



## Commissioner's Update Archive



## Commissioner's Update

April 5, 2000

Dear Superintendents, and Leaders of Charter Schools and Collaboratives:

I have just a few matters to address.

### SBA Update

The various proposals for changes to the school building assistance program have led to some unavoidable delays and uncertainties in the processing of applications. By Friday of this week I expect to release a status report on this subject, which should be of interest to those of you with projects currently under development. Look for the report on the [school finance page](#) of our web site.

### Recertification

It was great to see many of you at the Recertification Forum recently. Within the next few weeks, every public school principal will receive a copy of the forum video that I hope will help you and educators become familiar with the changes to recertification.

As you know, educators' individual professional development plans need to be approved by June 30, 2000. I have heard from some administrators that they would prefer to approve plans this fall so that the plans can be aligned with the 2001 school improvement plan and the educator's evaluation. This is acceptable, as long as the supervisor and educator agree on the timeframe. **However, all plans must be approved by October 13, 2000.** For more details, see the [our webpage](#) where you can find the new Recertification Online Tour, which has been set up as a self-guided tour for educators to take to develop, review and approve individual professional development plans.

### Certification Meeting April 13

Superintendents or your designees are invited to a forum to discuss key proposals for revising the certification regulations that are contained in "Proposed Routes to Licensure, Licenses, and Standards for Massachusetts Educators." In your place, key personnel, certification, and professional development staff are invited. Discussion will focus on new roles for schools, districts, teachers, and administrators under the proposal. This includes conducting performance assessments of candidates for the Professional (Standard) License. The forum will be held on Thursday, April 13 from 8:30 a.m. - 12:00 p.m., at the Wyndham Westborough Hotel, 5400 Computer Drive, in Westborough. To register, call Judy Berninger no later than Tuesday, April 11, at (781) 338-3262, fax (781) 338-3396, or email at [jberninger@doe.mass.edu](mailto:jberninger@doe.mass.edu). A period of public comment will also be held after the draft regulations are approved by the Board at its April 25th meeting.

### Class - Size Reduction Funds

As I noted in my previous letter, Massachusetts will receive more than \$24 million in FY 01 for Class-Size Reduction Funds. Some of you have asked if FY 01 Class-Size Reduction Funds can continue to be used to pay teachers who were hired with FY 00 Class-Size Reduction funds. The answer is yes.

## Special Education Update

As you may know, at the March Board of Education meeting, the Board approved revisions to the state Special Education Regulations. These new regulations are scheduled to be in effect on September 1, 2000. Additionally, a new Individualized Education Program (IEP) form has been developed, and is also scheduled for implementation on September 1, 2000. These new regulations and forms, along with other related technical assistance information, will be available on the department website at <http://www.doe.mass.edu/sped/> early this month.

## Recent postings on our website:

1. Discrimination and Harassment Policy  
[ No longer available ]
2. [Notice of Public Comment on Proposed Amendments to the Regulations on Under-Performing Schools and Districts and the Recertification Regulations, to implement a diagnostic assessment of certain mathematics teachers](#)
3. [A memo on School and District Policies Prohibiting Discrimination and Harassment](#)
4. ["Board in Brief," summary of the March Board of Education meeting](#)

In closing, I have a few thoughts. In recent weeks, I have spent increased time in the field meeting with teachers, administrators, parents and business groups primarily about the mathematics curriculum framework, but on other issues, as well. I continue to be very impressed by the dedication and hard work I see everywhere across the state. The challenges are daunting and I appreciate your effort.

I realize that schools and districts are being challenged to assimilate a wide range of policies, regulations and initiatives. We need to finish revisions to all the curriculum frameworks and establish new certification regulations. Beyond these priorities, for the next school year, we are looking at ways to provide more help to districts, such as offering more technical assistance and serving as a clearinghouse to share successful instructional practices.

