



David P. Driscoll
Commissioner of Education

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Commissioner's Update

April 7, 2003

Dear Superintendents and Directors of Charter Schools and Collaboratives:

In this letter I have four announcements and 11 items posted at www.doe.mass.edu.

MCAS Information

Class of 2003 Competency Determination Database

A database of students in the Class of 2003 who have not yet met the Competency Determination standard is now available in the Department's Security Portal for each district. This information has been made available to assist you in planning programs for students in the class of 2003 who have yet to meet the Competency Determination standard and to provide you with the opportunity to alert us about any discrepancies between our records and yours. The database can be accessed through the MCAS File Exchange in the Department's Security Portal. If you need to update information on the Competency Determination status of students in the posted database, the MCAS File Exchange contains detailed instructions on how to download and submit edits. Updates will be accepted April 4 - April 25.

Spring 2002 MCAS Data and October 2002 Enrollment Matched

Spring 2002 MCAS data matched to the October 2002 enrollment has been posted to the DOE Security Portal in Drop Box Central. The data is in the original format and is compatible with TestWiz. For further information, see detailed directions on the DOE Security Portal.

Spring 2003 MCAS Test Administration

During the spring MCAS test administration period, be sure to check the [MCAS test administration](#) page for updates. New information and materials are added frequently. Also, please log on to the MCAS Service Center website (www.mcasservicecenter.com) to confirm that you are scheduled to receive the appropriate amount of test materials for the May test administrations. Contact the MCAS Service Center no later than April 14 with any updates to the quantity of test materials.

Standards for Identifying Unsafe Schools

No Child Left Behind requires each state to adopt a standard for determining "persistently dangerous" schools. The law allows school choice options for students in these schools and for any student who is the victim of a violent crime in school. In March, the Board of Education voted unanimously to approve the Standards for Determining Unsafe Schools. As adopted, the policy defines a "persistently dangerous" school as one that meets either of two criteria for three consecutive years: (1) one or more students have been expelled for violation of the federal Gun-Free Schools Act; or (2) the number of students who have been permanently excluded or expelled from school for more than 45 days for weapons, physical assaults or violent crimes exceeds 1.5% of the student enrollment.

Please review these safety standards posted in this update so that you can implement prevention and early intervention activities for maintaining and improving safe climates in your schools. Later this month and into early May we will be holding regional trainings on the new standards. Information is being sent directly to your safe and drug free coordinators and it will also be posted at <http://www.doe.mass.edu/hssss/> soon.












Spring and Summer Content Institutes for Public School Educators

From May 12 through August 31 we will be sponsoring 35 free content institutes for educators at locations throughout the Commonwealth. These institutes are specifically geared toward helping educators improve their content knowledge and skills in the subject matter they teach, and I encourage all educators to take advantage of these and other professional development opportunities. The 2003 Content Institute Brochure will be available in mid-April at the Department of Education's web site at www.doe.mass.edu/frameworks/cinstitute/.

Request for Proposals for 10 Federal Grants

The FY2004 Request for Proposals for 10 federal entitlement/allocation grants has been issued at <http://finance1.doe.mass.edu/grants/>, and it has been mailed to you, as well. Included in the RFP are the following stand-alone grant programs: Titles I; II-A; II-D; IV; V; 2 Perkins grants; 2 Special Education grants; and the Early Childhood Special Education program. At this time, individual allocation amounts have yet to be determined and I will send them to you as soon as the information becomes available. In order to be reasonably assured that funds will be available by the beginning of the school year, however, I recommend that you submit your proposals by Friday, June 20.

Here are eleven items for your information:

1. English Language Proficiency Requirements for Teachers and English Language Education in Public Schools

2. Standards for Determining Unsafe Schools

3. 2003-2004 Charter School Pre-Enrollment Report

4. Notice of Public Comment on Proposed Amendment to 603 CMR 38.00, School Construction Regulations

5. Spring 2003 MCAS Test Administration: Frequently Asked Questions and Clarifications

6. Summer 2003 MCAS Retest Administration

7. Guidelines for Reporting School Dropouts

8. 2003 Graduates from Alternative Adult/External Diploma Programs and Evening High Schools

9. 21st Century Community Learning Centers Bidders' Conference

10. Community Service Learning Advisory Council Teacher Leader Program

11. Board in Brief, a summary of the Board of Education Meeting held on March 25.


All the best, and

Sincerely,

David P. Driscoll
Commissioner of Education



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School and District Accountability

English Language Proficiency Requirements for Teachers under Question 2: English Language Education in Public Schools

To: Superintendents of Schools and Charter School Leaders

From: David P. Driscoll, Commissioner of Education

Date: March 27, 2003

Literacy and Fluency Requirements

General Laws c. 71A, as amended by Chapter 386 of the Acts of 2002, is the new Massachusetts law governing the education of limited English proficient students. Known as "Question 2," it becomes effective at the start of the 2003-2004 school year. Section 2 of Question 2 requires teachers in English language classrooms to be "fluent and literate in English." Under Question 2, English language classrooms encompass both sheltered English immersion classrooms **and** English language mainstream classrooms. Teachers in classrooms other than English language classrooms (e.g., bilingual education and foreign language classrooms) do not need to meet the English literacy and fluency requirements of Section 2 of Question 2.

As was noted in the Department's March 6, 2003 memorandum on this topic, district superintendents and charter school leaders are required to sign an assurance that **all teachers in English language classrooms** are literate and fluent in English, beginning with the 2003-2004 school year.

1. **Literacy in English.** Teachers who possess a Massachusetts teaching license or vocational approval fulfill Question 2's requirement for literacy in English. Any teacher who does not hold a Massachusetts teaching license but who has received a Bachelor's degree from a college or university where the language of instruction was English fulfills Question 2's requirement for literacy in English. Teachers who have taken and passed the Massachusetts Communication and Literacy Test fulfill Question 2's requirement for literacy in English.
2. **Fluency in English.** Fluency is defined as having oral proficiency in English that consists of comprehension and production. Production is defined as accurate and efficient oral communication using appropriate pronunciation, intonation, grammar, and vocabulary in an interactive professional context. The following section discusses how district officials should make the **fluency determination**.

Demonstration of Fluency in English for Purposes of Question 2: Procedures

Methods for Determining Fluency

Determining teaching staff's fluency in English should be made through one or more of the following methods:

- classroom observation and assessment by the teacher's supervisor, principal, and/or superintendent or charter school leader; and/or
- an interview and assessment by the teacher's supervisor, principal, and/or superintendent or charter school leader; and/or

- the teacher's demonstration of fluency in English through a test accepted by the Commissioner of Education; and/or
- another method determined by the superintendent or charter school leader and accepted by the Commissioner. (If the district has another valid and reliable assessment it wishes to use, please contact Kathryn Riley (kriley@doe.mass.edu, 781-338-3522) to discuss this option.)

Test Options

Recognizing that superintendents and charter school leaders will need to make the fluency determination by this spring for teacher contract renewal purposes, the Department has researched different testing programs. **A test is needed only in cases where the teacher's English fluency is not apparent through classroom observation and assessment or interview and assessment.** The Department is recommending use of the American Council on the Teaching of Foreign Languages (ACTFL) Oral Proficiency Interview (OPI) assessment instrument made available through Language Testing International (LTI). The Department recommends this instrument because:

- it is a valid and reliable criterion-referenced test;
- it is convenient for educators throughout the state since the assessment can be done over the telephone as well as face-to-face; and
- it can provide assessment results in a timely manner (4 weeks).

The OPI assesses oral language proficiency in terms of the speaker's ability to use the language effectively and appropriately in real-life situations (see Attachment A for descriptors of speaking levels). The test content is adapted to the candidate's professional and academic experiences. The test lasts 20 - 30 minutes. The basic cost of the ACTFL Oral Proficiency Interview assessment is \$129 per person. See Attachment B for OPI information for the candidate.

