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Commissioner's Update

July 5th, 2000

Dear Superintendents, and Leaders of Charter Schools and Collaboratives:

I have two updates for you, and a list of four items recently posted on our website.

Educator Certification Test - Special Summer Session

This is a reminder that a special session of the Massachusetts Educator Certification Test will be held for certification candidates whom superintendents want to hire before the start of school in September. **The date of the special administration of the certification test is Saturday, July 22, at Arlington High School, and the deadline for registration ends on July 14.** Candidates for certification may take this special July 22 test only on the recommendation of their superintendents. A referral letter including candidates' names and telephone number needs to accompany every application. Scores will be sent on or about August 11. Test candidates can call (781) 338-6668 for more information, and superintendents' referral letters can be faxed to 781-338-3391.

Goals 2000 Ed-Flex Application

On September 12, 1995, the Massachusetts Commissioner of Education was granted the authority to waive certain federal education rules under the 1994 Education Flexibility Partnership Demonstration Act. As one of twelve designated "Ed-Flex" states, we can provide districts and schools with certain flexibility necessary to carry out educational reforms and raise student achievement. The majority of Ed-Flex waivers since 1995 have been requested in two areas:

- To allow Title I services to continue in schools that no longer qualified for Title I services, due to a slight reduction in the number of students from low-income families, thereby bringing the school below the districtwide or grade span average; and
- To allow a school that does not meet the Title I schoolwide eligibility requirements to plan and implement a schoolwide program, providing services to all students.

For the Commissioner to continue granting Ed-Flex waivers for an additional five years under the federal law, Massachusetts must submit a new application. Part of the application process requires the Department of Education to make its application available for public comment. The application is posted on our website at www.doe.mass.edu.

Input by parents and community groups is important, and will be incorporated into the completed application. I encourage you to share this information with them.

Comments will be accepted on Massachusetts' draft application through July 17, and can be sent to Karen DeCoster, at the Department of Education, 350 Main Street, Malden, MA 02108, or email

kdecoster@doe.mass.edu.

Listed below are four items recently posted on our website:

1. [Goals 2000 "Ed-Flex" Application](#) [PDF]
2. [News Release regarding Massachusetts Highlighted at National Conference on Teacher Quality Incentives](#)
3. [Board of Higher Education Tuition Waiver Opportunity](#)
4. [Low-Cost Advanced Placement Opportunity for Low-Income Students](#)

All the best, and

Sincerely,

David P. Driscoll
Commissioner of Education

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**EDUCATIONAL FLEXIBILITY
PARTNERSHIP SITE APPLICATION**

Draft Proposal for Public Comment

Prepared By:

The Massachusetts Department of Education

June 21, 2000

MASSACHUSETTS DEPARTMENT OF EDUCATION

PUBLIC NOTICE

INTENT TO APPLY FOR FEDERAL ED-FLEX WAIVER AUTHORITY

June 21, 2000

On September 12, 1995, the Massachusetts Commissioner of Education was granted the authority to waive certain federal education rules under the 1994 Education Flexibility Partnership Demonstration Act. As one of twelve designated "Ed-Flex" states so authorized, the Massachusetts Commissioner has provided districts and schools with the flexibility necessary to carry out educational reforms and raise student achievement. The majority of Ed-Flex waivers since 1995 have been requested in two areas:

- to allow Title I services to continue to be provided in schools that no longer qualified for Title I services, due to a slight reduction in the number of students from low-income families, thereby bringing the school below the districtwide or grade span average; and
- to allow a school that does not meet the Title I schoolwide eligibility requirements to plan and implement a schoolwide program, providing services to all students.

For the Commissioner to continue granting waivers, under the federal law, to have Ed-Flex authority for an additional five years, Massachusetts must submit a new application. Part of the application process requires the Department of Education to make its application available for public comment. The application will be posted on the Department's website at www.doe.mass.edu during the week of June 26. Comments will be accepted on Massachusetts' draft application through July 17 and can be sent to Karen DeCoster at the Department of Education, 350 Main Street, Malden, MA 02108, or email kdecoster@doe.mass.edu.

In Brief

Federal Program Areas Eligible for Waivers

The federal Ed-Flex waiver authority applies only to the following federal programs:

- (1) Title I of the ESEA (other than sections 1116 (a) and (c), including Part A (Title I Basic Program), Part B (Even Start), Part C (Migrant Education), Part D (Neglected and Delinquent), and the Title I portion of the Comprehensive School Reform Demonstration Program;
- (2) Part B of Title II of the ESEA – the State and Local Activities portion of the Eisenhower Professional Development Program;
- (3) Subpart 2 of Part A of Title III of the ESEA (other than section 3136) – the Technology Literacy Challenge Fund Program;
- (4) Title IV of the ESEA – the Safe and Drug-Free Schools and Communities Program;
- (5) Title VI of the ESEA, including the Class-Size Reduction Program;
- (6) Part C of Title VII of the ESEA – the Emergency Immigrant Education Program; and
- (7) The Carl D. Perkins Vocational and Technical Education Program.

