



David P. Driscoll
Commissioner of Education

[Commissioner's Update Archive](#)

Commissioner's Update

November 22, 2004

Dear Superintendents, and Leaders of Charter Schools and Collaboratives:


I have 5 announcements and 5 items in this update for your review.

Non-Resident Vocational Student Transportation

Legislation was recently enacted to reinstitute the requirement to provide transportation for vocational students enrolled in out-of-district programs under chapter 74. An advisory with more information will be posted soon on the School Finance webpage.

Food and Beverage Guidelines for Schools and Districts

Many districts are working on policies related to foods offered in schools. Resource tools have been distributed to school nutrition and food service directors through the "Changing the Scene: Improving the School Nutrition Environment" workshops conducted by our School Nutrition and Health unit. Additional resources include the Massachusetts Action For Healthy Kids'

["Massachusetts A La Carte Food and Beverage Guidelines"](#)  as well as the National Association of State Boards of Education's School Health Policy Guide, Fit, Healthy and Ready to Learn. I encourage you to review the information that is posted on the National Association of State Boards of Education website at <http://www.nasbe.org/HealthySchools/fithealthy.mgi>

Opportunity to Update Your District and School Staffing Report

The deadline for submission of the District and School Staffing Report (DSSR) was November 1, 2004. Those districts that have not yet completed the Report should do so as soon as possible. In early January 2005, districts will have the opportunity to make edits and updates to the report prior to our posting the NCLB report cards in the spring. The editing timeline will provide your district with the opportunity to update your licensure and "highly qualified" data based on new licensure information that you may receive between November and January.

Additionally, please review the information that you submitted in your original DSSR for Line 999 of the report related to "High Quality Professional Development." The original report omits information from that line that would have helped you to complete and submit the necessary data. Specifically for this line, districts should have reported the "Total number of teachers reported in Section E-1 (Total Census Headcount) who participated in High Quality Professional Development during the 2003-2004 school year (through August 2004)." Please update this section of the report based on the new language. All teachers from the Section E1 Census Headcount who participated in high quality professional development during that timeframe should be reported, regardless of whether they have or have not met the highly qualified teacher requirements. If your district would like the opportunity to edit or update any of the information reported in the DSSR, please email data@doe.mass.edu by January 6, 2005. The application will be open for you to make changes from January 10 through 21. If you have questions please call Data Collection at (781) 338-3282.






MCAS Performance Appeals

I wanted to call your attention to an issue related to filing MCAS Performance Appeals for students in the Class of 2005. The regulations governing MCAS Performance Appeals, 603 CMR 30.05, require that students must have taken the grade 10 MCAS tests a minimum of 3 times to be eligible to file an appeal. While the regulations permit me to waive this requirement in exceptional circumstances, such as a student who moves to Massachusetts during senior year, please be advised that in general I will not review appeals for students whose applications do not indicate scores for 3 tests. If you have specific concerns or if you have a unique situation, please contact the MCAS Performance Appeals Hotline at 781-338-3333 or email mcasappeals@doe.mass.edu.

Working Families Tax Relief Act of 2004

The Internal Revenue Service announces that teachers and other educators in public or private elementary and secondary schools are eligible to take advantage of a tax deduction of up to \$250 for out-of-pocket expenses such as books and other classroom supplies. The Working Families Tax Relief Act of 2004, re-enacted in October, reinstates the educator expense deduction that had expired at the end of last year. The deduction is effective for both 2004 and 2005 and may be applied by persons working as teachers, instructors, counselors, principals or aides for at least 900 hours during the school year. Educators are encouraged to keep records of qualifying expenses. Please pass this information on to your educators. For more information on "Topic 458," please call the IRS Tele-Tax system at 1-800-829-4477 or go to www.irs.gov.

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

1. Public Comment Sought on Proposed Amendments to Charter School Regulations, 603 CMR 1.00

2. NCS Mentor for MCAS : a Computer-Based Professional Development Tool

3. Invitation to a Leadership Preparation Conference, January 13, 2005

4. FY 04 End of Year Pupil and Financial Report, Schedule 11 Update

5. Technology Toolkit: a Resource for Districts to Use Technology Effectively to Support Teaching and Learning


Please accept my best wishes to you and your families for a Happy Thanksgiving.