Since the Department anticipates that the number of individuals needing to take the OPI assessment will be relatively low, it will be able to **reimburse** districts and charter schools for a reasonable number of assessments at the \$129 per person rate as follows:

- Districts/charter schools with federal Title III grants may use a portion of the grant funds to pay for the OPI assessment.
- If a district or a charter school does not have a Title III grant or believes that it does not have adequate funding from its Title III grant to cover the costs of the initial testing, please contact Carole Thomson (cthompson@doe.mass.edu, 781-338-6201) to discuss options for reimbursement of costs.

Next Steps

At this time, the Department recommends that superintendents and charter school leaders do the following for teachers scheduled to teach in English language classrooms in 2003-2004:

1. Review the descriptors for the ten speaking levels in Attachment A. There are ten (10) speaking levels for the Oral Proficiency Interview test. The Massachusetts Department of Education has determined that levels 1 (Superior), 2 (Advanced High), and 3 (Advanced Mid) are acceptable levels for teachers in Massachusetts English language classrooms. Descriptors for all ten levels are provided in Attachment A as guides for district officials to use when deciding if a teacher meets or does not meet the oral proficiency requirement of Question 2. It is recommended that the school officials who will be making the fluency determinations review and discuss the descriptors together to ensure consistent application.
2. Determine teaching staff's fluency in English through one or more of the following methods:
 - a. classroom observation and assessment by the teacher's supervisor, principal, and/or superintendent or charter school leader; and/or
 - b. an interview and assessment by the teacher's supervisor, principal, and/or superintendent or charter school leader; and/or
 - c. the teacher's demonstration of fluency in English through a test accepted by the Commissioner of Education; and/or
 - d. another method determined by the superintendent or charter school leader and accepted by the Commissioner. (If the district has another valid and reliable assessment it wishes to use, please contact Kathryn Riley (kriley@doe.mass.edu, 781-338-3522) to discuss this option.)
3. For those teachers whose fluency or lack thereof cannot be determined through the district's screening process and who are asked or who request to participate in the OPI assessment, review the instructions in Attachment C, complete the Request Form, and fax it directly to LTI (fax 914-948-0794). Only those teachers for whom it is not possible to decide that they reach, at

a minimum, the Advanced-Mid level should be referred for the OPI assessment. If it is clear that a teacher would be classified in levels 4-10 (Advanced Low through Novice Low), then that teacher should not be referred for assessment and should not be assigned to an English language classroom. However, if the teacher disagrees with the determination that he/she is not fluent, the teacher should be allowed to take the test.

The OPI assessment can be scheduled in 3 to 4 days from registration and, under the standard fee, districts will receive results in about 4 weeks. An express service with a 2 week turnaround time is available at an additional cost of \$50/assessment to the district. The Department will not reimburse this cost. Contact LTI for additional information.

4. As needed, consult with the district's legal counsel about collective bargaining and employment issues that may be affected by Question 2.

Should you have questions or wish further information, please contact Kathryn Riley (kriley@doe.mass.edu) or Carole Thomson (cthomson@doe.mass.edu).

[Attachment A](#)

[Attachment B OPI: Information for the Candidate](#)

[Attachment C: Instructions and Request Form](#)

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Health, Safety and Student Support Services

Standards for Determining Unsafe Schools in Massachusetts

Section 9532 of the *No Child Left Behind Act* of 2001 (NCLB) states:

Each State receiving funds under the "No Child Left Behind" (NCLB) Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

Pursuant to this federal law, the Massachusetts Department of Education (Department) establishes the following standards to determine an unsafe or "persistently dangerous" school. NCLB stipulates that a school may be deemed unsafe as a whole entity or for an individual student who becomes a victim of a violent criminal offense. The Department will implement these standards as of July 1, 2003.

In meeting this federal requirement, the Department seeks to establish and implement a policy that is preventive as well as responsive to immediate concerns. Thus, corrective action will be part of the process when a school is determined to be unsafe or persistently dangerous. The corrective action process is not intended to abridge the right of a student to be allowed to attend a safe public elementary or secondary school within the local educational agency, as provided by the federal law.

Individual Student Option

Beginning in the 2003/2004 school year, any student who becomes a victim of a violent criminal offense as defined by Massachusetts General Laws Chapter 140, Section 121, which takes place in or on the grounds of the public elementary or secondary school that the student attends, must to the extent feasible be allowed to transfer immediately to another public school within the school district. For purposes of this policy, "in or on the grounds of" the school includes school premises, school buses, and attendance at school sponsored or school related events including athletic games and field trips. A copy of Mass. Gen. Laws Chapter 140, Section 121 is attached.

Whole School Option

To be designated as "persistently dangerous," a school must meet either of the following criteria for three consecutive years beginning with the most recent enrollment data available to the Department as well as the prior two years.

- One or more students have been expelled for violation of the Federal Gun-Free Schools Act
- **or**
- The number of students who have been permanently excluded or expelled from school for a period greater than 45 days under Mass. General Laws Chapter 71, Section 37H for weapons or physical assaults or for violent crimes as defined by Mass. General Laws Chapter 140, Section 121 exceeds 1.5 % of the student enrollment. The rate will be based on each individual school's enrollment data submitted to the Department.

For any school that meets either criterion at any time, the school district may voluntarily declare the school in "greatest need" under Section 9532 of the No Child Left Behind Act. The district may then direct federal Safe and Drug-Free Schools program funds and services to assess and identify any

problems as well as voluntarily implement a corrective action plan to ensure a safe school environment for all students and staff.

For any school that meets either criterion for two consecutive years, the Department will request that the school and district evaluate their needs and adopt or revise a corrective action plan to ensure a safe school environment for all students and staff. The school and district shall maintain the corrective action plan as a public record. To the extent feasible, the Department will provide technical assistance to the school and district.

For any school that meets either criterion for three consecutive years, the Department will designate the school as unsafe or persistently dangerous. Parents may then exercise their right to have their child attend a safe public elementary or secondary school within the local educational agency [school district], as provided by Section 9532 of the No Child Left Behind Act. The school will be required to submit a corrective action plan to the Department. To the extent feasible, the Department will collaborate with other state and local agencies to provide support and technical assistance to the school and district.

If the Department notifies a school or district that the school is or may be designated as unsafe or persistently dangerous, school officials will have ten working days to present information to the Department that may have a bearing on the designation. The local officials' response may include any or all of the following:

- a. Clarification of the disciplinary incident data submitted;
- b. The school's safety plan;
- c. Local efforts to address the school's safety concerns;
- d. The school safety data reported to the state consistent with requirements of ESEA, Title IVA Safe and Drug-Free Schools and Communities Act, section 4112 (c)(3);
- e. More current data that the school may have available;
- f. Any extenuating circumstances; and
- g. Any other information the school officials believe may be relevant.

The Department will review the information provided by the school officials before making a final determination.

Approved by the Massachusetts Board of Education: March 25, 2003

Excerpts from Relevant Federal and State Laws

Section 9532 of the No Child Left Behind Act

The Unsafe School Choice Option (USCO) (*section 9532 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001*) requires that each State receiving funds under the ESEA establish and implement a statewide policy as follows:

Each State receiving funds under the "No Child Left Behind" (NCLB) Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.*

As a condition of receiving ESEA funds, each state must certify in writing to the U.S. Secretary of Education that the state is in compliance with these requirements.

*For the purposes of the Massachusetts policy, "school grounds" includes:

- a. school premises
- b. school buses
- c. school-sponsored or school-related events including athletic games and field trips

Federal Gun-Free Schools Act

The Gun-Free Schools Act (GFSA) requires that each state receiving federal funds under the Elementary and Secondary Education Act (ESEA) have a state law that requires all local educational agencies (i.e.,

school districts) in the state to expel from school for at least one year any student found bringing a firearm to school. State laws must also authorize the school district's chief administering officer to modify any such expulsion on a case-by-case basis. In addition, the GFSA states that it must be construed so as to be consistent with the Individuals with Disabilities Education Act (IDEA).