In accordance with federal Ed-Flex requirements, Massachusetts cannot waive any federal requirement relating to:

- (1) maintenance effort;
- (2) comparability of services;

- (3) equitable participation of students and professionals staff in private schools;
- (4) parental participation and involvement;
- (5) the distribution of funds to local educational agencies;
- (6) serving eligible school attendance areas in rank order under section 1113(a)(3) of Title I;
- (7) the selection of a school attendance area or school under sections 1113(a) and (b) of Title I, except that the state may grant a waiver to allow a school attendance area or school to participate in Title I, Part A if the percentage of children from low-income families in the school attendance area or school is within 10 percentage points of the lowest Title I eligible school or attendance area;
- (8) the use of federal funds to supplement, not supplant, non-federal funds; and
- (9) applicable civil rights requirements.

Applications for Waiver Requests

In accordance with federal Ed-Flex requirements, a Massachusetts school district or school requesting an Ed-Flex waiver will submit an application that:

- (1) indicates each federal program that would be affected and each federal statutory or regulatory requirement that would be waived;
- (2) describes the purposes and overall expected results of waiving each requirement;
- (3) describes, for each school year, specific, measurable educational goals, linked to state and/or local assessments, for each district or school affected by the proposed waiver, and for the students who are affected by the waiver;
- (4) explains why the waiver will assist the district or school in reaching these goals; and
- (5) describes how the notice and comment requirements in section 4(a)(8) of the Ed-Flex legislation have been met.

Criteria and Process for Evaluation of Waiver Requests

In evaluating requests for Ed-Flex waivers, the Massachusetts Department of Education will:

- determine whether the applicant district or school has satisfactorily addressed local application requirements;
- determine that the underlying purposes of the statutory requirements of each program for which a waiver is sought will continue to be met;
- determine that the districts or schools have developed local reform or improvement plans; and
- determine that the waiver will assist the district or school in reaching its educational goals, particularly goals with respect to improved school and student performance. These goals must be specific and measurable, and should be linked to state or local assessments.

Summary

Throughout the Massachusetts proposal, the Commissioner of Education emphasizes that this waiver authority is an important component of the state's comprehensive education reform effort to improve educational performance for students, schools, and school districts. With the flexibility that this waiver authority brings, the Commissioner can expect greater accountability and better results while supporting districts in ways that are most useful and beneficial to them.

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I. Eligibility

On September 12, 1995, Massachusetts was granted Ed-Flex waiver authority under the 1994 Education Flexibility Partnership Demonstration Act. As one of twelve designated Ed-Flex states so authorized, Massachusetts has been able to provide districts and schools with the flexibility necessary to carry out educational reforms and raise student achievement. Massachusetts' demonstrated commitment to enhance accountability for improved student performance figured prominently in its original proposal. Over the past five years, the Commonwealth has continued this commitment, compiling an impressive list of accomplishments during Phase I of Education Reform.

A. Massachusetts Accountability System: Performance Standards and Aligned Assessment

Assessment System -The Massachusetts Comprehensive Assessment System (MCAS) is the Commonwealth's statewide assessment program for public schools, developed and implemented under the Education Reform Law of 1993. This law requires that the program: (1) be administered annually; (2) measure performance on the academic learning standards contained in the Massachusetts Curriculum Frameworks; (3) report on performance of individual students, schools, and districts; (4) serve as one basis for a system of student, school, and district accountability; and (5) include the participation of virtually all students enrolled in the Commonwealth's public school system, including students with special needs and students with limited-English proficiency (LEP).

The Individualized Education Plan (IEP) Team or the Section 504 Team determines how a student with disabilities will participate in MCAS. If the Team determines that it is appropriate and allowed within the guidelines, certain testing accommodations are permitted. If a Team determines that a student's disability prevents him/her from taking the MCAS tests, even with accommodations, the Team must locally develop an alternate assessment for that student that is appropriate to the student's academic development. In addition, the Department of Education is in the process of developing a system of alternate assessments for these students that will be available for future MCAS administrations.

LEP students, including those in two-way bilingual programs, must take the English-language version of MCAS if they: (1) have been enrolled in school in the United States for more than three years; (2) are currently enrolled in a Transitional Bilingual Education (TBE) program or receive English as a Second Language (ESL) support and have been recommended for regular education classes for the school year following MCAS testing; or (3) are in a two-way bilingual program and have been in school in the United States for three or fewer years, but would likely be transitioned into regular education classes, were such a program offered at the student's school.

The Spanish-language version of MCAS includes tests in mathematics, science and technology/engineering, and history and social science. LEP students who are native-Spanish speakers must take the Spanish-language version of MCAS if they: (1) have completed three or fewer years of school in the United States; (2) are currently enrolled in a TBE program or receiving ESL support and will not be recommended for regular education classes for the following school year; (3) do not have adequate English-language skills to participate in the English-language version of MCAS; and (4) possess reading and writing skills in Spanish appropriate to their grade level.

LEP students who have been enrolled for three or fewer years of school in the United States and who will not be recommended for regular education classes in the following school year are not required to participate in MCAS, unless they are native-Spanish speaking students who must take the Spanish version of the MCAS if they meet the criteria mentioned above.

Multiple measures of student performance are used at each grade level on the MCAS: multiple-choice; short-answer (except in Science and Technology/Engineering); and open-response. Short-answer and open-response questions require students to generate, rather than recognize, a response. Short-answer questions require a brief response—for example, in mathematics, a short statement or computation leading to a numeric solution. Open-response questions require students to provide indepth responses in writing or in the form of a chart, table, diagram, or graph, as appropriate.

