

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF EDUCATION
REGULAR MEETING
MASSACHUSETTS DEPARTMENT OF EDUCATION
350 MAIN STREET
MALDEN, MASSACHUSETTS
Tuesday, January 25, 2000
9:00 a.m. - 12:00 p.m.**

The Chairman called the meeting to order at 9:00 a.m. The following were present:

MEMBERS OF THE BOARD OF EDUCATION PRESENT: Mr. James A. Peyser, Chairman, Dorchester
Dr. Roberta R. Schaefer, Vice-Chairperson, Worcester
Mr. Charles D. Baker, Swampscott
Ms. Patricia Crutchfield, Southwick
Dr. Edwin J. Delattre, Boston
Mr. William K. Irwin, Wilmington
Dr. Judith I. Gill, Acting Chancellor, Boston
Mr. Marcel LaFlamme, Monson
Dr. Abigail Thernstrom, Lexington
Dr. David P. Driscoll, Commissioner of Education and Secretary to the Board

ALSO PRESENT: Maryellen Coughlin, Registered Professional Reporter

COMMENTS FROM THE CHAIRMAN

CHAIRMAN PEYSER: I would like to say a couple of things before we get started.

I want to welcome our newest Board member, Judy Gill, who is the acting Chancellor of Higher Education. She joined us yesterday for the first time, and she's here this morning under difficult weather circumstances. I appreciate your being here. Welcome. Now, of course Judy is here for a rather sad reason, the passing of Stan Koplik which occurred just after our last Board meeting. I wanted to make a brief statement in memory of Stan.

We are all deeply saddened by the sudden passing of Stanley Koplik. Stan was a dedicated and caring public servant who was at the center of this decade's reform movement in both K to 12 and higher education. He unfailingly stood for high academic standards. He insisted that the interests of students and parents come first. He repeatedly demonstrated creativity and courage in confronting difficult and controversial problems, and he never lost his sense of fairness nor his sense of humor. Stan was a public official who knew how to convert ideas into action, and he will be sorely missed.

I wanted to also make a brief comment about yesterday's meeting. We discussed goals and strategies for the Board as we enter the second phase of education reform. There is a summary or at least a graphic representation of the notes that Pat took. We will copy and give them to all of you before you leave today. I want to thank Ann Hess for staying up all night putting that together. I also want to thank Pat for facilitating and stimulating the discussion. I thought it went very well and was very productive. There are a couple of issues I wanted to talk about a little bit before we begin today.

One relates to the Governor's State of the State Address, and particularly his attention to mathematics achievement. The other is charter schools, in particular two reports that have been issued over the last several weeks, and reported in the media as being rather critical of charter schools.

The Governor has rightly directed our focus to the crisis in math education that has been highlighted by the last two administrations of MCAS. A statewide failure rate of 40 percent in eighth grade and 53 percent in tenth grade is unacceptable and does not bode well for 2001 when the test will begin to count towards graduation. Math performance on MCAS is almost uniformly worse than English. And when looking at the eighth grade results in particular, math is about three times worse than English in terms of the failure rates. The conclusion that our most pressing problem is math achievement is inescapable. It is our expectation that schools and districts are already taking steps to improve math

instruction generally and to identify those students who need extra help. Nevertheless, we at the state level also have an obligation to reinforce and accelerate these efforts.

There is a growing consensus that the most important contributor to effective teaching is subject mastery. There is also a growing awareness that we have not focused enough attention on developing subject matter knowledge among incoming and veteran teachers, especially in math. We have attempted to address this issue through a recent revision of the teacher recertification regulations. In addition, the Department and the Joint Commission on Educator Preparation are putting together proposals, which we will review in the next few months, to address this problem at the undergraduate level. It is my hope and expectation that these measures will yield positive results over time. But for many students time may be running out, that is why the Governor's directive to take action now in those schools with high failure rates in math is so important and timely. In response to the Governor's math initiative, I've already begun working with the Commissioner to develop a specific implementation proposal for consideration at our February Board meeting, and we welcome any input Board Members may have as we embark on this process.

