



David P. Driscoll
Commissioner of Education

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Commissioner's Update

February 5, 2004

Dear Superintendents, and Leaders of Charter Schools and Collaboratives:

In this update I have six announcements and five items posted at www.doe.mass.edu.

No Child Left Behind Report Card Assistant

The NCLB Report Card Assistant will be available via the DOE Security Portal beginning the week of February 1, 2004 at: <http://www4.doe.mass.edu>. The Report Card Assistant can help districts create annual report cards in accordance with the federal No Child Left Behind legislation. Districts are not required to use this tool and may use whatever method is most convenient and efficient for them to produce the report cards provided that the report cards include the required pieces of information.

This year we will be using the District & School Staffing Report (DSSR) submitted by your district to provide the data on percentage of teachers licensed and the percentage in core academic areas that are highly qualified. The data will be populated in the Report Card Assistant on March 1 for those districts that submitted the DSSR by the January 29th deadline. For districts that submit the report late the data will be populated every two weeks after March 1.

To access the NCLB Report Card Assistant you will need either the Directory Administrator or the Report Card security role. See the two-page quick reference guide, http://www.doe.mass.edu/infoservices/data/guides/da_qrc4.pdf for help with security roles in Directory Administration. For more information regarding the Report Cards visit <http://www.doe.mass.edu/nclb/reportcard/> or call (781) 338-DATA.

Spring 2004 MCAS Administration Workshops

I am pleased to announce that workshops will be held March 8-16 in 5 regional locations throughout the Commonwealth. The workshops will focus on the MCAS test administration and the administration of the English proficiency assessments for LEP students. Morning sessions are for elementary and middle schools, and afternoon sessions are for high schools. We will be able to accommodate a team of two staff members per school: the principal or designee and the test coordinator for the English proficiency assessment should plan to attend. Registration must be submitted using the [online form](#) no later than **March 3, at 12:00 p.m.** Please feel free to contact the MCAS Service Center at (800) 737-5103, if you have any questions.

March 2004 Retest Administration Materials Now Available

The MCAS retest administration web page has been updated to include materials for administering the March Retests. Links to the *Principal's Administration Manual* and *Test Administrator's Manuals*, along with translations of letters to parents regarding the March retests, are available at <http://www.doe.mass.edu/mcas/retest.html>.

Holiday Observances in Massachusetts

The annual list of Holiday Observances in Massachusetts has been updated to reflect the addition of the Muslim holiday, Eid Al-Adha. The updated list and the memorandum regarding Accommodation for Religious Observances can be accessed at www.doe.mass.edu/resources/holidaymemo.html.






Regulations on MCAS Performance Appeals for Students with Disabilities

The Board of Education is seeking public comment on 603 CMR Regulations Governing MCAS Performance Appeals for Students with Disabilities. The amended regulations at http://www.doe.mass.edu/lawsregs/proposed/p603cmr30_emergencyregs.pdf are effective immediately. I encourage you to review the new requirements when filing MCAS appeals for students with disabilities. Public comment will be accepted until March 12.

Guidelines for Vocational Technical Education Nonresident Tuition

Guidelines for Vocational Technical Education Nonresident Tuition are now available. These draft guidelines add additional, and clarify existing, timelines for filing, reviewing, and approving applications for nonresident tuition. In addition, the responsibilities of cities, towns and regional districts are defined. The draft guidelines better articulate what has been the practice of the Department of Education in regard to the process so that students, their families, and school districts will be better informed. The current and draft guidelines are available for review at www.doe.mass.edu/cte/. Comments regarding the draft guidelines should be sent to Jeffrey Wheeler, State Director of Career and Technical Education at Jwheeler@doe.mass.edu by February 19, 2004.

Here are 5 items recently posted at www.doe.mass.edu:

1. MCAS Performance Appeals: Notice of Public Comment

2. School Attending Children Report

3. Professional Development in the Humanities

4. Bob Bickerton, Acting Associate Commissioner for Lifelong Learning & Teaching

5. Draft Guidelines for Vocational Technical Education Nonresident Tuition


All the best, and

Sincerely,

David P. Driscoll
Commissioner of Education



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Education Laws and Regulations


Notice of Public Comment

Proposed Amendments to 603 CMR 30.00

Pursuant to its authority under M.G. L. c. 69, §§ 1B and 1D and St. 2003, c.140, §119, and in accordance with the Administrative Procedure Act, M.G.L. c.30A, §3, the Massachusetts Board of Education is soliciting public comment on the adoption of the current emergency regulations amending 603 CMR 30.00, the Massachusetts Comprehensive Assessment System and Standards for Competency Determination Regulations: Performance Appeals Process, as permanent amendments.