The state Curriculum Frameworks and MCAS together create a statewide system designed to support students, parents, teachers, and schools by promoting high standards for all students and evaluating the performance of all students against those standards. The statewide assessment program serves two main purposes. First, it is an accountability tool for measuring the performance of individual students and schools against established state standards. Results on the MCAS tests are reported as the percentage of students attaining each performance level for each subject area and grade tested. Results are shown for all students and are also disaggregated by student group (e.g., gender, racial, and ethnic group). The performance levels describe student performance in relation to the state standards. There are four performance levels: Advanced, Proficient, Needs Improvement, and Failing. Second, it is intended to improve classroom instruction by: (1) providing useful feedback to students, schools, and districts about the quality of their academic performance, and (2) modeling effective assessment approaches that can be used in the classroom.

There will be a shift in grades and content areas to be tested by MCAS in spring 2001, reducing testing time at any one grade level and affording additional opportunities for intervention and academic support services:

Tests for spring 2001 by grade level:

	ELA Composition	ELA Language and Literature	Mathematics	Science & Technology	History & Social Science
Grade 3		April (Reading)			
Grade 4	April	May	May		
Grade 5				May	May
Grade 6			May		
Grade 7	April	May			
Grade 8	April	May	May	May	May
Grade 9					
Grade 10	April	May	May	May	May

Please note that the grade 8 English Language Arts will be administered for the last time in 2001. Beginning in 2002, English Language Arts will be tested in grades 3 (Reading), 4, 7, and 10.

Competency Determination/ Grade 10 Passing Score for High School Graduation - In January 2000, Massachusetts established its first academic graduation requirements. The Education

Reform Act of 1993 required that the Board of Education establish a “Competency Determination” in order to ensure that a Massachusetts diploma reflects a threshold level of academic achievement of the learning standards in the state’s Curriculum Frameworks. Specifically, the Competency Determination is based on a minimum score that all high school students, beginning with the class of 2003, must achieve on the grade 10 MCAS in order to graduate from a Massachusetts public school.

For the class of 2003, the Board set the threshold score at a scaled score of 220 (*Needs Improvement*) for the Mathematics and English Language Arts sections. Studies conducted with MCAS results show that, on average, students performing in the *Needs Improvement* level on MCAS perform near or above the national average (50th percentile) on commercially available, norm-referenced, standardized tests. The sections on Science and Technology/Engineering, History and Social Science, and Foreign Languages will be phased in after districts have had adequate time to implement the revised Curriculum Frameworks in those areas. The Massachusetts Board of Education will revisit the minimum score periodically, with the long-term goal of having students achieve higher scores in order to graduate. Opportunities for re-testing, an appeals process, additional academic support programs, accommodations for students with disabilities, and other related issues are under review.

School and District Accountability System - In September 1999, the Board of Education adopted the School and District Accountability System and Final Regulations on Under-performing Schools and Districts. The system allows the Department to assess schools’ performance in relation to state standards, to set clear goals for improvement for each school based on MCAS results, and to track schools’ progress toward state performance targets over time. The system also sets new standards for effective district performance, ensures a comprehensive evaluation of every school district on a regularly scheduled basis, and promotes both short- and long-term district improvement planning.

The system provides local and state decision-makers and the public with important information on the progress all schools are making toward meeting state performance targets. Schools or districts that fail to improve, even after implementation of an improvement plan, could be declared chronically under-performing and be subject to state intervention.

Example of Implementation of School and District Accountability System

On June 13, 2000, after an extensive review of eight urban middle schools this spring, as part of the first round of School Panel Reviews, Commissioner David P. Driscoll announced that two of those schools have been declared under-performing, and six have not. The eight schools selected for review this spring posted extremely high rates of failing student performance on 1998 and 1999 MCAS tests, and had lower overall scaled scores in 1999 than in 1998. Panel reviews were conducted to gather and analyze information on the schools' efforts, plans and capacity to implement sound strategies to improve student performance at their respective schools.

Fact finding teams will be appointed to conduct indepth, diagnostic reviews at the two schools that have been declared under-performing. The fact finding teams will conduct their onsite reviews at the beginning of the new school year in September. The school and district leaders of the two schools now have six months to develop and present an improvement plan for approval by the state Board of Education.

Funding and support from the Department of Education will be provided for all eight schools. A \$25,000 school improvement assistance grant for use this summer has been

provided to each of the eight schools. The grant will be used for immediate-term planning, training, and student support efforts.

The Department of Education will continue working towards school and district accountability by identifying additional schools for panel review in the 2000-2001 school year. The School and District Accountability System was adopted by Massachusetts Board of Education in September 1999. The accountability system calls for the Commissioner to identify and refer for review schools that demonstrated the lowest levels of performance on 1998 MCAS tests and that did not demonstrate improved performance on the 1999 MCAS.

