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Board of Education Special Meeting

Minutes

Wednesday, February 25, 1998

Chairman Silber of Brookline called the meeting to order at 9:15 a.m. The following were in attendance:

Members Of The Board Of Education Present:

Dr. John Silber, Brookline, Chairman
Dr. Edwin J. Delattre, Boston
Mr. William Irwin, Wilmington
Dr. Stanley Koplik, Boston
Mr. James Peyser, Dorchester
Dr. Roberta Schaefer, Worcester
Mr. Micah Silver,
New Salem, Chair,
Student Advisory Council
Dr. Abigail Thernstrom, Lexington
Commissioner Robert V. Antonucci, Secretary
Interim Commissioner Frank W. Haydu III

Also In Attendance:

Nancy L. Catuogno, Certified Diplomat Reporter
Ms. Carline Gele, Department of Education

Chairman Silber welcomed and introduced Frank Haydu as the Commissioner *ad interim* who will take office on March 2, 1998. He stated: We are very pleased to have him with us and very honored that he would accept this assignment on short notice. It means a considerable sacrifice to him in terms of his own occupation and his own business to do it, but we are very pleased to have his distinguished leadership in the period while we search for a new commissioner on a permanent basis. Dr. Silber also expressed appreciation to Bob Antonucci for his leadership and wished him success in his new position.

The Chairman explained that the meeting is on one topic, charter schools. He noted that this meeting is not a public hearing, since those have already been held. He explained that there would be the normal 30 minute public comment period and each speaker would be given three minutes to speak. Dr. Silber requested that only one representative from each group address the Board.

Statements From The Public:

The first speakers were Representative Kathy Teahan, Superintendent Irene Sherry from the Whitman-Hanson Regional District and Peg Cirelli, representing the charter applicants for the Holt Charter School for Innovative Teaching and Learning. Supt. Sherry stated that they were disappointed and surprised that their school was not recommended to receive a Horace Mann charter. She stated: We are very serious about our application and we would very much like to be the fifth Horace Mann charter chosen by our Commissioner and now our Acting Commissioner

as well as the Board. She said they would be pleased to provide supplemental information. She said the school has a professional and conscientious staff who are energized about the project.

Superintendent Sherry went on to say that they planned to partner with Bridgewater State College, which would provide professional development. The school focuses on science with interdisciplinary and thematic learning for the children. Peg Cirelli spoke as a potential board member of the Holt Horace Mann Charter School, and supported the superintendent's comments.

Representative Teahan also addressed the Board on the Holt proposal. She said she has been involved in the Horace Mann charter schools since the beginning and she has read the proposal for the Holt School. She was at the interview with the applicant group and she thought it was flawless. She urged the Board to look again at their proposal, describing it as focused on standards, curriculum frameworks, professional development and site-based management.

The second speaker was Stephen Gorrie, Acting President of the Massachusetts' Teachers Association. He addressed the Board on two areas - the MTA's opposition to the four charter school proposals under Board consideration that have contracts with for-profit companies, and the MTA's support for the four Horace Mann proposals that are not being recommended: the Holt, the Champion Charter School of Brockton, the Partnership School at High Rock, and the Good Speed Charter School. Mr. Gorrie said the MTA is supportive of charter schools in general. He said the Champion School submitted a sound proposal that met all the statutory requirements, and addresses a critical need in the community. He urged the Board not to approve the four schools that are contracting with for-profits. He said they are not accountable to their local communities. He stated that the first goal of a for-profit school would be to make money and not to educate children.

Michael Goldstein addressed the Board on behalf of the Charter School for Media. He said that he thought the process was fair. He asked the Board to give the applicant group some time to work with the Department and see if they could come back for a vote at the next meeting. Mr. Goldstein said that with a small amount of additional time, he could clarify some of the issues that concerned the review team. Dr. Silber explained that the Board had asked for 50 additional charter schools and the Legislature did not even authorize 25 more. He said because of that limitation, there will be some excellent applications which are not accepted.