Sincerely,

David P. Driscoll
Commissioner of Education





- › Laws & Regulations Home
- › State Regulations
- › State Laws
- › Federal Laws
- › Legal Advisories
- › Arbitration Awards

District/School Administration › Administration ›



Education Laws and Regulations

Notice of Public Comment

603 CMR 1.00, Charter School Regulations

Pursuant to its authority under M.G.L. c. 69, § 1B and c. 71, § 89, as amended by St. 2004, c. 352, § 31, 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 proposed amendments to 603 CMR 1.00, Charter School Regulations  | .

These proposed amendments were adopted by the Board of Education on October 26, 2004 as Emergency Regulations. The Emergency Regulations implement the new charter school funding formula that was enacted through St. 2004, c. 352, § 31, which amends M.G.L. c. 71, § 89 (nn). Emergency adoption of these regulations was necessary for the preservation of the public welfare, in order to implement the new provisions of state law so that the next quarterly tuition payments may be made on schedule in December 2004. Emergency Regulations are in effect for 3 months. The Board is now proposing to adopt these Emergency Regulations as permanent amendments to the Charter School Regulations.

Copies of the proposed amendments  |  are available on the Department of Education's website at www.doe.mass.edu, or by calling 781-338-3227. Written comments on the proposed amendments may be submitted to Jeffrey Wulfson, Department of Education, 350 Main St., 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, January 7, 2005**. The Board is expected to take a final vote on the proposed amendments at its regular monthly meeting scheduled for January 25, 2005.

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Proposed Amendments to Charter School Regulations, 603 CMR 1.00

- **For consideration and initial action (adoption of emergency regulations) by the Board of Education: October 26, 2004**
- **Anticipated period of public comment: through January 7, 2005**
- **Anticipated final action by the Board of Education: January 25, 2005**

These amendments revise sections of the Charter School Regulations, 603 CMR 1.08, that relate to the calculation and payment of tuition for Commonwealth charter schools. Amendments are indicated by underscore (new language) and ~~overstrike~~ (deleted language). The amendments implement the new charter school funding formula that was enacted through St. 2004, c. 352, § 31, which amends G.L. c. 71, § 89 (nn). In accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, the Board of Education adopted the amendments as emergency regulations at its October 26, 2004, meeting, so that the next quarterly tuition payments may be made on schedule in December 2004. Emergency regulations remain in effect for no longer than three months. Following the period of initial implementation and public comment, the Board is expected to consider the regulations in final form at its January 25, 2005, regular meeting.

1.08: Charter School Funding

(1) Horace Mann charter schools shall be funded through the local school district. A Horace Mann charter school shall submit a budget request annually, in accordance with the budget schedule of the local school district and no later than April 1, to the superintendent and school committee of the district in which the charter school is located. The school committee shall act on the charter school budget request in conjunction with its approval of the district's overall budget. A Horace Mann charter school's budget allocation shall be consistent with the allocation of other public schools in the district. In the case of budget reductions in the school district, a Horace Mann charter school's budget may not be reduced disproportionately to other schools in the district. The charter school board of trustees may appeal any disproportionate budget allocation to the Commissioner of Education, who shall determine an equitable funding level for the school and shall require the school committee to provide such funding.

(2) Each operating Commonwealth charter school shall receive tuition payments from each school district whose students attend the charter school. Such tuition payments shall be equal to the appropriate charter school tuition rate, as determined in accordance with 603 CMR 1.08 (3), multiplied by the number of students attending the charter school from the sending district in the current year. For students who attend the charter school for less than the full year, the tuition payment shall be reduced based on the number of days of enrollment. Such tuition payments shall be paid in accordance with 603 CMR 1.08 (6).

(3) For each sending district, a separate foundation budget dollar amount and charter school tuition rate shall be calculated as follows for each charter school to which the district sends students.

(a) The foundation budget dollar amount shall be calculated, based on the foundation budget factors used for the distribution of Chapter 70 aid in the current year, provided that the out-of-district special education tuition component of the foundation budget shall be excluded from the

calculation. The student data for this calculation shall be the foundation enrollment information reported by the charter school as of October 1 of the prior school year. The tuition rate shall equal the foundation budget dollar amount divided by the number of students. If no students attended a particular charter school from a particular sending district in the prior year, then the sending district's average foundation budget per pupil will be used as the tuition rate.