Massachusetts General Laws Chapter 140, Section 121

M.G.L. c. 140, § 121 defines "violent crime" as follows:

"Violent crime", shall mean any crime punishable by imprisonment for a term exceeding one year, or any act of juvenile delinquency involving the use or possession of a deadly weapon that would be punishable by imprisonment for such term if committed by an adult, that:

- i. has as an element the use, attempted use or threatened use of physical force or a deadly weapon against the person of another;
- ii. is burglary, extortion, arson or kidnapping;
- iii. involves the use of explosives; or
- iv. otherwise involves conduct that presents a serious risk of physical injury to another.

Victim of Violent Crime: A victim of a violent crime is a victim of one or more of the crimes defined above.

Massachusetts General Laws Chapter 71, Section 37H

.....Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

- a. Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.
- b. Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.
- c. Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.

After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).

- d. Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.
- e. When a student is expelled under the provisions of this section, no school or school district within the commonwealth shall be required to admit such student or to provide educational services to said student. If said student does apply for admission to another school or school district, the superintendent of the school district to which the application is made may request and shall receive from the superintendent of the school expelling said student a written statement of the reasons for said expulsion.

Excerpts from Unsafe Schools Choice Option - Non Regulatory Guidance from the U.S. Department of Education

I. Providing a Safe Public School Choice Option to Students Attending Unsafe Public Schools

1. *What must an LEA do when one or more of its schools have been identified as persistently dangerous?*

- At a minimum, an LEA that has one or more schools identified as persistently dangerous must, in a timely manner:
 - a. Notify parents of each student attending the school that the state has identified the school as persistently dangerous;
 - b. Offer students the opportunity to transfer to a safe public school, including a safe public charter school, within the LEA; and
 - c. For those students who accept the offer, complete the transfer.
 - In addition, an LEA should also:
 - d. Develop a corrective action plan; and
 - e. Implement that plan in a timely manner.
 - f. Parental notification regarding the status of the school and the offer to transfer students may be made simultaneously.
2. *What is "timely implementation" of these steps?*
 - a. Although "timely implementation" depends on the specific circumstances within the LEA, generally, an example of timely notification to parents or guardians is within ten school days from the time that the LEA learns that the school has been identified as persistently dangerous.
 - b. An example of timely development of a corrective action plan and the offer to students of the opportunity to transfer generally is within twenty school days from the time that the LEA learns that the school has been identified as persistently dangerous.
 - c. Transfers of students generally should occur within 30 school days.
 3. *Should the LEA submit its corrective action plan to the SEA for approval?*
 - a. Yes. In addition, after approving an LEA's corrective action plan, the SEA should provide technical assistance as the plan is implemented and should monitor the LEA's timely completion of the approved plan.
 4. *What types of corrective action may be taken?*
 - Corrective action should be based on an analysis of the problems faced by the school and address the issues that resulted in the school being identified as persistently dangerous.
 - Some examples of corrective action include:
 - a. hiring additional personnel to supervise students in common areas,
 - b. increased instructional activities in areas such as conflict resolution,
 - c. working with law enforcement officials to identify and eliminate gang-related activities,
 - d. in-service training of teachers and administrators concerning consistent enforcement of school discipline policies,
 - e. limiting access to campuses, and
 - f. hiring of security personnel or
 - g. purchase of security equipment.
 5. *What resources are available to help schools implement corrective action?*
 - a. Consistent with applicable requirements such as those contained in the *Safe and Drug-Free Schools and Communities Act* "Principles of Effectiveness," Safe and Drug-Free Schools and Communities Act State Grant program funds may be used to implement planned corrective actions [section 4115].
 - b. LEAs may also consider using the flexibility provided under Section 6123(b) of the ESEA, which provides for the transfer, under certain circumstances, of funds from one ESEA program to another.
 - c. State and local resources may also be used to help schools implement corrective action.
 6. *What does the LEA do when corrective action has been completed?*
 - a. Upon completion of its planned corrective action, an LEA may apply to the SEA to have the school removed from the list of persistently dangerous schools. After ensuring that all corrective action has been completed, the SEA should reassess the school using the agreed upon criteria for the identification of persistently dangerous schools.
 7. *Must all students attending a persistently dangerous school be offered the opportunity to transfer?*
 - a. Yes.
 8. *Are students at persistently dangerous schools required to transfer to another school in the LEA?*
 - a. No. Students are not required to transfer, but must be offered the opportunity to do so.

9. *If a student attending a public school identified as persistently dangerous elects to transfer to a safe public school, how is the school selected?*
 - a. To the extent possible, LEAs should allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. The LEA is encouraged to take into account the needs and preferences of the affected students and parents.
10. *If a student elects to transfer to a safe public school, is the transfer permanent or temporary?*
 - a. The transfers may be temporary or permanent, but must be in effect as long as the student's original school is identified as persistently dangerous. In making the determination of whether the transfer should be temporary or permanent, LEAs should consider the educational needs of the student, as well as other factors affecting the student's ability to succeed if returned to the transferring school.
 - b. For example, an LEA may want to consider allowing a student to complete his or her education through the highest grade level at the receiving school.
11. *What if there is not another school in the LEA for the transferring student(s)?*
 - a. LEAs are encouraged, but not required, to explore other appropriate options such as an agreement with a neighboring LEA to accept transfer students.

II. Providing a Safe Public School Choice Option to Students who Have been Victims of a Violent Criminal Offense

1. What should an LEA do when a student has become a victim of a violent criminal offense?
 - a. Consistent with the statewide USCO policy, an LEA should offer, generally within ten calendar days, an opportunity to transfer to a safe public school (including public charter schools) within the LEA to any student who has become the victim of a violent criminal offense while in or on the grounds of a public school that the student attends.
2. *Is a student who has become the victim of a violent criminal offense required to transfer to another school in the LEA?*
 - a. No. The student must be offered the opportunity to transfer; however, the student may elect to remain at the school.
3. *If a student who has been the victim of a violent crime elects to transfer to a safe public school, how is the school selected?*
 - a. To the extent possible, LEAs should allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. The LEA is encouraged to take into account the needs and preferences of the affected students and parents.
4. *What if there is not another safe school in the LEA for the transferring student?*
 - a. LEAs are encouraged, but not required, to explore other appropriate options such as an agreement with a neighboring LEA to accept transfer students.
5. *If a student elects to transfer to a safe public school, are resources available to help cover the costs (such as transportation costs) associated with the transfer?*
 - a. The USCO statute does not authorize resources specifically to help cover these costs. However, under certain circumstances Federal funds may be used. For example, Title IV, Part A funds may be used to establish safe zones of passage to and from school to ensure that students travel safely on their way to school and on their way home [section 4115(b)(2)(E)(v)]. In addition, Title V, Part A funds may be used to help cover costs such as tuition or transportation related to USCO or expansion of public school choice [sections 5121(8) and 5131(12) and (25)].
 - b. In addition, LEAs are encouraged to work with local victims assistance units to determine if they have funds available for this purpose.



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Massachusetts Charter Schools

2003-2004 Charter School Pre-Enrollment


To: Superintendents of Districts Sending Students to Charter Schools


From: David P. Driscoll, Commissioner of Education

Date: April 1, 2003

CC: Mayors, Boards of Selectmen, and Charter School Leaders

In accordance with M.G.L. c.71, §89, and 603 CMR 1.07(2), the purpose of this memorandum is to notify you of the number of students from your district who are expected to be enrolled in Commonwealth charter schools for the 2003-2004 school year.

