



Mitchell D. Chester
Commissioner of
Elementary and Secondary
Education

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Commissioner's Update

December 9, 2008

Dear Superintendents and Leaders of Charter Schools and Collaboratives:

In this Update I have five announcements and eight items for your review.

Federal Guidance on Student Health Records

The U.S. Department of Education and the U.S. Department of Health and Human Services have issued "Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records." The guidance document explains how FERPA (the federal law on student records) and HIPAA (the federal law protecting the privacy of health records) apply to health records that schools maintain on students. It clarifies that the HIPAA privacy rules do not apply to student health records maintained by elementary and secondary schools that are subject to FERPA. All public schools, as well as nonpublic schools that receive federal education funds, are subject to FERPA. Massachusetts school officials may be more familiar with our [state Student Records Regulations](#) which are consistent with FERPA.

The federal guidance document, which is in Q&A form, is posted at: <http://www.ed.gov/policy/gen/guid/fpco/doc/ferpa-hippa-guidance.pdf>. It addresses questions about access and disclosure as well as other matters relating to student health records. School administrators, nurses, and guidance and counseling staff should find it helpful.

Ballot Question 2: "An Act Establishing A Sensible State Marijuana Policy"

The Department has received questions about the possible impact of Ballot Question 2, An Act Establishing A Sensible State Marijuana Policy, on schools' disciplinary authority. Question 2, which the voters passed on November 4, 2008, replaces the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties to be enforced by issuing citations, and excludes information regarding this civil offense from the state's criminal record information system. The text of Question 2 is available on-line at: http://www.sec.state.ma.us/ele/ele08/ballot_questions_08/quest_2.htm.

Question 2 is not yet in effect. The Attorney General has advised that it becomes effective 30 days after the Secretary of State presents the election results to the Governor and Governor's Council and they make an official determination that Question 2 has passed. The Governor's Council met on December 2, 2008 and certified the election results, which means that the new law will take effect on January 2, 2009. Until that time, the current law

remains in effect and possession of any amount of marijuana is still a criminal offense in Massachusetts.

The text of Question 2 does not address or refer to public elementary and secondary schools. We are consulting with the Attorney General's Office, the Executive Office of Public Safety and Security, and other relevant parties to clarify the impact, if any, of Question 2 on school officials' authority to discipline students for marijuana possession or use. We will issue more detailed guidance on this topic as soon as possible. In the meantime, we recommend that schools maintain their usual practices and procedures in regard to disciplinary matters.

New Amendment to State Special Education Law (An Act Providing Access to Information for Parents): ESE Guidance Forthcoming

A recent amendment to the state special education law, relating to parents and their designated independent evaluators and educational consultants observing education programs, takes effect on January 8, 2009. The new law, chapter 363 of the acts of 2008, <http://www.mass.gov/legis/laws/seslaw08/sl080363.htm>, adds the following three sentences to Gen. Laws c. 71B, section 3:

To insure that parents can participate fully and effectively with school personnel in the consideration and development of appropriate educational programs for their child, a school committee shall, upon request by a parent, provide timely access to parents and parent-designated independent evaluators and educational consultants for observations of a child's current program and of any program proposed for the child, including both academic and non-academic components of any such program. Parents and their designees shall be afforded access of sufficient duration and extent to enable them to evaluate a child's performance in a current program and the ability of a proposed program to enable such child to make effective progress. School committees shall impose no conditions or restrictions on such observations except those necessary to ensure the safety of children in a program or the integrity of the program while under observation or to protect children in the program from disclosure by an observer of confidential and personally identifiable information in the event such information is obtained in the course of an observation by a parent or a designee.

The Department will provide guidance to assist you and your school committees in reviewing local policies and procedures to be sure they are consistent with the new law. We are convening a group of stakeholders this month to advise us in developing this guidance, which we expect to post shortly.

EPIMS Data Collection News

The first EPIMS state-wide collection was successfully completed last year with 100% district participation. The SY2009 collection is underway with one third of the districts in process and several have certified the collection. The status of the collection can be viewed on our website at: <http://www.doe.mass.edu/infoservices/data/epims/report.aspx>.

Thank you to all of you who have begun this important task. The due date for the 2009 EPIMS collection is January 22, 2009. If your district needs additional time we will be accepting extension requests from the Superintendent for January 29, 2009. Please fax the request to the Data Collection office at 781-338-6850. If your staff needs assistance or has any questions please contact the Data Collection office at 781-338-3282.

Year 2 Verizon Foundation Grant for the Massachusetts Thinkfinity Partnership Program

I am pleased to report that the Verizon Foundation has recently provided \$65,000, for a total of \$130,000 over the past year, to support the Massachusetts Thinkfinity Partnership Program. This program provides professional development opportunities to classroom and pre-service teachers statewide through onsite and online training, resources to create a Massachusetts network of Thinkfinity trainers, and a mechanism to ensure that Thinkfinity resources are aligned with the Massachusetts Curriculum Frameworks.