Loretta Heuer of the Matrix Charter School addressed the Board next. Ms. Heuer said the Matrix School distributes learning across four sites: home, school, community, and by linking them with technology. She said she thinks her program has high standards, the Modern Red School House standards and high accountability. She stated: We feel that our distributed learning model, use of technology, and a customized learning plan is a cost-effective way to meet students' needs, even if we are required to meet them for their maximum development. She explained that they have a target population for special education students, students with chronic illnesses who cannot be on site, and students for whom access to technology is an effective way of learning. She said she believes the proposal met all the criteria and that they have the backing and the fiscal and organizational support needed. She asked the Board to grant the school a charter.

Lloyd Wiley addressed the Board on behalf of the Andover Classical Charter School. He urged the Board to look beyond the staff recommendations and to get actively involved. He said the Andover application is unique and is based on the E.D. Hirsch core curriculum. He noted that they have a beautiful school facility in Andover which obviates a big problem that charter schools have had in the past. He stated that he was told the application lacked in clarity on three issues - how they would handle special needs students, governance, and academic standards. He said they could clarify all three of those issues in two to three days if the Board would allow them that time to amend their application.

Ann Stom, Director of Connections for Youth of MY TURN, Inc., addressed the Board on the Brockton Champion Charter School. She said she is the primary author of the Champion Charter School proposal which was submitted for a Horace Mann charter. She referenced a letter that was given to Board members outlining all the issues. She said two issues are fundamental. The first is that their proposal did not address academic achievement or have high academic expectations of the students. She explained that the Champion Charter School is based on a

model called Diploma-Plus, which is designed for over-age out-of-school youth. She went on to say that it is an extremely rigorous academic model and that it strongly supports the curriculum frameworks of Massachusetts. The second fundamental concern that she addressed was that school-to-career and use of project-based learning does not satisfactorily address academics. She stated: Students in the proposed Champion School have a longer school day and also use the work site as a learning environment, extending their time on learning even more. In the Champion School, there is no such thing as a social promotion, or passing a student to the next level because of good behavior. Students do not progress until they have demonstrated mastery in all academic content areas. Dr. Silber thanked Ms. Stom, saying that her argument was very persuasive.

Marilyn Segal from Citizens for Public Schools addressed the Board to express their concerns on the process for approval of the Commonwealth charter schools. She said the charter school statute was carefully crafted to give local citizens and elected officials the opportunity to be informed about and a mechanism to comment on the charter schools coming into the district. She said this was not done by the Department, because the Commissioner did not inform school committees and did not give superintendents whose district would be affected enough time to respond. Commissioner Antonucci responded, saying that despite the short time period because of the legislation, the Department fulfilled the statutory requirements. He stated: We have held the necessary public hearings and we have informed applicants of the necessity of submitting their charters to the respective school committees. We received many comments and considered all of them. In our opinion we have done what the law requires.

The next speaker was Tom Getz of the River Valley Montessori Charter School. Mr. Getz said he believes their application was strong and that they could address the concerns raised. He explained that the Montessori program is one that successfully addresses a wide range of individual learning styles and paces, promotes creativity and exploration and fosters independence and responsibility. He said that students take an active role in their education, and that choice plays a large part of the Montessori program. He explained that only the process of teaching is different, not the content.

Fred Hayes addressed the Board on the Robert H. Hughes School in Springfield. Mr. Hayes told the Board that the Robert H. Hughes School was one of the original schools conditionally awarded a charter that was not funded. The school was number 17 on the list this time, and Mr. Hayes asked the Board to reconsider their application. He told the Board one reason to reconsider the school is that 7 of 8 schools recommended for charters are east of Route 495. He stated: I ask this Board to consider commitment and sacrifice, to consider those things that are immeasurable, those things that the review committee could not measure in considering our charter.

Frank Feda addressed the Board on behalf of the Northbridge Classical Charter School. Mr. Feda clarified that they intend to open in 1999, not 1998. He asked that they be given the opportunity to address the deficiencies which were identified in their proposal, stating that he thought their original application answered those concerns. He concluded by saying that they have answers to all of the concerns.

