Minutes of the Regular Meeting

**of the Massachusetts Board of Elementary and Secondary Education**

**February 24, 2009**

**8:35 a.m. – 1:45 p.m.**

**Massachusetts Department of Elementary and Secondary Education**

**75 Pleasant Street**

**Malden, MA**

Members of the Board of Elementary and Secondary Education Present:

**Maura Banta**, Chair, Melrose

**Harneen Chernow**, Vice Chair, Jamaica Plain

**Gerald Chertavian**, Cambridge

**Andrew “AJ” Fajnzylber**, Chair, Student Advisory Council, Brookline

**Thomas E. Fortmann**, Lexington

**Beverly Holmes**, Springfield

**Jeff Howard**, Reading

**Nicholas Martinelli** (designee for Secretary of Education Paul Reville)

**Dana Mohler-Faria**, Bridgewater

**Sandra L. Stotsky**, Brookline

**Mitchell D. Chester**, Commissioner of Elementary and Secondary Education, Secretary to the Board

Members of the Board of Elementary and Secondary Education Absent:

**Ruth Kaplan**, Brookline (participated by phone)

Chair Maura Banta called the meeting to order at 8:35 a.m.

**Comments from the Chair**

# Chair Maura Banta reported on opportunities she had to represent the Board over the past month, including during events with Teach for America and the Massachusetts Business Alliance for Education. The chair said she asked Board member Jeff Howard to chair a committee that will look at performance and proficiency gaps. The chair announced that Board members Harneen Chernow, Gerald Chertavian, Beverly Holmes, and Dana Mohler-Faria will join the committee. The group held its first meeting on February 23rd, and will meet regularly for the next 6 to 9 months. Chair Banta noted that some Board members attended a presentation by the Mass TeLLS coalition on February 23rd. The chair also thanked Dr. Fortmann and Dr. Stotsky for their offer to work with the Department on review of the curriculum frameworks.

**Comments from the Commissioner**

# Commissioner Chester referred Board members to the materials under Tab 9 of their Board packets, which included a partial inventory of Department activities related to 21st century skills and a crosswalk between the goals and priorities established by the Board last August and the recommendations of the Task Force on 21st Century Skills.

# Comments from the Secretary

Nicholas Martinelli from the Executive Office of Education attended the meeting as Secretary of Education Paul Reville’s designee. Mr. Martinelli said Governor Patrick and Secretary Reville are meeting today with U.S. Secretary of Education Arne Duncan in Washington, D.C. to advocate for increased education funding. Mr. Martinelli also reported that Higher Education Commissioner Richard Freeland and Early Education and Care Commissioner Sherri Killins have begun work in their new positions.

**Comments from the Public**

* State Senator Bruce Tarr addressed the Board on the Gloucester Community Arts Charter School.
* State Representative Ann-Margaret Ferrante addressed the Board on the Gloucester Community Arts Charter School.
* Gloucester Mayor Carolyn Kirk addressed the Board on the Gloucester Community Arts Charter School.
* Waltham Superintendent Peter Azar addressed the Board on the Rediscovery Academy charter school application.
* Bob Kostka, Massachusetts Council for Social Studies, addressed the Board on the MCAS History and Social Science tests.
* Sonya Brown, Boston Arts Academy, addressed the Board on the MCAS History and Social Science tests.
* Ron Levine, former member of the Tantasqua School Committee, addressed the Board on the MCAS History and Social Science tests.
* Roger Garberg, parent, addressed the Board on the Gloucester Community Arts Charter School.
* Valeria Gilman, Gloucester School Committee member, addressed the Board on the Gloucester Community Arts Charter School.
* Gloucester Superintendent Christopher Farmer addressed the Board on the Gloucester Community Arts Charter School.
* Ed Shoucair, president of the Gloucester Education Foundation, addressed the Board on the Gloucester Community Arts Charter School.
* Sarah Grow, parent, addressed the Board on the Gloucester Community Arts Charter School.
* Marc Kenen, Massachusetts Charter Public School Association, addressed the Board on the Gloucester Community Arts Charter School.
* Peter Van Ness, founder of the Gloucester Community Arts Charter School, addressed the Board on the Gloucester Community Arts Charter School.