The proposed amendments will revise the sections of the regulations, 603 CMR 30.02 and 30.05, that relate to the Massachusetts Comprehensive Assessment System (MCAS) performance appeals process, to incorporate the provisions of St. 2003, c. 140, § 119, concerning students with disabilities. In addition to incorporating the requirements of the new law, the proposed amendments also include some technical amendments.

The Board has expressed an interest in receiving public comment on the changes to the MCAS performance appeals process as they affect students with disabilities, and is inviting comment on whether the changes required under St. 2003, c. 140, § 119 should apply to all students and not just to students with disabilities.

Copies of the [proposed amendments](#)  are available on the Department's web site or by calling 781-338-3400. Written comments on these issues may be submitted to the Legal Office, Department of Education by mail to 350 Main Street, Malden, MA 02148; by fax to 781-338-3390; or by e-mail to legal@doe.mass.edu. The deadline for submission of public comment is **Friday, March 12, 2004**. The Board is expected to vote on the proposed amendments at its regular monthly meeting scheduled for March 30, 2004.

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Data Collection and Analysis

School Attending Children Report

To: Superintendents

From: David P. Driscoll, Commissioner of Education

Date: February 5, 2004

The School Attending Children data collection for January 1, 2004 is available through the [Department's security portal](#). The superintendent of schools of each town is required by Massachusetts General Law Chapter 72, Section 2A to report this information to the Department on an annual basis. Superintendents of regional vocational/technical districts and charter school leaders do not need to submit this form.

To access the form an individual must have the School Attending Children security role. Once completed the form must be submitted by the superintendent. This electronic report is due on March 1, 2004. A sample of this form is available at <http://www.doe.mass.edu/infoservices/data/samples/sac.pdf>.

Please contact Data Collection at 781-338-3282 if you need assistance completing this form.

Thank you in advance for your efforts to submit this information in an accurate and timely manner.

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Massachusetts Curriculum Frameworks

Professional Development in the Humanities

To: Superintendents, Principals, Charter School Directors, Collaborative Directors, Directors of Approved Private Special Education Schools, Coordinators of Educator Preparation Programs, College and University History Department Chairs, PreK-12 History/Social Science Coordinators and Teachers, and Cultural Institution Education Staff

From: David P. Driscoll, Commissioner of Education

Date: February 5, 2004

I am pleased to let you know about upcoming opportunities for professional development and for obtaining resources for teaching history and social science.

Research on Historical Thinking

Stanford University professor Sam Wineburg, author of *Historical Thinking and Other Unnatural Acts: Charting the Future of Teaching the Past*, is giving a free talk on Monday, **March 1, 2004**, at 3 PM at the National Heritage Museum in Lexington. Wineburg will discuss his pathbreaking research into historical thinking and why it "goes against the grain of how we ordinarily think." This talk is co-sponsored by the National Heritage Museum, the Massachusetts Foundation for the Humanities, Primary Source, and the Greater Boston Museum Educators Roundtable with funding from the Lowell Institute. Please register by contacting Cynthia Robinson at crobinson@monh.org or at (781) 861-6559, ext. 4101. The Museum is at 33 Marrett Road (Route 2A); for directions, please see <http://www.monh.org>.

Landmarks of American History Workshops

During the summer of 2004, the National Endowment for the Humanities (NEH) will offer a new series of professional development programs, *Landmarks of American History Workshops for School Teachers*. These week-long, residence-based programs provide the opportunity for K-12 educators to engage in intensive study and discussion of important topics in American history at major historical sites around the nation. Full-time teachers in American K-12 schools, whether public, public charter, private, or religiously-affiliated are eligible to participate, as well as home-schooling parents. Other K-12 school personnel, including administrators, substitute teachers, classroom paraprofessionals, and librarians are also eligible to participate, subject to available space. Teachers selected to participate will receive a stipend of \$500 to help cover living expenses and supplies: travel supplements for educators traveling long distances will be available and allocated after participants are selected.