B. Demonstration of Progress:

In Phase One of Education Reform the central task was to establish content and performance standards and aligned assessments. The overarching goal as we now enter phase two is to deliver results, principally in the form of improved student achievement. This commitment is well-defined by the leadership on the Massachusetts Board of Education:

The promise of Education Reform is that it will raise the level of student performance across the board and, at the same time, will bring out of the shadows those students who have not been given the opportunity to realize their potential. To fulfill this promise, we must demonstrate perseverance in standing by our assessment and accountability system, based in the firm knowledge that the best and perhaps only way to ensure that all children are given a chance in life is to elevate standards and expectations—especially for those who have been so poorly served in the past. We must also show boldness in embracing the unsettling necessity of further and continuing change, rather than the false comfort of the status quo, by working to restructure our school systems to provide greater authority and autonomy to individual schools.

Board of Education Chairman, James Peyser

District, School, and Student Profiles - Massachusetts has made substantial progress in implementing challenging performance standards, aligning assessment, and establishing an accountability system that lives up to the promise of Education Reform. Working with local districts, the Department makes individual School and District Profiles available to educators, parents, students, and the community through a variety of means including postings to the DOE website. These profiles make important information about the Commonwealth's public schools available to all interested citizens. The array of information presented in the profiles provides a snapshot of the educational picture in communities across the state. This information can be used in conjunction with firsthand observations and discussions by parents, educators, policy-makers, and other interested parties to inform decision-making and ultimately improve the education of all Massachusetts students.

In addition to general information (submitted to the DOE by schools and districts) such as student demographics, district programs, and staffing, the profiles include detailed MCAS reports outlining student performance in mathematics, English language arts, science and technology/engineering, and history and social science. In turn, districts provide parents with individual student MCAS results in eight languages: English, Spanish, Portuguese, Cape Verdean, Haitian, Russian, Vietnamese, Simplified Chinese, Traditional Chinese, and Cambodian.

Validity and Reliability -The Department of Education developed the MCAS tests and scoring guides in collaboration with committees of educators as well as with its test development contractor. The DOE also convened a Bias Review Committee to ensure test items would not place a particular group of students at an advantage or disadvantage, and a Technical Review Committee to evaluate the technical merit of the tests.

Following a fifteen-month MCAS development process, MCAS Tryout Questions were designed, based on the Massachusetts Curriculum Frameworks, by various Assessment Development Committees. The mathematics, science, and technology/engineering questions were field tested in the spring of 1997, followed by English language arts in the fall. The sole purpose of the MCAS Question Tryouts was to determine whether the questions administered demonstrate the necessary technical merit to appear on actual MCAS tests.

Guides to the MCAS were developed to support schools in implementing the state Curriculum Frameworks and preparing for the first administration of MCAS. The guides underscore the central role of the curriculum framework learning standards in the Massachusetts Comprehensive Assessment System. The primary purpose of the guides was to provide educators with an understanding of the content knowledge and skills that would be tested on the MCAS by providing sample questions alongside identified learning standards in the frameworks.

A technical report was completed in October 1999 as to the validity of the 1998 MCAS. The Massachusetts Department of Education prepared this report with the assistance of its testing contractor. It was reviewed and endorsed by the National Technical Advisory Committee for MCAS, whose members are national experts in the field of student testing. The report addressed the extent to which the MCAS tests are valid and reliable, two components that are essential to the integrity of any test, and particularly of the MCAS, due to the eventual high-stakes uses of its results.

The report demonstrated that the MCAS tests are valid, based on a number of indicators. The summary described the extent to which MCAS tests are valid; that they are reasonable and credible measures of students' academic performance. One such indicator, for example, was that student performance on MCAS tests is consistent with student performance on other tests. The data showed that the MCAS tests are reliable and they compare favorably with the reliability of nationally recognized tests.

The report also showed that the MCAS tests are challenging and fair. Students who performed at the Proficient or Advanced levels on MCAS tended to score at the 75th percentile or above on standardized tests, while students in the Needs Improvement category tended to score around the 50th percentile or higher on national standardized tests. On the other hand, students in the MCAS Failing level typically scored at the 25th percentile or below on national tests. Clearly, this is an unacceptable level of performance for any Massachusetts public school student.

In addition, the data showed that student scores on the MCAS are consistent with their scores on other standardized tests. For example, students who performed well on the third grade Iowa reading tests tended to perform well on the MCAS English language arts test, and conversely, students who performed poorly on the Iowa tended to perform poorly on the MCAS. A similar pattern of performance was found when students' results on MCAS were compared to their results on the Stanford Achievement Test and the Metropolitan Achievement Test. This shows that the MCAS tests are consistent with other widely accepted measures of student performance.

Remaining Activities - The Department will continue to complete revisions of the curriculum frameworks to ensure that these statewide guidelines are useful to schools and districts and reflect up-to-date and accurate content. Currently, the Department of Education is working on revisions of the mathematics and the science and technology/engineering frameworks, though changes will not affect the MCAS until 2005. The changes will, however, help students and classroom teachers immediately by making the learning standards clearer.

The Department will once again offer educators the opportunity to participate in a one-week intensive professional development initiative, the MCAS Scoring Institutes. At the Scoring Institutes, Massachusetts educators will be trained in the Annotated Holistic Scoring Method. Once trained, these educators will score student responses to the MCAS 2000 compositions. The scoring sessions will not only provide participants with an opportunity to develop skills in holistic evaluation of writing that they can apply in their own classrooms, but they will become knowledgeable of the range of student writing produced at the various proficiency levels.