**Charter Schools**

*New Charter Applicants*

Commissioner Chester said he made his recommendation on the proposed Gloucester Community Arts Charter School based on the viability and quality of the application, and his belief that the school has a strong prospect of success. Commissioner Chester said that the proposals of the other two applicants, Rediscovery Academy Charter School and Spirit Knowledge Academy Charter School, had considerable merit but were not ready to move forward at this time.

The commissioner said he took with great seriousness all of the public comment submitted on Gloucester Community Arts Charter School. Commissioner Chester made clear that his recommendation did not reflect any negative assessment of the Gloucester Public Schools. Rather, he recommends that Gloucester Community Arts be granted a charter based on the soundness and viability of the founding group's application.

The commissioner said he was very sensitive to the fiscal situation, and for that reason he attached to the motion to grant the school a charter a condition pertaining to the start-up date of the school, not the approval. That condition would tie the 2010 start-up date to the Commissioner’s determination that the fiscal year 2010 state budget provides sufficient chapter 70 aid to the Gloucester Public Schools to maintain foundation-level spending.

Board member Fajnzylber said that he consulted with the State Student Advisory Council members, and the group felt that given the lack of community support and current budget cuts, it was not the appropriate choice to grant the group a charter.

Board member Chernow said this process has allowed her to learn much about the Gloucester community. She said she has seen an incredibly engaged parent and civic community, and learned about the programs and opportunities in the schools. Ms. Chernow said she also learned about the challenges of a community like Gloucester that has high property values but low income. Ms. Chernow said she was concerned about creating another whole system and structure, and that the proposed school did not present enough of an innovative model.

Board member Fortmann said the community launched an impressive campaign in reaction to the founding group's proposal. He said that according to the charter school law, it is the duty of the Board to grant charters if they have viable applications, a sound plan, and a good chance of success. Dr. Fortmann said he supported the founding group's application. Dr. Fortmann raised a concern about the financial trigger attached to the motion, saying that the purpose of the financial delay was to give the district short-term financial relief. Dr. Fortmann said the state reimbursement to Gloucester over three years should mitigate the need for the fiscal trigger condition. Dr. Fortmann asked that the vote to grant the charter and the fiscal trigger be separated into two motions.

General Counsel Rhoda Schneider explained the process for amending a main motion. A motion was made and seconded to amend the main motion by decoupling the fiscal condition. The motion to amend was defeated, 2-8, with Board members Fortmann and Stotsky voting in support of the motion.

Dr. Stotsky asked about enrollment issues and choice. Associate Commissioner Jeff Wulfson said in the current year about 212 students opt out of the district under school choice, costing about $1.2 million.

Dr. Howard said he understood the commissioner's position that the application should be looked at on its merits, but suggested that if the applicant raises questions about inadequacies in the system, that opens the door to community rebuttal as an important point to be considered. Dr. Howard said he has heard the community saying that they are doing a good job. Commissioner Chester said if the application were based solely on inadequacies in the school system, it would not go forward. The commissioner said this is a viable application and has a good chance of success. The commissioner added that it would be dangerous to subject new charter school applicants to whether they can garner community support. Ms. Chernow asked then what is the point of community hearings. Commissioner Chester said the hearings provide input not just on how people feel but also on the rationale for the charter school.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, and subject to the conditions set forth below, hereby grants a charter to the following school as recommended by the Commissioner:**

**Commonwealth Charter:**

**Gloucester Community Arts Charter School**

**Location: Gloucester**

**Fifth year number of students: 240**

**Grade levels: K-8**

**Opening year: 2010, provided that fiscal condition is met**

**The opening of the Gloucester Community Arts Charter School in 2010 is explicitly conditioned upon the Commissioner’s determination that the fiscal year 2010 state budget provides sufficient chapter 70 aid to the Gloucester Public Schools to maintain foundation-level spending.**

**The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was 6-4. Board members Chernow, Fajnzylber, Holmes, and Howard voted in opposition. Board member Kaplan indicated by phone that she would also vote in opposition.

