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Board Of Education Regular Meeting

Minutes

Monday, June 22 , 1998

Chairman Silber of Brookline called the meeting to order at 9:30 a.m. The following were in attendance:

Members Of The Board Of Education Present:

Dr. John Silber, Brookline, Chairman
Ms. Patricia Crutchfield, Southwick, Vice-Chairperson
Mr. William Irwin, Willmington
Mr. Stanley Koplik, Boston
Mr. James Peyser, Dorchester
Dr. Roberta Schaefer, Worcester
Mr. Micah Silver, New Salem, Chair, Student Advisory Council
Dr. Abigail Thernstrom, Lexington
Mr. Frank W. Haydu III
Interim Commissioner of Education

Members Of The Board Education Absent:

Dr. Edwin J. Delattre, Boston

Also In Attendance:

Nancy Catuono, Registered Professional Reporter

1. Approval Of The Minutes

On a motion duly made and seconded, it was

VOTED:that the Board of Education approve the minutes of the regular meetings of May 15, 1998 and the special meeting of May 22, 1998.

The motion was made by Mr. Irwin and seconded by Ms. Crutchfield, the vote was unanimous.

Comments From The Chairman

Chairman Silber and the Board recognized Student Board member Micah Silver for his work on the Board of Education. On the occasion, Mr. Silver was presented with a Certificate of recognition which read in part: "...As as student Board member, you have articulated the ideas and concerns of the students of the Commonwealth and have thoughtfully engaged students in discussions and decisions about education policy. In addition to your work on the Board, you have provided strong leadership to the Student Advisory Council. You served as both a region and State Advisory Council member during the past three years...Your efforts to make Educational Reform accessible and understandable to all students are commendable". On behalf of the Board, Chairman Silber thanked Micah Silber for his commitment to the improvement of the quality of education and his dedication to students of Massachusetts.

Further, the Chairman recognized two schools, the Fitchburg Public High School, in Fitchburg and the North Middlesex Regional High School in Townsend. The Fitchburg Public High School received an award from the Peter J. Soldis Memorial Fund for the establishment of micro-based telecommunications science units and the North Middlesex Regional High School developed a technology. The Chairman also reported his visit to the South Easton Technology Institute.

Comments From The Commissioner

Commissioner Haydu, recognized Steven Leonard the Headmaster of the Jeremiah Burke High School in Boston for his leadership. Commissioner Haydu also presented the school with a personal gift of \$15,000 from his salary. The Commissioner reported that him and his wife Nancy will spend time at the Jeremiah Burke School during the 1998-1999 school year to offer counseling to students pursuing higher education. Dr. Leonard thanked the Commissioner for his gift and briefed the Board on the committed work of his faculty to insure professional development. Commissioner Haydu handed out certificates of recognition to several teachers of the Jeremiah Burke School.

Commissioner Haydu also recognized Carol Gilbert and Peggy Wood of the Department of Education for their good work in the administration of the teacher test.

Educator Certification Test

Commissioner Haydu: On a personal level, again, I want to recognize our staff and it's not just Carol Gilbert who I recognized earlier but it's really been the entire professional and senior staff of this agency that has with me been traveling through the variety of issues surrounding this recommendation which is contained in your book. I will be passing around additional information that is not in your book. When we did our briefing session with some of the working press on Friday, they had asked whether we had been given any information on, you know, the racial results of the test, the implications to different groups, which I will pass around to you since it is something that should be in the public record. I am recommending that we adopt the panel's recommendation but that we take into consideration the measurement error associated with this test, and therefore lower the recommendation by one standard error of measurement, or SEM, as you will see in the book. By lowering the panel's recommendation by one SEM, we are giving the benefit of the doubt to the test taker that on another day they may have scored slightly higher not because he or she knows more but because the instrument we are using is not perfect and will provide slightly different results for an individual each time it is used. We as an agency have done an incredible amount of outreach, including briefing sessions before our last Board meeting. We have also had sessions where we invited every dean of an education school in the Commonwealth of Massachusetts, we invited folks from the Governor's staff, from the Senate President's staff, from the Speaker's staff, we invited all the members of the education committees of both the House and the Senate and we have taken the time to listen. I can honestly tell you that my personal hope is that on a long-term basis when prospective teachers have an opportunity to take this test multiple times over multiple years, that this Board and subsequent boards will in fact use the panel recommendations without any delusion as to where the bar might be set.

However, this is the first time that this test has been administered and on a personal level and professional level with the staff, I believe that the recommendation is the appropriate recommendation. At the same time, I recognize the right and the obligation of this Board to discuss amongst themselves what they believe is the proper setting of the bar and hope that you have a fruitful and productive discussion. I have asked Bill Gorth, the president of our testing company, to sit with us, and Carol, at the table and to be available for any of your questions. Thank you all for coming.

Dr. Koplik: Maybe Frank or Bill or Carol can help me in my own thinking through this issue. I came to this meeting wanting to support and intending to support the level of pass rate as recommended by the panel for each of the qualifying scores, and I lay that next to the Commissioner's recommendation for us to consider lowering that pass rate score by one standard error of measure. In order for me to see whether or not I can make that movement, I really need to know several things which I can't detect from the data. But at this point the objectives that I'm looking to pursue would continue my support of the panel-based qualifying

scores and I thought of this in terms of five issues that I think are paramount in terms of our overall agenda: We want to instill a very strong message that we stand for exemplary performance by individuals, particularly those that we put into our classrooms; number 2, we want to increase expectations for students through much of our own deliberations and we should do the same for teachers; number 3, we want to improve the public perception of the teaching profession to a higher level than currently exists and it deserves; number 4, we want to build an argument eventually for improving teacher salaries and I fully support that; and number 5, we want to attract more of our state and nation's best and brightest into this exalted profession. I kept those five things in mind as I looked at these particular scores and I come down on the side of the panel-based qualifying scores, and then I lay that against the reason -- and Frank and I have talked about this -- some of the reasoning behind making an accommodation down one standard error of measurement. The question is: what compromise do I then make to the standards or the objectives that I'm trying to pursue if I come down one standard error of measure? So tell me in simple layman terms, if you can, what do we miss or lose if we make the accommodation. I understand what we gain in terms of the scores and the percentages who would qualify, but in terms of the qualitative issue, that's the important thing for me. I'm not interested personally in how many more people we get of any particular flavor or variety. I really am not. I want to look at this objectively and I want to know qualitatively what accommodation do I make if I move down one standard error of measure. So if you can answer that question for me, that would help a lot.

Commissioner Haydu: I would like to take the first shot at it and ask Carol and Bill, perhaps, to comment, or Dave. One of the things that I believe we get is a legally defensible position. I believe that there is some meaningful risk of a lawsuit at the panel recommendation with a test that has never been administered before in the face of facts that most states, when they first gave their teachers tests, would go minus two or minus three SEMs as opposed to the minus one that I'm recommending. So I'm trying to find a place where I believe we have a strong legal defense and that we don't run the risk that somebody walks in and is able to seek an injunction that would, in fact, do more damage than having taken a position that is hopefully legally defensible. We have not only looked at this from within the agency with Rhoda and Julianne, but we also sought the counsel of the Attorney General's Office because they would be involved in defending any potential lawsuits, and all of the lawyers involved have recommended that we would be on safer ground at one SEM down. So that's part of the recommendation and that's why in my early comments I would hope and expect that in subsequent years when this test is given, that we would in fact be going with where the panel recommendations were because I'm on the same wavelength that you are.

Mr. Irwin: So that answers part of my question, that you would recommend this deviation from the panel but perhaps only in this instance because it's the first time given, but it would not necessarily be something that we would have to look at every time. Your expectation is that the next time the test is administered it would have more validity for the panel-based recommendation?

Commissioner Haydu: It's my position that in 1999 when the test is given we would be raising it to panel. My assumption is the July test would be the same as this test because I think we need to be fair to people. Again, it is the first time through.

Dr. Thernstrom: Frank, one of the problems with the lawsuit argument, aside from whether we should be making policy on the basis of a legal challenge that hasn't yet occurred but certainly may be in the offing, but one of the problems is that wherever we set the bar, whether at the point at which you're recommending it or the point that the panel recommends it, wherever, we are not protected from such a lawsuit. That is, we've still got the problem of a disparity of racial and ethnic impact which would be the basis of that suit. There have been other such suits as I'm sure you know, the longest running one was in California, against the CBEST. That was eventually won by the state. But those who are opposed to testing in general, to teacher certification in general, to such tests, will have that hook, legal hook, wherever we set the bar given the fact that we don't get rid of that problem of disparate impact.

Commissioner Haydu: You're absolutely right. One of the problems when you're the CEO of an agency or of a business is sometimes you have to take into account all of the disparate factors, and I'm not crazy that I have to take all of those factors into account. At the same time, the recommendation that I have made I think is sensible and reasonable.

Mr. Silver: I have a few comments. First, I don't know how many of the Board members have actually seen the test questions or have some information about what this test looks like. I do. And it's a test of very basic communication and literacy skills. I think we ask as much of the 10th graders who take the MCAS in a different way. We ask some additional things on the teacher tests, some additional, but certainly we ask similar things. So I think it is a very basic test and I am personally unwilling to lower the standards to remedy a racial disparity because doing that, I guess, could be seen as racist, could be seen as degrading. I don't think it serves any purpose. And I don't think that lowering standards to be on safer legal ground -- as Abbie just said, there still could be a lawsuit even if the bar is changed slightly. And presuming that we will have a legal battle and then basing lowering the bar on that presumption I don't think is fair, and I don't think that saying that we will not lower the bar next year -- we have already allowed people to go through the system and enter our public schools and it only takes one incompetent teacher teaching a biology class to have a whole class of kids not learn any biology. So I think it is imperative that this year we don't lower the bar and that the bar is never lowered.