I am providing you with **two reports** that provide information about projected charter school enrollment for the upcoming school year. The first report, [Charter School Pre-Enrollment for the 2003-2004 School Year](#) , provides by charter school the total pre-enrollment count, grade levels to be served, and number of students on the school's waiting list.

The second report, [Charter School Pre-Enrollment for the 2003-2004 School Year, by Sending School District](#) , identifies by sending district the number of students, by grade, that have pre-enrolled in charter schools and the number of students placed on charter school waiting lists.

According to state regulations, payments shall be made to charter schools "only for the total number of students from all districts" as reported on the charter school pre-enrollment report. As a result, while actual enrollment from your district may differ slightly, the total enrollment in a charter school from all districts, as listed on the attached report, represents a cap on the number of students for which the charter school may receive tuition payments.

The first quarterly payment to charter schools in FY04 will be based on the attached pre-enrollment report using a projected FY04 tuition rate for each sending district. The remaining three quarterly payments for FY04 will be based on actual charter school enrollment and the current FY04 charter school tuition rate, with corrections made for any over- or under-payment in the first quarter.

While the legislation stipulating a reimbursement to school districts (100% of the increase in payments to charter schools from FY03 to FY04, 60% of the tuition increase from FY02 to FY03, and 40% of the tuition increase from FY01 to FY02) remains on the books, it is important to note that this account was not funded in FY03 and the Governor has not recommended an allocation to that line item in his FY04 budget. The Governor has filed legislation, however, that includes a charter school reimbursement as a component of the Chapter 70 distribution to cities and towns. Further information about this proposal can be found on the Department's School Finance website: http://finance1.doe.mass.edu/chapter70/chapter_04p.html.

If you have any questions regarding charter school enrollment, the charter school statute or regulations, or the funding formula, please call Rebecca Holmes in the Charter School Office at (781) 338-3228.

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Education Laws and Regulations

Notice of Public Comment Proposed Amendment to 603 CMR 38.00

Pursuant to its authority under M.G.L. c.69, s.1B, and Chapter 70B, 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 amendment to 603 CMR 38.00, School Construction Regulations.

The Board of Education is required to review annually the cost standards used for the school building assistance program. For the past several years the Board has used the ENR January building cost index for Boston as a guide for recommended changes. This year's cost index increased by 0.5% over the 2002 index. Therefore, the Board is recommending increases in the cost standards as shown below:

603 CMR 38.06: Cost Standards: Capital Construction

(1) Grants for capital construction shall be based on the following amounts per square foot for the cost of the general contract, design fees, allowable site preparation, site development, insurance, construction supervision, costs related to the issuance of notes and bonds, contingency amounts, and miscellaneous costs.

Elementary schools	\$158.00 159 per square foot
Middle schools/junior high schools	\$168.00 169 per square foot
High schools	\$180.00 181 per square foot
Vocational schools	\$192.00 193 per square foot
Furnishings and equipment	\$ 15.00 per square foot

In addition, the Board has expressed an interest in receiving public comment on the use of project labor agreements in school construction projects. Although no regulatory change is being proposed at this time, the Board would appreciate comments from interested parties on whether or not a prohibition on the use of such agreements would be in the public interest.

Written comments on these issues may be submitted to Jeff Wulfson, Associate Commissioner for School Finance, by mail to the Department of Education, 17 Pleasant Street, Malden, MA 02148; by fax to 781-338-6530; or by e-mail to jwulfson@doe.mass.edu. The deadline for submission of public comment is **Friday, May 2, 2003**. The Board is expected to vote on the proposed amendments at its regular monthly meeting scheduled for May 27, 2003.

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Massachusetts Comprehensive Assessment System

Spring 2003 MCAS Test Administration: Frequently Asked Questions and Clarifications

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I. Scheduling of MCAS Test Sessions

Q. Is there a 2-hour time limit on MCAS tests?

A. No. All MCAS tests are untimed. Students who require additional time and are continuing to make progress on the test may continue working on a test session. Any single test session must be completed on a single day. The policy on untimed test sessions is provided on page 18 of the *Principal's Administration Manual*.

Q. How much time should be scheduled for each test session?

A. All MCAS test sessions are designed as either 45-minute or 60-minute sessions, as noted in the *Principal's Administration Manual*. If a school plans to administer two test sessions on a single day, the Department recommends a 2-hour block for each test session (with the exception of the English Language Arts Composition) to allow students who require additional time to complete their tests.

Q. Can a school alter the required administration schedule for the tenth grade English Language Arts and Mathematics MCAS tests?

A. No. All schools must follow the Department's published administration schedule for tenth grade tests in English Language Arts and Mathematics. To maintain security and preserve the validity of the results of these tests, it is critical that they are administered concurrently to all grade 10 students in the school.

Q. Are students with disabilities required to follow the same administration schedule as other students in the school?

A. Students with disabilities receiving accommodations in testing time may be required to complete only one test session per day (with the exception of the English Language Arts Composition).

Q. When will confidential student information be collected?

A. Confidential student information will be collected in the grade 3 Reading Test and Answer Booklet and in the May Answer Booklet at grades 4, 5, 6, 7, 8, and 10. (Each grade has one Answer Booklet for each administration.)

Q. At what grades will the student questionnaire be administered this year?

A. The student questionnaire will be administered at grades 4, 8, and 10 during the May testing window.

Q. Are Practice Tests optional?

A. Yes. Administration of the Practice Test is optional; it should take approximately 20 minutes. The administration may be anytime prior to test session 1.

II. Student Participation

A. Clarifications on Student Participation

Q. Are "home-schooled" students permitted to participate in the MCAS?

A. No. Students in approved home education programs are not enrolled in public school. Consequently, they are neither required nor entitled to take the MCAS tests, which are designed to measure the academic progress of students enrolled in publicly supported schools and the performance of those schools.

Q. Do "home tutored" students participate in the MCAS?

A. Home-tutored students are those students who are enrolled in a public school but receive instruction at home. These students must participate in the MCAS tests. The student should be tested at the school under normal test administration conditions. Whenever extraordinary circumstances make it impossible to test the student at the school, schools must contact the Department to determine how the student will participate in MCAS testing. See page 16 of the *Principal's Administration Manual* for more information.

Q. What procedures should be followed if a student is in temporary custody of the D.S.S. or D.Y.S. during the MCAS testing period?

A. If the student is removed from school prior to the first day of testing and does not return during testing, the student should NOT be included in a school's count of enrolled students for MCAS testing. However, if the student was removed during the testing period, schools must complete a *Change of Enrollment Status Form* for the student to indicate which tests the student completed. If a school is contacted by an appropriate agency, they should provide information about the MCAS tests completed at the school and those tests that the student has not yet completed.

Q. Must students visiting temporarily (e.g., a visiting foreign student, a temporary placement) participate in the MCAS?

A. Foreign exchange students and other students with temporary or short-term placements in your school are not generally required to participate in the MCAS tests. Schools should contact the Department with questions about a particular student's status. (Note that migrant students (definition provided in *Appendix C* of the *Principal's Administration Manual*) DO participate in MCAS.)

Q. A student will be out-of-school (for a non-medical reason) during most of the testing window. May the student complete all of the MCAS tests ahead of schedule?

A. No. Students may not begin testing prior to the established April and May testing windows. Under rare extenuating circumstances, it may be acceptable for a student to begin and complete a test or test session earlier than other students in the school. Schools must contact the Department for prior approval of any non-standard test administration schedule.

Q. Do students retained in a grade need to take the MCAS again?

A. Yes. Students must participate in MCAS according to what grade they are currently enrolled in. (See Section VI for information pertaining to retained grade 10 students.)

B. Administrative Forms

Q. The Principal's Certification of Proper Test Administration (PCPA) asks for the number of students enrolled on the first day of testing. Should that figure reflect the entire school or a single grade level?