Board member Chertavian had to leave the meeting at 10:25 a.m.

# Approval of the Minutes

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

**VOTED: that the Board of Elementary and Secondary Education approve the minutes of the January 27, 2009 regular meeting.**

The vote was unanimous.

**Mass TeLLS**

Eric Hirsch from the New Teacher Center at the University of California at Santa Cruz and Beverly Miyares from the Massachusetts Teachers Association led a presentation on the results of the Massachusetts Teaching, Learning and Leading Survey (Mass TeLLS). A total of more than 40,000 teachers and administrators participated in the survey conducted last year.

Mr. Hirsch reviewed the highlights of the report, which along with the survey are located on the Mass TeLLS website at <http://www.masstells.org/>. Commissioner Chester noted slide #23 in the presentation regarding Massachusetts teachers' perceptions of professional development compared to teachers in other states.

Dr. Stotsky said the survey on professional development is about perception, not empirical data regarding the connection between professional development and student results. Dr. Stotsky said we need an empirical basis for any policy decisions, and asked for raw numbers rather than just percentages from the survey. Mr. Hirsch noted that the data are not intended to be used for accountability purposes.

Dr. Howard asked a question about causality in slide #26. Mr. Hirsch acknowledged that the report shows correlation but cannot determine causation without more research.

Ms. Chernow said that in relation to slide #33 on different perceptions of teachers and principals, there is room for further work on this at the school and district level. Ms. Chernow said she is interested in what the Board will do with this. Dr. Mohler-Faria said this survey provides valuable information. Dr. Fortmann said this is an important piece of work, and that teaching conditions, the quality and consistency of professional development, and leadership are crucial. Dr. Fortmann said professional development can nurture leadership but cannot create it, and we need to recruit people with leadership qualities. Mr. Martinelli said the Executive Office of Education was pleased to support the survey, and commended all of the partners.

**Update on State Education Budget**

On behalf of Secretary Reville, Mr. Martinelli said that Governor Patrick has appointed Jeff Simon to oversee implementation of the federal economic stimulus package – the American Recovery and Reinvestment Act – in Massachusetts. Mr. Martinelli said that the Governor and Secretary Reville are highlighting the Commonwealth's needs in their meeting today with U.S. Secretary of Education Arne Duncan.

Commissioner Chester presented a budget chart that showed the Governor’s FY2010 budget recommendation, House 1, in relation to the Board's budget request and the FY2009 state budget after so-called 9C cuts. The commissioner said the Governor has proposed a statewide IT consolidation and a consolidation of many education programs. The House Ways & Means budget may be available in time for the March Board meeting.

Dr. Stotsky asked about Reading Recovery and whether funds for literacy programs were still tagged for specific programs. Commissioner Chester said the Governor had endorsed the Board's recommendation that the three literacy funding lines be consolidated into one. Dr. Howard asked whether there would be more discretion to the commissioner with the consolidation of the MCAS and academic support lines. The commissioner said yes, but that there would not be sufficient funding for everything.

Dr. Stotsky asked whether the Department could use Title I monies for academic support in history. Commissioner Chester said we do not yet know whether that would be allowable, and further, not all districts get Title I dollars.

**MCAS History and Social Science/U.S. History Assessments**

Commissioner Chester recommended that the Board waive the History and Social Science Competency Determination requirement of [603 CMR 30.3(4)](http://www.doe.mass.edu/lawsregs/603cmr30.html?section=03) for the classes of 2012 and 2013, in light of significant budget challenges. He said the Department is very committed to History and Social Sciences as part of a strong curriculum, and testing is a powerful lever. The commissioner said he has not come to this recommendation lightly.