C. Title I and Individual School Performance Profiles (Section 1116(a) of the ESEA)

Massachusetts individual school performance profiles currently include school-level results on student performance on the MCAS tests. During this spring's administration of the MCAS, the Department implemented its newly designed State Assigned Student Identification System (SASIDS). Through this system, the Department will have the capacity in 2000-2001 to provide schools and districts with statistically sound data that can be disaggregated by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to student who are not economically disadvantaged. The Department's Student Assessment, Accountability and Targeted Assistance, and Technology Data Collection/Reporting units will be examining policy and legal issues related to providing this data to the general public, since in cases where the number of students within a specific category is low, the data could be personally identifiable.

The individual school performance profiles include other information, in aggregate, such as: enrollment, dropout and attendance rates; number of student exclusions; availability of technology; advanced placement examination results and plans of high school graduates. The Department posts the school and district profiles on its website in order to make them available to teachers and other staff, parents, students, and the community.

II. Massachusetts' Contribution to Educational Flexibility

A. Authority to Regulate and Waive Regulation

In accordance with MGL Chapter 69, section 1B, *Duties of the [Massachusetts] Board of Education*, "The Board shall establish policies relative to the education of students in public early childhood, elementary, secondary and vocational schools. [...] the Board may promulgate regulations as necessary [...]. Said regulations shall be promulgated so as to encourage innovation, flexibility, and accountability in schools and school districts." While the provisions of the Massachusetts state statutes cannot be waived by the Board or the Department of Education, the provisions generally do not contain specific requirements as to how Local Education Agencies (LEAs) are to implement the educational programs and services to students in the Commonwealth. Rather, any requirements associated with implementation of a law are in the form of regulations promulgated by the Board of Education. The Commissioner and the Board of Education have authority to waive these regulations, while holding districts and schools

that receive such waivers accountable for the performance of their students. Waiver authority by the Board is inherent in all of the regulations it promulgates. In some regulations, a specific waiver process is included in the regulatory language.

B. Waiver Requests and Process for Evaluation

Waiver Requests

The federal Ed-Flex waiver authority applies to:

- (1) Title I of the ESEA (other than sections 1116(a) and (c)), including Part A (Title I Basic Program), Part B (Even Start), Part C (Migrant Education), Part D (Neglected and Delinquent), and the Title I portion of the Comprehensive School Reform Demonstration Program;
- (2) Part B of Title II of the ESEA -- the State and Local Activities portion of the Eisenhower Professional Development Program;
- (3) Subpart 2 of Part A of Title III of the ESEA (other than section 3136) -- the Technology Literacy Challenge Fund Program;
- (4) Title IV of the ESEA -- the Safe and Drug-Free Schools and Communities Program;
- (5) Title VI of the ESEA, including the Class-Size Reduction Program;
- (6) Part C of Title VII of the ESEA -- the Emergency Immigrant Education Program; and
- (7) The Carl D. Perkins Vocational and Technical Education Program.

In accordance with federal Ed-Flex guidance, a Massachusetts school district or school requesting an Ed-Flex waiver will submit an application that:

- (1) indicates each federal program that would be affected and each federal statutory or regulatory requirement that would be waived;
- (2) describes the purposes and overall expected results of waiving each requirement;
- (3) describes, for each school year, specific, measurable educational goals, linked to state and/or local assessments, for each district or school affected by the proposed waiver, and for the students who are affected by the waiver;
- (4) explains why the waiver will assist the district or school in reaching these goals; and
- (5) describes how the notice and comment requirements in section 4(a)(8) of the Ed-Flex legislation have been met.

Criteria and Process for Evaluation of Waiver Requests

In evaluating requests for Ed-Flex waivers, the Massachusetts Department of Education will:

- determine whether the applicant district or school has satisfactorily addressed local application requirements;
- determine that the underlying purposes of the statutory requirements of each program for which a waiver is sought will continue to be met;
- determine that districts or schools that have developed local reform or improvement plans; and
- determine that the waiver will assist the district or school in reaching its educational goals, particularly goals with respect to improved school and student performance. These goals must be specific and measurable, and should be linked to state or local assessments.

In accordance with federal Ed-Flex requirements, Massachusetts will not waive any requirements relating to:

- (1) maintenance of effort;
- (2) comparability of services;
- (3) equitable participation of students and professional staff in private schools;
- (4) parental participation and involvement;
- (5) the distribution of funds to local educational agencies;
- (6) serving eligible school attendance areas in rank order under section 1113(a)(3) of Title I;
- (7) the selection of a school attendance area or school under sections 1113(a) and (b) of Title I, except that the state may grant a waiver to allow a school attendance area or school to participate in Title I, Part A if the percentage of children from low-income families in the school attendance area or school is within 10 percentage points of the lowest Title I eligible school or attendance area;
- (8) the use of federal funds to supplement, not supplant, non-federal funds; and
- (9) applicable civil rights requirements

Massachusetts' process for receiving and evaluating federal and state waiver requests will be as follows:

- (1) Applicants will be directed to submit their waiver requests to the Commissioner of Education. The Associate Executive Director for the Commissioner's Office will have responsibility for outreach, intake, and report preparation for the Ed-Flex program. Upon receipt of a waiver request, the Associate Executive Director will direct it to the Associate Commissioner for Education Program Services.
- (2) The Associate Commissioner for Education Program Services will conduct an initial review of the content of a waiver request to determine its nature and scope. Based on that determination, the Associate Commissioner will direct the waiver request to the relevant program Administrator (e.g., Title I, Eisenhower, Perkins, federal Class-size Reduction, state special education) for review and recommendations.
- (3) As needed, the program Administrator will call upon other Department Administrators, including the General Counsel, knowledgeable about state and federal statutory and regulatory requirements to ensure that proposed waivers will not impede the progress or success of other state or federally-funded programs. If deemed necessary, a site visit to the school or district seeking the waiver may be made.
- (4) The program Administrator will prepare a recommendation for the Commissioner who will make the final decision on the waiver request. As with current practice, school districts will be informed of the Commissioner's decision within several weeks of the receipt of the request. Beginning in 2000-2001, Education Program Services will maintain a computerized file to track all waiver requests and their disposition.
- (5) The Department will monitor the effectiveness of the waiver using its school and district accountability system data that includes school and district performance improvement expectations and any local accountability measures included by the school or district in its waiver application. The Department will terminate a waiver granted to a district or school if it determines, after notice and an opportunity for a hearing, that the performance of a district or school with respect to the goals in its waiver application:
 - (a.) has been inadequate to justify continuation of the waiver, or

(b.) has decreased for two consecutive years, unless the Department determines that the decrease was justified due to exceptional or uncontrollable circumstances.

C. Examples of Statewide Regulatory Flexibility and Local Interest

Most waiver requests for state regulatory relief are in the area of special education, specifically class-size and age-span. During the 1999-2000 school year alone, the Department received and acted upon over 100 special education waivers. Another state area that receives waiver requests is for approval to hold school for less than the required 180 days in an individual school due to an unexpected event, such as a fire, that caused the school to be closed. These requests are accompanied with an assurance that the district will schedule the students in the school to receive the required minimum hours of instruction annually (900 hours for elementary and 990 hours for secondary) and with an explanation of why it would be a hardship for the district to schedule an additional day for a single school.

In September 2000, new streamlined state special education regulations will take effect. Among other provisions, the new regulations will allow school administrators to make determinations locally about class size. In the past, districts had to receive Department approval in order to increase the size of a special education class by one or two students. Beginning in September, districts will only need to inform the Department of such action.

Highlights of other changes in the special education regulations that will result in increased flexibility are:

- allowing certified staff in private special education schools to have either special education or regular education certification (instead of only special education certification) in order to respond to the need for indepth curricular knowledge in these schools.
- allowing additional time for making placement in out-of-district settings (an optional 15 extra days).
- reducing the amount of required information for applying for approval for separate special education schools and adding the capacity for a public entity to get such separate approval.
- increasing a special needs student's options when he/she turns 18 years of age so that the student can delegate or share decision-making responsibility if he/she chooses.
- removing prescriptive requirements for personnel and content of the kindergarten screening activities.
- removing prescriptive personnel requirements (such as requiring the use of an Education Team Liaison as the Team Chairperson with various job duties outlined in regulation).
- increasing flexibility in the way districts may involve parents.

Also, in June 1999 the Board removed the local plan requirements (consistent with the flexibility allowed by the Individuals with Disabilities Education Act, Amendments of 1997: IDEA-97) that also reduced some state requirements in that area and resulted in a reduction of paperwork.

D. State Statutory and Regulatory Requirements

The following is a list of the major state laws and regulations that govern education in the Commonwealth of Massachusetts.

State Laws

Education Reform Act of 1993

Massachusetts General Laws: Education (See Chapters 69-78A)

- MGL Chapter 71: Public Schools
- MGL Chapter 71 § 89: Charter Schools
- MGL Chapter 71A: Transitional Bilingual Education
- MGL Chapter 71B: Children with Special Needs

State Regulations

<u>603 CMR 1.00</u>	Charter Schools
<u>603 CMR 2.00</u>	Under-Performing Schools and School Districts
<u>603 CMR 4.00</u>	Vocational Education
<u>603 CMR 5.00</u>	Dispute Resolution Under Parental Notification Law
<u>603 CMR 6.00</u>	Teacher Quality Enhancement
<u>603 CMR 7.00</u>	Certification of Education Personnel
<u>603 CMR 8.00</u>	Kindergartens: Minimum School Age
<u>603 CMR 10.00</u>	School Finance and Accountability
<u>603 CMR 13.00</u>	Certification of Supervisors of Attendance
<u>603 CMR 14.00</u>	Transitional Bilingual Education
<u>603 CMR 23.00</u>	Student Records
<u>603 CMR 26.00</u>	Access to Equal Educational Opportunity
<u>603 CMR 27.00</u>	Student Learning Time
<u>603 CMR 28.00</u>	Special Education
<u>603 CMR 33.00</u>	Anti-Hazing Reporting
<u>603 CMR 31.00</u>	Massachusetts Certificate of Mastery
<u>603 CMR 35.00</u>	Evaluation of Teachers and Administrators
<u>603 CMR 38.00</u>	School Construction
<u>603 CMR 41.00</u>	Regional School Districts
<u>603 CMR 44.00</u>	Recertification
<u>603 CMR 45.00</u>	Agricultural High Schools
<u>114.3 CMR 30.00</u>	Team Evaluation Services