The Thinkfinity website offers resources to improve student achievement across eight academic disciplines, from science to English to mathematics. It is designed to help teachers gain access to lesson plans, interactives, primary sources, references and other authoritative resources that can be searched by grade level, keyword, subject, or resource type.

Content for the Thinkfinity website is provided through partnerships between the Verizon Foundation and 11 of the nation's leading organizations in the fields of education and literacy:



- American Association for the Advancement of Science,
- International Reading Association,
- John F. Kennedy Center for the Performing Arts,
- National Center for Family Literacy,
- National Council on Economic Education,
- National Endowment for the Humanities,
- National Council of Teachers of English,
- National Council of Teachers of Mathematics,
- National Geographic Society,
- ProLiteracy Worldwide,
- Smithsonian National Museum of American History.

To make the website even more valuable to teachers, students and parents, Thinkfinity has recently made several enhancements and improvements, including:

- Addition of 500 new resources,
- Individual portals to allow users to search for resources targeted to educators, students, parents, or after-school programs,
- A dynamic new look,
- A simple, more comprehensive search engine,
- Ability to search for resources tailored to individual state standards.

Items Posted at www.doe.mass.edu:

1. Notice Of Public Comment on Proposed Amendments to the Vocational Technical Education Regulations
[No longer available]

2. Proposed Amendments to the Vocational Technical Education Regulations (Educator Licenses), 603 CMR 4.00
[No longer available]
3. [Massachusetts Child AMBER Alert Program](#) 
4. [The Advanced Placement Exam Fee Subsidy Program](#)
5. [2009-2010 Massachusetts Teacher of the Year Program](#)
6. [Updated Information about the Winter 2008-2009 ADP Algebra II End-of-Course Exam](#)
7. [2009 Presidential Awards for Excellence in Mathematics and Science Teaching](#)
8. [Big Yellow School Bus Program](#) 

Sincerely,

Mitchell D. Chester, Ed.D.
Commissioner of Elementary and Secondary Education

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Massachusetts Child AMBER Alert Program



2009 Missing Children's Day Poster Contest

The Massachusetts Child AMBER Alert Program invites you to join us in our efforts to educate the children of Massachusetts about safety issues by giving our 5th grade students an opportunity to participate in the 2009 Missing Children's Day Poster Contest. Each year the Department Of Justice sponsors a national poster contest to commemorate the many organizations, individuals, and children who have been instrumental in keeping children safe and returning them home to their families, community, and school.

The winner of the national contest, along with his or her teacher and parents, are flown to Washington to attend the annual National Missing Children's Day Ceremony in Washington, DC. The winner in Massachusetts, in the presence of his or her parents/guardian and teacher, is presented with an award by the Commonwealth's AMBER Alert Coordinator during the annual Massachusetts Missing Children's Day Ceremony held at the State House in Boston.

Judging Criteria:

1. Complete contest rules must be followed for all levels of competition. Incomplete packages and incorrect sized posters will not be eligible for further consideration.
2. Artwork will be judged on:
 - A. Originality of design
 - B. Reflection of the contest theme
 - C. Use of color and materials
3. Written applications will be judged on:
 - A. Level of understanding of the subject expressed
 - B. Clarity
 - C. Grammar and syntax appropriate to the 5th grade level

The contest will commence on January 13, 2009, "AMBER Alert Awareness Day." The 11x14 poster with completed application **must be mailed by March 6, 2009 to:**

**Massachusetts State Police General Headquarters
c/o Trooper Nicole Morrell
470 Worcester Road
Framingham, MA 01702**

Contest Rules:

1. Applicant must be in the 5th grade.
2. Artwork should reflect the theme "Bring Our Missing Children Home." This phrase must appear somewhere on the poster.
3. The theme must be depicted visually in one or a combination of mediums, such as: acrylics, watercolor, pencil, charcoal, magic markers, spray paint, crayons, pastels, etc.
4. The finished poster must measure 11 x 14 inches.
 - The poster must be submitted with a completed application, that includes a description of the poster and a brief biography of the artist (neither to exceed 100 words) either legibly written or typed.



Phone: 508-988-7093

E-mail:

nicole.morrell@pol.state.ma.us



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Advanced Placement

The Advanced Placement Exam Fee Subsidy Program

To: Advanced Placement Coordinators and Guidance Counselors

From: Mitchell D. Chester, Ed.D, Commissioner of Education

Date: December 1, 2008>

This year, Massachusetts will participate in the U.S. Department of Education's Advanced Placement (AP) Exam Fee Subsidy program. The purpose of this program is to reduce the cost of an Advanced Placement exam from \$86 to \$10 for students who meet the eligibility criteria.

For a student in a public, private, or parochial high school to be eligible for an AP exam fee subsidy (or subsidies), that student must be:

1. enrolled in the Advanced Placement course for which he/she is taking the exam, and
2. eligible for free or reduced priced school lunch under the National School Lunch Act.