With respect to charter schools, there were two reports issued recently, one by the Inspector General (IG) and the other by the Education Reform Review Commission. I want to make some comments on each. With respect to the Inspector General's report, there are several quite valuable observations that come out of it. I'll mention three.

One is that most management contracts that charter schools have with management companies, or with other organizations that run their schools, lack meaningful performance objectives or measures. In addition, there is a lack of uniformity in the financial reporting that charter schools make, not only internally, but to the state. There is a lack of sufficient oversight and guidance from DOE regarding internal financial control systems. In the back of this report, there is a letter from the Commissioner which acknowledges some of the observations made by the IG and indicates the steps that the Department is already taking to try to remedy those issues. There are a number of other observations that the IG makes which I think are not accurate and need to be aired publicly.

Several of the IG's observations reflect a misunderstanding of how charter schools are formed and operated. For example, the IG faults charter schools for not being more explicit in their charter applications regarding their school buildings. As anyone knows who has paid attention to the development of charter schools, locating and financing a facility is extremely difficult. It's especially difficult when a school exists only on paper without even the approval of the state. Any suggestion that charters should not be granted until facilities are secured lacks any grounding in reality.

In addition, the IG complains that charter schools have relationships with affiliated organizations that are too close and that invite, according to the IG, conflict of interest. What the Inspector General does not understand is that relationships between charter schools and their affiliated organizations and management contractors are and should be partnerships which should not be compared to arm's length procurement relationships between unrelated buyers and sellers. By example, the IG talks about overlapping boards of directors. Many charter schools are created by existing nonprofit organizations. Indeed, these charters were granted, in part, because of the credibility these preexisting community institutions brought to bear. The fact that there are overlapping boards is not a weakness but a strength.

Another criticism involved the fact that management companies frequently give loans to charter schools. Charter schools lack access to capital that other public schools enjoy. One of the advantages of working with a management contractor is the access to financing they can provide, both directly and indirectly. Inevitably, these loans are made with concessional rates and terms. Without such financing, these schools may not exist at all. Nevertheless, they in no way impair a school's rights to terminate a management contract.

Additionally, there are several observations that the IG makes that reflect a process-oriented bureaucratic perspective rather than one focused on results which is the spirit of the charter school initiative. By way of example, rather than focusing exclusively on documented procedures for procurement and construction, the IG should have made some effort to look at actual costs and efficiency. Take construction in particular. Most charter schools have undertaken significant building renovations and construction projects. My observation is that these projects have cost substantially less on a square foot and per pupil basis than similar projects conducted by local school districts. In fact, a recent study by my organization, Pioneer Institute, shows that Massachusetts public construction in general, school construction in particular, and the procedures and laws that govern those public construction projects, are virtually two times higher than similar projects in other states lacking similar restrictive laws and procedures. This is not the kind of procedure nor result we want to impose

on charter schools. In short, while the IG's report does provide some useful insight, on the whole, its criticisms are wide of the mark.

Finally, I want to bring up the Ed Reform Review Commission report on charter schools. News reports imply that this report concludes that charter schools have been unsuccessful because they have not stimulated widespread program replication in district schools. While some critics may have interpreted the report in this way, the report itself says nothing of the kind. The report does state that districts have not adopted many reforms based on charter school experiences. This, however, is more a failing of districts than of charter schools. Many charter schools have actively sought collaboration with their neighboring districts. Moreover, all charter schools are open to firsthand on-site observations and evaluation. In fact, these schools are among the most open and frequently prodded and poked schools in the country. The report rightly notes the most significant reform modeled by charter schools involves school-based governance and the flexibility it implies. While there are some programmatic or classroom innovations, they pale in comparison to the structural innovation inherent in charter schools. Although Boston has taken steps in this direction through the establishment of pilot schools, few other districts have followed the charter school lead.