Commissioner Haydu: I respect your position. I would point out to you, however, that it would not be unreasonable that superintendents or principals that were hiring teachers might well ask to know what their scores are so that they would have a way of understanding the relative difference between different candidates. While we have -- again, I think in some ways this recommendation is a way statistically of making sure that if we made a mistake, we have been fair to the respective teachers as well as to students who can be protected from other measures in the hiring methods. You have to remember, these tests were never designed to test whether a prospective teacher is good with children or has the pedagogical skills necessary to be successful in a classroom.

Dr. Silber: It seems to me that last comment turns the whole issue on its head. No one has ever supposed that offering this test is going to find out whether someone will make a very effective teacher or not. It is based on the principle that if the teacher doesn't know the English language and if the teacher is not highly competent in the subject matter that the teacher is teaching, it doesn't matter how good that teacher is with children. The disqualification is that a person who lacks the knowledge of English language and lacks the knowledge of the subject matter, no matter how friendly, how constructive, how able that person is with students, that person fails as a teacher. And I don't think we should confuse the issue by introducing that other factor. With regard to the law, if it helps us avoid a lawsuit by lowering it one SEM, why not lower it three SEM, why not lower it four SEM? But I think Abbie's point is right, I don't care what we do, there's very likely to be a lawsuit and I think we are on sounder ground when we follow the principle as you enunciated in your earlier remarks about having an open and inclusive process. That open and inclusive process included a review of these examinations by some very fine committees, a very large committee, that included Northampton Public Schools, Wachusett Schools, Lowell, Barnstable, Rochester, Springfield, Holy Cross College, Simmons College, Elms College, Springfield Public Schools, Blue Hill Regional, Massasoit Community College, we go right down the list, UMass/Boston, Clarke School for the Deaf, Assumption College, so on. This is a distinguished committee that reviewed this and when they reviewed this examination they didn't make the mistake of supposing that somebody couldn't do as well on an exam the next day as they do on one day. They reviewed that exam as what they would expect a teacher to be able to pass if that teacher was minimally qualified, not maximally qualified but was minimally qualified to teach. Now, when we move from the standard that that committee suggested with regard to the English communication and literacy skills, they proposed a standard that said the teacher should get 78 percent of the items correctly. 78 percent correct is what used to be called a C. And that's not a high standard. What we lower it to with the minus one SEM is to 69 percent correct which we used to call a D. It wouldn't seem to me excessive if we expected persons who want to be teachers to make A's or B's on these examinations and not settle for standards such as C's and D's. When we go to the other aspect of the test, on just the literacy test, we talk about the mechanics exercise and we talk about grammar and usage. By lowering it one SEM, a person who gets two-thirds of the questions right, 66.6 percent on one or 65 percent on the other, is qualified which means, again, that we set the standard at the D level student. And what this means when you also look at the totals, it means we probably will be certifying about 250 teachers who are seriously deficient either in the English language or in subject matter. It seems to me we owe the taxpayers and we owe especially the children of Massachusetts a better deal than that. We are having another repetition of this examination at no cost. If somebody said that, you know, I could have done better on a different day, they have another day. They can retake the exam at no extra cost and, presumably, if there was any justification for that minus one SEM, it will be overcome that they have a second crack at the

same test. This will be the second time that they look at identically the same test. If they can't improve their score --

Dr. Schaefer: Is it the identical test?

Dr. Silber: I think it is, isn't it?

Commissioner Haydu: No.

Dr. Silber: How different? The format will be the same.

Dr. Schaefer: The questions are different.

Dr. Silber: But the format is alike. It certainly is a big assist. If they can't redeem that minus SEM the next time around, then it seems to me there's no justification for having it. I think we ought to leave this as an open and inclusive process and take seriously what these individuals have recommended. The quality of education for our children is a primary issue and the committee standards -- I think we could easily object to the level that was set by the committee. It's a level that I think is far too low. And for somebody to say that you're not prepared for this exam or that, it's not a special exam, it's a commonplace exam. What they expect people to be able to do in English is not very difficult. I think that Micah said, you know, something about the same level as the 10th grade exam. Maybe he is right about that. It wouldn't surprise me if it was about the 8th grade. But certainly it is not at the grade one would expect of a college graduate. For a college graduate I would not know why they would not pass that examination as far as the English language is concerned. Now, when you have somebody, 40 percent passed Latin at the level proposed by the committee. 60 percent passed Latin once you shift to that minus one SEM, and we see a great inflation of passing qualifications once we make that shift. Look at Spanish. 48 percent pass Spanish at the recommended level of the committee. 64 percent pass when you drop one SEM. On French, it moves from 57 percent to 86 percent. You know, how is a person going to teach a foreign language if the person doesn't know a foreign language? And mathematics, it moves from 37 percent to 46 percent. I just don't see the justification for our lowering standards when the standards themselves are minimal standards, not maximum standards.

Dr. Schaefer: Can we come back to the question that Stan raised, and if either one of you had a response of what we would lose by going to that, the lower level? Could you address that issue?

Ms. Gilbert: Well, one thing I would comment on is that the Commissioner's recommendation for the qualifying score is within one standard error of measurement of the panel recommendations.

Dr. Thernstrom: But a standard error lower.

Ms. Gilbert: And I would sort of for the technical discussion of that defer to Dr. Gorth in terms of the numbers of items.

Dr. Silber: We want to know what's the loss of quality when you make that shift.

Dr. Gorth: The questions that were raised over here by Dr. Koplik I think are very important questions. I think from a measurement and testing point of view, it's difficult to deal with the issues such as changing the score and how will that affect the recruitment and attracting of new candidates to the field. I think that's more a policy issue that would have to be considered and looked at by the educators and the schools of education who are trying to recruit and get new and high-quality individuals into their schools of education. So in a way, I don't think as a representative of a testing company I can offer clear comments on what are very pervasive issues that you've raised. I think you as a policy board have to consider those issues. The recommendation by the Commissioner I think takes into account the fact that there is in every measurement process variability in the kinds of scores an individual candidate might achieve on a test like this. And the notion of taking a standard error of measurement, which for the content test is somewhere between 3 and 4 points, and on the tests of reading it is closer to 2 and a half

points, 2 points, is a way of taking into account that variability of an individual testing at one time and maybe doing a little bit better testing another time or doing a little bit worse. It's a process that we have seen used in other programs. Those programs tend to review their standards on a regular basis, typically at least on a yearly basis, to consider whether their judgments of standards seem to be appropriate for the policy issues that the Board is considering. And we would intend to have those data available to the Board on a regular basis for its reconsideration of whatever standards you choose. Regardless of what numbers you pick today, we would end up making sure that you have that information to have a regular review of the process on a periodic basis, typically yearly.

Ms. Gilbert: If I might just speak a little bit, too, about the fact that these tests are of knowledge and they are aimed at those who will become entry level professionals. The burden for employment still does rest with the school districts, and so this is a licensure or a certification question and it is only one piece in the process of ensuring that qualified teachers and other educators become part of the system.

Mr. Peyser: Can I ask a couple of technical or statistical questions? One is to the extent there's variation in administration of the test or test results for any individual, to what extent are those variations mitigated by essentially multiple administrations of the test or the opportunity for multiple administrations of the test? So if an individual fails --

Dr. Gorth: The variations in an individual score would typically vary back and forth from one time to another in a random way so that by being able to take the test an unlimited number of times, presumably they would have an opportunity to demonstrate their capability over those different administrations.

Mr. Peyser: The second question concerns a note that is part of the materials we received in advance. It seems examination passing rates reflect a compensatory scoring model in which higher scores on one section of the test may compensate for lower scores of another section of the test. Can you explain what that means?

Dr. Gorth: Basically each portion of the test has multiple components, so if a student scores a little bit more successfully or higher on one component of that test, that higher, slightly higher score in that area balances off potentially slightly lower scores on another portion of that same test. On the writing portion of the communication or literacy test, a person who writes a very, very, very strong essay in one part and gets the best possible score there, and perhaps answers somewhat fewer of the multiple choice questions, will still be able to pass because their high score on the writing essay will balance off several, perhaps a slightly lower score on the multiple choice. It's a normal kind of situation.

Mr. Peyser: Which is only to say that all the scores, or all the results of all the questions are simply averaged together or put in the same pool and weighted equally.

Dr. Gorth: Correct. Not weighted equally, but all grouped together in generating the score for that particular test.

Mr. Peyser: I guess what I'm trying to get at is the language here describing a compensatory scoring model implies that there's some weighting of questions on which students perform better, that gives them greater weight than questions on which they scored poorly, and I'm just trying to clarify --

Dr. Gorth: The word compensatory doesn't imply a different weighting. Each section of the test does have its own associated weight. But the notion of compensatory is what I described a minute ago.

Mr. Peyser: Which is only to say it's a unitary test rather than separate test.

Dr. Gorth: Yes. Yes.

Dr. Thernstrom: Mr. Chairman, could you go through the process in more detail, how the original qualifying score was set and what the process was by which, you know -- who was in on the process of suggesting an adjustment of the score? And then a simple question, when is the next test given?

Dr. Silber: I think the Commissioner and Mr. Gorth are best qualified to answer that question.