Landmarks Workshops are designed to give participants direct experiences in the interpretation of significant historical sites and the use of archival and other primary historical evidence. They include the best scholarship on a specific landmark or related cluster of landmarks, enabling participants to gain a sense of the importance of historical places, to make connections between what they learn in the Workshop and what they teach, and to develop teaching materials for their classrooms. Landmarks Workshops for the summer of 2004 in New England include:

Encounters and Change: Expanding Perspectives on Natives and Colonists in 17th Century Plymouth Salem, Massachusetts 1801-1861:

National Culture, International Horizons and

Landmark Events in Portsmouth, New Hampshire and the Transformation of American Identity.

Twelve other institutes are located from Washington, DC to Honolulu, HI.

For full listings, eligibility requirements, and application instructions, please see <http://www.neh.gov/projects/landmarks.html>. These listings contain project titles and the means to contact each Landmarks Workshop director. In response to a request for information, workshop directors will send a letter describing the content, logistics, and expectations of that project. Requests for information and completed applications should NOT be directed to the National Endowment for the Humanities nor to the Massachusetts Department of Education; they should be addressed to the individual projects as found in the listings. General questions concerning the Landmarks of American History program may be directed to the NEH Division of Education Programs. (202-606-8463 or e-mail sem-inst@neh.gov).

The deadline for applications is **March 15, 2004**.

Free Resources on Teaching about Canada

The Embassy of Canada has announced the latest issue of *Teaching Canada*. The publication takes a close look at Canada-U.S. relations and includes essays from the Canadian Ambassador to the U.S. and the U.S. Ambassador to Canada. *Teaching Canada* is published by Plattsburgh State University of New York with the assistance of the U.S. Department of Education and the Canadian Department of Foreign Affairs.

K-12 teachers can request free copies of *Teaching Canada* by contacting Christopher J. Kirkey, Ph.D., Director, Center for the Study of Canada, Plattsburgh State University of New York, 133 Court St., Plattsburgh, NY 12901. Phone: 518.564.2086, Fax: 518.564.2112 E-mail: christopher.kirkey@plattsburgh.edu

For additional information or questions about Canada, educators can also contact Dan Abele, Academic Relations, Canadian Embassy, Washington, DC Phone: (202) 682-7717, Fax: (202) 682-7791, E-mail: daniel.abele@dfait-maeci.gc.ca, Website: <http://www.canadianembassy.org/study/>.

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Thursday, February 05, 2004

NEWS SEARCH

Keyword:

Target:

Dates:

 Past 30 days Past 90 days Date Range

Start:

End:



Appointment of Bob Bickerton to Acting Associate Commissioner

To: Superintendents, Teacher Preparation Programs, Adult Basic Education Directors

From: Mark McQuillan, Deputy Commissioner

Date: 26 January 2004

I am pleased to announce that Bob Bickerton, Director of Adult and Community Learning Services for the past sixteen years, has been appointed to the position of Acting Associate Commissioner for the Center for Lifelong Learning and Teaching. Bob will serve in an acting capacity until the Department can formally create this new position.

In his new role, Bob will assume responsibility for managing the offices of Educator Licensure, Teacher Preparation, and Adult and Community Learning Services (ACLS). While Bob's starting point in adult learning has been at the basic skills end of the continuum, the creation of this new center will draw together the Department's investments in adult learning--in the broadest sense--and establish a positive new direction for all of us who understand learning to be the life-long process it is.

Bob has a demonstrated record of success in the Department. He has responded creatively to the Board of Education's and the Legislature's challenges to forge an effective adult basic education service delivery system from an under-funded and under-supported patchwork of well-intentioned programs. From 1988 to today, state funding for the ABE program has increased by 550%. Likewise, Bob responded vigorously to the Commissioner's and my recent challenge to put our Educator Licensure services on a more solid and responsive foundation. While it's clear that much remains to be done, he - and the staff of the Licensure unit - have made impressive progress over the past six months. Massachusetts' program for adult education is widely acknowledged as a national model, and it upon this foundation that we intend to unify our work in teacher quality in the next decade.

