# Minutes of the Regular Meeting

**of the Massachusetts Board of Education**

# October 24, 2006

**8:40 a.m. – 11:40 a.m.**

**Department of Education**

**350 Main Street, Malden, Massachusetts**

Members of the Board of Education Present:

**James A. Peyser**,Chairman, Milton

**Ann Reale**, Vice-Chair, Commissioner of Early Education and Care

**Christopher Anderson**, Westford

**Harneen Chernow,** Jamaica Plain

**Trevor Frederick**, Chair, Student Advisory Council, Ipswich

**Patricia Plummer**, Chancellor, Board of Higher Education

**Roberta Schaefer**, Worcester

Abigail Thernstrom, Lexington

**Henry M. Thomas, III,** Springfield

**David P. Driscoll,** Commissioner of Education, Secretary to the Board

Chairman James A. Peyser called the meeting to order at 8:40 a.m.

## Statements from the Public

* State Representative Carl Sciortino of Somerville addressed the Board on the proposed amendments to the Regulations on Competency Determination.
* Bob Gay, President of the Massachusetts Secondary School Administrators Association, addressed the Board on the proposed amendments to the Regulations on Competency Determination.
* Marilyn Segal of Citizens for Public Schools addressed the Board on the proposed amendments to the Regulations on Competency Determination and the Regulations on Under-Performing Schools and School Districts.
* Gloria Larson and James Rooney of The Great Schools Campaign addressed the Board on the proposed amendments to the Regulations on Competency Determination and the Regulations on Under-Performing Schools and School Districts.

#### Comments from the Chairman

Chairman James A. Peyser opened the meeting with a statement about the proposed changes to the Competency Determination Regulations and the Regulations on Under-performing Schools and School Districts:

The two proposals before us today regarding graduation standards and school accountability both break new ground, but at the same time they both return us to first principles embodied in the Education Reform Act of 1993.

Since the Class of 2003, the state standard for earning a competency determination has been scoring 220 in English and math. While this was a challenging target in 2000 when the Board established the standard, today close to 85 percent of sophomores exceed it on their first attempt. Moreover, our experience over the past six years has made clear that barely passing a 10th grade exam in two subjects is simply not good enough to prepare students for success in college or a successful career in the global marketplace.

The authors of the Education Reform Act knew this back in 1993, which is why they directed us to develop world-class academic standards and performance-based graduation requirements that ensure students demonstrate mastery, not just basic competence, in all core subject areas. Today, we move a step closer to fulfilling that vision by clearly setting our sights on proficiency and college readiness for all students.

The proposal on the table would establish a score of 240 in English and math as the goal for everyone, beginning with the class of 2010. For those students who do not hit the 240 mark in one or both subjects, we would now require that schools develop personalized Educational Proficiency Plans to ensure that these students are taking and successfully completing a challenging course of study in grades 11 and 12. The proposal would further reaffirm the incorporation of science into the MCAS graduation requirement for the class of 2010, while adding U.S. History for the class of 2012. At the same time, we are recommending the legislature appropriate $25 million next year to increase extra help programs for students trying to meet these new requirements.

We are also proposing to reposition the certificate of mastery to become a benchmark of college readiness, to which we hope all students will ultimately aspire. The new certificate of mastery would be based on the completion of a comprehensive curriculum through the 12th grade and the demonstration of college-entry level knowledge and skills.

Besides raising the standard for high school graduation, we are also considering today regulations that would substantially overhaul the school accountability system. The current system is too slow, too process oriented, and too incremental, and it fails to address some of the key structural problems that make transformative school change difficult or impossible. As a result, students still languish in underperforming schools and the achievement gap continues unabated.

The authors of the Education Reform Act empowered the Board and Department of Education to intervene forcefully in failing schools to ensure that the interests of students and families are protected. Specifically, the law authorizes the Board to change or amend school improvement plans and to take "such other actions" it deems necessary to improve school performance.

Today, consistent with existing law and faithful to its original intent, we are proposing that the Board and Department revise their policies and procedures to accelerate the process for determining which schools are underperforming, establish clear expectations and guidelines for improvement plans, and broaden the range of intervention and assistance options available to the state and district officials. In addition, we are proposing several statutory changes that would serve to remove certain impediments to timely and effective action on behalf of students, and we are recommending an additional $25 million to support school turnaround initiatives.

There are those who argue that irrespective of the merits of the proposals before us, we should defer any action until a new administration and a new legislature are sworn in. Other critics suggest that we should delay our scheduled vote in order to engage in a longer and broader process of consultation and negotiation with the field. I respectfully disagree.