Dr. Thernstrom: And one third question, I have had a chance to look at some of the answers to the questions. I think that it would be awfully helpful for the Board to have in general had some sense of what sort of answer falls on the passing side as opposed to the failing side on these two cutoff points because, you know, I think it might have clarified this for Board members, you know, The following answer is a passing answer with one score but not a passing answer with the other. And I wonder, does this issue need to be settled today? I frankly would like to have more information.

Commissioner Haydu: Yes, it does need to be set today and I would respectfully remind every member of the Board that they were invited to briefing sessions where those issues were fully discussed.

Dr. Koplik: I think you should announce which Board members attended.

Commissioner Haydu: I'm not sure.

Dr. Koplik: Just kidding.

Dr. Schaefer: Do you understand the point she's making about the panel recommendation, what would --

Commissioner Haydu: That was a big part of those meetings and we did it with all the education school deans as well and we had over 75 people that took the time to come. But, Bill, perhaps you could enumerate a little bit more about the process with the educators because it was a substantial process with educators with much input, and those educators in fact being very independent of this Department.

Dr. Gorth: The process of providing data to the Commissioner and the Board concerning qualifying scores begins with a nomination process. We ultimately contacted all of the public schools in the test as well as all of the colleges that had teacher preparation programs, both the arts and sciences portion of those colleges, as well as the teacher preparation program portion of those colleges, and invited individuals to participate in the process of developing and helping to set qualifying scores. Through that nomination process we were able to identify educators, both public school teachers who were certified here in the state to teach in the individual subject matters for which they were making recommendations, Latin teachers were obviously dealing with Latin tests, teachers more in general at various grade levels were dealing with communication literacy tests. Those educators were individually given an opportunity to look at the actual test that was administered in April to the roughly 1,800 candidates here in communication and literacy, and also to the individual tests given in the individual subject areas. Each of those different panels of educators who reviewed the tests were asked to look at each of the test questions and provide judgments about, essentially, their expectations that individuals who were qualified to deliver effective instruction as an entry level educator in Massachusetts schools would be able to deal with each of the individual questions on the test. The educators who were providing that information were also given information concerning the performance of candidates during that April administration so they could get a grounding in what candidates were able to accomplish. The individual ratings of each of those individual items were accumulated to generate a recommended panel-based cut score for each, or passing score or qualifying score for each of the individual tests for which they dealt. So that's basically the process. Those data were then, as I said, aggregated and put into tables that were presented to the senior staff of the Department and were available to various members of the Board including the information about the percentage of candidates who had passed at each of the different scores based upon those who took it in April. Is that sufficient?

Dr. Thernstrom: When is the test next going to be given?

Dr. Gorth: July 11.

Dr. Thernstrom: July 11.

Commissioner Haydu: It will take us about a week to get out the scores so it really is critical that we take this, that we decide today. I would remind you all that the way that this Board had envisioned this decision would be made is it would be a Commissioner's decision which I have obviously decided to share with this Board, but the way the regulations are written, it is a Commissioner's decision.

Dr. Silber: But I think the Commissioner does serve the policies of the Board and I think the Board on this issue certainly has a vested interest in trying to set the standards of Educational Reform. I know that if the standard had been set let's say at getting 89 percent of the items correctly on the communication/literacy skills, the results would have been as follows with regard to your ethnic and racial breakdowns: 21 percent black, 23 percent Asian, 24 percent Hispanic. It would have been almost identical if we set the standard at kind of an A minus, B plus level, there would have been no differentiation whatsoever, no significant differentiation between these ethnic groups. And I think that's something that has to be borne in mind when somebody tries to suggest that these questions have some kind of an ethnic or racial bias to them. It depends on how low you set the standard before that differentiation becomes obvious.

Dr. Thernstrom: Then after July?

Commissioner Haydu: October is the next administration.

Dr. Schaefer: A candidate can take it any number of times?

Commissioner Haydu: Yes.

Dr. Silber: They can take it once without having to pay extra.

Commissioner Haydu: One of the things we did, as you might remember, just this Board shortly after I had been made Commissioner I saw, geez, we had a test that was going to be given that there was no stake attached to and I decided that that probably wasn't consistent with what your desires would be nor what the desires of the earlier Boards of Education that I had served on might be, so we did eliminate the "no-stakes" part of the test. There are some that have rightly questioned our fairness. I mean, it's a fair issue. I think we have been fair and particularly fair because we are allowing any candidate that does not pass to take the test a second time on our nickel, so that I'm comfortable that we have done the right thing and I have tried to balance off the interests of both the test takers as well as those that are in classrooms. Again, wherever this Board ends up, I do believe that I'm both a steward for the professional staff of the Department of Education but I do serve at the pleasure of this Board, and I think this is a very large decision that you all need to make.

Dr. Thernstrom: We have two conflicting process questions here, it seems to me. One, the Board did turn over the questions of the qualifying score to these panels. The Board also turned over the ultimate judgment to you. Whichever way we go, we are ignoring half of the previous process decision that we made.

Commissioner Haydu: I recognize that and that's why I tried to be very clear as to what I thought the right recommendation of the professional staff of this agency plus my own would be.

Dr. Gorth: May I make a brief comment on that? I think that the panel of educators certainly were very well informed concerning the content knowledge that was necessary and useful in classrooms in this state. However, they weren't necessarily dealing with all of the policy issues that I think the Commissioner and you here at the table as a Board of Education may choose to take into account and deal with, and so I think it's fair to have teachers and educators from

schools of education and arts and sciences departments make a recommendation to you, but I think it is also appropriate for the State Board of Education and the State Commissioner of Education to take into account other considerations and come to what decision they choose.

Dr. Thernstrom: The other consideration obviously is the question of a lawsuit. What these educators did was to look at the questions and say, For those who are going to stand in front of our classrooms, what should they know at a minimum? I mean, that's the troubling part of this.

Dr. Koplik: Abbie, there's no monopoly on troubling parts of this. One of the issues, overriding issues to me in terms of the troubling part, and frankly more troubling at least in my judgment to the observation that you group of students who declare an intention to teach and so we give them this exam. The question really in terms of the troubling notion is there are a lot of students who have graduated, who are not in the teaching profession, we didn't give them the exam, and if we gave them the exam, the results on the exam may be just as we see here. So the issue on a personal basis, and when I put on my higher education hat, is that what is discovered here really has an effect on the rest of the population as well. There are many students we didn't identify who would not do very well. The reason I made the point earlier about the benefit of attending the sessions, Micah and I went to one of the orientation sessions and in that I think one of the important discoveries that we made in our analysis and our review was that this was a problem that goes beyond teacher education. This is a problem that is in the arts and sciences, this is a problem that is endemic to the college population in a sense, and it relates to a lot of reasons, the quality of the raw material coming, but it's an issue that is also out there for many of us to consider.

Dr. Thernstrom: I agree, but which way does that cut?

Dr. Silber: I think that's a very misleading statement because the schools of education and the programs in education have a combined SAT score that's 40 points below the national average. There are very few outstanding colleges and universities in Massachusetts in which the entering class, the entering freshman class, does not substantially exceed the national average. I don't think you're going to find this problem at Clark University, for example, at Boston University, at Harvard, at MIT, and at, you know, Smith, Wellesley. You go right on down the list. I would say the majority of colleges in Massachusetts outside of education, perhaps, hold reasonably high admission standards. I'm not talking about the community college where it's appropriate that they perform a remedial service, but what we have in the state colleges -- there's one state college, for example, in which the combined SAT score for persons in their education program is a 760, not on one exam but on both exams, and you get 400 just for signing your name. Now, what we are measuring here is probably the weakest segment of higher education in Boston, and that concerns the programs that prepare people for education. As the teaching profession has lost its attractiveness to young women, these places, in order to meet their budget requirements, have simply lowered the standards to something that approaches open admission. And I don't think you're correct at all in saying that what we are measuring is anything like a cross-section of undergraduate education in Massachusetts.

Dr. Koplik: John, with all due institutions across the state, I don't think you can make your blanket judgment indicting the schools of education, and I think that's probably a discussion for a different day and a different time and we should not get off the track here.

Dr. Thernstrom: We do anyway.

Dr. Schaefer: We really should not be talking about admission standards at other colleges because they have to fill their freshmen classes, so there's some question about the quality of the candidates. But the issue for us as a Board of Education is K-12 and the teachers that we are putting in front of those classes. So I think that we should try to stick to that.

Commissioner Haydu: I guess I want to be fair to this discussion because some of those extra things I have had to think about do go to some issues that Stan just raised. For instance, it is incredibly important that this not turn into teacher bashing. This indicts every teacher that's in a classroom in the Commonwealth. It's wrong. We are where we are because we have all participated in lowering what's happening in K through 16 across this Commonwealth. It's sad. People have tried to get me to characterize these tests as outrageous. To me it's simply sad. And

it's sad that we live in a world where we have allowed the standards for all of our students to be as low as they are, and this is about starting to ratchet those standards back up. We don't disagree at this table that we need to be at panel. I mean, there is no fundamental disagreement at this table. I believe long-term we need to be at panel. The only thing I'm asking is that we take the time in a sensible way to try to take one step before we take the second step and that before we fail 59 percent of the people who took this test, that we ask ourselves, What have we done to prepare the field that is taking this test? And I believe that there are substantial fairness issues imbedded in that that need to be talked about. But that's where I'm coming from and, again, I truly respect wherever this Board ends up.

Dr. Silber: What is the percentage that will fail by your standards?

Commissioner Haydu: 44 percent.

Dr. Silber: 44 as opposed to 59?

Commissioner Haydu: Yes.