Congratulations are in order for Bob's past accomplishments and the energy, passion, commitment, and vision that he will bring to his new position with the Department. Please join me in congratulating him in his new role.

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DRAFT

Draft Guidelines for the Vocational Technical Education Program Nonresident Student Tuition Process Pursuant to M.G.L. c. 74

revised January 26, 2004

Overview:

Students have the freedom to seek admission to schools with state-approved vocational technical education programs. Such programs are approved pursuant to M.G.L. c. 74 603 CMR 4.00 and are known as Chapter 74-approved programs. The student would file an application for admission to the school. Note that all students who seek admission to vocational technical education schools/programs must follow the admission process (including using school-provided application forms) of the school to which they seek admission. The Guidelines for Admission Policies of Vocational Technical Secondary Schools and Comprehensive Secondary Schools address admission to schools/programs and are available at http://www.doe.mass.edu/cte/chapter74/adm_guidelines.html.

In the case of a student seeking admission to a school outside of his/her district of residence, the student and/or receiving district would also file a Chapter 74 Vocational Technical Education Nonresident Student Tuition Application with the student's district of residence superintendent of schools. If accepted to a school that has a program in which the student would like to explore as a ninth grader and then study as a major, or begin studying as a tenth or eleventh grader and such program is not available or offered by the student's district of residence, the student's city/town would be liable for the payment of nonresident tuition for the program. The regional vocational technical school district would be liable in the case of a student who resides in a member city/town and who has been unable to access the program due to oversubscription.

Note that a student may seek admission to a Chapter 74-approved program outside of his/her district of residence even if it is offered through his/her district of residence in anticipation of the same program not being available to him/her through his/her district of residence due to oversubscription. In such a case, the student must have applied for the Chapter 74-approved program offered through his/her district of residence before filing a Vocational Technical Education Nonresident Student Tuition Application.

The Law and Regulations:

These Guidelines will assist school districts and cities/towns with the implementation of the law and regulations. The sections of the law and regulations regarding nonresident student tuition are quoted below for reference.

M.G.L. c. 74, Section 7 states:

Residents of towns in the commonwealth not maintaining approved independent distributive occupations, industrial, agricultural, vocational home economics and allied health occupations training schools offering the type of education desired, or children placed in such a town by the commissioner of social services or by the trustees of the Massachusetts training schools, may, upon the approval of the commissioner under the direction of the state board, be admitted to a school in another town. In making his decision, the commissioner under the direction of the state board shall take into consideration the opportunities for free vocational training where the applicant resides, the financial status of such place, the age, preparation, aptitude and previous record of the applicant, and other relevant circumstances.

M.G.L. c. 74, Section 7C states:

Notwithstanding the provisions of section twenty-seven C of chapter twenty-nine, or of any other general or special law to the contrary, a town where a person resides who is admitted to the school of another town under section seven shall pay a tuition fee to be fixed by the commissioner under the direction of the state board, and in default of payment shall be liable therefore in contract to such other town. If an approved vocational school established by a regional school district or a public independent vocational school accepts a student who resides in a town, other than a member town of said district, which does not maintain such a vocational school, the town in which such student resides shall pay a tuition fee to be fixed by the regional district school committee or by the board of trustees of a public independent vocational school and approved by the commissioner under the direction of the state board; provided, however, that a town shall not be required to pay any portion of the tuition of any student residing therein who is enrolled in a post-secondary vocational program.

Tuition shall be paid in two equal installments in each school year of attendance, one in January and one in June, or on a pro-rated monthly basis if a nonresident student fails to apply for his first year of admission on or before April first of the preceding school year. The commissioner may direct that the resident community's tuition payment for said first year be paid in full in July of the fiscal year after the student completes his first year of nonresident attendance including the penalties that the commissioner may determine.

No tuition shall be payable under this section with respect to a student who has satisfactorily complete the twelfth grade or courses equivalent thereto and whose personal income exceeds eighteen thousand dollars, said amount to be adjusted periodically as recommended by the commissioner of education.

M.G.L. c. 74, Section 8A states:

A town where a person resides who is admitted to a day school in another town under section 7 may, through its school committee, when necessary, provide for the transportation of such person and may provide the transportation for a fee, regardless of where the pupil lives, but a student eligible for a free or reduced lunch under the federal school lunch program, shall not be required to pay a fee; provided, that a school committee may choose to exempt families at other income levels as it may determine.

