	\$622,114	\$31,305,814
42/97	Northborough Zeh Elementary	\$392,632	\$31,698,446
43/97	Everett Lewis Elementary	\$1,082,111	\$32,780,557
44/97	Westford Academy	\$1,708,897	\$34,489,454

45/97	North Reading E. Ethel Little Elementary	\$201,347	\$34,690,801
46/97	Montachusett Voc/Tech High School	\$1,021,972	\$35,712,773
47/97	Tewksbury Center Elementary	\$911,261	\$36,624,034
48/97	Sharon High School	\$662,653	\$37,286,687
49/97	New Everett High School	\$2,913,743	\$40,200,430
50/97	Everett Hamilton Elementary	\$822,090	\$41,022,520
51/97	Berkley Elementary	\$148,017	\$41,170,537
52/97	Westwood Middle School	\$226,025	\$41,396,562
53/97	Duxbury Alden Elementary	\$135,071	\$41,531,633
54/97	Littleton Shaker Lane Elementary	\$261,398	\$41,793,031
55/97	Wakefield Dolbeare Elementary	\$537,340	\$42,330,371
56/97	Sherborn Pine Hill Elementary	\$278,250	\$42,608,621
57/97	Northampton High School	\$1,248,321	\$43,856,942
24-Feb-00			

Last Updated on 4/3/00

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A New Dual Enrollment Program

To: Program Directors and Guidance Counselors
From: Richard Salus, Dual Enrollment Coordinator
Date: December 7, 1999
Subject: A New Dual Enrollment Program

The FY 2000 state budget has allocated \$200,000 for a Dual Enrollment program to support the cost of tuition and materials for alternative education students who meet or exceed eligibility requirements for the Dual Enrollment program.

The Dual Enrollment for Students in Alternative Educational Programs (DESAEP) is open to students (up to twenty-two years of age) who are in alternative programs, including G.E.D. and dropout prevention programs.

The DESAEP differs from the original Dual Enrollment program in the following ways:

1. **Eligibility requirement** -students must have either a 3.0 G.P.A. or be deemed eligible by the college, and
2. **Textbook allowance** - students participating in DESAEP will receive a \$60 per course book allowance.

All other areas are identical with the original Dual Enrollment program. Only academic college courses are covered; remedial, developmental, ESL, and physical education courses are not.

Although the application forms for both programs are similar, there are two important differences. For tracking purposes, the application form for DESAEP has the word "alternative" written on a diagonal in the background in light gray. In addition, the phrase, "and potential to perform college work," has been added to question #13.

Applications for the spring 2000 semester will be accepted beginning December 6, 1999 and continuing through December 20, 1999.

Should you or your staff have any questions regarding DESAEP, please contact me at 781/338-6252 or by e-mail at rsalus@doe.mass.edu

Thank you for your interest in this academic opportunity for high school age students.

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Advanced Placement Examination Fee Subsidy

To: Superintendents of Schools, Charter School Leaders, and High School Principals
From: David P. Driscoll, Commissioner of Education
Date: December 1, 1999
Re: Advanced Placement Examination Fee Subsidy

For the second year, the Federal Government has awarded Massachusetts grant monies through the [Advanced Placement Incentive Program](#) (formerly, the Advanced Placement Fee Reduction Program). The purpose of these monies is to reduce the cost of an Advanced Placement Examination from \$76 to \$25 for income eligible public high school students enrolled in Advanced Placement courses.

High school students may be reluctant to apply for this assistance because it requires providing documentation of their family's financial status; therefore it is important that you assure your students that all family income information will remain confidential. Consequently, you will need to maintain a secure file to prevent such information from leaving the guidance office.

To determine a student's eligibility, please refer to the Bureau of the Census table on the reverse. The memo that you will need to complete for each eligible student and maintain in a secure file is attached.

Later in the school year, the Educational Testing Service (the College Board) will send to you its informational packet that explains how you are to order the Advanced Placement exams for your students, including the exams at a reduced fee for eligible students.