Dr. Thernstrom: And as you said, Frank, I would hope that if we were to go with your qualifying score, that districts hiring teachers would be looking at these scores and saying, I don't care whether you passed, passing with this low a score for us is not --

Commissioner Haydu: As I have been traveling the state, it is very clear that this is not only a wakeup call -- it is a wakeup call to so many different quarters, it's unbelievable. But I know that the superintendents associations, folks have already been talking about what are the questions they should be asking of their students. We didn't design this test, however, to be fair to this test, to rank students. But I think it is unrealistic to expect that our local institutions won't be looking hard at the relative scores that different prospective teachers might have had.

Dr. Schaefer: Will the Board be considering the passing level each year or how will that work?

Commissioner Haydu: That was what I was assuming. Obviously, I hope I won't be the Commissioner next year to have that decision to make.

Dr. Thernstrom: But Frank, that raises a problem. You set the standard at a certain level this year and then you try to ratchet it up next year and you've got that equity question on the table. Well, wait a minute, the teachers last year didn't have to meet that.

Dr. Silber: But that issue you can -- ask the teachers the year before last who didn't have to take a test at all.

Dr. Thernstrom: But I'm arguing on behalf of setting it where -- that's an argument that goes for setting it higher so you're not in the political position of having to try to ratchet it up.

Dr. Schaefer: On the other hand, the Board can move on the record that it will be at panel next year.

Commissioner Haydu: I thought I was making a strong case to go to panel, my recommendation would be next year, but again, I have tried to look at this and to say, How have we been fair to the stakeholder groups, and I have tried to listen to the stakeholder groups to be quite honest with you.

Dr. Silber: What Frank has proposed is to take a prudent step, not a step that throws standards to the wind, but a step that is a compromise in the interests of prudence, and that is a very powerful argument on that side to be made. Perhaps we don't avoid a lawsuit, I don't think we will avoid a lawsuit, but perhaps we win the lawsuit or at least we increase the probability of winning the lawsuit by following Frank's assessment that we have a better chance of winning that lawsuit than we would have if we stuck to panel the first year. So I haven't heard a new idea in the

discussion in quite some time. Unless there's something new to be said about it, I think we ought to take the vote recognizing that what the Commissioner has proposed is simply to increase the chances of our success in making this reform stick.

Mr. Silver: I have a comment. This may be prudent in respect to legality or putting us on some kind of ground. I don't really understand why this is even a consideration. We're making assumptions that school districts will look at candidate scores and then do something with that that's in addition to the passing score that we set. I can't see why that should be taken into consideration when deciding this. I think that this test is very minimal, as Dr. Silber said earlier, and the standard set of getting a C on this test of very basic skills should not be compromised to make some questionable change that may or may not affect a lawsuit that may or may not happen. So I think that we are making a lot of assumptions and based on those assumptions lowering standards which ultimately is going to hurt students. I think it is very clear that passing teachers, for anyone who saw the test, who cannot perform the exercises, it's very basic and I think it is a huge mistake.

Commissioner Haydu: I would like to remind everybody there's two parts to this test. There's a communication and literacy part and there's a content area part, and one of the things that went into the recommendation that I've made is that we felt that those needed to be defended, and that part of the reason for going one SEM down is none of us have the same kind of familiarity with the different content area tests that we are all -- we are trying to compare apples and oranges. They were very different types of tests, some of them very different numbers of people that were taking those tests. So our ability to validate those tests and know that we have the kind of reliability that we might like from a testing standpoint is part of the reason that I'm recommending that we go one SEM down because the lawyers, when we met with them, have indicated that we should either be -- every test should be at panel, every test should be one SEM down or two SEM down, and in many states they go three SEMs down. So what I try to do is recognize in a positive sense that this is the first step, it's a step significantly higher than other states have taken when they've first done this, and it gives us the opportunity to hopefully avoid an injunction which is probably the thing that I'm wanting to protect ourselves against the most. Because I don't want to unravel all of the good work that we've done simply because somebody comes in and says we have been unreasonable and is successful in receiving an injunction.

Mr. Silver: If there is an injunction, would that be all teachers that took the test would receive certification that they teach, or would there be an injunction that none of them teach at all?

Commissioner Haydu: I don't want to speculate what a judge would do. I don't know what they would do.

Mr. Peyser: I want to echo Micah's comments and I also want to suggest that the stakeholders here are not equal, that fairness to the students has to come first, and I think the question that we ought to be asking ourselves is do we want, the people around this table, do we want or would we consent to having one of our children in front of a teacher who was unable to answer these basic skills questions. I think if the answer to that is no, then I think we are obliged to say we have to go with the panel, and that's exactly where I am. Again, this is not a matter of compromising among equal stakeholders. They are unequal stakeholders here and the students far outweigh, the interests of the students far outweigh the interests of the teachers who took the test, or the prospective teachers. And compounding that conclusion is the fact that the teachers, these people who want to be teachers, can take the test as many times as they want. There's no unfairness associated with sticking with the standard as long as there's an opportunity to take the test and prove merit on another day.

Commissioner Haydu: Jim, I agree with you 110 percent on that issue, and the driving question for me that was the question I have asked of every person involved in this process was where should we put the bar where we should be worried about the tradeoff for our children. One of the nice things about having National Evaluation Systems as our testing company is it's a testing company that is based in Massachusetts, in Amherst, whose senior staff, many of them, have children in our public schools. And when I've asked the various professionals at NES, and they are not in the business of setting a bar, but when I've asked them, Am I in error by suggesting the one SEM down? Their answer has been no, they think that that's probably a fair first step for the state to have taken. At the same time, you're absolutely right about those tradeoff issues and I have tried to weigh those into this decision.

Dr. Silber: Do they say you're wrong if you stick to the panel recommendation?

Commissioner Haydu: They indicated that they believe that we have a legally defensible position at panel, as well.

Ms. Gilbert: For those Board members who have seen the examples of the student work, or candidate work that was done on the test, and I would like Bill to speak to this too, those who were in agreement that people definitely agreed should not be standing in front of a classroom would not be included in that pool that would be given certification at the recommendation that the Commissioner is making.

Dr. Silber: To elaborate on that, for those of you who have not reviewed it, there is a marked difference between those who were -- they gave us samples in terms of Z, which were panel level scores, and those were highly credible. They seem to be written by well-educated people. The ones that were at Y, which was minus one SEM, certainly just the writing samples did not outrage one the way it did when you dropped to the X, which was the minus two SEMs. At that point it was very easy to say this is a breakpoint. It's harder to judge the breakpoint between the Y group which is minus one SEM and the Z group which was at the panel score. So far as the writing samples were concerned, it's a tougher decision to make and in that sense I think that's why the force of Frank's remark is that in a lawsuit, you could read one of those X answers to the judge and unless the judge himself were illiterate, it would outrage him.

Dr. Thernstrom: As I believe were the content questions.

Dr. Silber: I have not seen the content issues so I don't know. What would you say about that, though, Bill? Do you have -- is it easy to differentiate in terms of content area? Take mathematics, for example, which really bothers me. The idea of somebody coming to class who can't answer a hundred percent of the math questions to be teaching math, I don't know how it's possible. But can you differentiate substantially between the quality of work at the panel's level and the minus SEM?

Dr. Gorth: I think you would be able to see the differences pretty clearly in terms of the quality of the written materials that they have as well as the percentage of questions of the multiple choice type that they are answering correctly, so I think you would be able to see that there was a group of people who were doing respectable work at the panel and probably at the one SEM recommendation of the Commissioner. As you go farther away from that, the argument becomes harder and harder to support.

Dr. Silber: I think we are ready for a vote.

Ms. Crutchfield: I think we are.

Dr. Silber: You've heard the motion. Has someone seconded that motion?

Ms. Crutchfield: I will second it.

Dr. Silber: Patricia Crutchfield seconds the motion. All in favor if the motion is to accept the Commissioner's recommendation of setting the passing score at a minus one SEM across the board, consistently? All in favor.

Ms. Crutchfield: Aye.

Dr. Thernstrom: Aye.

Dr. Schaefer: Aye.

Mr. Irwin: Aye.

Dr. Silber: That's four. All opposed?

Mr. Peyser: Opposed.

Dr. Koplik: Opposed.

Dr. Silber: Opposed.

Mr. Silver: Opposed.

Dr. Silber: We have to break the vote, so which one of you is going to change your vote?

Mr. Irwin: Mr. Chairman, if I may, I think it is very, very important that this Board of Education show their support for our Interim Commissioner and we rely upon him to do the day-to-day work of the Department of Education and he's had a panel of many, many experts here advising him on which way to go here, and by no means does Mr. Haydu want to lower any standards at all, as well as the rest of the Board of Education. I would just like to ask all of the Board members to remember that we are not here every day, we are not running the teacher tests, we are an advisory board. With that I would like to ask that we take the vote again with Mr. Haydu's recommendation.

Dr. Schaefer: Would it help if I added, if we could include in the motion that the Board go on record that next year we be at panel recommendation?

Dr. Silber: Would you accept that as an amendment?

Commissioner Haydu: Certainly. That was absolutely intended in my remarks.

Dr. Silber: Motion is to set the standard at minus one SEM for this year and for the examination that's going to be given later this summer, but that with regard to next year the standard be set at the level recommended by the panel. All in favor of that?

Dr. Thernstrom: There's a remark here.

Ms. Gilbert: A question of clarification. When do you mean next year to start?

Dr. Thernstrom: Starting in October, is that what we mean?

Commissioner Haydu: What's the best time, Bill, to do that?