The commissioner said the state has made a policy bargain regarding MCAS, that as we increase requirements, we have an obligation to provide support to students to be successful. The commissioner said unfortunately, the state is unlikely to be able to increase funding for academic support in the near future. He said this recommendation is a matter of fairness. Commissioner Chester said the recommendation also allows us the opportunity to do additional development on the History and Social Science tests, and to build in some components of the testing system to more closely link the test to ongoing classroom instruction, including research papers and oral presentations,. The commissioner said his recommendation is driven by the fiscal scenario.

After some discussion on procedures, a motion was made and seconded and the Board voted to waive Art. II, Sec. 7 of its bylaws to permit a vote on this matter today. The vote was 7-2-1. Board members Fortmann and Stotsky voted in opposition. Board member Holmes abstained.

Dr. Stotsky said the Board should seek input from the field regarding the suspension of history testing. Mr. Martinelli said the idea of delaying the requirement for two years has a sound financial rationale and gives the state time to redesign the next generation of assessments.

Dr. Fortmann said he was impressed with the packet of public testimony that Board members received in the mail. He said teachers are saying they are ready for this assessment, and he would like to hear what other people have to say. Dr. Fortmann said we should complement the history MCAS test with research papers and other local assessments, but that does not require a delay. Dr. Fortmann said the only valid argument for delay is the budget, and he would like to know the impact of the federal stimulus dollars before voting on this motion.

Ms. Kaplan said schools should be teaching history and social sciences regardless of whether there is MCAS testing. She added that the teaching of U.S. history is required by law. Ms. Kaplan said it would be immoral to add a test / graduation requirement when the state is reducing academic support.

Mr. Martinelli said the federal stimulus dollars are likely to be competitive grants, and in the future, not immediate. Dr. Stotsky asked whether this is an amendment to the CD regulation that must go out for public comment. General Counsel Rhoda Schneider said since the motion is a temporary waiver, rather than an amendment to the regulations setting a different date or a new requirement, it does not need to go through the regulatory process.

Commissioner Chester said he does not expect sufficient state funds to support new testing programs or new development. Ms. Chernow said she was comfortable with the commissioner's recommendation since no one knows how deep the fiscal problems will be. Dr. Mohler-Faria said the Board has a responsibility to lead in tough times.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 69, sections 1B and 1D and upon recommendation of the Commissioner, hereby waive the requirement in 603 CMR 30.03(4) for the classes of 2012 and 2013.**

**The regulation that the Board is waiving for the classes of 2012 and 2013 reads as follows:**

**(4) Students starting with the graduating class of 2012, in addition to meeting the requirements contained in 603 CMR 30.02(2) and (3), shall meet or exceed the Needs Improvement scaled score of 220 on the History and Social Science high school MCAS test.**

**The Board votes this temporary waiver because it is necessary to suspend MCAS history and social science testing scheduled for spring 2009 and 2010 due to severe budget constraints. The effect of the waiver is that students in the graduating classes of 2012 and 2013 must meet the competency determination standards in English language arts, mathematics, and science and technology/engineering, but not history and social science, as a condition of high school graduation.**

**The Board intends to establish a timeline for reinstituting the history and social science requirement for the competency determination as expeditiously as possible.**

The vote was 7-2. Dr. Fortmann and Dr. Stotsky voted in opposition. Ms. Kaplan indicated by phone that she would vote in favor.

Board member Dana Mohler-Faria had to leave the meeting at 12:30.

**State System of Accountability and Assistance: Next Steps in Accountability and Assistance Redesign**

Deputy Commissioner Karla Brooks Baehr presented an overview of the Department's redesign of the state framework for school and district accountability and assistance. The Board-appointed Advisory Council on Accountability and Assistance has been meeting since November 2008 and is chaired by Joseph Esposito. Commissioner Chester noted that the Department is developing a growth model for accountability purposes and said he will report on the growth model at the March 24, 2009 regular meeting.