After the public comment period, Dr. Silber stated: We hope you realize the difficulty of trying to make these decisions. If we had adequate charters, we would not have to be so stringent in our reviews, and we could avoid appearance of arbitrariness. He said the number of charters restricts the Board, and the Board will ask for more charters next year.

1. Revocation Of Youth build Charter School Charter - Discussion And Vote:

Commissioner Antonucci said that the Department has been working with the YouthBuild Boston Charter School for the past year and a half. He stated: We have reached an agreement as of this morning that YouthBuild is asking us to agree to dissolve the charter school contract rather than have the Board revoke the charter. This is a mutual agreement by YouthBuild and myself, and I recommend it to the Board. YouthBuild's return of its charter makes available to the Board an additional charter to grant at a future time.

On a motion duly made and seconded, it was **VOTED: that the Board of Education enter into a separation agreement which would dissolve the Board's charter school agreement with the Youth Build Boston Charter School.**

The motion was made by Mr. Irwin and seconded by Dr. Thernstrom. The vote was unanimous.

2. Awarding Of Public School Charters - Vote

Commissioner Antonucci presented his recommendations for charters to be granted by the Board in accordance with state law. He said that the Board has the opportunity to award 12 additional Commonwealth charters and 13 Horace Mann charters, but he recommended not awarding 25 charters. He stated: I believe the applications should be awarded only to those showing the greatest probability of becoming public schools of the highest standard. He explained that the timeline in the law was a challenge to meet, but that the law was followed.

The Commissioner recommended awarding charters to the following eight Commonwealth Charter schools:

1. Conservatory Lab Charter in Boston;
2. Foxboro International Regional Charter School in Foxboro;
3. Mystic Valley Advantage Regional Charter School in Malden;
4. Rising Tide Charter School in Plymouth;
5. Roxbury College Preparatory Charter School in Boston;
6. South Boston Harbor Charter School in Boston;
7. Sturgis Charter School in Barnstable; and
8. Worcester Advantage Charter School in Worcester.

He also recommended the following four Horace Mann charters be awarded:

1. Barnstable Grade Five Charter School in Barnstable;
2. Boston Evening Academy Charter School in Boston;
3. Health Careers Academy Charter School in Boston; and
4. New Leadership Charter School in Springfield.

Commissioner Antonucci then addressed the question of whether the Board should grant a charter in cases where a management company would be managing more than one charter school. He said that Advantage and Beacon would be managing two schools and SABIS would be managing three. He stated: I do not see any conflict. These arrangements meet the requirements of the statute and the regulations, and I have concluded that the award of charters to these applicants is merited based on the results of the review. All of the recommended schools are likely to contribute positively to the pace of Education Reform in the Commonwealth.

The Commissioner told the Board that he had provided them with materials describing each proposal including the location, grade levels, enrollment, and date of opening. He also included an outline of the review process which Scott Hamilton, Associate Commissioner, oversaw, and a brief summary of all the charters that were submitted. He informed the Board that 35 reviewers helped in the process. He stated that three public hearings were held across the state and he solicited written comments on applications from superintendents. He said that in addition, he received hundreds of letters from many people, including legislators.

The Commissioner assured the Board that each application was reviewed thoroughly and fairly. He said the applications were ranked according to how well they met the review criteria and the degree to which applicants were able to refute deficiencies identified by reviewers. He stated: I have taken into account the special preference the Board may give by statute to applications for schools located in low-performing districts, as well as to applications that have broad community support proposed in their educational plan and demonstrate a commitment to assisting the districts in which they are located to bring about educational change. Commissioner Antonucci introduced Scott Hamilton, Associate Commissioner for Charter Schools, to answer any questions.

Dr. Koplik said he would support having another look at the applications that were not being recommended, only if there was a piece of information missing or if the application was right on the cusp. He suggested acting on the recommended charters today and giving the others 30 or 60 days to present more information. Dr. Thernstrom questioned whether the statute would allow the Board to keep the process open. Mr. Hamilton said the law states that charters must be awarded in February. Rhoda Schneider, General Counsel for the Department, stated: There is a line of cases that says in some circumstances timetables in statutes are directory rather than mandatory. It really depends on the Board's predilection today of how you want to proceed. She mentioned that the Board has several options, including extending the current process for a limited time, and starting the new process for award of charters the following year.