M.G.L. c. 74, Section 37C states:

A student who resides in a city or town which does not offer approved vocational education programs at the post-secondary level may, upon the approval of the commissioner under the direction of the state board, be admitted to such program in another city, town or regional district. In making his determination the commissioner shall take into consideration the opportunities for free vocational training where the applicant resides, the preparation, age, aptitude and previous record of the applicant, and other relevant circumstances, including the level of state assistance to such program. A student admitted under this provision shall be charged tuition and fees for the full amount of the average per pupil cost of such program, as approved by the commissioner under the direction of the state board. Such students shall be eligible to apply for state scholarship aid pursuant to section seven of chapter fifteen A.

Vocational Technical Education Regulations CMR 603 CMR 4.03 (6) (b) states:

Students who reside in cities and towns not maintaining approved vocational technical education programs in the vocational technical program area sought by the student may apply for admission to a school of another city, town or district offering the desired instruction as set forth in M.G.L.

c. 74, s. 7. Nonresident students shall be subject to the admissions criteria of the school to which they are applying. Admitted student's tuition shall be paid by the city or town where the student resides in accordance with the Department's tuition rates for such programs and the Department's "Vocational Technical Education Nonresident" Policy. The school to which the student has applied but has been denied nonresident tuition by the city or town of residence may request that the Commissioner review the denial of tuition. The Commissioner may appoint a review panel to assist him/her in the review. The request for a review of the denial shall be submitted in writing to the Commissioner within the timelines set forth in the Department's "Vocational Technical Education Nonresident Policy". The decision of the Commissioner shall be final.

Chapter 74 Vocational Technical Education Program Directory:

When the Department of Education grants Chapter 74-approval status to a program, it assigns the program a six-digit Classification of Instructional Program Code (CIP Code) and lists the program in the Chapter 74 Vocational Technical Education Program Directory. The Directory can be found at <http://www.doe.mass.edu/cte/chapter74/directory.pdf>. Each CIP Code has a general description of each program. In determining whether the program sought by the student is not offered through the student's district of residence, the Department uses this Directory and, if necessary, the school's Program of Studies.

Glossary:

District of residence: The city or town where a student resides.

Nonresident: A student who has been, or seeks to be, admitted to a Chapter 74-approved program not offered through his/her district of residence.

Through district of residence: A Chapter 74-approved program offered through the district of residence either at a comprehensive high school, city vocational school, collaborative or at a regional vocational technical high school or county agricultural school to which the city or town belongs by virtue of membership (in the case of county agricultural schools, by county status).

Postsecondary: Some schools offer Chapter 74-approved vocational technical programs at the grade 13 and 14 level. These programs are known as Chapter 74-approved programs at the postsecondary level, and students enrolled in these programs are considered postsecondary students.

Postgraduate: Some schools accept high school graduates into the vacant seats in their Chapter 74-approved programs at the secondary level. These students are considered postgraduate students.

Nonresident Tuition Application Process and Deadlines:

The Chapter 74 Vocational Technical Education Program Nonresident Tuition Student Application is available at http://www.doe.mass.edu/cte/chapter74/nonres_app.pdf. The Department of Education sets application deadlines so that superintendents and cities/towns will know the amount of nonresident tuition the city, town or district must pay, prior to final preparation of the budget for the next school year.

This application is to be filed for a student who has been admitted, or is being considered for admission, to a specific Chapter 74-approved program outside of his/her district of residence for which his/her city, town or district of residence may be required to pay tuition. This application should not be filed if the student has been admitted to the same Chapter 74-approved program provided through his/her district of residence.

If the program is offered through the student's district of residence, the student must have applied for the program in order to file this application. The student will have applied to a program offered through his/her district of residence, but will not have not received notice of acceptance,

rejection, wait listing or has been rejected or wait listed. Proof of the student's application to a program provided through his/her district of residence must also be submitted with this application.