A. There is a separate PCPA for each grade level tested in April and May, as well as separate PCPA forms for the MCAS retest, and the Science and Technology/Engineering Question Tryouts. The enrollment to be reported on each PCPA (box #4) should indicate the number of students enrolled at the grade level indicated on the form. It is not necessary to provide enrollment information for the MCAS retests or the Science and Technology/Engineering Question Tryouts. The scannable document count (box #5) includes all completed *Answer Booklets* and completed *Change of Enrollment Status Forms*. A sample PCPA is found on page 11 of the *Principal's Administration Manual*.

Q. When should schools complete a Change of Enrollment Status Form?

A. A *Change of Enrollment Status Form* should be completed when a student's enrollment status changes during the testing period. Students who have been removed from a school's enrollment prior to the first day of testing should not be included in MCAS testing. Students added to a school's enrollment prior to the first day of testing should be included in MCAS testing and do not require any additional paperwork. This form is not applicable for the retests.

Q. Will there be an opportunity to correct confidential student information or student's testing status provided on the Answer Booklet prior to the reporting of MCAS results?

A. No. There will **not** be an opportunity to correct confidential student information or student's testing status AT ALL (unless it is determined that it is the contractor's error). Student information reported in the *Answer Booklet* must be accurate. It is critical that schools review information provided on each student *Answer Booklet* that indicates whether:

1. the student participated in an Alternate Assessment;
2. the student was not required to participate in MCAS testing based on limited English proficiency; or
3. the student did not participate in MCAS testing due to a medically documented absence.

Q. Where can schools find their district and school codes?

A. <http://profiles.doe.mass.edu/>

III. Test Accommodations

Q. What students are eligible for test accommodations?

A. A student with a **documented disability** who receives any accommodations during routine instruction is eligible to receive those accommodations during MCAS testing. Accommodations used in testing should be included in the student's IEP or Section 504 Plan. A list of approved standard and non-standard accommodations is provided in Appendix B of the *Principal's Administration Manual*. Accommodations not included on the list must be approved by the Department of Education prior to the test administration. For students with documented disabilities who do not have an IEP or Section 504 Plan, the school principal should have a record of any accommodations recommended for testing. In the "IEP/504 Status" section on the student's *Answer Booklet(s)*:

- a. schools do NOT answer "Yes" that the student has an IEP or Section 504 Plan; and
- b. schools do indicate the nature of the student's disability and the test accommodation(s) used by the student.

Q. Are students with District Curriculum Accommodation Plans eligible for test accommodations?

A. Use of MCAS test accommodations is limited to students with documented disabilities. Other students, including those students who receive modifications to their routine instruction, are NOT eligible for MCAS test accommodations.

Q. Are students with broken arms eligible for test accommodations?

A. Students with broken arms, fractures, or other temporary physical disabilities are eligible for appropriate test accommodations. The nature of the disability (physical) and the test accommodation(s) used should be indicated on the student's *Answer Booklet(s)*. Schools do NOT answer "Yes" that the student has an IEP or Section 504 Plan.

Q. May schools translate directions into other languages for students?

A. Yes. Test administrators may clarify or translate directions for students, but they must NOT clarify or translate any test questions or directions within a question.

Q. Are bilingual word-to-word dictionaries allowed on the LAS R/W?

A. No. Bilingual word-to-word dictionaries are permitted for use only on the MCAS by students who are or have been LEP.

IV. Pre-Printed Student Identification Labels

Q. What should a school do if they receive pre-printed labels for students no longer enrolled in their school? Will these students be included in their MCAS test results?

A. The pre-printed labels are based on fall enrollment information that each school district provided to

the Department's Student Information Management System (SIMS). It is expected that there will be some movement of students during the school year. Schools are only accountable for students enrolled on the first day of testing. If schools receive a set of labels for a student no longer enrolled, they should return the labels (unaffixed, unused) with their shipment of non-scorable materials. See page 22 of the *Principal's Administration Manual* for a sample Answer Booklet cover when a pre-printed label is used.

Q. Is it possible to obtain additional pre-printed labels for students who recently transferred to a school?

A. It is not possible to obtain additional pre-printed labels for new students. For students without pre-printed labels, schools must provide all of the student identification information requested on the front of the *Answer Booklet*. See page 23 of the *Principal's Administration Manual* for a sample *Answer Booklet* cover when a pre-printed label is not used.

Q. Some of the information provided on the pre-printed label is incorrect. Can it be corrected? Should the school use the label anyway?

A. Student information printed on the labels has been provided to the Department by each school district as part of the SIMS. It is not possible to correct incorrect information through the MCAS test forms. Corrections to student information should be made at the district level within the software systems used to transmit this data to the Department's SIMS. The updated information will be next collected by the Department's SIMS at the end of this school year. Similarly, schools should not affix 2 labels on top of each other. If a pre-printed label has incorrect information, the school should return the label UNUSED and provide all of the student information requested in the *Answer Booklet*.

Q. One of our school's students has moved to another school in our district. May the school send his or her pre-printed labels to the new school?

A. No. As with all MCAS test materials which must remain with the school until the return of materials, pre-printed student information labels should **not** be moved from one school to another.

Q. When do schools receive labels?

A. Grades 3, 4, 7, and 10 will receive labels in their shipment of April test materials. Grades 5, 6, 8, retest (and 4, 7, 10 again) will receive labels in May.

Q. How many extra labels will schools receive?

A. There will be 3 labels per student (2 extra) in each shipment (for grades 4, 7, and 10, there will be 6 labels per student).

V. English Language Arts (ELA)/Reading Tests

A. Grade 3 Reading Test

Q. May students use highlighters or underline in the Grade 3 Reading Test and Answer Booklets? How will students be able to mark their place in the reading passages?

A. Test administrators may provide students with a blank piece of paper or cardboard so that students may follow along as they read. This paper is to be used strictly in marking their place and not as scrap paper. The paper should not be returned with test materials.

Q. May students underline reading passages or make any extraneous marks in their Test and Answer Booklets?

A. Students may not make any stray marks in the Grade 3 Reading Test and **Answer Booklet**. The booklet will be scanned, and any extraneous marks may result in an incorrect score.

Q. The packing list indicates groups A and B of the Test and Answer Booklets, although the packages of booklets do not denote A and B. How should schools account for materials?

A. The packages of materials are marked A and B on the packing list to assist in the sampling of students and to provide schools with random test forms. Schools should account for the total number of packages of **Test and Answer Booklets** on the **Materials Verification Form** only.

B. ELA Composition Test

Q. Should schools return Answer Booklets for students who were absent on April 8 or for students not participating in the standard MCAS tests?

A. An Answer Booklet should be returned for every student in grades 4, 7, or 10 enrolled in your school on April 8 who

1. responded to the writing prompt;
2. did not test because of a medically documented absence or other absence;
3. did not test because of participation in the MCAS Alternate Assessment; or
4. did not test because of LEP status.

Schools should retain UNUSED ELA Composition *Answer Booklets* for use during the May 8 ELA Composition make-up testing.

Q. Are students who miss the April 8 and May 8 ELA Composition test (grades 4, 7, 10) allowed to make up the ELA Composition during the May testing window?

A. All students completing the standard MCAS tests must participate in the English Language Arts Composition on April 8 or the ELA Composition Make-Up Composition test on May 8. Principals may allow a student participating in the *ELA Retest* to take the *ELA Composition Retest* during the period for make-up sessions in case of a documented medical absence on May 8. A student in grade 4, 7, or 10 who missed the April 8 *ELA Composition Test*, and also missed the May 8 *ELA Composition Make-Up Test* due to a documented medical absence, may similarly be allowed to take the *ELA Composition Make-Up Test* during the period for make-up sessions. In other rare cases, the Department may allow make-up sessions. However, for any reasons other than a documented medical absence, a school must receive prior approval from the Department of Education to administer these tests on a date other than May 8.

