



David P. Driscoll
Commissioner of Education

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Commissioner's Update

December 5, 2005

Dear Superintendents, and Leaders of Charter Schools and Collaboratives:

In this update I have 3 announcements and 2 items recently posted at www.doe.mass.edu.

Reporting of MCAS November Retest Results

I would like to thank superintendents and high school principals for making the MCAS November Retest administration a success. I would especially like to commend principals for returning test materials promptly to the testing contractor. The care taken in returning test materials without delay helps the Department ensure the timely reporting of results. Superintendents and principals are expected to receive reports of retest results in mid-January, which will allow them to make decisions for ordering test materials for the March 2006 Retest.

Upcoming Conference On Trauma as a Barrier to Learning

This spring the Department will host a conference on Trauma as a Barrier to Learning, stemming in part from a new study just released by the Office of the Commissioner of Probation. This study, released last month, found that about 43,000 children had been in some way impacted by family violence. Similarly, the Massachusetts Department of Social Services reports that in 2004 nearly 40,000 children were included in their caseload, due to child abuse and neglect. A June 2005 DOE survey found that 90 percent of the students in 11 school districts receiving alternative education grants had been exposed to some type of trauma in their lives.

As educators, we must be aware of the prevalence of trauma in the lives of the children in our schools. Children experiencing some type of trauma are likely to struggle in school with language and communication, attentiveness to classroom tasks, regulating emotions, and engaging in the curriculum.

Last month, Massachusetts Advocates for Children released a new book, *Helping Traumatized Children Learn*, a report and policy agenda that provides information on: 1) the impact of trauma on learning, 2) making school environments trauma-sensitive, and 3) policy recommendations. A free pdf version of this book can be downloaded at http://www.massadvocates.org/helping_traumatized_children_learn/. I would encourage you to read this book, and to watch this space for upcoming details on our conference next year.

Best Practices Conference Scheduled For January

The Department of Education, the Rennie Center for Education Policy and Research, and the Center for Collaborative Education are co-sponsoring a day-long high school reform conference in January entitled *High Schools of the Future: Lessons for Reforming Schools*. The conference will be held on January 20, 2006 at Holy Cross College from 8 a.m. to 3 p.m.

This conference is being organized to provide a forum for high school administrators and faculty to learn about and share practices for creating high performing, academically challenging, and personalized high schools that successfully educate all students. Key speakers will include Commissioner David Driscoll, Tom Vander Ark, Executive Director for the Bill and Melinda

Gates Foundation's Education initiatives, and Education Trust Director Katie Haycock. In addition, high school practitioners and students will offer valuable insights into promising practices in reforming high schools.

I encourage all districts to send a team to this important conference. More details, including a full agenda and registration information, will be included in my Dec. 19 Update.

Here are 2 items recently posted items at www.doe.mass.edu:

1. Advisory on Schaffer v. Weast, U.S. Supreme Court Decision on Burden of Proof in Special Education Appeals Cases



2. The John and Abigail Adams Scholarship and the Stanley Z. Koplik Certificate of Mastery



Sincerely,

David P. Driscoll
Commissioner of Education

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Advisory on *Schaffer v. Weast*, U.S. Supreme Court Decision on Burden of Proof in Special Education Appeals Cases

To: Superintendents of Schools, Special Education Administrators, Charter School Leaders and Other Interested Parties

From: David P. Driscoll, Commissioner of Education

Date: December 1, 2005

On November 14, 2005, the U.S. Supreme Court ruled in *Schaffer v. Weast*, 546 U.S. (2005) that in an administrative hearing under the Individuals with Disabilities Education Act (IDEA), the party initiating the appeal and seeking relief bears the burden of proof. While the Court's ruling does not change legal practice in Massachusetts, I am bringing it to your attention because it clarifies an issue relating to IDEA hearings, which either a parent or a school district may initiate at the Bureau of Special Education Appeals.

The legal term "burden of proof" or "burden of persuasion" is relevant in cases in which the evidence presented by each side is perfectly balanced. Those cases are rare. If, as in the *Schaffer* case, the hearing officer finds the evidence presented by each party to be in perfect balance, not favoring one side or the other, then the party that has the burden of persuasion will lose. While completely balanced evidence is uncommon in special education disputes, the Court's ruling is important because several lower courts had reached different conclusions on which party bears the burden of proof in IDEA hearings. The Supreme Court's decision now affirms a uniform rule that will be followed consistently in all jurisdictions.

The Court noted that its interpretation accords with the usual rule that plaintiffs bear the burden regarding the essential aspects of their claims. In response to the concern that school districts might have an advantage in information and expertise about the student's educational program, the Court stated that the procedural protections for parents under the IDEA "ensure that the school bears no unique informational advantage." Those procedural safeguards include the right to review the student's records, the right to an independent educational evaluation, and the requirement that school districts provide parents with written notice, with the reasoning behind decisions and disputed actions, and disclose results of evaluations and recommendations prior to a hearing.