Mr. Peyser cautioned the Board against preempting future applications that may not have been submitted yet but that would come before them in a few months. He stated: We need to be careful that we not simply husband the charters in order to keep something in reserve, but that we use the limited number we have in order to ensure that we get the best 12 that we can. Mr. Peyser continued that he thought the first role of the Board was to validate the process of Mr. Hamilton and his staff under Commissioner Antonucci's leadership. He cited three areas of the process: its rigor in terms of reviewing the application, its fairness to ensure that each applicant was treated fairly and equitably, and its openness. He continued: Only then should we focus on identifying individual applications that may have been, in the opinion of the Board or individual members, closely undervalued or overvalued by the process. Mr. Peyser cautioned against focusing on narrow distinctions, and added: However, I do think when we believe that one or more applications were grossly undervalued, we have an obligation to consider them.

Mr. Peyser said that many of the proposals will have some things in each of them that Board members may not like, but that is part of any start-up venture. He stated: The Department has attempted to exercise judgment through a careful process so that these differences of degree and balance can be evaluated. That is not an easy process. In many respects it is a very subtle process, but it is one which I think the Department has pursued with integrity. He went on: I would just add that my observation of charter school selection processes around the country suggests that the process Mr. Hamilton has pursued here has been one of the most if not the most impressive that I have seen. I would also characterize it similarly as being a significant improvement over previous processes that have been pursued in Massachusetts. I think the process will hold up to scrutiny, not only standing on its own but in comparison to past processes here and around the country. Mr. Peyser concluded by commending Mr. Hamilton for his integrity and forthrightness with the applicants.

Dr. Silber commented that no process is infallible but that the Board will accept only applications that are meritorious. He said that if any applications being recommended are not meritorious, then that is a big mistake. However, as long as all the charters being recommended and approved are meritorious, that shows the process worked. He continued, saying that if further review finds that some meritorious applications were not accepted, then there is no reason why the Board cannot grant them a charter in a month or two.

Dr. Thernstrom and Dr. Koplik asked for clarification about the process if it remains open. Mr. Hamilton said that he believes the applicants were given the opportunity to refute any deficiencies in the hour to hour-and-a-half long interviews that followed review of their applications. Mr. Silver suggested giving applicants 60 days to respond to the identified deficiencies in their proposals.

At the request of Chairman Silber, the Board agreed to divide the discussion into two parts, a vote on the recommended charters and then a discussion on those not being recommended. Before the vote, Commissioner Antonucci stated: Both James Peyser and Roberta Schaefer have indicated in letters full disclosure of any involvement they have had with any of the charter schools, to avoid the appearance of a conflict of interest. Mr. Peyser and Dr. Schaefer clarified that they have been advised they do not need to recuse themselves from the vote since it is a vote on a block of schools recommended by the Commissioner, rather than a vote on each individual school.

Dr. Delattre asked Mr. Hamilton a series of questions about the descriptions of proposals which were included in the material given to the Board. First he asked how extensive the focus on

mathematics is in the Conservatory Lab Charter School which is based on "a learning-through-music model." Mr. Hamilton said that mathematics is a central part of their curriculum and that they use the University of Chicago Everyday Math Program as well as mathematics contained in the Core Knowledge Sequence.

Dr. Delattre then asked about the Foxboro international Charter School. He said he wants to make sure they are ready to deal with more than "the problems of the times," as their description in the materials read. Mr. Hamilton stated that they would be managed by SABIS, a company that already manages two schools in Massachusetts and has proven competence in dealing with issues of moral and civic values. He continued that teaching values is not something they do separately, but rather is woven into the academic subjects.

In regard to the Roxbury College Prep Charter School, Dr. Delattre asked whether or not they realize there will be discrepancies between the Boston and Massachusetts curriculum frameworks, and how they plan to handle it when they are simply incompatible. Mr. Hamilton stated that the school is planning on opening in 1999 and that they will spend much of this year putting together their own curriculum drawing from the Modern Red School House, Massachusetts curriculum frameworks, and the Boston frameworks as well.