- (b) Each tuition rate shall be increased by the ratio of the sending district's current year budgeted net school spending, as reported on schedule 19 of the Department's end of year pupil and financial returns, to the sending district's total current year foundation budget. Amounts reported on schedule 19 for out-of-district special education tuition and retired teachers' health insurance shall be excluded from this calculation.
- (c) The Department shall annually calculate the statewide average of district expenditures per pupil for the acquisition, construction, and improvement of school buildings, and for the acquisition of land for such buildings, and for debt service thereon, and shall add such capital component to each of the tuition rates calculated above.

(4) Any amounts appropriated under line item 7010-0030 for the purpose of per pupil facilities aid for Commonwealth charter schools shall be used to reimburse sending districts for the capital component of the tuition payments, as calculated in 603 CMR 1.08(3)(c), but shall not affect the payments due to Commonwealth charter schools.

(5) For each sending district, the sum of its tuition payment to each Commonwealth charter school, less any charter school capital facility reimbursement received pursuant to 603 CMR 1.08(4), shall be used as the district's "total charter school tuition payment" for the purposes of G.L. c.71 s.89(i) and shall be used as the district's "total charter school tuition amount" for the purposes of G.L. c.71 s.89(oo).

(6) The State Treasurer shall make quarterly payments to Commonwealth charter schools. In making such payments, the Commonwealth shall reduce each sending district's M.G.L. c. 70 allocation by an amount sufficient to meet its charter school obligations for the quarter. If there are insufficient M.G.L. c. 70 funds to meet a district's obligation, the Commonwealth shall reduce other state aid allocated to the applicable cities and towns. If there are insufficient state aid funds of any kind to meet a district's obligation, the Board of Education shall recommend to the Governor and legislature that a supplemental appropriation be made to pay any remaining obligation to the charter school(s).

(7) The Department of Education shall notify both the Commonwealth charter school and the sending district(s) of the amount of these M.G.L. c. 70 reductions.

(8) The first quarterly payment to Commonwealth charter schools shall be based on each charter school's pre-enrollment report, filed with the Department of Education pursuant to 603 CMR 1.09(4). The remaining three quarterly payments of each fiscal year shall be based on updated enrollment reports, submitted to the Department of Education by each charter school. Although each quarterly payment is intended to equal approximately one quarter of the projected annual amount, payments in the later quarters of each fiscal year shall include adjustments to correct any over- or under-payments in earlier quarters.

(9) In its first year of operation, a Commonwealth charter school may be paid its first quarterly payment within 45 days after the start of the Commonwealth's fiscal year. The remaining three payments shall occur at the end of the Commonwealth's second, third, and fourth fiscal quarters. After its first year of operation, a Commonwealth charter school shall receive all of its quarterly payments, including its first quarter payment, at the end of the Commonwealth's fiscal quarters. The

timing of all payments to charter schools is subject to the timely enactment of the Commonwealth's annual budget.

(10) In order to facilitate the acquisition of cash-flow financing, charter schools may be eligible for advance certification of quarterly payments, issued by the Board of Education and the Secretary of Administration and Finance. At least five days prior to the close of each fiscal quarter, the Commissioner of Education and the Secretary of Administration and Finance will certify to eligible charter schools the amount the Commonwealth will pay to such schools at the end of the subsequent quarter, barring a failure of the school to continue operations or a suspension or revocation by the Board of Education of the school's charter. To be eligible for advance certification a charter school shall submit to the Board of Education, prior to each quarterly certification, financial data necessary to ascertain the school's financial stability and solvency. Such data shall include an updated month-by-month cash flow statement for the current fiscal year and any other data that the Commissioner of Education may specify. If a charter school receiving advance certification of its quarterly payments ceases operations or if its charter is suspended, revoked, or not renewed, the actual quarterly payment by the Commonwealth to the charter school may be less than the certified amount, if a lesser amount is sufficient to satisfy any outstanding loan balances to any secured party holding a perfected security interest.