Q. When do students participating in the MCAS Grade 10 Retest complete the ELA Composition?

A. Students participating in the MCAS retest complete the ELA Composition on May 8. These students do NOT participate in the April test administration. In rare cases, students participating in the ELA Retest who are not present on May 8 may be allowed to participate in a make-up administration during the May administration period. All administrations of the ELA Composition on dates other than May 8 for reasons other than a medically documented absence **must** be approved by the Department prior to the administration of the test.

VI. Grade 10 Tests and Retests

Q. Who is eligible to participate in the MCAS retest?

A. All members of the class of 2003 and 2004 who have not yet earned a competency determination are eligible to participate in the MCAS retest. In addition, students in grade 11 who wish to attempt to improve their MCAS score to be eligible for the Certificate of Mastery may also participate in the MCAS retest. See pages 9 and 10 of the *Principal's Administration Manual* for the policy.

Q. Are the spring MCAS retests identical to the standard MCAS test?

A. The MCAS retests contain the same common test items as the standard MCAS test, but do not contain the matrix-sampled items. Consequently, the MCAS retests have different test booklets, answer booklets, and test administrator manuals than the standard MCAS tests. To avoid confusion during administration, the Department strongly recommends that the MCAS retests be administered in a different setting than the standard MCAS tests.

Q. Are retained grade 10 students who have already earned a competency determination required to participate in the MCAS tests?

A. No. Retained grade 10 students who have earned a performance level of *Needs Improvement* or higher on a previous administration of the tenth grade English Language Arts and Mathematics MCAS tests are not required to participate in MCAS testing. These students **MUST** be included in your count of enrolled students reported on the *Principal's Certification of Proper Test Administration*. See page 174 of the *Principal's Administration Manual* for guidance on completing *Answer Booklets* for these students.

Q. What test do schools give to a retained grade 10 student who has not yet earned a competency determination?

A. Students in grade 10 take the standard tenth grade test, not the retest, even if they have previously taken the grade 10 test.

Q. What should schools do if they have a retained grade 10 student who has passed one test (ELA or Mathematics)?

A. The student should take the test that was not passed. If the student previously passed the ELA test, the school should return a ELA Composition booklet for the student in April and make sure to not fill in any bubbles to denote that the student is absent. In May, the school should fill in the appropriate bubble in the Not Tested Status section. See page 174 of the *Principal's Administration Manual* for guidance on filling out Answer Booklets.

Q. If a school has a student who transferred from out of state into grade 11, does this student have to participate in the MCAS and if so, what test does the student take?

A. The student must participate in the MCAS and earn a competency determination. The student should take the MCAS retest. A school should also consider filing a Performance Appeals application for the student. More information on the Performance Appeals process is available on the Department's website at www.doe.mass.edu/mcasappeals/.

Q. Why is the spring retest a standard test rather than a focused retest?

A. Students who have not yet earned a competency determination are allowed to participate in the spring MCAS administration, but must answer the same common questions as students taking the standard test.

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Massachusetts Comprehensive Assessment System

Summer 2003 MCAS Retest Administration

To: High School Principals and Directors of Alternative Adult/External Diploma Programs and Evening High Schools

Copy: Superintendents

From: David P. Driscoll, Commissioner of Education

Date: April 4, 2003

The Department is pleased to announce the opportunity for students in the class of 2003 and students in adult diploma programs who have not yet earned their competency determination to participate in an MCAS focused retest administration July 29-July 31, 2003.

The summer retest administration will be held at five sites throughout the Commonwealth:

- Madison Park High School, Boston
- South Lawrence East School, Lawrence
- Forest Grove Middle School, Worcester
- Taunton High School, Taunton
- Van Sickle Middle School, Springfield


Districts that registered students will receive results by mid- to late September 2003.

Please note that students who participate in the July 2003 retest administration will not be able to participate in November retest administration.

Students Not Eligible to Participate

Students in the class of 2004 or beyond will not be able to participate in the July 2003 administration; these students should plan to participate in the November 2003 retests.

Registration and Confirmation of Registration

Registration and confirmation of registration are required for students to participate in the summer 2003 retest; no walk-ins will be allowed. Principals or designees must complete the attached [registration form](#)  to indicate students' preferred testing sites, and requests for test accommodations for students with disabilities. Please provide all information as requested, including the student's SASID. If you need information on how to look up a SASID or apply for a new one, refer to the *Guide to Single Student Registration* (available on the Department's website at www.doe.mass.edu/infoservices/data/guides.html). Registrations must be received as directed on the attached form, **no later than 5:00 p.m., May 16, 2003**. We encourage submitting students' registrations as soon as possible to increase the likelihood that a student will be assigned to his or her preferred testing site.

Retest Administration Schedule

The summer 2003 retest schedule is as follows:

- | | |
|--|--------------------|
| • Mathematics Retest Sessions 1 and 2: | Tuesday, July 29 |
| • ELA Composition Retest Sessions A and B: | Wednesday, July 30 |
| • ELA Language and Literature Retest Sessions 1, 2, and 3: | Thursday, July 31 |

Students must arrive no later than 8:45 a.m. each morning for sign-in. Sign-in will begin and breakfast will be

available each morning at 8:00 a.m. Lunch will be provided each day. Sites will close each day at 4:00 p.m. Please note that students will need to provide their own transportation to and from retest sites.

Materials to Bring

Students will not be admitted to the testing site if they do not have the following:

- admission ticket (sent to registering schools by May 30)
- picture identification (valid driver's license, school identification card, or passport)

Students must also bring:


- #2 pencils and erasers
- calculator (for students taking the Mathematics Retest)
- word-to-word dictionaries (for students who are or have been identified as LEP)

For students who are or have been identified as limited English proficient (LEP), remember that word-to-word dictionaries are allowed. See Appendix D: Bilingual Dictionaries Approved for Use on MCAS Tests by LEP Students of the *Principal's Administration Manual, Spring 2003* (on the Department's website at www.doe.mass.edu/mcas/2003/admin/manual/pam.pdf#appD) for more information.

Cancellation Procedures

Students who decide not to participate in the summer retests after receiving their admission tickets should call the MCAS Support Services at (800) 737-5103 to cancel their registration.

Recruitment of Staff

Please encourage any experienced MCAS test administrators to complete the [Test Administrator Application](#) , if they are interested in assisting at one of the sites. Testing staff will be compensated on a per diem basis. Any questions about serving as a test administrator should be directed to Paula Sack, Academic Support and MCAS Remediation, at psack@doe.mass.edu.

Please contact Jodie Zalk, Student Assessment Services, at (781) 338-3625 or via email at jzalk@doe.mass.edu with any questions.



[Summer 2003 MCAS Retest Administration Student Registration Form](#)

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Massachusetts Department of Education Attendance and Dropout Reporting Guidelines

Attendance: A student must be at school, or at a school related activity (e.g. field trip) for at least half the school day to be counted as present.

For state data collection purposes, student absences are not differentiated as either excused or unexcused. All absences are counted together.

Enrollment: A student is enrolled in a school if they are attending the school or are receiving services from the school on a full-time basis.

Dropout: A dropout is defined as a student in grade six through twelve who leaves school prior to graduation for reasons other than transfer to another school.

Investigating and Recording Extended Absences

A school may not remove a non-attending student from the enrollment without **evidence** that the student does not intend to return to school. Each district/school must have a procedure for investigating extended absences and must document reasonable efforts to locate the student and determine the reason for not attending. The procedure should include attempts to contact the parents/guardian by phone, through certified mail, and by a home visit.

The following table lists several possible scenarios and the appropriate reporting codes for each.