Throughout the past year, this board has actively and openly discussed various aspects and shortcomings of our graduation standards and school accountability system. We have accumulated six years worth of 10th grade MCAS results, since the time the graduation requirement went into effect. We have almost seven years of experience with our existing school accountability system. We have sought and heard the opinions of hundreds of stakeholders, legislators, educators and citizens. This is not a decision we are taking in ignorance or in haste. Nevertheless, it is a decision we are taking with a deeply felt sense of urgency. Our students cannot wait for another school year to go by while we adults bicker over policy and power.

More than thirteen years ago the Education Reform Act plotted the course, and we have been following it ever since. Although this board has from time to time attempted to accelerate the pace, I'm afraid we are still only at the beginning our journey to fulfill the vision of that landmark law. If anything, we have been far too cautious in demanding and enabling transformative change. We have proceeded thoughtfully, deliberately and openly in developing the proposals that are now before us. The time to act is now.

#### Approval of the Minutes

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education approve the minutes of the September 26, 2006 regular meeting, as presented by the Commissioner.**

The vote was unanimous.

# 1. Board of Education Legislative Proposals for 2007 Session

The Board discussed filing a legislative package that includes various proposals. By statute, the Board has discretion to file a legislative package in even-numbered years, preceding the first annual session of the legislature. The legislative package will be filed with the General Court no later than Wednesday, November 1, 2006.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education file legislative proposals for 2007 in the following areas:**

* **Codification in the Mass. General Laws of the Chapter 70 school finance reforms that were included in the FY07 state budget (An Act to Provide for Fair and Equitable School Funding)**

The vote was unanimous.

* **Health care/health insurance reform (An Act Providing for the Establishment of Local Group Insurance Committees)**

The vote was unanimous.

* **Superintendency unions (An Act to Improve Educational Services in Small School Districts)**

The vote was unanimous.

* **Private occupational (proprietary) schools (An Act Relative to Private Occupational Schools)**

The vote was unanimous.

* **Authorizing school committees and charter schools to operate single-sex schools and programs, to the extent consistent with federal law and the Massachusetts Constitution.**

The motion passed 6:1:2. Patricia Plummer voted in opposition; Harneen Chernow and Trevor Frederick abstained.

* **Providing additional options and authority in connection with underperforming and chronically underperforming schools, and classifying assistant principal and district administrator positions as management positions not subject to collective bargaining, as outlined in the Commissioner’s draft of October 13, 2006.**

The motion passed 8:1. Harneen Chernow voted in opposition.

* **Amending the statute on Horace Mann charter schools concerning applications, cost allocation and dispute resolution.**

The motion passed 8:1. Harneen Chernow voted in opposition.

**Further, that the Board submit a budget request that includes the following, as recommended by the Commissioner:**

* **Line Item 7061- 9404 – Student Academic Support Services**

**Increase appropriation by at least $25 million to restore funding for academic support services for students in grades 3 through 8 who need supplemental, individual or small group instruction and support in time beyond the regular school day or year to address learning deficits and improve below-standard performance in core subjects.**

The vote was unanimous.

* **New Line Item – School Improvement Services and Supports**

**Appropriate at least $25 million to provide contracted services to address deficiencies in the program design, organizational infrastructure, operating conditions, management practices, instructional methods and materials in underperforming schools and districts, and to enhance the effectiveness of instructional leadership to turn around low performance in schools identified for improvement.**

The vote was unanimous.

# 2. Amendments to Regulations on Competency Determination and Certificate of Mastery (603 CMR 30.00 and 31.00)

The Board discussed amending the regulations on the Competency Determination and Certificate of Mastery. The Board has had a number of discussions over the past year about ways to move all Massachusetts high school students toward proficiency on the tenth grade standards in English language arts and mathematics, and to increase the proportion of Massachusetts public high school graduates prepared for college, careers, and citizenship. Beginning with the Class of 2010, the proposed amendments to the Competency Determination regulations would change the passing standard for English language arts and mathematics from 220 (Needs Improvement threshold score) to 240 (Proficient threshold score) or 220 plus completion of an Educational Proficiency Plan. Additionally, the proposed amendments to this regulation add the history and social science test to the Competency Determination standard beginning with the Class of 2012.

Commissioner Driscoll said that the proposed changes will not raise the passing score from 220 to 240, but will send a message to students who have scored 220 to let them know that they are not yet done. The Commissioner commended the Board for taking on this complicated issue, and for communicating a sense of urgency in ensuring that students are prepared to compete in the global economy.

The proposed amendments to the Certificate of Mastery regulations, beginning with the Class of 2010, reposition the certificate from signifying distinctive achievement to indicating college- and career-readiness. In addition, the amendments establish a Certificate of Mastery with Distinction. The requirements for earning the Certificate of Mastery with Distinction would be the same as those currently required to earn a Certificate of Mastery, also known as the Stanley Z. Koplik Certificate of Mastery.