Dr. Gorth: Again, that's a policy decision for you in the sense that it should be either at October or at the following October, frankly.

Dr. Thernstrom: No.

Ms. Crutchfield: October 98, absolutely.

Commissioner Haydu: I would recommend that it be October of 98.

Dr. Silber: All right. So the motion now says that we're going to approve the qualifying score at a minus one SEM across the board for the test just given and for the test given later this summer, but commencing with the test in October 1998 the passing qualifying score will be panel based. That's the motion. All in favor?

Ms. Crutchfield: Aye.

Dr. Thernstrom: Aye.

Dr. Schaefer: Aye.

Mr. Irwin: Aye.

Dr. Silber: I'm going to vote in favor of it. Five. Against?

Mr. Silver: Opposed.

Mr. Peyser: Opposed.

Dr. Koplik: Opposed.

Commissioner Haydu: I would like to thank our Chairman for breaking the tie because I wouldn't want to have to vote.

Commissioner Haydu: We also need to take one other vote, it's in your package, and that is that --

Dr. Schaefer: Is this the motion that you have here?

Commissioner Haydu: There's two parts to the motion. The second one is that the Board of Education authorize the Commissioner to announce that all candidates for certification as provisional educator and provisional educator with advanced standing as administrators and support service personnel under General Laws Chapter 71, shall be required, as of September 1, 1998, to meet the qualifying score on the communication and literacy skills test. This shall apply to all candidates for certification as teachers whether or not they are subject matter teachers, administrators, or support service personnel.

Mr. Irwin: So moved, Mr. Chairman.

MR. HAYDU: So when people move from one certification to another, including up to superintendent, that everyone is taking the communication and literacy test.

Dr. Silber: So, for example, librarians were exempt on this one but the librarians ought to be literate.

Dr. Schaefer: Does that include construction supervisors?

Mr. Peyser: What does it include?

Ms. Gilbert: For example, department chairs or other people who supervise in a certain area. The administrators of special education have to have that certification. So this would extend to the non-classroom teaching certificates which would include instructional technology, school psychologist, and then the administrator positions.

Mr. Peyser: So just as an example, the argument I suppose here is there's a nexus between the score on some certification test of this kind and student health with respect to the school nurse or with respect to information systems in the district or the school. Is that the assertion that's being made?

Ms. Gilbert: This deals with just the communication and literacy portion, that they be able to

communicate with the people they are dealing with.

Mr. Peyser: Should we administer this to all Department staff at the DOE? They also have to communicate with people.

Ms. Gilbert: This is with respect to certification.

Mr. Peyser: I'm aware of that, but the question is why. I think it is useful for us to be establishing standards for certification where such standards have a meaningful impact on the performance of one's job, and especially to the extent they involve interaction with children, especially on an educational level. I'm against certification for its own sake and testing for its own sake. So it seems to me that rather than to have some kind of broad brush testing of all people who fall into these very broad and ambiguous categories, it seems to me we ought to try to be more specific and say these are people interacting with children who need to essentially be teaching them in one form or another or need to be dealing with educators in a way that requires them to have these literacy skills. Otherwise, I think we ought to be testing everyone on the Board and in the Department.

Ms. Gilbert: But the law specifies educators.

Dr. Silber: These are educators, librarians, school psychologists, people who are teaching technology, how to use a computer. Any reason why they shouldn't know the English language?

Mr. Peyser: Those are not the same categories, it is a subset of the categories that are here, but there are school business managers, for example, which is a fairly broad category. I think it means -- I'm not sure exactly what to make of that.

Dr. Silber: I would just as soon have the school business manager be able to speak the English language at the level that's being tested here.

Mr. Peyser: Then we ought to be testing everyone.

Dr. Silber: Why not? If you talk about the Department of Education, I wouldn't mind at all, and I don't think the Department of Education would mind taking the test, either. I think, you know, many of them tried out this test to decide, you know, whether it was too hard or too easy and most found it was quite easy. This is one of the reasons it gave us confidence in the test that we were giving, isn't that true, is that you ran it by the staff?

Commissioner Haydu: Absolutely. As a matter of fact, Alan Safran had the highest score ever to take it. He made me say that. This isn't a joking matter, actually, but if I have learned anything in the almost four months that I have sat in this chair, it is that we have a problem with literacy and one of the reasons that -- I mean, this is to some extent housekeeping, I believe. When we voted on the other one, had we thought about it we would have -- at most it would have been written differently. The intention of the Department of Education and its senior staff and its Commissioner is simply to affirm that it is important that everybody that deals with children have an ability to take the communications and literacy test. To take it. Obviously there are significant hurdles to what we can do with folks that are out in the field because of labor union issues and everything else, but I do believe that it is important that we begin to send a message to everyone that interacts with our children on a day-to-day basis that literacy is the key.

Dr. Silber: Can we have a vote on this thing?

Mr. Irwin: So moved.

Ms. Crutchfield: Second.

Dr. Silber: All in favor?

Ms. Crutchfield: Aye.

Dr. Thernstrom: Aye.

Dr. Schaefer: Aye.

Mr. Silver: Aye.

Mr. Irwin: Aye.

Dr. Koplik: Aye.

Dr. Silber: Seven to one?

Mr. Peyser, are you abstaining?

Mr. Peyser: No, dissenting.

Dr. Silber: One dissent, the rest in favor. He compromises his standards, too.

Mr. Peyser: No, I throw them out.

Commissioner Search Process

Chairman Silber said : One final item in my report. Abby Thernstrom has put on the agenda, as all of you know, a vote. She says, "I want to vote on keeping the search for the permanent Commissioner open through the month of November with the understanding that the Board will look at the entire pool in December. Of course, the search committee can review applications as they come in, and share appropriate information with the entire Board. But we would not, as a Board, interview candidates and discuss their relative merits until after the search is closed. If we follow that procedure," she says, "we will have our best shot at a pool of attractive candidates." The motion is to keep the issue open until December and not to have any vote of the Board on candidates until that time. I don't think it needs a motion because I think --

Dr. Silber read: The motion is that the Board of Education extend the advertising and recruitment period for permanent Chairman through November 30, 1988 to assure an ample pool of highly qualified candidates; provided that: the search committee review applications that are received and, provided further, that the Board shall review all applications and schedule interviews with finalists after November 30. Is there a second to that motion?

Dr. Schaefer seconded the motion.

Interim Commissioner Haydu said: John, you actually read that saying Chairman when obviously you meant Commissioner.

Dr. Silber: That's right.

Ms. Crutchfield: He may have meant Chairman.

Interim Commissioner Haydu said: I was worried that you might not get rid of me sooner rather than later.

Dr. Schaefer again seconded the motion.

Mr. Peyser stated: Mr. Chairman, I would like to say at the outset that I need to recuse myself

from participating in the discussion and the vote because of personal interests in one or more of the candidates for this position.

Dr. Schaefer asked: I was wondering if we could have a discussion about the entire procedure at this point and whether Abby would accept some friendly amendments to this motion.

Dr. Silber: Yes, we certainly can.

Dr. Schaefer said: First of all, there is a screening committee in place and I was wondering -- and I understand that the screening committee has selected some candidates for further review. I was wondering first whether the screening committee has met and discussed the relative merits of the candidates that are under consideration and, if not, my first friendly amendment would be that the committee meet and discuss them.

Dr. Silber: If I can review this, the preliminary selection committee, which is by no means the committee to make the decision, consists of myself, Mr. Irwin, Pat Crutchfield Kathy Minehan of the Federal Reserve Bank, and Frank Haydu. The five of us have reviewed 54 applications that have been received from all parts of the country and we evaluated them in terms of three numbers: 1, meaning a person who definitely should be interviewed, taken very seriously; 2, a person who merits some further consideration but not necessarily to be interviewed, depending upon the number of 1's that might appear; and 3, a person whom we did not think was qualified and no further discussion was necessary. After we have tallied all of those results, two or three of the candidates were removed after preliminary investigation. One had extensive experience in the Department of Education and on checking on references of that candidate we found such negative reports that it dropped out, and similar investigations were done on a couple of others that had a surface presentation that looked pretty good. That left us with six candidates and some truly exceptional quality. I would think it would be perhaps worthwhile to review with you briefly the resume of one of those candidates without identifying him. I'm concerned that we try to maintain the confidentiality of these applicants until we reach the final stage in which we have interviews with the Board at which point all of the Board, I hope, will be present when the candidates appear before the Board for their scrutiny, and that will be a public exercise, open to the public, but it will be at a time in which the number has been narrowed substantially so that candidates will not be inclined to withdraw simply because of preliminary exposure. We know that that very often drives off the ablest candidates. This individual began with a BA in economics, with an MA in English literature, and thereafter took an MS in curriculum and instruction and finally an Ed Doctor's degree in organizational leadership. His dissertation was entitled Consequences of State Initiatives as They Influence Educational Practice, Services and Management at the Local District Level. His educational background, I think, interests all of us because it was two separate academic disciplines prior to his experience in education. When it comes to his actual experience, he was a teacher in a public school, he then has been principal and assistant superintendent, a superintendent of three districts, and a state deputy superintendent in two different states, and finally the state superintendent in a large state that has a fine educational system. These qualifications would appear to be truly outstanding, and I cannot imagine why the Board of Education, having launched a program with advertisements saying we would receive applications through April 15, would decide that we are not going to consider and not going to vote on the candidates who, following our own announcement, have decided to apply and who seem to be imminently qualified. If we tell these people that we are suspending our review process until next December, of course what that means is that we will be trying to work out interviews between Thanksgiving and Christmas, a very difficult time, probably we will not complete the interviews until January. If we make a selection at that time, we may not have a superintendent in place before April or even June of next year. I think that it would be irresponsible on our part to fail to move ahead with this search process. But we'll have a clear understanding that if we complete the review of the candidates that are available -- and, as I have indicated, there are some truly outstanding candidates, so outstanding at least on paper that we are not very likely to receive any candidates more outstanding no matter how long we postpone that investigation. I think it would be irresponsible for us not to complete this process and the screening. I have asked the Commissioner to send out an RFP -- you don't call it an RFP anymore.