PART I should be completed by the receiving district, student, and student's parent/guardian. If the student is under 18, his/her parent/guardian must sign. The application should be given to the applicant/parent/guardian with instructions that it must be presented by the student/parent/guardian to the superintendent of schools of his/her district of residence by **February 1** for postsecondary or postgraduate programs and by **April 1** for secondary programs. If the superintendent of the district of residence desires to have the application forwarded by mail from the receiving district, such arrangements are proper. In order to avoid disputes, the date the application was delivered by the student/parent/guardian or sent by the receiving district should be recorded with a receipt. A letter of intent to enroll in a postsecondary or postgraduate program will be considered valid notice to the superintendent only if it has a date stamp or signature noting its receipt by the district of residence by **February 1**.

Upon receipt of the application, the superintendent in the district of residence must complete **PART II** clearly indicating approval or disapproval. If the application is disapproved, the reason for disapproval must be indicated by a check mark.. The application must be returned to the receiving district **within 10 school days**. In order to avoid disputes, the date the application was received and returned should be recorded by the district of residence by date stamping and receipt, respectively. Note that if the program is available through the district of residence, the student's application status or lack thereof should be noted. A photocopy of the form should be retained for the district of residence records.

If the receiving district or student's parent/guardian finds that the decision of the superintendent of the district of residence is contrary to law, regulations, Board of Education or Department of Education policy, the application should be forwarded to the Department of Education for review **within 10 business days of its receipt from the district of residence** with an explanation of the way in which the decision is contrary to law, regulations, Board of Education or Department of Education policy and any supporting documentation which would help the Department to make a decision. The district of residence and the receiving district may be required to provide additional information to the Department. The Department will review the disputed application and rule on the review within **ten business days** of the receipt of the request for a review provided that all requested information is received. The Department may extend the review for a reasonable period in order to acquire additional information. The Department will return copies to both the receiving district and the district of residence indicating the decision. The Department's review will be based on the student's status as of the date of the application.

There may be cases where the student may not have received notification of acceptance, rejection, wait listing (unaccepted status) by **April 1** for admission to a Chapter 74-approved program provided through his/her district or out-of district to which he/she applied. However, the **Vocational Technical Education Program Nonresident Student Tuition Application** must be received and processed according to the timelines set forth herein. In this case, the Department may stipulate that the nonresident tuition is approved unless the student is formally accepted for admission to a Chapter 74-approved program provided through his/her district to which he/she applied by **May 15**.

The deadline of **April 1** does not apply if the student had no way to know of it. The Department recommends that school districts place a statement in the recruitment document such as an admissions handbook or other recruitment document and program of studies provided to

prospective students such as eighth graders and their parents/guardians, informing them that they may seek admission to a Chapter 74-approved program in his/her area of interest and that the deadline for Chapter 74 Vocational Technical Nonresident Tuition Applications to the superintendent in their district of residence is **April 1** for secondary programs. The district of residence may set a deadline of **March 15** for applying to a local guidance counselor, so that the application will be ready by **April 1**. If students and their parents/guardians in nonpublic schools do not regularly receive a copy of recruitment documents or the program of studies, the district of residence may wish to use another way to notify them of the deadline such as an announcement in a local newspaper. If an application is submitted after **April 1** and the student or parent/guardian claims they were not informed of the deadline, the Department of Education may ask the district of residence for proof that students received reasonable notice. The proof would be the publication in which the notice appeared. A similar process should be used for potential applicants to postsecondary/postgraduate programs so that they are aware of the February 1 deadline.

The student applies only once for nonresident tuition for a particular program. Once the Chapter 74 Vocational Technical Education Nonresident Student Tuition Application has been approved, the student has approval to continue in the program until the end of the program. In other words, nonresident applications (repeated word?) for the same program are not required. If the student is not admitted to the school, the nonresident tuition approval becomes null and void. If the student changes program areas, a new Chapter 74 Vocational Technical Education Nonresident Student Tuition Application must be completed and approved.

SUMMARY OF CRITICAL DATES

- **By APRIL 1**

The date by which the Chapter 74 Vocational Technical Education Program Nonresident Tuition Student Application from student/parent/guardian/receiving district must be received by the superintendent of the district of residence.

- **Within 10 DISTRICT of RESIDENCE BUSINESS DAYS**

The timeline by which the Chapter 74 Vocational Technical Education Program Nonresident Tuition Student Application must be returned by the district of residence superintendent to the receiving district. District of residence business days are those days the district of residence's main office is open.