Proposed Regulations

Proposed Amendments to Regulations 603 CMR 2.00: Under-Performing Schools and Districts

Proposed Regulations 603 CMR 7.00 : Educator Licensure and Preparation Program Approval

Proposed Regulations 603 CMR 30.00: Massachusetts Comprehensive Assessment System And Standards For Competency Determination

Proposed Amendments to Regulations 603 CMR 44.00: Recertification

III. Process for Monitoring and Assessing Waiver Results

Massachusetts will annually monitor the activities of districts and schools with Ed-Flex waivers and measure their performance against the educational goals set forth in the local waiver applications. The goals should be linked to state or local assessment systems. In accordance with the provisions of Title I, Massachusetts will provide technical assistance and corrective actions for districts or schools that are not making adequate yearly progress.

On an annual basis, schools or districts that have been granted waivers will be required to submit a progress report, including student achievement data, to document benefits/outcomes of the waiver and how it has helped to achieve the goals and objectives of the district's local plan. Department staff will review all documentation to monitor and encourage progress. A school's

performance and improvement ratings, under the state's new accountability system, will be the basis for informing decisions about the effectiveness and continuation of waiver requests.

Bi-annually, the Associate Commissioner for Education Program Services will convene a meeting of the Deputy Commissioner for Administration and Policy, and the Associate Executive Director for the Commissioner's Office to review all waiver requests in order to:

- assess outreach and intake efforts;
- identify statewide trends and results; and
- determine if waiver trends indicate that certain regulations are obsolete or need to be amended.

IV. Public Notice Requirement

Massachusetts will continue to disseminate information about the Ed-Flex program through a variety of means on an ongoing basis to ensure adequate and efficient notice. In addition, the Department will design an Ed-Flex public information bulletin outlining: (1) Ed-Flex benefits, particularly improved student performance; (2) examples of regulatory flexibility; (3) the application process for schools and districts; and (4) detailed information about how parents and educators may contribute to the process.

This information will be distributed in the following ways:

- Commissioner's mailings to Superintendents
- DOE web-site (www.doe.mass.edu)
- Grant application resources
- Workshops/materials at appropriate conferences and meetings
- Targeted mailings to program directors such as Title I and special education directors.
- Targeted mailing to school council members and parent teacher organizations
- Information sharing with state and local agencies, including the fifteen Advisory Councils to the Board of Education
- Library bulletin boards

V. Summary

Throughout this proposal, the Massachusetts Department of Education has aimed to demonstrate that educational flexibility is not an end in itself. Rather, flexibility must be an integral part of an overall sustained effort and partnership among stakeholders in public education to set the conditions that will result in improved performance for students, schools, and school districts. Strict accountability measures must be tied to increased degrees of flexibility.

Now entering its eighth year of implementing the Commonwealth's Education Reform Act initiatives, the Massachusetts Department of Education has the systems and organizational structure in place to allow schools and districts increased levels of flexibility from state regulations while holding them accountable for improved student achievement outcomes. Being granted continued federal Ed-Flex status will allow the Massachusetts Department of Education to be responsive to the needs of local schools and districts for relief from specific federal requirements in addition to state requirements.



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For Immediate Release

Wednesday, July 05, 2000

Contact: Darrell S. Pressley, 781-338-3126

Massachusetts Highlighted at National Conference on Teacher Quality Initiatives

Malden - The Massachusetts Department of Education's \$60 million Teacher Quality Enhancement program to improve the caliber of teachers in the Commonwealth's public schools was recognized last week at the 2000 Milken Foundation National Education Conference in Los Angeles attended by more than 1,000 national state education and political leaders, including Lt. Governor Jane M. Swift, and Commissioner of Education David P. Driscoll.

Highlighted at the Milken Conference were two of Massachusetts programs under the Teacher Quality Enhancement Law, Chapter 260, known as the "12 to 62 Plan," passed in 1998 with the support of Massachusetts Governor Paul Cellucci, Senate President Thomas Birmingham, and Speaker of the House Thomas Finneran. The two programs are the Massachusetts Signing Bonus Program for New Teachers and the Massachusetts Educator Certification Tests, designed to enhance the Massachusetts teaching force.

The theme for the 2000 conference was "Ensuring Teacher Quality in All Our Schools - Implementing Teacher Quality Principles and Programs at the State and Local Levels." Lt. Governor Swift joined the work of a state focus team at the conference and served on a panel of national political leaders on teacher quality.

Commissioner Driscoll said, "We are extremely pleased with the number of successful initiatives as part of our "12 to 62 Plan," that has involved over 1,400 high school and middle school students in considering future careers in teaching, and that has provided hundreds of scholarships, loan forgiveness programs and bonuses to bring the best and the brightest into the teaching profession. We are also well on our way to meeting our goal of 1,000 nationally certified teachers.

We are moving forward aggressively on Educator Quality Enhancement programs, but we cannot underestimate the urgency needed to implement new initiatives to address career advancement opportunities in schools."

The Milken Family Foundation announced that it has established a national Teacher Advancement Program (TAP), to recruit, train, support, compensate, evaluate and promote career advancement to attempt to attract and retain talented teachers into classrooms.