Board member Chris Anderson noted that this proposal is an important piece of a larger strategy to improve student achievement. Chancellor Patricia Plummer commented that two-thirds of students who scored 220 require remediation in community colleges, which underscores the need for a rigorous high school curriculum for all students. Chairman Peyser commended Chancellor Plummer’s efforts to build stronger connections between high school and college.

Board member Harneen Chernow said she is concerned about the achievement gap, the lack of specificity regarding educational proficiency plans, and the uncertainty of increased financial resources to support the changes. Board member Trevor Frederick said the State Student Advisory Council voted in opposition to the proposed changes.

Board member Henry Thomas said he rejects the presumption that students cannot meet high standards, and expressed his support for the proposed changes. He said the real issues are expectations, timing and resources, and the Commissioner has addressed timing and resources. Mr. Thomas added that the majority of students can reach proficiency, and black students, in particular, have been hurt by low expectations in the past. Board member Abigail Thernstrom said the proposed amendments are a message of confidence to parents, students, and schools. Vice Chairman Ann Reale commented that the Board is not raising the passing score, but instead is raising awareness that a score of 220 is “Needs Improvement.”

Commissioner Driscoll said while the achievement gap is a real concern, Massachusetts is the only state that has made progress in closing the gap at grade 10 while posting gains for all students. He said the Department will collaborate with the Massachusetts Association of Secondary School Administrators and other interested parties to work out the details of educational proficiency plans. The Commissioner added that resources certainly will be needed to strengthen high school education, and he is prepared to advocate for the necessary funds.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education, in accordance with Chapter 69, Sections 1B and 1D, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. chapter 30A, § 3, hereby adopt the proposed amendments to the Regulations on the Standards for the Competency Determination (603 CMR 30.00) and the Regulations on the Certificate of Mastery (603 CMR 31.00) as presented by the Commissioner.**

**Further, that the Board of Education state its intent to review the Regulations on the Standards for the Competency Determination (603 CMR 30.00) no later than November 2008, to determine whether to raise the competency determination standard in English language arts and mathematics for all students.**

**Further, that the Board of Education direct the Commissioner to study and report to the Board on any matters necessary for the Board to make an informed decision on raising the competency determination standard. The Commissioner’s actions shall include but not be limited to the following:**

* **Analyze student performance on the grade 10 MCAS exams in 2007 and 2008, in the aggregate and for student subgroups as well as for individual schools and districts.**
* **Analyze student performance on the high school science and U.S. history MCAS exams after they become operational, in the aggregate and for student subgroups as well as for individual schools and districts.**
* **Evaluate other forms of assessment to supplement the MCAS exams to fairly and accurately assess high school students’ readiness for college.**
* **Determine what changes would be needed in the MCAS performance appeals regulations if the competency determination standard is raised to 240.**
* **Evaluate the progress that high schools have made in helping students achieve proficiency through the use of educational proficiency plans and other measures.**
* **Work with the Board of Higher Education and other organizations to devise incentives besides the Adams scholarships that will encourage more students to achieve proficiency.**
* **Analyze grade 10 MCAS scores and other relevant information to determine what combination of MCAS scores and other factors, such as high school course taking patterns, are associated with college enrollment and placement in college credit-bearing courses and placement in developmental (remedial) courses that are not credit-bearing.**
* **Evaluate the degree to which comprehensive state policies designed to address the needs of underperforming schools and improve teacher quality through reform of certification, preparation and professional development programs, have been effectively implemented and funded.**

The motion passed 7:2. Harneen Chernow and Trevor Frederick voted in opposition.

# 3. School and District Performance:

The Board discussed proposed amendments the Regulations on Under-Performing Schools and Districts, 603 CMR 2.00. The proposed amendments will simplify and shorten the process for identifying and assisting under-performing schools, clarify expectations regarding the kinds of improvement actions that schools and districts must take, and establish different levels and types of intervention appropriate to each underperforming school and school district.

Commissioner Driscoll said that in response to the many thoughtful comments the Department received during the public comment period, the Department revised the amendments and, in addition, prepared legislative and budgetary proposals as part of a comprehensive package for timely and effective state intervention. Chairman Peyser highlighted the changes in the proposed amendments.

Board member Harneen Chernow thanked the Commissioner for clarifying which changes would require new legislation. She asked about the timeframe for various requirements in the regulations. Chairman Peyser responded that the intent is to be able to make determinations within one school year, so that the school can move ahead with its improvement plan in time for the start of the next school year. In response to Ms. Chernow’s question about state assistance to the schools, the Commissioner responded that legislative support for additional resources is critically important. Ms. Chernow said she appreciates all the work that has gone into revising the regulations, but she is concerned that they are still viewed as punitive and that funding is not guaranteed.