Commissioner Haydu specified: RFR.

Dr. Silber: An RFR to a search firm to assist us in the background checks of these individuals so

that it will be as thorough as possible. We have made some of our own background checks but we know from our experience in Lawrence that there can be surprises, and with the assistance of a search firm I think we can have greater confidence in the background being complete. Once we get those reports in, the committee will meet, decide on the order in which we would like to interview those candidates, and we can do that in either of two ways, as the Board wishes. If the Board prefers, when we have narrowed that list to possibly two or three candidates we can have all those candidates in, we can move immediately to the public process before any of the screening committee interviews them, or the screening committee can interview them first and then have back the ones that seem best. My own preference would be to say, let the screening be public and be a part of the entire committee right from the start because I think that if we're talking about two or three candidates, the Board probably would want to see all of them. If we have a preliminary screening and interview, we might end up with one candidate so much better than the rest that we would come into the public meeting with only one candidate and I don't think the Board would possibly be satisfied with just that limited look. So that's the procedure that I have in mind. I think it is vastly more sensible than the idea of postponing any decision whatsoever, making sure that we can't have a superintendent in place until probably sometime late next spring or early summer. I just don't see the rationale of that argument. Now, I think that clarifies the procedure and so -- Mr. Silver?

Mr. Silver said: I would just like to ask Mr. Haydu how long he is willing to stay on as interim in reference to this motion.

Commissioner Haydu stated: Oh, this is -- when I was interviewed by this Board, I had originally indicated that September 1 would hopefully be an outside date that I would be willing to serve through. Over the last month and a half or two months various members of this Board, and folks from the outside, have asked me as to my willingness to serve for a longer period of time if needed. My answer to that has been yes. However, I must tell you that I would prefer to not be in this position any longer than I need to be. At the same time, I want to be very clear with everyone that my hope is that we can recruit a first class Commissioner of Education that has very heavy educational experience, which I do not, and who will have the strength of character to be independent enough to be able to run this Department of Education in an even-handed and fair way for all the different stakeholder groups of the Commonwealth. So if that means that I need to serve for a longer period of time, I would be willing to do that, but only until such time as we have a first class Commissioner.

Dr. Koplik stated: I would like to clear up something in my own mind. Has the search committee met?

Dr. Silber said: Every member of the search committee has not met. Every member of the search committee has completed the reviews of all of the items. I have discussed the reports with each of them. Some of us were able to meet to interview one candidate whom we interviewed because he had a deadline at which he either had to accept another position or know that he was a serious candidate for this one. After our interview with him -- Mr. Haydu, Mr. Irwin and I made that interview -- we decided that we would rather look further than to make that decision at that particular time under some short notice. And we didn't think that it was a good idea to bring just one candidate to the Board of Education for their consideration. We have not met on other occasions because we don't have a reason to meet until we have that background check completed. Once the background check is completed, the screening committee will meet, we'll rank order those candidates and then the interview process will begin. As I said, we can do that either of two ways. My preference would be to have the interviews done in public by the entire Board of Education. But I have indicated that we clearly have outstanding candidates. There is no question about the kind of experience and background of the person that I just reviewed. I don't know how you would find a person stronger on paper. It may turn out to be a disaster when you interview him, but on paper, what more would you ask? Economics and -- a BA in economics, an MA in English, and then a master's degree in education and an Ed Doctor's degree, and then experience as a teacher, experience as a principal, experience as a superintendent, experience as a commissioner -- really a superintendent of a state system. Why we would not want to proceed at once with the consideration of a candidate of that quality seems to me nothing short of irresponsible.

Ms. Crutchfield: John, perhaps it might be useful if you outline for the rest of the Board the process used to go from 54 to 6.

Dr. Silber: The process to go from 54 to 6 was a process whereby each member of that group, that was all five of us, put in numbers and we put in numbers 1, 2 and 3. The numbers were averaged out and we narrowed it in terms of those numbers and, as I said, there were at least two candidates within that top group of numbers, the lowest number obviously is, 1. There were two with low numbers where a preliminary background check just disqualified them.

Dr. Schaefer: In light of the fact that the screening committee did not meet to discuss the candidates, my first amendment to Abby's motion would be that the screening committee meet to discuss the finalists and come to some conclusions among themselves as to who those six are. That would be the first step. The second step, I think I would like to ask that the Board then be allowed to look at the resumes of those six that you come up with for the Board to determine as a whole whether those are the six that should have background checks on, and also the opportunity to look at the other 48 in case the other members of the Board think there are other candidates that should be looked at as well, and then have a background check done on those people. And if there are people who come through the background check, to then get in touch with them and let them know that they are being considered but that a final decision will not be made until after November 30.

Dr. Thernstrom: I will accept those amendments. I would also, Mr. Chairman, like to speak to the motion that I have made, and the reasons and the logic of that. The appointment of a Commissioner is obviously the most important -- of a permanent Commissioner, is obviously the most important decision that this Board will make. We have in place today a splendid team in the form of Frank Haydu and Dave Driscoll. Frank Haydu has just said, and has said many times before, he is willing to stay until we do have a candidate that we are all very pleased to have on board. We will not know what the strongest pool of candidates will look like until after the election because there may be many outstanding candidates, more outstanding than anybody who has come before us so far, who are now holding back because they do not know what the landscape will be. We do not know who the Governor will be, obviously, and the whole structure of the Board and its leadership could change after November. The appointment of somebody before that date might in effect be another interim commissioner. This Board cannot offer a Commissioner a contract, it is an at-will appointment, so anybody who took that job before November, before knowing what the leadership was in this state, could not be assured of that position past November so that we might be appointing, in effect, somebody for a month. And I can't imagine that anybody of quality would want to take an appointment under those conditions. But in any case, as I said, we do not know, will not know the strength of our pool until after the election.

Dr. Silber: It seems to me that we need to get straight on one thing. This Board is not supposed to be a politicized Board. The Governor cannot come in and remove people from the Board; they have terms to serve. This Board is not going to be changed overnight no matter who is the next Governor, and the Governor does not have the authority to appoint the Commissioner of Education, and a Governor who attempted to remove a highly qualified Commissioner of Education six months or one month, as you suggest, after his appointment, would run into a buzz saw of political opposition as an outrageous exercise of political intrusion in an educational process. I don't think we should even consider trying to politicize the position of the Commissioner of Education by bowing to that argument. The very argument that you have used seems to me the strongest argument for moving ahead at once with the consideration of individuals who are clearly outstanding. And it is just moonshine to suppose that we are going to necessarily receive more outstanding candidates than we've already received. We also owe something to the candidates who participated in their response to our earlier advertisements. They have responded in good faith and it seems to me it's our good faith obligation to consider them as they have arisen. Now, if we interview one of them and we say, Well, you know, he is pretty good but I know we can do better, that's a different question entirely. But you don't know that you can do better. Moreover, the last question I put to the one candidate that we have interviewed was this: What happens -- I said, one member of the Board has mentioned the probability that a new Governor might tear up the Board, might turn things upside down, and let's suppose that happened and let's suppose that you got fired. What would you do? He said, I think my professional record is sufficiently outstanding that I won't be unemployed for more than two or three weeks. I think that's exactly the kind of answer you would expect of a candidate qualified for this job. People who are going to make a difference as the superintendent, I mean as the Commissioner, the people who are going to do the job and not just be weathervane commissioners trying to find out where the wind is blowing, but the people who are going to step

in there and do the job that needs to be done are individuals who don't worry about being fired. These are individuals who are prepared to do their duty and take the consequences as they come knowing that their reputation and qualifications are such that they need not worry about the consequences of having to look for a new job. But again, I think the important issue is, this is not a political job, it's not supposed to be a political job, and we should not give any candidate for Governor the idea that this is a playpen in which the Governor can exercise his will in just any way he pleases. There's supposed to be a certain distance between the political contest between candidates for the Governor and the direction and integrity of the Board of Education and the Commissioner of Education.

Dr. Thernstrom stated: Well, Mr. Chairman, I mean, the reason why you regularly meet with the Governor or the Governor's staff, whatever, is because this Board is part of a larger political context, and there is no question that there is a possibility that there will be a shakeup of the Board post November. I do think we need to be able to -- when we hire somebody, that person needs to know for whom they are working and, furthermore, we cannot possibly know who is out there in the way of candidates until stronger candidates -- until this election is passed and candidates come forward who were not willing to put their ring in the hat because they did not know -- their hat in the ring, because they did not -- cat in the hat, whatever -- because they in fact needed to know, again, for whom they were working.

Dr. Silber: You don't have the slightest evidence of anyone who has refused to apply because of that consideration.

Dr. Thernstrom: There would be no such evidence.

Dr. Silber: Of course.

Dr. Thernstrom: We haven't heard from those people.