The report specifically states that the limitations on the number of charter schools and the number of charter school students combined with the various state funded reimbursement mechanisms have insulated districts from meaningful, competitive affects, thereby dampening incentives for districts to change, restructure and improve. In other words, the report implies that more charter schools would increase the chances for broader systemic reform. Once again, I urge the House of Representatives to take up the bill already passed by the Senate that would raise the caps on charter schools.

The final item on the agenda is a review of the discussion we had yesterday, and it is my intention not to bring that up at this meeting, but simply ensure that it's on the schedule for further discussion at our next Board meeting.

In the public comment period, we are going to first take public comment that relates specifically to the competency determination decision then take up the discussion and vote. Following that we'll go back to public comment on the other matters. With that, let me turn it over to the Commissioner.

COMMENTS FROM THE COMMISSIONER

COMMISSIONER DRISCOLL: Thank you, Mr. Chairman. I want to begin by making a few brief comments about Stanley Koplik.

It was shortly after our meeting in December that Stanley passed away. There was a very moving and fitting memorial service to Stanley Koplik along with a number of public comments by leading state officials, including the Governor and Lieutenant Governor, about the impact Stanley has made. I'm pleased that today the Board is considering naming the Certificate of Mastery awards after Stanley Koplik.

Speaking personally, Stan was not only a great colleague, but a great friend. We spoke to one another almost every day. He was a member of this Board, and I was a member of the Board of Higher Education. Many things have been said about Stanley's work as Chancellor of Higher Education, his great public career in Kansas and Missouri, and the substantive changes he's made throughout his career. I would like to take a minute to comment on his role here as a member of the Board of Education.

He served on boards that were chaired by three different individuals: Marty Kaplan, John Silber, and now Jim Peyser. I think it's fair to say that in each of those settings Stanley was the one who connected the dots. Whatever the issue or controversy, he always kept the dialogue going and brought us to a point where we reached consensus. I will miss him. I would ask that we take a moment of silence in memory of Stanley Z. Koplik.

(Moment of Silence in Memory of Stanley Z. Koplik.)

COMMISSIONER DRISCOLL: Thank you. I would like to reference a couple of items in the Board book. We expect that House 1, the Governor's budget, will come out tomorrow, and I think there are a couple of things we should anticipate. One is that it will be fiscally responsible, as the Governor has made clear. This Board should be complimented not only for putting forth a budget that was fiscally responsible but that included a number of reductions. In fact, when the Governor's

office presented us with a target, I told them we've already exceeded that target in terms of reduction. So a credit to the finance subcommittee and all the work that's been done. We will see tomorrow.

We are going to be called upon, in a number of instances, to work with other agencies and cooperate. That makes a lot of sense whether it is around SBAB, early childhood education, or school accountability. Collaboration can enhance all of those programs by having different organizations and different players be part of the process.

I want to talk, briefly, about the organizational update. I've put before you the internal changes we have made here at the Department of Education. It's been a long time coming. The changes we've made are going to make a big difference in how we move forward, particularly in the way in which we collaborate and cooperate. A lot is happening in technology. It's a booming area, and I think you're going to hear a lot about Virtual Education Space.

The other thing has to do with the board at MCET. There's a new board that's been appointed by the Governor. The new executive director, Ray Campbell, has done a great job. The board recently awarded a contract for the Mass Community Network (MCN), which will tie together all schools, municipal buildings, libraries, and National Guard facilities. This will be a huge step forward for this Commonwealth and it will help us educationally.

Finally, I do want to talk about a major contract that this Department needs to enter into with our MCAS contractor for the next five years.

We issued a Request For Response this past summer, and in response we received proposals from Advanced Systems; Measurement and Evaluation, Incorporated of Dover, New Hampshire; Harcourt Educational Measurement from San Antonio, Texas; and Riverside Publishing from Chicago. I convened a rating team to evaluate each proposal in detail. The rating teams provided me with recommendations, and I personally consulted officials from Texas, Florida, and Vermont. Staff talked to people in many other states and national organizations, and we asked for independent evaluations. Based upon that input, I have decided to enter into final negotiations with Harcourt Educational Measurement to serve as our MCAS contractor for the period from 2000 to 2004. Harcourt's proposal provided two key components that will help us move forward with the implementation of MCAS over the next five years.