Again, thank you for your commitment. All the best, and

Sincerely,

David P. Driscoll  
Commissioner of Education

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## Notice of Public Comment

### Proposed Amendments to Regulations:

**TO:** Superintendents of Schools, Charter School Leaders, and Other Interested Parties

**FROM:** David P. Driscoll, Commissioner of Education

**DATE:** March 31, 2000

Pursuant to its authority under M.G.L. c.69, §§ 1B and 1J and M.G.L. c.71, § 38G, and in accordance with the Administrative Procedure Act, M.G.L. c.30A, the Massachusetts Board of Education is soliciting public comment on the proposed amendments to the Regulations on Under-Performing Schools and Districts, 603 CMR 2.00, and the Recertification Regulations, 603 CMR 44.00.

The proposed amendments to the Regulations on Under-Performing Schools and Districts include a definition of "low-performing mathematics programs." Schools with low-performing mathematics programs would be required to register their teachers of mathematics to take a mathematics content assessment designated by the Board of Education. Under the proposed amendments the Commissioner of Education would have the authority to refer schools with low-performing mathematics programs for a review under the Regulations for Under-Performing Schools and Districts, in addition to those schools identified through the school performance rating process.

The proposed amendments to the Recertification Regulations, 603 CMR 44.00, would require teachers in "low-performing mathematics programs" to take the mathematics content assessment designated by the Board of Education. These teachers would then be required to tailor their professional development plans to address any weaknesses identified through the diagnostic testing.

The Board of Education is also interested in the broader concern of student achievement in mathematics. While these proposed amendments address the issue of teachers' content knowledge and professional development, there are other factors affecting student achievement in mathematics, as measured by [MCAS](#), especially in schools in which large numbers of students are failing. Specifically, the Board is interested in public comment to address the following questions:

- What type of professional development will be most beneficial to mathematics teachers?
- How can schools and districts better structure mathematics programs and better utilize mathematics teachers to improve student achievement in mathematics?
- How can districts with poor student achievement in mathematics attract and retain outstanding certified mathematics teachers, especially at the middle school level?
- What can schools do to involve parents and/or community resources to improve mathematics achievement?

Copies of the proposed amendments are available on the [Department's website](#) or by calling 781-338-3236. Written comments on the proposed amendments may be submitted to Ann Duffy, Associate Commissioner of Educator Quality, 350 Main St., Malden, MA 02148, by fax at 781-338-3392, or by e-mail to [TeachMath@doe.mass.edu](mailto:TeachMath@doe.mass.edu). The deadline for submission of public comment is **May 16, 2000**. The Board is expected to vote on the proposed amendments at its regular monthly meeting on May 23, 2000.

[Commissioner's Update Archive](#)

## School and District Policies Prohibiting Discrimination and Harassment

### Memorandum

April 3, 2000

The Massachusetts Equal Educational Opportunity statute, General Laws Chapter 76, § 5, ensures that all students have the right to equal educational opportunities in the public schools regardless of their race, color, sex, religion, national origin or sexual orientation. The statute (sometimes referred to as "Chapter 622" after its original 1971 session law number) provides:

No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public schools on account of race, color, sex, religion, national origin or sexual orientation.

Public school students are also protected against discrimination based on disability, under other state and federal laws.

General Laws Chapter 76, § 5 was amended in 1993 to include sexual orientation. The Department of Education is concerned about reports of harassment and discrimination directed against gay or lesbian students or those perceived to be gay or lesbian. According to the 1997 Massachusetts Youth Risk Behavior Survey, high school students who identify themselves as gay or lesbian are more likely than their peers to report being threatened or injured with a weapon on school property and to have skipped school because they felt unsafe. As part of our commitment to see to it that our public schools are safe, secure and supportive for all students, the Massachusetts Department of Education is working with the Governor's Commission on Gay and Lesbian Youth to create a safe school environment for gay and lesbian students.

This is typically the time of year when schools and districts review and update their policies, student discipline codes and student handbooks. When you do so, please note the following:

- All public school and district student non-discrimination notices and policies should be reviewed and updated, if necessary, to reflect the applicable law, including the 1993 amendment to General Laws Chapter 76, § 5. For example: "The Anytown School District is committed to ensuring equal educational opportunities for all students, and does not discriminate on the basis of students' disability, race, color, sex, religion, national origin or sexual orientation."
- All public school student discipline codes must include, among other provisions, "the disciplinary measures to be taken in cases involving ... violation of other students' civil rights." (General Laws Chapter 71, § 37H.)
- Anti-harassment policies and rules in student handbooks should be reviewed and updated, if necessary, to include rules and penalties relating to violence, harassment and physical or verbal abuse directed against students based on their disability, race, color, sex, religion, national origin or sexual orientation. This includes violence, harassment or abuse directed against gay or lesbian students and those perceived to be gay or lesbian.
- Department of Education staff will continue to review student discipline codes when conducting site visits to schools and districts as part of the Coordinated Program Review process.
- Under General Laws Chapter 71, § 37H, each school district must file its policies on student conduct and discipline with the Department of Education. Please submit your school district's policy on student non-discrimination as well as your updated student discipline code(s)/student handbook(s) to the Department of Education (Attn: Program Quality Assurance) by the end of the school year and **no later than June 30, 2000**.

As you may know, the Board of Education will be voting on April 25, 2000 on proposed amendments to the

Regulations on Access to Equal Educational Opportunity that will streamline and clarify the regulations to reflect the current law. Copies of the proposed amendments are available on the Department's web site.

If you would like to obtain sample non-discrimination policies or if you have questions about updating your policies and student handbooks, please contact John Bynoe, Administrator, Learning Support Services, 350 Main Street, Malden, MA 02148 or by e-mail to [jbynoe@doe.mass.edu](mailto:jbynoe@doe.mass.edu).

Thank you for your attention to this important matter.

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## Board In Brief

Friday, March 31, 2000

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 the special meeting held on Monday, March 27, 2000, and the regular monthly meeting held on Tuesday, March 28, 2000 in Malden.

### Special Meeting

The Board discussed policy issues relating to educator certification. Commissioner Driscoll said the Department of Education received many comments in response to the certification concept paper. Five representatives of teacher preparatory institutions participated in the discussion with the Board on creating alternative pathways to certification: Dean Bailey Jackson of the School of Education at University of Massachusetts-Amherst; Dean William Dandridge of the School of Education at Lesley College; Dean Donald Pierson of the Graduate School of Education at University of Massachusetts-Lowell; Dean Mary Brabeck of the School of Education at Boston College; and Dean Ronald R. Cromwell of the School of Education and Allied Studies at Bridgewater State College. Commissioner Driscoll plans to present proposed amendments to the Certification Regulations to the Board for initial consideration at the April meeting.

### Regular Meeting

Commissioner Driscoll opened the meeting with a progress report on the revised Mathematics curriculum [framework](#), which he expects to present to the Board for a vote in May. The Commissioner said he also expects to present proposed revisions to the English Language Arts framework to the Board in May and the proposed revised Science and Technology/Engineering framework in June. Also in June, he plans to present a process and schedule for reviewing and revising the History/Social Science curriculum framework.

The Commissioner reported that the Commonwealth prevailed in a decision of the Single Justice of the Supreme Judicial Court in *Lopez v. Board of Education*, a case concerning Education Reform funding for six Cape Cod school districts. In the judgment, the Single Justice declared that "the Legislature has taken appropriate action within a reasonable time" to implement Education Reform, in accordance with the Supreme Judicial Court's 1993 decision in the McDuffy case.

In other matters, the Commissioner informed the Board that he sent personal letters to 1,200 students statewide who achieved the highest possible score on at least one of the MCAS tests at grades 4, 8, or 10 in 1999. He said the Department of Education is negotiating the new MCAS testing contract with Harcourt Educational Measurement, and the Department is meeting with National Evaluation Systems, vendor for the Massachusetts Educator Certification Tests, to determine if agreement can be reached on a new contract when the current contract expires in June. Commissioner Driscoll also reported that the Lawrence School Committee has appointed Gene Thayer to serve as interim superintendent while a screening committee conducts a search for a new superintendent to be appointed by the end of this school year.

### Amendments to Special Education Regulations

The Board voted 8-0, with one abstention, to approve amendments to the [Special Education Regulations](#). The revised regulations, which can be reviewed on the Department of Education website, will take effect on September 1, 2000. Chairman of the Board James Peyser said, "These regulatory reforms are designed to do two basic things: first, to ensure that special education resources are not dissipated on students who are not disabled, and second, to provide some administrative flexibility in order to increase the educational productivity of those resources." He

plans to schedule a public roundtable discussion this fall with educators, parents, students, clinicians and policymakers to address issues regarding the education of students with disabilities.