In the meantime, should you have any concerns or questions, please contact Richard Salus at 781.338.6252 or by e-mail at: rsalus@doe.mass.edu

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For Immediate Release
December 6, 1999

Contact: Carol Lanigan
(617)573-7308

The State Office of Consumer Affairs Warns Consumers About Counterfeit Pokemon Toys

Today, Consumer Affairs Director Jennifer Davis Carey got some help from her nine-year-old daughter Helena in warning kids and parents about counterfeit Pokemon toys. As part of the Holiday Hints campaign, Director Jennifer Davis Carey went to the St. Peter Central Catholic School in Worcester, MA with a message that "[KIDS ARE CONSUMERS TOO.](#)"

"The hottest item this holiday season is Pokemon," said Director Carey. "The Pokemon craze turned out to be a good opportunity to talk to kids about being better consumers."

Pokemon related merchandise will account for about 20 percent of toy purchases during this holiday season. Counterfeiters are taking full advantage of the popularity of Pokemon. Nintendo of America says more than 17 million dollars in counterfeit Pokemon items has been seized in the United States in the past 6 months. Just last week, millions of fake Pokemon cards were seized in a raid in Hackensack, New Jersey.

Carey and her 9-year-old daughter Helena demonstrated how parents and kids can tell the difference between counterfeit and authentic Pokemon toys. Holding a Pokemon card up to the light, Helena Carey explained, "You can tell this card is a fake because the light shines through it." The young Pokemon expert also pointed out that counterfeit Pokemon plush toys have irregular feet and coloring.

Richard Polletta with D-J sports Cards in Oxford joined the Director and her daughter at the event. "I've never seen such a craze like Pokemon," said Polletta.

Director Carey says consumers have recourse if they buy a counterfeit good. In Massachusetts, every product comes with an implied warranty. "This warranty is a pledge to you that the product is what the merchant represents it to be," explained Carey. "If it's not, then you have the right to a refund."

"Whether it's called a 'bad deal' or a 'rip-off,' it is important to know your rights as a consumer," said Director Carey. She urged kids and parents who unknowingly buy counterfeit items to write a complaint letter to the manager of the store requesting a refund. If the store refuses, she suggested that consumers call the Office of Consumer Affairs for help in asserting their rights.

The Office of Consumer Affairs along with the Department of Education is distributing the "[Kids are Consumers Too](#)" (PDF); fact sheet to elementary and middle schools throughout the state. In addition to warning kids about counterfeit toys, the guide also offers other consumer tips for kids.

Kids and parents who want a copy of "[Kids are Consumers Too](#)" can call the Office of Consumer Affairs toll free at 888-283-3756. It will also be posted on the agency's website at www.state.ma.us/consumer.

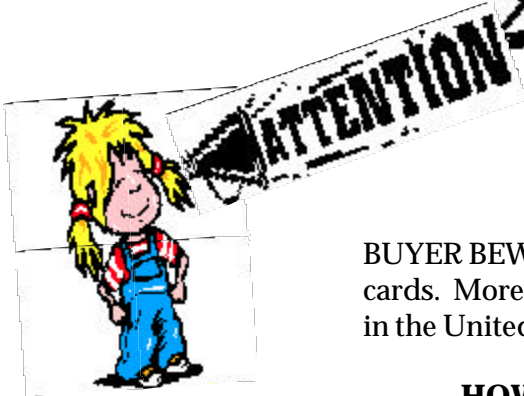


from the holiday hints campaign.

**Consumer Affairs &
Business Regulation**

a consumer fact sheet

kids are consumers too.



First it was beanie babies, furbies, and now POKEMON. The demand for everything related to Pokemon is HUGE this holiday season.

Estimates are that Pokemon will produce 2-Billion dollars in retail sales here in the United States.

Pokemon-related merchandise will account for about 20 percent of toy purchases during this holiday season.

BUYER BEWARE: Counterfeiters are flooding the market with fake Pokemon cards. More than 17 million dollars of counterfeit Pokemon products was seized in the United States in the past 6 months.