- **Within 10 RECEIVING DISTRICT BUSINESS DAYS**

The timeline by which the Chapter 74 Vocational Technical Education Program Nonresident Tuition Student Application must be forwarded to the Department of Education for review. Receiving district business days are those days the receiving district's main office is open.

- **BY MAY 15**

In this case where the student may not have received notification of acceptance, rejection, wait listing (unaccepted status) by **April 1** for admission to a Chapter 74-approved program provided through his/her district or out-of district to which he/she applied, the Department may stipulate that the nonresident tuition is approved unless the student is formally accepted for admission to a Chapter 74-approved program provided through his/her district to which he/she applied by **May 15**.

- **DEADLINE for CHAPTER 74 PROGRAM APPROVAL:**

The Department of Education approves new vocational technical education programs throughout the year. In the case of the vocational technical education program nonresident student tuition process, the Department uses **April 1** as the date by which a program must be approved to be considered for the payment of nonresident tuition for the subsequent school year. For example, if a school district filed an Application for Chapter 74 Approval of a Vocational Technical Education Program for a new Electrical program (CIP Code 15.0303) and the program was not approved on April 1, 2004, the Department would not overrule a superintendent's denial of the payment of nonresident tuition for the 2004-2005 school year for that program.

School Choice:

The school choice law does not affect the vocational technical education nonresident tuition process. A vocational technical school that participates in school choice may admit students both under school choice and under the vocational technical education nonresident tuition process.

Transportation:

The transportation mandate for nonresident vocational technical education students has been repealed by enactment of the municipal relief bill. School committees of cities and towns are no longer required to provide the transportation. The new version of M.G.L. c. 74, s. 8A says the town, through its school committee, may provide the transportation. This means the matter goes to the school committee if the superintendent or the school committee (may be at the behest of concerned parents) wants the committee to consider funding nonresident vocational technical education student transportation.

If a regional vocational technical school district chooses to provide/pay for transportation for nonresident students, it can't claim this transportation for state reimbursement, since there's still a line item for regional school transportation, albeit greatly reduced. The regional vocational technical school district is not obligated to provide transportation for these students under M.G.L. c.71, section 16C or any other statute.

Exploratory Programs:

In accordance with regulation 603 CMR 4.03(4)(a)(e), school districts that offer five or more Chapter 74-approved programs must provide a minimum of one half year of an exploratory program for all incoming ninth graders. Exploratory programs enable students to learn about the expectations and requirements for a number of occupations in which they are interested. The purpose of this exposure is to help students make informed decisions about the vocational technical program in which they will concentrate (major). After the exploratory program, students elect to major in a vocational technical education program. Transfer to another program for a nonresident student would require approval from his/her district of residence superintendent for that change.

Students are to be provided with the opportunity to have nonresident tuition paid program participation as early as the first term of the ninth grade. Students are eligible to participate this early, if their district of residence does not offer the particular Chapter 74-approved program in which they would like to major after they complete the exploratory program. The nonresident student will participate in the full exploratory program of the receiving district. The exploratory program must include the program the nonresident student is interested pursuing as a major. If, after participating in the full exploratory program, the student decides to major in an area that is offered through his/her district of residence, he/she will return to the district of residence for that program if he/she is admitted. If the student decides to major in a program that is not offered by his/her district of residence, the student will remain in the receiving district for the program in

grades 9-12 and the district of residence (city/town, district) will continue to pay the student's tuition and transportation subject to M.G.L. c. 74 sections 7 and 8A respectively.

How Nonresident Tuition Rates are Set:

A nonresident tuition calculation is set annually for each school with Chapter 74-approved programs based on its per pupil expenditures for vocational technical education programs, with a limit of 10% on the increase or decrease each year. The Department computes the statewide average foundation budget annually. The nonresident tuition rates are determined as follows.

Tuition rates for all nonresident students enrolled for the 2004-2005 school year will be based on the 2004-2005 tuition calculations, but with a cap equal to 150% of the 2004-2005 statewide average foundation budget per pupil for vocational technical students. When the Department computes the statewide average foundation budget for the 2004-2005 school year, it will set the cap for the 2004-2005 school year. At the same time, the Department will determine the tuition calculations for each school.