Board member Chris Anderson said he favors accelerating the process for the benefit of the students in underperforming schools. He said he hopes the Department will engage the education community, including MassPartners and the Great Schools Campaign, and the Legislature in this work. Chairman Peyser agreed that the new regulations simply create the context for improving schools; the real work will require effective collaboration. Commissioner Driscoll and Associate Commissioner Juliane Dow said they will continue to work collaboratively with all stakeholders.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education, in accordance with G.L. c. 69, §§ 1B, 1J and 1K, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopt the proposed amendments to the Regulations on Under-Performing Schools and School Districts, 603 CMR 2.00, as presented by the Commissioner.**

**Further, that the Board of Education include in its legislative and budget package to be submitted to the Legislature, the proposals for new legislation and budget appropriation items presented by the Commissioner in Attachment D to his memorandum concerning underperforming schools.**

The motion passed 8:1. Harneen Chernow opposed.

The Board also discussed recommendations on thirteen schools that were identified as under-performing in the 2000, 2002 and 2003 state review cycles. Based on a careful review, Commissioner Driscoll recommended that two schools (in Holyoke and Lynn) that have made significant improvements should be determined to be not under-performing; seven schools (in Fall River, Springfield, Holyoke, Boston and Lawrence) should remain in under-performing status; and three schools (in Springfield and Fitchburg) should be deemed chronically under-performing. The Commissioner said he will make a recommendation on one school in Boston after he reviews additional information. Local school and district officials may address the Board at the November meeting if they wish to do so before the Board votes on chronic under-performance designations for schools in those districts. The Board will take action on these schools at a future meeting.

# 4. Amendments to MCAS Performance Appeals Regulations (603 CMR 30.05)

The Board discussed minor amendments to the MCAS performance appeals regulations that, among other things, allow school districts to file performance appeals on behalf of students who have taken the grade 10 MCAS tests but have not yet scored a 216. Commissioner Driscoll said that the standards for earning the Competency Determination and for the Commissioner to grant an MCAS performance appeal remain unchanged by this amendment.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education, in accordance with G.L. c. 69, §§ 1B and 1D, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopt the proposed amendments to the Performance Appeals section of the Regulations on Massachusetts Comprehensive Assessment System and Standards for Competency Determination, 603 CMR 30.05, as presented by the Commissioner. The amendments concern procedures for MCAS performance appeals.**

The vote was unanimous.

# 5. Charter Schools

The Board discussed amendments to four charters. Each of the four charter schools--City on a Hill Charter Public School and Edward W. Brooke Charter School in Boston, Community Day Charter Public School in Lawrence, and SABIS International Charter School in Springfield-- requested an amendment to its charter to increase the school’s maximum enrollment.

**On a motion duly made and seconded, it was:**

VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89 and 603 CMR 1.00 and on recommendation of the Commissioner, hereby amends the charters granted to

* City on a Hill Charter Public School (enrollment increase from 250 to 280 students);

The vote was unanimous.

* Community Day Charter Public School (enrollment increase from 306 to 331 students);

The vote was unanimous.

* Edward W. Brooke Charter School (enrollment increase from 360 to 450 students);

The motion passed 8:0:1. Chairman Peyser abstained.

* SABIS International Charter School (enrollment increase from 1374 to 1574 students).

The motion passed 7:1:1. Harneen Chernow voted in opposition and Henry Thomas abstained.

# 6. Advisory Council Appointments

At the October meeting, Commissioner Driscoll presented a list of proposed appointments and reappointments of members to various advisory councils, for the Board's initial review. The Board currently has sixteen advisory councils made up of volunteers who work to improve public education by providing advice and comment in specific program areas such as community service learning, educational technology, educational personnel, mathematics and science education, and special education. At this month’s meeting, the Board discussed the appointments and reappointments to its advisory councils. Chairman Peyser extended thanks to all the volunteers who serve on the advisory councils.

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education, in accordance with General Laws Chapter 15, § 1G, hereby appoint the Advisory Council members as recommended by the Commissioner. Unless otherwise specified, appointed members shall serve for a three-year term, concluding November 1, 2009.**

The motion passed 8:0:1. Abigail Thernstrom abstained.

# 6. Approval of Grants

The Board discussed grants totaling $1,362,238 under three state programs: School Redesign: Expanding Learning Time to Support Student Success ($324,000 in planning grants); Basic Adult Learning ($282,000); and Early Literacy Intervention ($756,238 for Reading Recovery programs).

**On a motion duly made and seconded, it was:**

**VOTED: that the Board of Education approve the grants as presented by the Commissioner.**

The vote was unanimous.

On a motion duly made and seconded, it was:

**VOTED: that the meeting adjourn at 11:40 a.m., subject to the call of the Chairman.**

The vote was unanimous.

Respectfully submitted,

David P. Driscoll

Commissioner of Education

and Secretary of the Board