Scenarios	Reporting Outcome	
	Grade K - 5	Grade 6 - 12
1. The student is out for an <u>excused</u> absence for an extended period of time (e.g. verified medical reason).	➤ The student should be recorded as absent.	➤ The student should be recorded as absent.
2. The student is truant (unexcused absence).	➤ The student should be recorded as absent.	➤ The student should be recorded as absent. ➤ If the student does not return by the end of the school year and has had an extended period of consecutive absences, he/she should be reported as a dropout.
3. The student has transferred to another school. (Transfer to another school may be demonstrated through a transcript request from the receiving school or documentation of notice of transfer to another school from the parent or guardian, or student if he/she is 16 years old or older.)	➤ The student should be reported as a transfer.	➤ The student should be reported as a transfer.

4. The student has dropped out of school.	➤ Not applicable.	➤ The student should be reported as a dropout for the remainder of the school year unless they return to school. If the student is younger than 16 years old, the student should be treated as a truant.
5. The student has moved but it is not known if they have enrolled in school.	➤ The student should be recorded as a transfer.	➤ The student should be reported as a dropout for the remainder of the school year unless they return to school (not necessarily to original school, may be somewhere else).
6. Student is placed in a DYS or DSS facility	➤ The student should be recorded as a transfer.	➤ The student should be reported as a dropout for the remainder of the school year unless they return to school (not necessarily to original school, may be somewhere else).
7. Student is enrolled in a GED program	➤ N/A	➤ The student should be reported as a dropout for the remainder of the school year unless they return to school.
8. Student is incarcerated	➤ The student should be recorded as a transfer.	➤ The student should be reported as a dropout for the remainder of the school year unless they return to school.
9. Student has transferred to an alternative school/program.	➤ If the program is out of district, report as transfer, otherwise report as enrolled.	➤ See below.

Student has transferred to an alternative school/program.

If a student has left the regular middle school or high school program to attend an alternative program, the following questions should be answered to determine whether to report the student as a dropout:

- Is the student attending a program/school that issues a high school diploma, and is that student working towards earning the diploma?

If the answer is “No” for either question, stop. The student should be reported as a dropout. If the answer to both questions is “Yes”, continue to the next question.

- Is the student attending a program/school with public funds in Massachusetts?

If the answer is “No,” stop. The student is NOT a dropout, and should be reported as a transfer (if out of district). If the answer is “Yes”, continue to the next question.

- Does the program/school report data to the MA DOE through SIMS?

If “No”, the student should be reported as a dropout. If “Yes” the student should not be reported as a dropout.



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Massachusetts Comprehensive Assessment System

2003 Graduates from Alternative Adult/External Diploma Programs and Evening High Schools

To: Superintendents and Directors of Alternative Adult/External Diploma Programs and Evening High Schools

From: David P. Driscoll, Commissioner of Education

Date: March 21, 2003

In a memorandum to you dated November 19, 2002, I explained that June 2005 is the last month that school committees may grant a high school diploma based on local requirements only to students graduating from "adult" (also called "alternative," or "external") diploma programs. Thereafter, students enrolled in adult diploma programs will also need to meet the competency determination standard in order to be awarded a high school diploma. In that same memorandum, I also stated that this policy would not apply to high school dropouts enrolled in these programs who, at the time of dropping out, were on schedule to graduate in the class of 2003, 2004, or 2005. These students must meet the competency determination standard as a condition for graduating. This memorandum provides additional information on the opportunities available for these students.

For students scheduled to graduate in 2004 or 2005: We will provide these students with opportunities to meet the competency determination requirement by providing them with access to MCAS retests offered in November and March of each year, beginning in the 2003-2004 school year. I will be sending you more information about these retest opportunities in the near future.

For students scheduled to graduate in 2003: Since students enrolled in your adult diploma programs may not have had the opportunity to participate in the grade 10 MCAS tests or subsequent retests, I am opening the MCAS performance appeals process to these students as a mechanism for earning the competency determination. The MCAS performance appeals process for previous dropouts enrolled in adult diploma programs intending to graduate in 2003 is provided below.

Summary of Eligibility Requirements for Previous High School Dropouts* Scheduled to Graduate from Adult Diploma Programs in the Class of 2003

Eligibility Requirements

To be eligible for a performance appeal, a student must

- meet your program's attendance requirement
- be on track this spring to meet local graduation requirements

Performance Requirements

A performance appeal must contain evidence that the student's knowledge and skills are equivalent to the *Needs Improvement* level on the grade 10 ELA and Mathematics MCAS tests. Required evidence includes:

- the student's high school transcript (from last high school attended)
- a description (name and major topics covered) of all the English and mathematics courses that the student completed in your program
- two recommendations from the student's teachers (one from an English teacher, one from a mathematics teacher), describing the student's knowledge and skills, and stating whether, in their judgment, the student possesses the minimum level of skills required to pass the grade 10 ELA and Mathematics tests
- results from any previous MCAS tests taken by the student (e.g., grade 8 tests and/or grade 10 tests taken before dropping out)
- any other relevant information, such as scores on other standardized tests (e.g., SAT)

* For purposes of this memo, "previous high school dropouts" means high school dropouts enrolled in adult diploma programs who, at the time of dropping out, were on schedule to graduate in the class of 2003, 2004, or 2005.

MCAS performance appeals applications for affected students in your programs in the class of 2003 must be received by the Department no later than April 30, 2003 in order for you to receive announcement of the resolution of the appeal by the end of May.

In addition to providing students in the class of 2003 access to the competency determination via the performance appeals process, there will be an opportunity for these students to participate in the MCAS tests during a summer 2003 retest administration, as well as retests scheduled for next November and March. Further details on registering for the summer retest administration are forthcoming.

Your programs play an important role for certain youth and adults in our state and I commend the good work you are doing. I thank you for your continued cooperation in implementing the competency determination standard for all Massachusetts graduates. Should you have any questions, please contact the office of MCAS Performance Appeals at (781) 338-3333 or via email at mcasappeals@doe.mass.edu.

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MASSACHUSETTS 21ST CENTURY COMMUNITY LEARNING CENTERS

TECHNICAL ASSISTANCE SESSION

This session will provide information to help guide you through the application process for the Fiscal Year 2004 Massachusetts 21st Century Community Learning Centers grants. *

Karyl Resnick, Coordinator of After-School and Out-of-School-Time Programs at the MA Department of Education, will be facilitating this session.

Tuesday, April 29, 2003

Holy Cross College, Worcester

Hogan Campus Center

8:30 AM – 12:00 PM (continental breakfast)

Agenda

- 8:30 - Welcome and Overview
 - Federal and State priorities
 - Eligibility requirements, including eligible districts, agencies, and activities
 - Due Date
- 9:30 - Lesson Learned/ Best Practices- Various Grantees
- 11:00 - Use of Scientific Evidence in ASOST programming, Evaluation and Outcome Mapping- Beth Miller & Wendy Surr- National Institute on Out-of-School-Time
- 11:45- Questions
- 12:00- Adjourn

**For directions to Holy Cross Hogan Campus Center go to
<http://www.holycross.edu/about/directions.htm>**

Please RSVP to asost@doe.mass.edu

Contact Karyl Resnick at 781-338-3515 if you need additional information

** NOTE: This session will address the process for applying for new grant funds to establish or significantly expand community learning centers that operate during out-of-school hours and provide students with academic enrichment opportunities along with other activities designed to complement the students' regular academic program. It will not address the process for continuation grants for year one grantees.*



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The Massachusetts Board of Education

Community Service Learning Advisory Council Teacher Leader Program

April 4, 2003

The Community Service-Learning (CSL) Advisory Council to the Board of Education is pleased to announce the **First Annual Massachusetts Service-Learning Teacher Leader Program** - designed to recognize outstanding teachers who are committed to service-learning as a teaching methodology.

The CSL Advisory Council will present awards to ten Massachusetts teachers at the Community Service-Learning Conference in Worcester on May 28, 2003.