Tuition rates for all nonresident students enrolled for the 2005-2006 school year and subsequent school years will be based on the tuition calculations for the applicable school year, but with a cap equal to 125% of the statewide average foundation budget per pupil for vocational technical students for the applicable school year.

The same nonresident tuition rate is used for secondary, postsecondary and postgraduate programs at the vocational technical school. The Department sets the tuition rates for the coming school year on or about March 1 of each year. Please note that special legislation (*Chapter 6, section 82 of the Acts of 1991*) permits the two county agricultural high schools (Bristol & Norfolk) to charge tuition for nonresident students at a rate different than the Department-approved rate.

Tuition rates are set for regular *vocational technical education* students. **For students with Individualized Educational Programs** (students with disabilities) or students needing English language learner services, the vocational technical school and the sending district should agree on an additional amount needed to cover the required services. This additional amount must be based on actual records of special education or bilingual education cost per hour times the estimated number of hours the student requires, or on a similar verifiable formula.

For postsecondary students, a city or town **is not required** to pay nonresident tuition. The Commissioner will not overrule a Superintendent's denial of postsecondary tuition because M.G.L.c.74, s.7C limits the obligation of cities and towns to pay nonresident postsecondary tuition. Schools are permitted to charge tuition to individual nonresident students for such a program. The school may charge the individual student up to Department-approved nonresident tuition rate for the school.

For postgraduate students with incomes of less than \$18,000 per year, a city or town **is required** to pay the Department-approved nonresident tuition, less the amount payable by the postgraduate student which is the average tuition for community colleges (\$108.20 per credit hour or \$2,597 for the school year^{*}). If the postgraduate student has income exceeding \$18,000 per year, he or she may be charged for the full amount that is the Department-approved nonresident tuition rate for the school.

*Average community college tuition for the 2003-2004 school year based on 24 credits.

Foundation Enrollment:

A school with nonresident secondary students may report such students in the school's foundation enrollment. The sending district would get credit in their foundation enrollment.

A school with postsecondary nonresident students may report such students in the school's foundation enrollment if the student's city/town pays the nonresident tuition.

A school with postgraduate nonresident students may report such students in the school's foundation enrollment if the student's city/town pays a portion of, or the entire nonresident tuition. If the student pays all of the nonresident tuition, the school shall not report these student's in their foundation enrollment.

Request for the Commissioner to Review the Denial of Nonresident Tuition: The student's parent/guardian or school that has the type of instruction sought but has been denied nonresident tuition by the district of residence may request that the Commissioner review the denial of tuition. The request for a review of the denial shall be submitted in writing to the Commissioner *within 10 receiving district business days* of the receipt of the written denial from the district of residence. The decision of the Commissioner shall be final. Requests are to be sent to: Kevin Matthews, Massachusetts Department of Education, Career and Technical Education Unit, 350 Main Street, Malden, MA 02148.

Rights and Privileges of Nonresident Vocational Technical Education Students: Once a student has been accepted to a school for a Chapter 74-approved program and has been approved for vocational technical education nonresident tuition, the student is entitled to the same rights and privileges of students who reside in that school district. The student has the right to remain in the school until completion of his/her secondary program. If the student requires additional time to complete the program and a resident student would have been offered the right to continue until completion at the expense of member districts, the city or town of residence must pay nonresident tuition for the additional time. If a nonresident student leaves the program but returns within one year, the student shall be entitled to be reinstated if that privilege would have been extended to a resident student. Schools must pro-rate the tuition if the student attends for less than a full year.

References:

These Guidelines and the following documents are available at the Department of Education website at www.doe.mass.edu/cte:

- Massachusetts General Law Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Law and Regulations
 - Chapter 74 Vocational-Technical Education Directory
 - Classification of Instructional Programs: 2000 Edition
 - Chapter 74 Vocational Technical Education Program Nonresident Student Tuition Application
 - Chapter 74 Manual for Vocational Technical Education Programs
- also:
- Student Record Regulations 603 CMR 23.00 at <http://www.doe.mass.edu/lawsregs/stateregs.html>.

Technical Assistance:

Contact Kevin Matthews at the Career and Technical Education unit at the Massachusetts Department of Education (781) 338-3941 or Kmatthews@doe.mass.edu.