(11) *Transportation.* School districts shall provide transportation to charter school students on the same basis as it is provided to regular public school students in the district. In providing such transportation, districts shall accommodate the particular school year and school day of the charter school, in accordance with M.G.L. c. 71, § 89. If a district and a charter school cannot reach agreement about the service to be provided, and if the charter school finds an alternative that costs the same as or less than the average cost of transportation per student in the district, the charter school may provide its own transportation services to students eligible for transportation. In such cases, the costs for such services will be deducted from a district's M.G.L. c. 70 account on a quarterly basis as described in 603 CMR 1.08(6), based on estimated and actual expenditures for transportation.



- > MCAS Home
- > School Notices
- > About The MCAS
 - Test Schedule
 - Test Items
 - Scoring Guides/Student Work
 - MCAS Results
- > MCAS Alternate Assessment
- > English Proficiency
- > Assessments
- > Publications
- > Links to Related Resources
- > MCAS Performance Appeals
 - Parent Information Hotline
 - 1-866-MCAS220



Assessment/Accountability > MCAS >

Massachusetts Comprehensive Assessment System

Release of NCS Mentor for MCAS Professional Development

To: Superintendents, and Directors of Charter Schools, Approved Private Special Education Schools, Institutional Schools, and Collaboratives

From: David P. Driscoll, Commissioner of Education

Date: November 19, 2004

I am pleased to announce the launch of the MCAS Mentor, a computer-based professional development tool that allows educators to learn how to score student responses to MCAS open-response questions and composition writing prompts. NCS/Pearson, in collaboration with the Massachusetts Department of Education, designed the MCAS Mentor to provide a bridge between statewide performance assessment and classroom instruction. It has been developed to help teachers internalize the [Massachusetts Curriculum Framework](#) learning standards and MCAS performance level expectations to integrate the MCAS scoring process into classroom instruction.

The new MCAS Mentor represents a significant advance over the previously released *NCS Mentor for Massachusetts: Scoring MCAS Compositions CD*. It contains new content, incorporating English language arts and mathematics open-response items, as well as compositions. Massachusetts educators will be able to access the MCAS Mentor over the Internet at <http://www.ncsmentor.com> by selecting the "customers" page from the menu bar. By using the key word "MCAS" users can register and create a profile. When creating a profile, users will be able to select their own username and password, which they will use in the future to log on. I encourage you to explore ways to use this professional development tool within your district. If you have any questions about the MCAS Mentor, please contact support services at 800-552-2159 (8:00 a.m. to 8:00 p.m. EST) or by email at mentor@pearson.com.

E-mail this page | Print View



- > CSLP Home
- > State Action for Educational Leadership Grant
 - Overview
 - SAELP National Consortium
 - 15 Participating States
 - Leading the Way Newsletter
- > Leadership Development Leadership Across Massachusetts
- > Aspiring Administrators
- > Resources & Opportunities



Educator Services > Career Advancement >

Commonwealth School Leadership Project

Leadership Preparation Conference on January 13, 2005

To: Superintendents, Charter School Leaders, Principals, Teachers, and Preparation Providers

From: David P. Driscoll, Commissioner of Education

Date: November 19, 2004

On January 13 the Department of Education will sponsor a Leadership Preparation conference at the Best Western Royal Trade Plaza Hotel in Marlborough. I write to invite your participation. The goal of this event will be to advance the statewide discussion on the preparation needs of educational leaders. This event is sponsored through the Wallace Foundation's State Action for Education Leadership Project.

The agenda will highlight recent research on leadership's impact on student achievement; the featured speaker will be Dr. Brian McNulty from the Mid-Continent Research Lab for Education and Learning who was one of the principal researchers for *Balanced Leadership*.

Registration for this day-long conference will begin at 8:30 a.m.; the program will begin at 9:00 with a presentation from Dr. McNulty entitled: "Leadership Skills: What research tells us about the link between Leadership and Learning." The keynote presentation will be followed by break-out sessions for further discussions.

Superintendents, principals, and teacher leaders are invited to attend along with representatives from leadership preparation programs. Throughout the day, participants will have the opportunity to hear about the McRel research and to talk with their counterparts in other districts and preparation programs.

To register for the conference, please visit our web site at: <http://www.doe.mass.edu/eq/cslp/admins.html>. For more information about the event or how to participate, please email Lonnie Powers at the Department of Education: Lpowers@doe.mass.edu.