Nomination Process

The Superintendent, Principal, or Supervisor is asked to submit:

- I. I. Letter of Recommendation that demonstrates how the Teacher Nominee:
 - A. Integrates service into a standards-based curriculum.
 - B. Fosters strong community connections.
 - C. Additional areas that may be addressed include:
 - collaborates and shares best service-learning practices with colleagues, parents, and partners.
 - models leadership qualities for teachers and students.
 - offers leadership opportunities for students.
- II. II. Description of Service-Learning Project conducted by the Teacher Nominee. (one page maximum)

Nominations (Parts I & II) are to be submitted by May 1, 2003, to Jessica Donner, Community Service-Learning Specialist, Massachusetts Department of Education, 350 Main Street, Malden, MA 02148.

For more information please contact Ms. Donner at (781) 338-6306 or jdonner@doe.mass.edu.

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The Massachusetts Board of Education

Board in Brief Tuesday, March 25, 2003

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 regular meeting held on Tuesday, March 25, 2003 at the Department of Education in Malden.

Commissioner Driscoll opened the meeting by reporting on the results of the most recent MCAS performance appeals. He reported that to date, nearly 1,000 appeals have been submitted, including more than 400 in the latest round between January 25 and March 13. The Appeals Board reviewed about 280 submissions for this appeal period. Of the remaining appeals, about 60 are portfolios that will be reviewed in early April and 65 were withdrawn because the students passed the December re-test. Consistent with earlier submissions, about 50% of appeals are being granted, about 35% are being returned for more information, and about 15% are denied because the student does not meet the eligibility requirements or has too low a grade point average.

The Commissioner reported on the Department's initial implementation of the federally funded Reading First initiative, a major component of the No Child Left Behind Act. Massachusetts is the first state in the Northeast to receive this grant, which totals more than \$15 million this year and \$100 million over six years. The program is intended to help school districts improve reading instruction so that all students are reading at or above grade level by the end of grade 3. Later in the meeting, the Board approved over \$11 million in initial grants to 38 school districts under the Reading First program.

Commissioner Driscoll reported that the House Committee on Ways and Means is expected to release its FY 04 budget on April 23. He also noted a monograph published by the Center on Education Policy called *Teaching to the Test: The Good, the Bad, and Who's Responsible*. The report credits the Massachusetts standards and assessments for helping teachers and students to focus on critical skills, including writing.

Lawrence Public Schools Partnership: Proposal to Update Agreement

The Board voted unanimously to authorize an extension of the Department of Education/Lawrence Public Schools Partnership through August 31, 2005. The partnership was first established through a memorandum of agreement in 1998. The agreement was last renewed in 2002 and it expires in August 2003. The new agreement will be the final extension of the partnership.

Associate Commissioner Juliane Dow provided a brief history of the partnership and introduced Eugene Thayer and Matt George, both former superintendents, who serve as the Department's representatives on the partnership team. They have been advising Lawrence officials and administrators on budget, personnel, contracts, collective bargaining, major policy issues and improvement planning. They commended the Superintendent, Mayor and School Committee for their cooperation and said they have seen great professional growth in the district's leadership.

Lawrence Mayor (and School Committee Chair) Michael Sullivan, School Committee Vice Chair Suzanne Piscitello and Superintendent Wilfredo Laboy presented an overview of recent accomplishments in the Lawrence Public Schools. They thanked the Board and the Commissioner for supporting the partnership, which Superintendent Laboy said has provided invaluable guidance and support. He said several elements were vital to the district's progress: (1) the initial fact-finding report that provided direction on governance, management, teaching and learning; (2) development of a core curriculum to address

weaknesses identified in the report; (3) promotion of good teaching practices; (4) ongoing assessment in English language arts and mathematics to inform and adjust teaching; and (5) alignment of professional development for teachers with the district's goals. Superintendent Laboy concluded, "We're not where we want to be, but we're way ahead of where we used to be." The Superintendent said Lawrence views the Department as a "critical friend," and he thanked Commissioner Driscoll for his accessibility and support.

Review of the Improvement Plans from Henry Lord Middle School, Fall River; Dr. William Peck Middle School, Holyoke; and Putnam Vocational Technical High School, Springfield

The Board voted to accept the improvement plans presented by the Henry Lord Middle School in Fall River, Dr. William Peck Middle School in Holyoke, and Putnam Vocational Technical High School in Springfield. Under the Regulations on Under-Performing Schools and School Districts, schools that have been declared under-performing must submit plans for improving student achievement to the Board. The Department evaluates each plan based on a rubric developed for this purpose as well as the detailed fact-finding report that identifies the school's areas of strength and weakness. The Commissioner then makes a recommendation to the Board as to whether to accept the plan. Associate Commissioner Juliane Dow gave an overview of the process and introduced the school and district representatives to present their plans: Fall River Supt. Richard Pavao and Lord School Principal Kurt Peterson; Holyoke Supt. Eduardo Carballo and Peck School Principal Alex Borelli; and Springfield Supt. Joseph Burke and Putnam High School Principal William Goodwin. The school officials thanked the Department staff for their help and commended the performance improvement mapping process that the Department coordinated.

No Child Left Behind Act: Standards for Identifying Unsafe Schools

The federal No Child Left Behind Act requires each state to adopt a standard for determining "persistently dangerous" schools. The law provides school choice options for students in such a school as well as for any student who is the victim of a violent crime in school. The Board voted unanimously to approve the Standards for Determining Unsafe Schools as presented by the Commissioner, with one amendment. As adopted, the policy says a "persistently dangerous" school is a school that meets either of the following criteria for three consecutive years: one or more students have been expelled for violation of the federal Gun-Free Schools Act, or the number of students who have been permanently excluded or expelled from school for more than 45 days for weapons or physical assaults or violent crimes exceeds 1.5% of the student enrollment.

Commissioner Driscoll and John Bynoe, Associate Commissioner for Student Support Services, explained that the Massachusetts policy is intended to assist local educators in improving the school climate and school safety by implementing prevention and early intervention. It also aims at helping schools to collaborate with parents, community agencies, law enforcement officials and others to prevent and address school violence. The Department will provide information and training for school staff on the new policy during the next several months.

Proposed Guidelines for Preschool Learning Experiences

The Board briefly discussed the *Guidelines for Preschool Learning Experiences* that will be included as Part II of the proposed Early Childhood Program Standards. The guidelines, drafted by the Department and the Early Childhood Advisory Council, are intended to help early childhood programs meet educational standards as well as health and safety requirements. The Board reviewed an earlier draft of the guidelines in June 2001 and released the draft for public comment. After further revision, the guidelines will be incorporated into the Early Childhood Program Standards that will be presented to the Board for approval at the April meeting.

Management Contract for the Holyoke Community Charter School

The Board voted (5-1) to grant conditional approval to the management contract between Holyoke Community Charter School and Springfield Education Management, LLC. The Board's approval is

conditional on its review and approval of an amendment to the charter for the school. Under General Laws chapter 71, section 89, and 603 CMR 1.00, the Board of Education must approve the contract of a charter school that intends to procure substantially all educational services under contract with another person, either as part of the original charter or by way of an amendment thereto. Board Chairman James Peyser noted that while the new management contract meets legal requirements, the contract changes the nature of the charter school. The Board's decision to give the contract conditional approval permits the charter school to proceed with financing and construction, while preserving the Board's discretion to review and vote on the charter amendment at an upcoming meeting.

Approval of Federal Grants

The Board approved \$12.5 million in federal grants, including over \$11.4 million in grants to Massachusetts school districts under the Reading First program. The other federal grants included funds for special education leadership training (Project FOCUS); curriculum content institutes for educators' professional development in the spring and summer of 2003; family literacy (Even Start); dissemination of successful charter school practices; and after-school academic enrichment (21st Century Community Learning Centers).

Next Meeting

The next meeting of the Board of Education will be held on Tuesday, April 29, 2003 at the Department of Education in Malden.

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