In regard to the Sturgis Charter School, Dr. Delattre asked about their intention to create an intellectually rigorous educational environment in the tradition of the liberal arts and sciences. Specifically, Dr. Delattre asked what subjects they include in the liberal arts. Mr. Hamilton responded that they intend to follow the International Baccalaureate Curriculum and that they have a partnership with the Maritime Academy on the Cape. Mr. Hamilton explained that the Maritime Academy has a two week program for the students at the beginning of the school year focused on leadership and team building, and also a partnership focused on mathematics and science.

Dr. Delattre asked about the Barnstable Grade 5 Horace Mann Charter School. In their description they mention that the students will be evaluated on their portfolios. Dr. Delattre asked Mr. Hamilton if he was sure that this use of portfolios does not lend itself to the usual abuses of portfolios. Mr. Hamilton responded that in the interviews, the interviewers asked about the rubrics of the portfolio as well as how they would be evaluated and what they were measured against. He continued that in the Barnstable interview, they mentioned having teachers, parents and members of the community involved in the review of portfolios and that they will work to develop rubrics. Mr. Hamilton did not recall if they mentioned who decided what goes into the portfolios.

In regard to the Health Careers Academy Charter School, Dr. Delattre asked if Mr. Hamilton was confident that the standardized tests and internal methods that the proposal mentions are reasonable and sound. Mr. Hamilton told Dr. Delattre that this group seemed to understand what is meant by competencies although they have not yet developed them.

Dr. Delattre asked last about the New Leadership Charter School. He referenced their mention of three principles of leadership, and asked if they know the difference between a disposition or a habit such as integrity and a principle of conduct. Mr. Hamilton responded that their interview persuaded the reviewers that the applicants knew what they were talking about. He stated: They talked about moral development of students in terms of loyalty, courage, consequences for their behavior, and responsibility to self and to others, and the people involved were quite compelling about their understanding of leadership and how to teach it.

Dr. Koplik asked Mr. Hamilton to reassure him that the Boston Evening Academy Charter School would not be focused on blaming failure on "the system." Mr. Hamilton said: We were extremely impressed with this school.

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 subject to the conditions set forth below, hereby grants a charter to each of the following schools as recommended by the Commissioner:**

Commonwealth Charter schools:

1. Conservatory Lab Charter in Boston;
2. Foxboro International Regional Charter School in Foxboro;
3. Mystic Valley Advantage Regional Charter School in Malden;
4. Rising Tide Charter School in Plymouth;
5. Roxbury College Preparatory Charter School in Boston;
6. South Boston Harbor Charter School in Boston;
7. Sturgis Charter School in Barnstable; and
8. Worcester Advantage Charter School in Worcester

Horace Mann Charters:

1. 1. Barnstable Grade Five Charter School in Barnstable;
2. Boston Evening Academy Charter School in Boston;
3. Health Careers Academy Charter School in Boston; and
4. New Leadership School in Springfield.

Each said 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 conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter. The Commissioner shall conduct a legal review of each charter application to ensure that it complies with all applicable requirements.

The motion was made by Dr. Thernstrom and seconded by Dr. Koplik. The vote was unanimous.

The Board then discussed the charters which were not recommended for approval. Dr. Silber said he has been advised by the General Counsel that the Board can review additional applications in the next 60 to 90 days so long as the charter is retroactive to February 28, 1998. Dr. Silber mentioned that the score sheets show that some of the proposals which were not accepted were scored higher than those that were. He said there may be several additional charter applications worthy of approval.

Dr. Koplik moved that Scott Hamilton write to all the non-selected applicants and tell them what information they need to reinforce or clarify, and come back to the Board within 60 days with additional recommendations, if any. Dr. Silber said the motion could be improved by clarifying that Mr. Hamilton should tell the applicants where they stand and if it is worth their time to submit any additional information. Dr. Silber added that the process should be kept out of politics because the Board will not be influenced by the number of letters they get. He said by being clear to the candidates as to where they stand, the list can be cut down significantly.