Dr. Fortmann said he is very interested in the growth model. Commissioner Chester said that Deputy Commissioner Jeff Nellhaus, along with Student Assessment Director Kit Viator and Associate Commissioner Bob Bickerton, are taking the lead on this issue and using existing MCAS data and expertise available nationally.

Dr. Fortmann asked whether level 5 (co-governance) on the accountability chart equals chronically underperforming. Deputy Commissioner Baehr said it does require Board action. She noted that this and several other aspects of the accountability and assistance framework may require amending the current regulations.

Dr. Howard said it would be important to determine what is "typical." He said he likes the simplicity of this approach – a single standard for all schools, including charter schools.

Deputy Commissioner Baehr said the Department will first define what the system should look like, then propose revisions to the regulations. Commissioner Chester added that the statutes might also need to be changed.

In response to questions from Dr. Stotsky and Ms. Kaplan, Deputy Commissioner Baehr said the Department could provide a list of turnaround partners and the amount spent.

Dr. Fortmann asked the commissioner to send the Board a draft of proposed changes to the regulations, particularly proposed changes to the 10 essential conditions, before the Board has to vote to send them out for comment.

**Charter Schools**

*Charter School Renewals*

Commissioner Chester presented an overview of the six charter school renewals.

The Board voted to renew the charters for Barnstable Horace Mann Charter School, Marstons Mills East Horace Mann Charter Public School, Boston Preparatory Charter Public School, River Valley Charter School, and Roxbury Preparatory Charter School, and to renew with conditions the charter for Salem Academy Charter School.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2009 through June 30, 2014, as recommended by the Commissioner:**

**Horace Mann Charter School:**

**Barnstable Horace Mann Charter School**

**Location: Barnstable**

**Number of students: 1,000**

**Grade levels: 5-6**

**Barnstable Horace Mann Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2009 through June 30, 2014, as recommended by the Commissioner:**

**Horace Mann Charter School:**

**Marstons Mills East Horace Mann Charter Public School**

**Location: Barnstable**

**Number of students: 475**

**Grade levels: K- 4**

**Marstons Mills East Horace Mann Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2009 through June 30, 2014, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**Boston Preparatory Charter Public School**

**Location: Boston**

**Number of students: 350**

**Grade levels: 6-10**

**Boston Preparatory Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2009 through June 30, 2014, as recommended by the Commissioner:**

**Commonwealth Charter School (regional):**

**River Valley Charter School**

**Location: Newburyport**

**District(s) in Region: Newburyport, Amesbury, Triton,**

**Pentucket**

**Number of students: 288**

**Grade levels: K-8**

**River Valley Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2009 through June 30, 2014, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**Roxbury Preparatory Charter School**

**Location: Boston**

**Number of students: 300**

**Grade levels: 6-8**

**Roxbury Preparatory Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2009 through June 30, 2014, as recommended by the Commissioner:**

**Commonwealth Charter School:**

**Salem Academy Charter School**

**Location: Salem**

**Number of students: 308**

**Grade levels: 6-12**

**This renewal is explicitly conditioned as follows. Failure to meet this condition may result in the Board placing Salem Academy Charter School on probation, revoking its charter, or imposing additional conditions on its charter.**

**By September 15, 2009 the school will establish and operate a program of English language learner education in a manner consistent with the requirements of General Laws chapter 71A. The school will demonstrate meeting this condition by fully implementing all elements of the Corrective Action Plan as approved by the Department on October 10, 2008.**

**Salem Academy Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous. Ms. Kaplan indicated by phone that she would vote in opposition.

*Report on Conditions for Benjamin Banneker and North Central*

The Board had renewed the charter of Benjamin Banneker Charter Public School with three conditions in January 2006. Commissioner Chester reviewed the conditions for probation.

Mr. Fajnzylber said he does not like to rely on MCAS scores, but the school's scores are poor for a school that focuses on science. Dr. Howard said given this is a 13-year school, the Board should mean it this time when we set conditions that the school must meet. Ms. Chernow noted that over 50% of the students at the school are from Boston even though the school is in Cambridge. Dr. Howard said Roxbury Prep Charter School serves a similar student population with far better results, and it is time for this school to demonstrate results.