Dr. Silber: You could easily have people who you contacted who said, No, I won't consider it until the election is over. We haven't had that. And when you suggest stronger candidates, you have to say stronger candidates compared to what? There are very strong candidates right here. And the idea that we shouldn't look at them because you decided that they would not take the job under this level of contingency, whether they want to take the job under that level of contingency is a decision for them to make. It is not a decision for you to make for them.

Dr. Schaefer said: Mr. Chairman, you said we have a very strong pool of candidates, but most of us have not seen that.

Dr. Silber: That's why we have a screening committee, and you will find out the strength of those candidates when the background checks are done and these people come forward. I think for you to suggest that these are not strong candidates when Kathy Minehan and Crutchfield and Irwin and I certainly think there are strong candidates in there, the idea that you should decide that they are not there --

Dr. Schaefer: Mr. Chairman, I did not suggest that they were not strong candidates. I said I thought that the Board had a right to look at those resumes and that the committee itself should meet and discuss those finalists that they picked out.

Dr. Silber: We certainly shall.

Dr. Thernstrom: But her amendments do not stop an ongoing process of consideration.

Ms. Crutchfield: That's right.

Dr. Silber: Her amendment does turn this whole thing over to the public because once all of these 54 names are out there for discussion, I guarantee you from the leaks we have already seen to the press from members of this Board, those names will be out in the public agenda, and the most outstanding candidates will very likely withdraw. We have seen that before in other search

processes. But I think we have discussed this issue long enough, we might as well take a vote, don't you?

Mr. Koplik: I think I would like to hear the amendment one more time because the issue for me really comes down to this being a crucial decision for each of us. I agree with the Chairman that we should do our business as best we can outside the political intrusions and the way in which that circumstance is out there, but we should try to keep our distance from that process. And I support the Chairman's view on that. At the same time, as a Board member I'm in the dark with respect to the judgments rendered, although I appreciate the work of the search committee. And before I ask Roberta to repeat those so I can understand those, one thought that occurred to me during this process is that we might be able to move it along if there's greater Board participation throughout the process, and perhaps we really need to consider in a sense a reconstituting of the search committee to, in fact, make it the committee of the whole. Make it the Board, we are not a big Board, it's oftentimes done that way, and maybe the Board should be the search and the selection committee in this instance given the importance of this particular circumstance. So I would like to hear Roberta's elements, but I'm thinking in terms of greater Board participation, at the risk of public disclosure, leaks and so on. I think those are going to happen anyway.

Dr. Silber: Well, they haven't happened. There's one thing you can say for this search committee, it has not had any leaks on it and that was one of the reasons why the Board voted to have this, why we proceeded in this way. If you don't want to have subcommittees, if the Board wants to go through the entire pool on its own before it gets to the finalists, that of course is one way, a very inefficient way, and a way to guarantee that the process is public and that in the process of that public process we lose some of our ablest candidates who simply will not stay in the list.

One of the individuals -- not one, more than one of the individuals who are among our finalists have indicated that we should correspond with them at their homes because they do not want to jeopardize the positions they now hold by having it known that they are candidates for other positions. That is a perfectly reasonable position for people to be in. They don't want to go for a will-o'-the-wisp and then lose their position at home.

Dr. Koplik: I understand.

Dr. Silber: If the committee as a whole does this, these will be public and the very ablest candidates will drop out.

Dr. Schaefer: My first motion was that the screening committee meet --

Dr. Thernstrom: Amendment to this motion.

Dr. Schaefer: Right, amendment to this motion, that the screening committee meet and agree on those six finalists. Second, that then their recommendations be given to the entire Board to look at, and that the entire Board have the opportunity to look at the others who have applied, if they so desired. After the Board agrees that these are qualified finalists, engage a search firm to do background checks. After that, after those background checks, the Board would then determine which of the suitable candidates to interview. At that point we would let them know that they are finalists but, following Abbie's motion, that the interviews would not take place until after November 30.

Ms. Crutchfield: I have a concern about waiting until November to have someone hanging in. I'm hearing the need for parallel processes both for the screening committee to meet and for the resumes to come back to the Board. And for us to go ahead and make background checks. And I don't know that we will want to wait until after November if we agree that we need to move forward without worrying about the political context of the elections. So I'm wondering if we can agree to 20 a notion of parallel processes so that we can move forward.

Dr. Silber: You know the difficulty we have had in getting the committee to meet.

Ms. Crutchfield: I do. The phone, fax and Fed Ex has been great.

Dr. Silber: The committee has been fully informed on all the processes and there has been an agreement among the various people who have been on the screening committee.

Ms. Crutchfield: No argument there. We are just talking about going to another step.

Mr. Irwin: Excuse me, I don't know who the finalists are. I know what I have put in for numbers for each of the people that we looked at, but to say that the committee has agreed upon the six finalists, I couldn't tell you who they are.

Dr. Silber: It's sort of the numerical fallout of the way in which we voted.

Mr. Irwin: I understand that, but you said the committee picked the six finalists. We did not pick the six finalists.

Dr. Silber: In what sense didn't you if you gave your assessment?

Mr. Irwin: I could have given 10 1's to 10 different people. I don't know which ones were picked.

Dr. Silber: It was the averaged assessment by the panel that determined those results.

Mr. Irwin: I understand that, but you said that the committee picked the final six and we did not.

Dr. Silber: Again, I repeat, I think you did considering the procedure we followed. If you're going to vote 1, 2 and 3 and add all the committee votes and we follow the results of this, that gives us our finalists. I don't know why it's not a committee's --

Dr. Schaefer: It seems to me the purpose of the committee is to meet and discuss the various applicants and why you rank them a certain way, and then people come to a decision. Since, obviously, the committee members had a difference, each one may have had a different six. So it is the result of committee deliberation that you then come to a conclusion. As we just talked before, the numbers don't mean everything. There's then the human judgment involved in coming to the final six. And that is the purpose of a committee.

Dr. Thernstrom: And meeting as a committee.

Mr. Irwin: To make it clear on the one person that we did meet with, myself, the Interim Commissioner and Dr. Silber, the reason that we met with this person, just to make it clear to everyone, was that the person was offered a job somewhere else and we met in order to see if this person could be ranked, not offered a job, but ranked, just to see if that person could be put into the pool to be ranked and to give that person an understanding of where they would possibly fall in the ranking. It had nothing to do with picking this person as the Commissioner.

Dr. Silber: The person whose resume I have referred to above received a 1 from every single member of the screening committee. If that's not choosing, he is the only person that got a straight 1 from everybody. The idea that that person shouldn't have a background check done and we shouldn't move to interview him seems to me nothing short of Never irresponsible.

Dr. Koplik: So that tells me that there's no one in the six who has a couple of 3's from the committee.

Dr. Silber: No, there is I think one in the six that had a 3 from one, but again, 1's from others. Otherwise, you know, the averages wouldn't have played out that way. But it's not that there hasn't been any discussion. I have certainly discussed the candidates with Kathy Minehan, certainly discussed some of them with Frank Haydu, discussed them with others, with Bill Irwin. But we haven't, we didn't meet together on that because it seemed a relatively easy process by

which to narrow it down. If after the background check comes in and the committee members meet to discuss them in light of the background checks, we then have vastly more information on which to base our judgment. And if it doesn't seem to be the right six, the screening committee can easily go back and do it. But it moves the process ahead. I just don't see the reason for deciding to put the whole thing on hold, and particularly to make the thing so public that we're going to lose candidates who can't be candidates and retain their present position.

Dr. Thernstrom: With Roberta's amendments, we are not putting the whole process on hold whatsoever, but we are retaining what is an absolutely splendid team that is in place and willing to stay in place until after the November election at which point we may have other candidates come in who are not willing to do so before and who look very, very strong. We are not, however, again, putting anything on hold. I don't see any down side to my motion with Roberta's amendments.

Dr. Silber: Then let me repeat it. A, it politicizes the process, B, it moves it into a public disclosure of the candidates by --

Dr. Schaefer: No, it doesn't.

Dr. Silber: Of course it is if you're going to distribute all of those to all the members. Don't tell me we'll maintain the confidentiality on this committee; it is not possible.

Dr. Schaefer: Stan raised the issue about the Board being the entire committee for the selection process. This is what I was suggesting, that the screening committee meet and come up with the candidates and that then they be passed on to the Board, the Board has the opportunity to review those and see whether it is in concurrence and, at the same time, the opportunity to look at the others. They don't have to. I mean, there are probably members of this Board who don't have the time to look at 53 resumes and that that's why there was a screening committee in place in the first place. But if people want to, then they should -- as equal members of the Board we should each have the opportunity to do that. And, you know, the resume will not be taken out of whatever room they are in, and we need to have some trust in one another to be able to move forward with this process. Then after that, if the Board agrees on who those finalists are, then you have a search firm do the background checks and not prior to that.

Dr. Silber: Why would you want to wait for that end process for the background check? Because the background check early on gives you much more information on how you decide which of these finalists are going to be. The search committee -- this it seems to me was the classic mistake of the search committee when it came to Lawrence. When we interviewed those candidates for Lawrence, we found, most of us who took the time to interview them, there was only one candidate, the one that we all thought was most outstanding, and the background check had been inadequate. But one of them that was thought by the search committee to be highly promising dropped out and only one of the other three candidates, the four candidates, was thought to even be feasible. Because this is where a search committee that doesn't necessarily know as much about the qualifications we are looking for as members of the Board made the choice of those finalists. Under the procedure we are following, we will have the search committee not try to decide who are the final candidates but the search committee do background checks on those who seem to be most promising and best qualified so that the Board is then, and the search committee is then best qualified, reviewing them with the background checks intact after they have already made the decision about those who are at least on paper most qualified, to recommend to the Board which should be interviewed. At that point I think it is fine for the Board to look at all of them and, if the screening committee wants to reopen it after we have the background check and come up with different finalists, there's nothing that prevents it from doing so. But it seems to me that search process is right on track and there's no reason to disturb it. I just don't see any justification for this memorandum, I mean for this motion, and I think this motion definitely politicizes the process.