HOW CAN YOU TELL THAT POKEMON CARDS ARE FAKES?

1. Hold the card up to the light. If you can see the light through the card, then it is counterfeit. Because the paper stock on some of the counterfeit cards is thinner, they feel lighter, bend easier and will let light shine through.
2. Counterfeit cards will stand out if put in a stack of legitimate cards. They are usually a different height and weight.
3. If there's no legal text on the bottom of the cards, or if the legal text is blurry, it's counterfeit.
4. Avoid the following two packaged games:

The Q-BOY cards that come in a cardboard pack are both thinner and shorter than the official Pokemon Trading card game cards, and have no trademark information on them. These cards are currently found in the northern US, and in Canada.

28 -COUNT CARD PACKS: These cards are sold in clear, zip-lock style plastic bags of 28 cards. The 'official' Pokemon trading card games are not packaged this way. Cards are not sold in quantities of 28.

REMEMBER: Trading cards aren't the only Pokemon items that can be counterfeit. Counterfeiters are making fake Pokemon plush toys, figures, and school supplies.

**Massachusetts Office of
Consumer Affairs &
Business Regulation**

Argeo Paul Cellucci
Governor

Jane Swift
Lieutenant Governor

Jennifer Davis Carey
Director

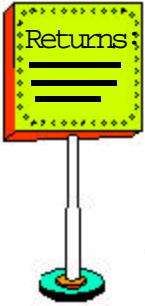
One Ashburton Place
Room 1411
Boston, MA 02108

Administration:
(617) 727-7755

Consumer Information:
(617) 727-7780
(888) 283-3757
consumer@state.ma.us

kids' guide to consumer affairs.

One of the best ways you can protect yourself from being "ripped-off," or getting a bad deal, is to know your consumer rights!



return policies.

Did you know that stores in Massachusetts can have just about any return policy they want? The stores only have to do two things:

1. Post a return policy in a place so that you would see it before buying something; and
2. Always take back defective goods.

Before you buy a product, check out the store's return policy. Some stores will let you bring something back for a long period of time. Other stores may not refund your money with cash. Instead, they might require you to exchange the product for something else in their store.

bait and switch.

Some stores may run an advertisement for something just to get you to come into the store. Once you're in the store, the salesperson may say bad things about the product and then try to convince you to buy something that costs more.

This is against the law in Massachusetts. Call Consumer Affairs if it happens to you.

false advertising.



It is against the law to say something about a product that is misleading or untrue. For example, a store cannot run an ad on TV showing a kid playing with a space ship and action figures without saying that the action figures are sold separately, if that is the way they must be bought. Otherwise, the ad would be misleading. You might think that the space ship came with the action figures for one price.

defective goods.

A defective product is one that is broken, doesn't work, or can't be used for its normal purpose. If you buy a defective product from a store in Massachusetts, you have the right to a repair, a replacement or a refund.

Stores cannot refuse to take back defective products, even if they have a sign that says "All Sales Final." This is because Massachusetts law gives you an automatic warranty when you buy a product. This automatic warranty is called an "implied warranty."

The warranty is implied because it doesn't necessarily have to be in writing. The implied warranty automatically comes with every sale. Some products also may come with a written warranty. This is called an express warranty.

All Massachusetts merchants must honor both the automatic, implied warranty as well as any written, express warranties.

Sample Complaint Letter:

10 Any Street
Boston, MA 02108
October 4, 1999

Diana Merchant, President
ABC Toy Company, Inc.
20 Toy Road
Worcester, MA 01608

Dear Ms. Merchant:

On October 1, 1999, I bought a Venus 7 space ship. The stand never worked and the hatches on both sides broke off after two days. I am enclosing a copy of my sales receipt.

I took the Venus 7 back to your store and the manager said I broke it. I did not break it. It is defective.

I would like my money back or a new Venus 7 that works. I will wait two weeks for an answer.

Sincerely yours,

Mary Consumer
Telephone (617) 666-4444

cc: Local Consumer Group (Send a copy to your local consumer group!)