The *Schaffer* decision will have little if any impact in Massachusetts, since attorneys and advocates for parents and school districts generally have assumed that the party initiating a special education appeal bears the burden of proof, and they have prepared and presented their cases accordingly. The U.S. Supreme Court has now affirmed that this is the rule under the IDEA.

The full text of the *Schaffer v. Weast* decision is available through a link on the Supreme Court's website at <http://www.supremecourtus.gov/opinions/05slipopinion.html>.

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Awards & Scholarships

The John and Abigail Adams Scholarship and the Stanley Z. Koplik Certificate of Mastery

To: School Superintendents, Charter School Directors, High School Principals, High School Guidance Counselors, and Koplik Certificate Coordinators

From: David P. Driscoll, Commissioner of Education

Date: December 5, 2005

I want to update you on two scholarship opportunities for your students, the John and Abigail Adams Scholarships and the Stanley Z. Koplik Certificate of Mastery.

The John and Abigail Adams Scholarship

Superintendents will soon be receiving award letters for students in the Class of 2006 who have qualified for the John and Abigail Adams Scholarship. This is the second year we are awarding the scholarship to high school students, based on their grade 10 MCAS performance.

The Stanley Z. Koplik Certificate of Mastery

The application filing period for seniors and juniors begins December 15, 2005 and ends May 26, 2006. Seniors who initially qualified for the Koplik Certificate of Mastery must file their applications during the December-May application period. Please note that this applies even to seniors who will be taking Advanced Placement examinations in May 2006 and will not have their grade reports until after they graduate. Students *may not apply* for the Koplik Certificate of Mastery after they have graduated from high school.

For seniors awaiting test scores, the Koplik coordinator will enter "Incomplete" in the K or L column on the MassONE (VES) student roster. When the grade reports are received, the Koplik coordinator will update the files to either "Yes" or "No" and issue Koplik Certificates of Mastery to the successful students. Every public high school (academic regional, regional vocational-technical, charter high school, special education collaborative, etc.) should have a person who serves as the Koplik coordinator. All Koplik coordinators need to have a MassONE (formerly VES) Account in order to process Koplik applications and issue Koplik Certificates. If your high school does not have a Koplik coordinator, please appoint one and ask him or her to e-mail Richard Salus, rsalus@doe.mass.edu, and request a MassONE account.

The roster of students in the class of 2007 who initially qualified for the Koplik Certificate of Mastery will be posted on MassONE either in January or February 2006. At the same time, the Koplik materials posted on MassONE (application form, form letter, etc.) will be updated.

The chart below shows the differences between the John and Abigail Scholarship and the Stanley Z. Koplik Certificate of Mastery¹. If you have questions, please contact Richard Salus at 781-338-6252 or by e-mail at rsalus@doe.mass.edu.

Koplik Certificate of Mastery

John and Abigail Adams Scholarship

Students initially qualify by scoring, at the least, in the <i>Advanced</i> category in English Language Arts or Mathematics and <i>Advanced</i> or <i>Proficient</i> in the other subject area on the grade 10 MCAS assessments.	Students qualify by scoring, at the least: (a) in the <i>Advanced</i> category in English Language Arts or Mathematics and <i>Advanced</i> or <i>Proficient</i> in the other subject area on the grade 10 MCAS assessments; and , (b) in the top 25% of the students in the district on these tests.
Students must apply for the Certificate through their guidance counselors by May of their senior year. In order to receive the Certificate they must demonstrate additional academic achievements, such as high scores on AP or SATII subject tests or high academic achievements or recognitions beyond their individual school. Full information on additional requirements is included in the application forms available to guidance counselors on MassONE. Students must keep a copy of their Certificate of Mastery to show when they register for college.	Students who qualify are notified by letter in their senior year. NO further application is necessary, but students must keep their letter to show when they register for college.
Students receive a tuition waiver to state colleges and universities that is in effect for 8 semesters. The waiver does not cover fees, books, or other expenses. The waiver is in effect as long as the student maintains a GPA of 3.3 or better.	Students receive a tuition waiver to state colleges and universities that is in effect for 8 consecutive traditional semesters or 4 years. The waiver does not cover fees, books, or other expenses. A student must begin to use the waiver in the first fall semester after graduation from high school. The waiver is in effect as long as the student maintains a GPA of 3.0 or better.
The tuition waiver applies to all Massachusetts public state colleges and universities.	The tuition waiver applies to all Massachusetts public state colleges and universities with the exception of the Massachusetts Maritime Academy and the Massachusetts College of Art.

¹ It should be noted that only students who are legal Massachusetts' residents are eligible to receive a tuition waiver.