E-mail this page | Print View



- › Finance/Grants
- Recent Updates
- › Accounting & Auditing
- › Chapter 70 Program (Foundation Budget)
- › Charter Schools
- › Circuit Breaker
- › DOE Budget
- › Federal Renovation Program
- › Grants: Information
- › Nutrition Programs (School Lunch)
- › Per Pupil Expenditure Reports
- › School Building Issues
- › School Choice
- › School Finance Regulations
- › Statistical Comparisons
- › Transportation
- › Vocational Education
- › Key Contacts
- › Links

Accounting and Auditing

2003-2004 End of Year Pupil and Financial Report

FY04 End-of-Year Pupil and Financial Report Update

November 23, 2004

There is a new process in place this year for processing each district's FY04 End-of-Year Pupil and Financial Report (EOYPFR). Because of this change, districts will need to obtain their updated spreadsheet by downloading from the [DOE security portal](#). The process is as follows:

Step 1: District submits initial spreadsheet

(Note: most districts have already completed this first step.)

- Each district downloads its initial EXCEL workbook from the Drop Box Central area of the DOE Security Portal.
- Complete all of the financial schedules.
- Complete only the relevant special education lines on Schedule 11 (lines 5028-5039).
- Submit the initial workbook to the inbox area of the Security Portal.

Step 2: DOE populates Schedule 11 from the summer 2004 SIMS submission

- DOE computes total membership by program, from SIMS.
- DOE estimates the ELL, Vocational, and Regular components for the special education pupils reported by the district, and populates the respective cells on Schedule 11.
- DOE corrects several formula errors cited on the "Spreadsheet Issues" document in the FY04 EOYPFR area of the School Finance website:

http://finance1.doe.mass.edu/account/eoy04_help.html

- DOE saves the workbook using the same file name ("04eoy***.xls", where "****" is the three-digit lea code). Macros will not work if the spreadsheet is given a different name.
- DOE places the updated workbook in the outbox area of the Security Portal.

Step 3: District downloads updated file from Security Portal

- Go to the "outbox" for the district's FY04 EOYPFR.
- Check the date on the workbook in the outbox. If it shows August 2004, then the district's file is not yet updated. If the date is later than November 1st, 2004 then download the workbook.
- Save the workbook to a district pc or network using the same name. This is the current copy of your file.
- **Please notify Lynn McKnight of School Business Services when you have**

successfully downloaded your file. As this step in the process is new this year, we want to make certain that it works for everybody.

DOE contacts about this process

Lynn McKnight	781-338-6511	lmcknight@doe.mass.edu
Hadley Brett Cabral	781-338-6586	hcabral@doe.mass.edu
Roger Hatch	781-338-6527	rhatch@doe.mass.edu

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- > EdTech Home
- > Technology Planning
- > Technology Standards
- > Technology Grants and Resources
- > Teacher Professionalism
- > Student Learning
- > Technology Toolkit
 - Introduction
 - About the Project MEET Model
 - Students
 - Educators
 - Support
 - Policy
 - Promising Practices
 - Acknowledgements

District/School Administration > PK-16 Program Support > Educational Technology >

Technology Toolkit

Technology Toolkit Available Online

To: Superintendents, Principals, and other Education Leaders
From: David P. Driscoll, Commissioner of Education
Date: November 19, 2004

I am pleased to provide this [technology toolkit](#), which offers a wealth of resources for school leaders. The toolkit brings together five years of knowledge developed through our experience with Project MEET (Massachusetts Empowering Educators with Technology), which provided technology professional development to hundreds of educators across the Commonwealth from 1998 to 2004. The toolkit can serve as a resource for districts that want to use technology more effectively to support teaching and learning.

Today's students grow up using technology in many areas of their lives. Their attitudes and beliefs about technology have tremendous implications for schools and the way instruction is provided. New technologies enable education leaders to rethink the conditions needed to improve teaching and learning and re-engineer school structures and processes.

As many school districts have discovered, technology can be a powerful force in helping students learn. This toolkit showcases nineteen examples of promising technology-based practices in Massachusetts schools. I invite you to take a look at some of these impressive projects developed by your colleagues across the state. Perhaps your teachers will want to adapt some of these ideas for use in their classrooms.

I hope you will find this toolkit helpful as you work toward our mutual goal of improving educational opportunities for all children.

Sincerely,

David P. Driscoll
Commissioner of Education