The Board voted to place the school on probation with specific conditions.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.13 (4) and 1.13(5), hereby places Benjamin Banneker Charter Public School on probation, and imposes the following condition. Failure to meet this condition may result in revocation of the Benjamin Banneker Charter Public School charter or the imposition of additional conditions. The following condition is imposed on the school’s charter:**

1. **By December 2009, Benjamin Banneker Charter Public School shall demonstrate that it is an academic success by** 
   1. **providing evidence that the school has met academic growth targets in English language arts and mathematics, as established by the Department of Elementary and Secondary Education, or has achieved Adequate Yearly Progress in the aggregate and for all statistically significant subgroups in English language arts and mathematics; and**
   2. **providing evidence that the school has met or is making substantial progress toward meeting all benchmarks in its Accountability Plan.**
2. **Enrollment at the Benjamin Banneker Charter Public School is limited to 325 students. When the school demonstrates that both academic success conditions above have been met, enrollment may increase to a maximum of 350 students.**

**Benjamin Banneker Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

The Board had renewed the charter of North Central Charter Essential School with four conditions in February 2007. The school has met three of the conditions. The Board voted to extend the fourth condition for the school.

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

**VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.13(5), hereby approves the following extension of one of the conditions imposed on North Central Charter Essential School on February 27, 2007, at the time of renewal of its charter. Failure to meet this condition may result in the Board placing North Central Charter Essential School on probation, revoking its charter, or imposing additional conditions on its charter.**

**By December of 2009, North Central Charter Essential School shall demonstrate that it is an academic success by**

* 1. **providing evidence that the school has met academic growth targets in English language arts and mathematics, as established by the Department of Elementary and Secondary Education, or has achieved Adequate Yearly Progress in the aggregate and for all statistically significant subgroups in English language arts and mathematics; and**
  2. **providing evidence that the school has met or is making substantial progress toward meeting all benchmarks in its Accountability Plan.**

**North Central Charter Essential School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.**

The vote was unanimous.

**Proposed Revisions to Graduation Rate Standard for FY09 AYP Determinations**

For use in 2009 AYP determinations, Commissioner Chester recommended that the Board establish a four-year graduation rate of 65 percent for the class of 2008 or a two percentage point increase in the four-year graduation rate from the class of 2007 to the class of 2008. The Board will vote on the commissioner's recommendation at its March 24, 2009 regular meeting.

Dr. Fortmann said he is disappointed that USED did not approve the five-year graduation rate that was a part of last year's proposal. He asked for additional data from the Department on how the state is doing with respect to a four-year rate of 60 percent and a five-year rate of 65 percent. Ms. Kaplan asked why the state does not have a more ambitious graduation requirement. Commissioner Chester said the path the state is on is appropriate, and this is the second year in a row where the recommendation has included a 5-percentage point increase in the graduation rate. This will help to identify those schools and districts that are in the most critical condition.

Ms. Kaplan said she hopes the state will take a more aggressive, ambitious stand on dropout- prevention and recovery. Ms. Chernow said she would like to see the data, and that we need to be realistic and consider what support we are providing to schools. Dr. Fortmann requested information on how Massachusetts does compared to other states. Dr. Stotsky asked if it is possible to get graduation data for vocational technical programs in other states.

**Next Meeting**

The next regular meeting of the Board of Elementary and Secondary Education is scheduled for Tuesday, March 24, 2009 at the Department of Elementary and Secondary Education in Malden. The Board will also hold a special meeting on charter school policy on the evening of Monday, March 23, 2009.

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

**VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 1:45 p.m., subject to the call of the chair.**

The vote was unanimous.

Respectfully submitted,

Mitchell D. Chester

Commissioner of Elementary and Secondary Education

and Secretary to the Board