Ms. Crutchfield: Can we call the question? No, not yet?

Mr. Irwin: You made a motion to call it.

Ms. Crutchfield: Go ahead, if you have comments, Bill.

Mr. Irwin: I agree with Dr. Silber. I have a problem with politicizing this process and to put a date in of November 30. Perhaps we could put in other language besides putting in a date, until such time as the Board of Education appoints a new Commissioner, instead of putting in a November 30 date.

Dr. Silber: That's already in it. Obviously there's not going to be a Commissioner until the Board of Education votes for a Commissioner. You don't need a motion for that.

Dr. Thernstrom: Bill, I do think you need to keep this process open past the election. I really do. I mean, we just don't know what the leadership of education is going to be.

Mr. Irwin: The leadership of education should be this Board of Education and that is the reason we are on staggered terms.

Dr. Thernstrom: I understand that. But nevertheless, I mean, this Board of Education -- I mean, we have yet to see how it's structured after the election.

Mr. Irwin: I fail to see that, Abbie.

Dr. Silber: It won't be changed until the Governor decides to have a purge and I think he will be the guest of public outrage if that's what he decides to do.

Ms. Crutchfield: We still have two questions. One is a question about process and one is a question about making a final decision. I'm really comfortable with the notion of having a screening committee meeting, having the rest of the members of the Board review the six resumes and proceeding with background checks. I'm not comfortable with setting an end date because we may find of the six, that there's someone we want to bring on board. And to have that person dangle in the wind until the Governor is elected is a tactical error.

Dr. Silber: We are voting on the motion with a friendly amendment, and if we want to vote on other things if that doesn't pass, then we ought to do so. But I think we ought to dispose of that motion first.

Commissioner Haydu: Can I add one thing? I think it is very important to me that whatever the vote is, that when the search committee does meet that I not be included on it. This is public service that I have decided to do and I believe this Board needs to come together to deal with this. I will be happy to give whatever advice and counsel people would like, but I believe that the search committee should be entirely made up of people that are on this Board.

Dr. Silber: Well, are you ready to take the vote?

Dr. Koplik: Voting on Roberta's --

Dr. Thernstrom: We are voting on my motion with Roberta's amendments.

Dr. Silber: All in favor?

Dr. Schaefer: Aye.

Dr. Thernstrom: Aye.

Dr. Koplik: Aye.

Mr. Silver: Aye.

Dr. Silber: All opposed?

Mr. Irwin: Opposed.

Ms. Crutchfield: Opposed.

Dr. Silber: Three. Okay, it passes. Could we get that written out as one motion so it may be provided to us for the sake of the secretary?

4. School Building Assistance

Deputy Commissioner David Driscoll thanked and praised Mr. Peyser for his previous recommendations on the School Building Assistance Regulations.

On a motion duly made and seconded, it was

VOTED:that the Board of Education, accordance with Chapter 645 of the Acts of 1948, as amended, and having solicited and reviewed public comment under the Adminisitrative Procedure Act, G.L. Chapter 30A, hereby adopt the following amendments to the School Construction Regulations, 603 CMR 38.00:

Amend 603 CMR 38.06 (1) to read:

Grants for capital construction projects approved under 603 CMR 38.00 shall be computed at not more than the following amounts per square foot:

Elementary School	\$156 .00 per squire foot
Middle/Junior High School	\$166.00 per squire foot
High School	\$177.00 per squire foot
Vocational School	\$189.00 per squire foot

Amend 603 CMR 38.03 (2) to read:

The design specification for all projects, including those for the expansion and renovation of an existing building, shall meet the applicable building code requirements established by the Executive Office of Public Safety.

VOTED:that the Board of Education, in accordance with the School Building Assistance Act, as amended, and in accordance with 603 CMR 38.00, approve the FY 99 School Building Assistance priority list, as recommended by the Commissioner.

VOTED:that the Board of Education grant a waiver of the provisions of 603 CMR 38.12 (1), which requires all capital construction projects for which the Board has authorized funding to commence construction on or before June 1 of the fiscal year in which the school building assistance grant was authorized, for the following previously authorized projects:

Fall River - Doran Elementary School
Worcester-Roosevelt Magnet School
provided, however that said project shall commence construction on or before December 31, 1998

The motions were made by Mr. Irwin and seconded by Ms. Crutchfield, the vote was unanimous.

5. State Plan For Professional Development

Deputy Commissioner David Driscoll urged the Board to approve the State Plan for Professional Development previously brought forth since 1995. Dr. Driscoll stated that districts are being required to present their professional development plan with their grant proposal.

On a motion duly made and seconded, it was

VOTED: that the Board of Education approve the State Plan for Professional Development as presented by the Commissioner

The motion was made by Mr. Irwin and seconded by Dr. Schaefer, the vote was unanimous.

6. Proposed Amendment To Charter Schools Regulations

Commissioner Haydu invited Associated Commissioner Scott Hamilton to lead the discussion on the amendemnts to the Charter schools regulations. Mr. Hamilton clarified that next year, the Board will be voting on the renewal of applications for the charters. Dr. Silber inquired about the applications saying: "How soo n are you going to have regulations ot with regard to the applications? Because if you remember we did not vote all the charter schools that are authorized. And that is a real concern of mine that we should try to get full approval for our whole number sot it is possible to have an increase in that number when will that be ready for distribution. To Dr. Silber's inquiry, Mr. Hamilton clarified that the applications for both Commonwealth and Horace Mann applications are being revised.

On a motion duly made and seconded, it was

VOTED:that the Board of Education, in accordance with G.L. Chapter 69, section 1B; chapter 71, section 89; and seciton 7(b) of chapter 46 of the Acts of 1997, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedures Act, G. L. Chapter 30A, section 3, to solicit public comment on the proposed amendments to the Charter School Regulations, 603 CMR 1.07, relating to determniation of the average cost perstudent in calculation charter school tuition amounts. The period of public comment shall include a public hearing, in accordance with section 7(b) of chapter 46 of the Acts of 1997.

The motion was made by Ms. Crutchfield and seconded by Dr. Schaefer, the vote was unanimous.

7. Update On The Lawrence Public Schools

Deputy Commissioner Driscoll reported that they are very pleased with the progress that has been made in Lawrence over the past five months. He said : "Clearly, we have a long way to go, and that was my message to the school committee. We do have a new superintendent who will be beginning in July. Deputy Commissioner Driscoll also raised the fact that the Lawrence Public Schools is in need of new buildings. Also, Dr. Driscoll stated that the School Committee had signed a three year contract with the new Superintendent; the new Superintendent will be evaluated after the first year by the Board of Education.

8. Annual Approval Of Non-Opating School Districts

On a motion duly made and seconded, it was

VOTED: that the following public schools districts, in accordance with provisions of Chapter 71, section 1, 4, and 6 be permitted not to maintain certain public schools for the school year 1998-1999 and to tuition their students to other school districts for said year.

School District	GRADES
Acushnet	9-12

Berkley	9-12
Clarkburg	9-12
Essex	9-12
Farmington River Regional (Otis/Sandisfield)	7-12
Florida	9-12
Gosnold	K-12
Granville	9-12
Hancock	K-12
Lanesboro	9-12
Mashpee	9-12
Monroe	K-12
Mount Washington	K-12
Nahant	7-12
New Ashford	K-12
Richmond	9-12
Rowe	7-12
Savoy	6-12
Shirley	9-12
Truro	7-12
Tyringham	K-12

The motion was made by Ms. Crutchfield, seconded by Dr. Schaefer, the vote was unanimous.

9. Approval Of Grants

In response to Mr. Irwin inquiry about the Lynn Public Schools having two different percentage rate approval, Mr. Delorenzo of the Department of Education clarified that projects were approved at different time and the rates were set at different points in the year.

On a motion duly made and seconded, it was,

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

The motion was made by Mr. Irwin and seconded by Ms. Crutchfield. The vote was unanimous.

10. Request For Reinstatement Of Revoked Certificate

On a motion duly made and seconded, it was

VOTED:that the Board of Education, in accordance with 603 CMR 7.02 (17) (g), not grant reinstatement of the teaching certificate of Mr. James J. Cavanaugh.

11. Authorization To Commissioner

On a motion duly made and seconded, it was

VOTED:that the Board of Education authorize the Commissioner, in consultation with the Chairman and members of the Board, to act on behalf of the Board in approving grants and any other matters that require action action between June

22, 1998 and the next regular Board meeting; provided that the Commissioner shall report to the Board at the next regular meeting on grants and any other matters that have been so approved.

The motion was made by Mr. Irwin and seconded by Ms. Crutchfield, the vote was unanimous.

Other Business

As this was Student Board member Micah Silver's last meeting, he thanked the Board saying: "I would like to thank the Board for this wonderful experience in providing great role models and inspiration for future things that I would like to do with my life. So I thank you all."

On a motion duly made and seconded, it was

VOTED:that the Board of Education adjourn their meeting at 12:40 p.m. subject to the to the call of the Chairman.

The motion was made by Mr. Irwin and seconded by Ms. Crutchfield, the vote was unanimous.

Respectfully submitted,

Frank W. Haydu III
Secretary to the Board

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