The TAP program includes a plan to expand the supply of high-quality teachers by making the initial academic degree and teaching certification attainable in four years. The teaching pool will be increased by providing alternative certification to beginning teachers and mid-career professionals, helping them to enter the teaching profession as adjuncts or full-time teachers through assessments and classroom demonstrations.

Commissioner Driscoll said, "Lowell Milken has challenged the political and educational leaders of this country to take bold action in the area of teacher quality. As Commissioner of Education in Massachusetts, I fully accept the challenge."

In May, 117 outstanding individuals were selected as the second group of recipients of the Massachusetts Signing Bonus Program for New Teachers, and received a \$20,000 signing bonus each to teach in Massachusetts public schools. The signing bonus program is open to qualified college seniors majoring in all academic areas, and to successful working professionals who have never been full-time public school teachers.

Also, results of the eighth administration of the Massachusetts Educator Certification Tests showed that more prospective teachers are passing the exam. Nearly 60% of candidates passed all three portions of the test given in April up from the 41% pass rate for the first test administration in April 1998.

Arizona was also recognized at the Milken convention for its innovative programs.

Additionally, the Milken national conference annually recognizes outstanding national educators who received the 1999 Milken Family Foundation National Educator Awards carrying with it a \$25,000 check to each educator.

Four Massachusetts educators received the 1999 Milken Award. The recipients are: Charles McAfee, principal at the Clarence R. Edwards Middle School in **Boston**; Janice Smith, an English/language arts teacher at the **Weymouth** Junior High School; James DeProfio, a health and virtual high school teacher at **Lowell** High School; Karin Orbon, a computer, business and accounting teacher at **North Brookfield** High School.

The Milken Family Foundation was established in 1982 to support education and health care nationwide. The Milken Educator Awards were established in 1985 to celebrate and reward educators who are making great strides in improving the nation's education system.

For more information on the Teacher Quality Enhancement initiative, visit the Department of Education [website](#).

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For Immediate Release

Tuesday, June 27, 2000

Contact: Darrell S. Pressley, 781-338-3126

Board of Higher Education Endorses Tuition Waiver for Students who Earn a State Certificate of Mastery

Boston - Massachusetts public high school students who have been awarded the Stanley Z. Koplik Certificate of Mastery Awards will receive state-supported undergraduate tuition waivers from the Board of Higher Education to attend a Massachusetts public college or university.

Starting this fall, the Stanley Z. Koplik Certificate of Mastery Tuition Waivers will provide merit-based tuition waivers based on performance on the MCAS and other means of demonstrated academic performance. The Department of Education's Certificate of Mastery recognizes high academic achievement on MCAS and other measures of academic achievement including competitions, student publications, and awards.

The tuition waiver requires maintaining a G.P.A. of 3.3 for continued eligibility, and is comprised of a waiver of tuition only. It does not include such charges as room and board, course fees, curriculum fees, and other general fees.

The Department estimates that 1,100 students will be awarded Certificates of Mastery this year. Of these, about one quarter are expected to continue their education at a Massachusetts public college or university.

The certificate is part of the Education Reform Law of 1993, designed to recognize and reward students who demonstrate high academic achievement. In March 2000, the state Board of Education adopted the regulations for implementing the program.

The Department of Education has requested and the governor has filed a supplemental budget request that would provide significant cash stipends to all Certificate of Mastery winners, whether or not they receive the public higher education tuition waiver. The matter is pending legislative consideration.

For more information on the Certificate of Mastery, visit the Department of Education website at www.doe.mass.edu/FamComm/Student/mastery/.

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For Immediate Release

Friday, June 23, 2000

Contact: Darrell S. Pressley, 781-338-3126

3,000 Low-Income Massachusetts High School Students Will Receive Free Or Low-Cost Advanced Placement Opportunity

Malden - Commissioner of Education David P. Driscoll announced today that Massachusetts has received an award of over half a million dollars from the United States Department of Education to give 3,000 more low-income and minority students the opportunity to take Advanced Placement courses and exams, and to support teachers trained to lead AP courses.

Advanced Placement exam fees for income eligible students will drop from \$77 to \$15, and in some cases, the tests will be free of charge. Also, Massachusetts will use its grants to support new and veteran teachers of Advanced Placement courses who will receive professional development at AP summer institutes and training sessions throughout the school year.

High school student participation in the Advanced Placement Program in Massachusetts increased over the last two years by 11 percent. In 1998, there were 29,224 AP exams taken, and 32,350 exams taken in 1999. While low-income students make up 25 percent of the student population in Massachusetts, they only account for five percent of those enrolled in Advanced Placement courses and participate in AP exams.

Commissioner Driscoll said, "We are excited about this opportunity to provide greater access to more challenging high school courses by sponsoring about 3,000 low-income and minority students each year through this program. This raises expectations for them to achieve, and I believe that is a crucial element of their future success."

Advanced Placement courses allow students to do college-level work in high school, and to gain valuable skills and study habits for college. With more than 30 AP classes available, students can develop critical thinking and reading skills, along with developing new insights and interests. If a "qualifying" grade on the AP Exam is earned, there are colleges worldwide that will give credit or advanced placement to students.

For more information on the Advanced Placement Program, visit the [Department of Education website](#).

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