High schools must ensure that all family financial information documenting student eligibility for either an AP or IB exam fee subsidy will remain confidential. For that reason, high schools must maintain secure files with the documentation that students who are receiving AP exam fee subsidies have met the eligibility requirements. Please note that as a condition of this grant, the state program coordinator will conduct on-site reviews of the files documenting student eligibility.

This winter, The College Board will inform Advanced Placement coordinators when it is time to order AP exams. The notice will include information on Advanced Placement exams at a reduced fee for your eligible students.

In the meantime, if you have any questions regarding Advanced Placement Exam Fee Subsidies, please contact Richard Salus at (781) 338-6252 or by e-mail at rsalus@doe.mass.edu.



2008-09 Family Income Eligibility Chart



Cover Page and Instructions

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Recognition Programs

2009-2010 Massachusetts Teacher of the Year Program

To: Superintendents, Principals, Teachers, and Other Interested Parties

From: Mitchell D. Chester, Ed.D, Commissioner of Elementary and Secondary Education

Date: December 1, 2008

It is again time to solicit nominations for the Massachusetts Teacher of the Year Program. This is the 47th year of participation in this nationwide program.

The Teacher of the Year should be an exemplary educator who demonstrates professionalism, leadership, excellent communication skills, and an outstanding and measurable commitment to student achievement and to the teaching profession.

Anyone can nominate a teacher, including administrators, teachers, parents, students and/or community members. To do so, send a letter to the Department of Elementary and Secondary Education by Tuesday, February 3, 2009, explaining why that teacher should be considered. Once the nomination letter is received, the teacher will be sent an application form to complete.

The Massachusetts Teacher of the Year will share his/her expertise with educators and students, community members and others on a limited basis in the evenings, on weekends, and during the summer while maintaining regular classroom responsibilities.

Teachers who are selected as Massachusetts Teacher of the Year finalists and semifinalists will be included in a pool of outstanding educator talent, who may be called upon to assist the Department on various review panels.

We are making every effort to see that as many teachers as possible are nominated. Public school teachers from all geographic areas, every ethnic and racial group, veteran teachers or newcomers may be considered for nomination.

Hannaford Supermarkets is a partner with the Department of Elementary and Secondary Education in supporting the Massachusetts Teacher of the Year Program and will award the Teacher of the Year, finalists, and semifinalists

grants to be used for classroom purposes or for personal professional development.

I have enclosed a flyer for you to distribute. **The deadline for nominations is Tuesday, February 3, 2009.**

  Flyer

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Massachusetts Comprehensive Assessment System

Updated Information about the Winter 2008-2009 American Diploma Project (ADP) Algebra II End-of-Course Exam

To: Superintendents, High School Principals, and Directors of Alternative Adult/External Diploma Programs and Evening High Schools, Charter Schools, Educational Collaboratives, Approved Special Education Private Schools, and Institutional Schools

From: Mitchell D. Chester, Ed.D., Commissioner of Elementary and Secondary Education

Date: December 5, 2008

Due to budget constraints, the Department is not able to offer schools the opportunity to participate in December 2008 and January 2009 administrations of the ADP Algebra II End-of-Course Exam as planned. We hope to offer the Algebra II test on a small scale in spring 2009. We will provide additional information about these plans as soon as possible.

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Educator Recognition Programs

2009 Presidential Awards for Excellence in Mathematics and Science Teaching

To: Superintendents, Principals, Teachers, and Other Interested Parties

From: Mitchell D. Chester, Ed.D, Commissioner of Elementary and Secondary Education



Date: December 1, 2008

I am pleased to announce that nominations are open for the Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST). The PAEMST Program was established in 1983 by the White House and is sponsored by the National Science Foundation (NSF). The program identifies outstanding mathematics and science teachers, kindergarten through 12th grade, in each state and the four U.S. jurisdictions. These teachers will serve as models for their colleagues and will be leaders in the improvement of science and mathematics education.

The competition alternates year by year between teachers of grades K-6 and teachers of grades 7-12. **Teachers of grades 7-12 mathematics and science are eligible for nomination for the 2009 Presidential Awards.** Teacher of grades K-6 will be eligible for the 2010 Presidential Awards.

In order to apply for the 2009 PAEMST, a teacher must be nominated. Anyone (e.g., principals, teachers, students, and other members of the general public) may nominate a teacher. Self-nominations will also be accepted.

Each Presidential Awardee will receive a \$10,000 award from the National Science Foundation and gifts from donors. Each Awardee will also be invited to attend, along with a guest, recognition events in Washington, D.C., in March 2010.

I have enclosed a **nomination form**   for you to copy and distribute. **The deadline for nominations is Tuesday, April 1, 2009.** Nominations can also be made by going to www.paemst.org. For further information, contact Deborah Walker at djwalker@doe.mass.edu or call (781) 338-3347. Nominations should be submitted to Deborah Walker at the Massachusetts Department of Elementary and Secondary Education.

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