Dr. Thernstrom asked for clarification on the process and if the reviewers would be consulted again. She suggested excluding the applicants in the bottom ten on the list. Dr. Silber said that may be arbitrary since the scores are sometimes out of order. Mr. Hamilton said he would not call back the reviewers for this process.

Mr. Haydu suggested that the Board allow him the opportunity to work with Bob Antonucci and David Driscoll and the staff of the Department to review some of the applications. He said that if the applications did not meet 50 percent of the criteria, they should not be reconsidered this year. Commissioner Antonucci said that he agrees with Mr. Haydu on the process and the cut-off mark.

Dr. Delattre said that if it is clear that no outside reviewers will be brought in again, but this will be an internal process including three or so people in leadership positions, then he agrees and would second the motion.

Mr. Silver asked Mr. Hamilton to clarify the scoring system and asked how to draw the cut-off line. Mr. Hamilton explained that the scores do not reflect whether the deficiencies can be

remedied or not. He explained that the scoring was done this way because they were looking for charters that were ready to go today, not for ones that had the potential to be remedied over a period of time.

Dr. Thernstrom asked if the Board votes new charters in April or May, would the schools be starting in 1998 or wait until 1999. Mr. Hamilton responded that May may be too late for a September 1998 start-up but April may be possible. The Board agreed that the Commissioner *ad interim* should come back in April with any new recommendations. Mr. Peyser cautioned against giving applicants so much guidance on the deficiencies in their application that they simply spout back what they think the Board wants to hear. The question, he said, is whether the applicants understand and are committed to what they have written. He also said that the focus should be on the interview and not the written application, which anyone can make look good. Lastly, Mr. Peyser said it would be helpful for the Board if the Interim Commissioner could give recommendations of how the process might be revised in the future. Dr. Schaefer agreed with Mr. Peyser's comments, and suggested that the Interim Commissioner consider setting up an advisory committee on charter schools. Dr. Thernstrom commented that it should be clear that by extending the process, the Board is not lowering the standard of quality that is expected of charter schools. Board members agreed.

Mr. Silver said he was concerned that the process might be too open and would make it difficult to pick out the applications that deserve charters. Dr. Silber responded that by having the Associate Commissioner, Interim Commissioner and former Commissioner review the applications, the process would allow for the judgmental assessment which is needed.

On a motion duly made and seconded, it was **VOTED:that the Board of Education request Interim Commissioner Haydu, in consultation with former Commissioner Antonucci and Associate Commissioner Hamilton, to review the charter applications that were not recommended for approval, seek additional information from the applicants as he deems appropriate, and return to the Board in no more than 60 days with any additional charter schools that he recommends for approval.**

The motion was made by Dr. Koplik and seconded by Dr. Delattre. The vote was unanimous.

Commissioner Antonucci presented the Board with a Transition Report which was compiled by each administrator at the Department for the Interim Commissioner and the Board as an informational item.

Frank Haydu, the Board's appointee as Interim Commissioner, addressed the Board. He stated: David Driscoll and I will be running this agency in a very strong way. He explained that he would be the chief executive officer and Dr. Driscoll the chief operating officer in a business sense. He said that he, Commissioner Antonucci and Dr. Silber met to discuss the transition and the priorities. Mr. Haydu said his priorities are to recruit a top-flight Commissioner, to focus heavily on the teacher certification exams, to finish the framework revisions on foreign language, health and the arts by June 1 as well as to make the minor revisions to math and science that perhaps need to be made, to focus on the 3rd grade literacy exam and the MCAS tests in the 4th, 8th and 10th grades, and to develop an audit system to track education reform in the classroom.

Mr. Haydu concluded by urging the Board to move forward with these priorities and telling them that he is proud and excited to be working with them.

On a motion duly made and seconded, it was **VOTED:that the Board of Education adjourn the meeting at 11:02 a.m., subject to the call of the Chairman.**

The motion was made by Dr. Koplik and seconded by Mr. Irwin. The vote was unanimous.

Respectfully submitted,

Robert V. Antonucci
Commissioner of Education

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