One, their technological capacity will allow them to turn around results more quickly than is presently the case. Number two, they have the ability to deliver an equally high quality program more economically. Harcourt is a well-established testing company with a good reputation and substantial technological capability. Their technology will be very helpful in processing student test results efficiently so that we can report MCAS results to schools and parents more quickly. It is very important to note that Advanced Systems, our MCAS contractor since the fall of 1995, has been extremely instrumental in helping us establish our assessment program as a central element of school improvement and education reform. We have had an excellent working relationship with Advanced Systems, and this decision is in no way a reflection of their performance. We have been and will be meeting with Advanced Systems and Harcourt in the near future to begin the transition process. This will ensure that future tests developed by Harcourt Educational Measurement will maintain the quality and comparability of MCAS. We expect to have concurrent contracts, for a number of months, with both companies, and independent contracts to measure comparability and ensure that all aspects of MCAS testing this year, and in the future, run smoothly.

DR. DELATTRE: Will there be a chance for us to review the contract and comment on it before it's signed?

COMMISSIONER DRISCOLL: Yes. That's why I notified the Board before this weekend. The decision rests with the Department of Education, but in the final negotiations I'd be glad to share whatever materials Board Members would like.

DR. THERNSTROM: This is obviously the Department's decision. On the other hand, Board Members will be asked, I'm sure, to respond to questions about this decision, and I would like to hear from Jeff Nellhaus on the impact of this decision on our ability to track student achievement over time. We are switching horses in midstream. I am concerned that the results will be properly comparable. I would welcome the opportunity to have a bit of a discussion so that we are in the position of being able to intelligently respond to any questions that come up in the public arena.

COMMISSIONER DRISCOLL: Fine. Mr. Chairman, I'd be more than happy to arrange such a review, either on an individual basis or perhaps as a group. This could include people from our assessment program, and perhaps even an

independent evaluator. I certainly want to make sure that people on the Board recognize that fundamental to our decision, even though there was a significant difference in the costs, was an assurance that the quality of the program be maintained and that the goals we set here in Massachusetts be fulfilled. I would be more than happy to arrange for that kind of discussion.

CHAIRMAN PEYSER: The only other thing I'd add is that the content of the test has always been a collaborative process involving the Department and the contractor. As we have been discussing over the last several months, the Department is going to take an increasingly larger role in overseeing the development of the content of the tests and the test items. It's appropriate to view this not as saying, "Well, since we're switching contractors, we're effectively switching the test." The content of the test is the responsibility of the Department, the State, and the Board itself. The contractor is responsible for implementation of that test, as opposed to the design and development of the test items.

DR. THERNSTROM: I think this should be part of this larger discussion I'm requesting. When the whole issue came up of increasingly moving content to the Department, one of the responses from some members of the Department, was: "We cannot become a mini-educational testing service here. There's a limit to what we can do in the way of providing content for these questions." We need to be informed, and I'm not challenging the authority of the Department in any way to make the final decision, but simply stating our need for a thorough briefing on this matter.

CHAIRMAN PEYSER: That's good. I just don't want to leave anyone with the impression that because we're changing contractors somehow the test is going through a seismic shift where the last test is no longer going to be comparable to the next. That's not the case at all. The process of developing the content of the test is one in which the Department is primarily responsible. That process and that responsibility will continue going forward. There are, undoubtedly, a number of implementation details that will change, and based on my briefing from the Commissioner, will change for the better. Nevertheless, in terms of the content and the comparability, I'm not expecting, based on all the information available, any significant change at all.

DR. DELATTRE: I don't dispute any matters of authority here. I'm just asking for the courtesy to see the contract before it's signed.

CHAIRMAN PEYSER: Let's go to the public comment. There are two folks who are signed up for comment on the competency determination specifically. I'm going to take them out of order. We're going to hear from those two people, then we're going to go to our discussion on the competency determination and come back to the other folks who have signed up for public comment.