Chairman Peyser added, "The revised regulations clarify eligibility criteria by defining more specifically the kinds of disabilities that qualify students for special education services. This change is consistent with federal criteria and the criteria of most other states. Its purpose is simple, but clearly needed: to ensure that special education resources, and the system of mandated procedures and protections, are focused on those students with clinical or specific disabilities who can benefit from specialized educational services, rather than students who are simply falling behind their peers academically or who present discipline problems."

## **Proposed Regulations on Diagnostic Assessment of Certain Mathematics Teachers**

The Board unanimously approved soliciting public comment on proposed regulations to require a diagnostic assessment of the content knowledge of mathematics teachers in middle and high schools with greater than 30% MCAS mathematics failure rates. The proposed regulations, posted on the Department's website, will go back to the Board for action in May. In Governor Paul Cellucci's State of the State Address, the Governor directed the Board to implement such a program, in order to identify weaknesses in teachers' mathematics content knowledge that may be contributing to students' low test scores, and to address the weaknesses through targeted professional development.

Chairman Peyser commented. "Regardless of where one stands in this debate, at either extreme or somewhere in the middle, there is little disagreement that there is indeed a problem. High failure rates on the math section of MCAS are just the latest indicator of how far we have to go. What's more, there is little disagreement that effective mathematics instruction cannot occur unless mathematics teachers know their subject well. And as a corollary, it is clear that improved mathematics instruction will require teachers to deepen their knowledge of mathematics through professional development."

Under the draft regulations, a middle school or high school with MCAS math failure rates above 30 percent, that is not meeting or exceeding improvement expectations, would be deemed to have a low-performing math program. In such schools, the regulations would require that math teachers take a diagnostic assessment to identify their strengths and weaknesses with respect to subject mastery, in order to inform future professional development plans. Chairman Peyser said, "Math teachers who do poorly on the assessment will not be publicly embarrassed, as individual results will be kept strictly confidential between the teacher and his or her principal. They will not lose their jobs or receive unsatisfactory performance reviews, as the assessment will be used for diagnostic purposes only. There is nothing at all punitive about this process. Indeed, teachers who participate would receive at no cost, 10 professional development points toward their re-certification. More important, having meaningful diagnostic information about a teacher's subject knowledge will help that teacher improve and will help students learn. Isn't this what education reform is all about?"

## **Proposed Regulations on Certificate of Mastery**

The Board voted to approve the regulations outlining the standards for the Certificate of Mastery. The Certificate of Mastery recognizes the accomplishments of Massachusetts high school students who achieve a high level of academic performance. Chairman Peyser said, "Students are working hard, and we need to recognize excellence."

Commissioner Driscoll said that a supplemental budget request for \$2 million has been filed in the legislature to present the students who earn a Certificate of Mastery with a financial award. Board member and Acting Chancellor of Higher Education Judith Gill will ask the Board of Higher Education to consider granting to students who receive the Certificate of Mastery a tuition waiver if they enroll in a public college or university in Massachusetts. Chairman Peyser and Commissioner Driscoll said they look forward to awarding the first Certificates of Mastery to students who graduate from high school this year.

## **Amendment to Boston Student Assignment Plan**

The Board voted unanimously to approve the amendment to the Student Assignment Plan presented by the Boston Public Schools. Boston Superintendent Thomas Payzant said the amended assignment plan, adopted by the Boston School Committee, is intended to maximize access to choice, support diversity, and promote quality education for all students in the city. Implementation of the plan will be subject to reporting and evaluation by the Boston Public Schools and oversight by the Department of Education.

## **Annual Report of the Board and Commissioner; FY 2000**

## Budget and Spending Update

Board members reviewed the final draft of Annual Report of the Board and Commissioner. The Annual Report will be published this spring. The Board also discussed the FY 2000 budget and spending update, which reports on federal and state funds and the staffing and resources that support the Department's major program areas. Board members commended the Commissioner and Department staff for their work on these reports.

## Next Meeting

The next regular meeting of the Board of Education will take place on Tuesday, April 25, 2000 in western Massachusetts.

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