Jack Bukowski, Marlborough

MR. BUKOWSKI: Good morning. I want to thank the Board of Education for seeking public comment on the issue of setting the MCAS graduation requirement for 2003. I think this is a critically important issue and one that can make a significant difference in the quality of education in this state. Speaking as the parent of two elementary school students, and as a physician scientist, I want to join other parents, educators, businesses and community groups in endorsing Mass. Insight Education's statement and support of a graduation requirement for 2003.

The MCAS test assesses student performance on skills that are necessary to succeed in the real world. As a scientist, I know that the ability to simply compute or regurgitate facts is not enough. The MCAS tests students' ability to think critically and to test hypotheses, so I applaud the schools that are in fact teaching to the test. I also applaud the Board of Education for proposing that the state stay on schedule for introducing a reasonable graduation requirement for the year 2003, focusing initially on math and English set just above the failing level. Rose Marie Boniface, Superintendent of Marlborough Public Schools in my district, is in favor of implementing these standards and thinks that most of her regular students have the ability to pass the exam. I understand that a passing grade on the math test is about 40 percent. This means that students could leave half the questions blank, get 20 percent of the remaining questions wrong and still pass the test. Students who fail will have two more opportunities in the 11th and 12th grades to pass a test containing 10th grade material. I hope this standard is raised as time passes and education reform has had a chance to improve student performance.

Certain problems will arise with the implementation of graduation standards. If local school districts must remediate failing students past the 12th grade, resources will be strained. And what becomes of students who are disabled, have special needs, or are socially and economically disadvantaged? The truth is that all students, disadvantaged or otherwise, gain nothing when we hand them a meaningless piece of paper at the end of 12 years, which is what we're doing now. There are plenty of people who have graduated high school who cannot read. This sad fact would have been inconceivable 30 years ago and is a disgrace. Nobody should graduate high school without being able to read. The answer to these problems is not to eliminate standards but to redouble our efforts to help all students, and especially disadvantaged students, to achieve the standards. With confidence that education reform is moving our schools in the right direction, I wholeheartedly support the Board of Education's decision to use the MCAS as a graduation requirement in the year 2001. Thank you for your attention.

APPROVAL OF MINUTES

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education approve the minutes of the December meeting as presented by the Commissioner.**

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

COMPETENCY DETERMINATION: Adoption of Regulation on Grade 10 Passing Standard for Class of 2003 (603 CMR 30.00) - Discussion and Vote

CHAIRMAN PEYSER: The next item on the agenda is the discussion and vote on the competency determination. As you recall, back in November, we took an initial vote on this and sent it out for public comment. The summary of the comments appears in your materials. When we took this vote in November, I believe we adopted a reasonable initial threshold. I also believe that we took into account most of the comments that have been made formally over the past two months. This certainly is not where we want to end up. But unfortunately, the threshold that we are considering today is a challenging standard for many, perhaps even most of our students. I believe it strikes the right balance between a standard that is both challenging and reachable. So with that, let me turn it to the Commissioner for further comment on the materials that have been presented, and then we'll open it up for discussion.

COMMISSIONER DRISCOLL: We broke down the comments for you. There were some addressing the actual standard of 220 for English and mathematics, others were concerned with re-testing. There were others, on a broader basis, that addressed the fear that many students might fail and the challenges that vocational students and special education students might face. I think we've summarized it well. The issue is now before the Board. I agree with the Chair that this is a fair, reasonable, and meaningful first step in establishing a graduation requirement. So with that Mr. Chairman, I turn it over to you and the Board.

DR. DELATTRE: For reasons I've offered, at length, in earlier meetings, and won't rehearse today given the weather, I continue to believe that this standard is too low as an initial graduation requirement for the Class of 2003. I think it is likely that the low standard will persist for some years thereafter until a change is made. Accordingly, I will vote against the resolution.

DR. SCHAEFER: I want to ask about some of the other issues that were raised before. For example, the appeals, would there be an appeals process?

COMMISSIONER DRISCOLL: There's nothing like reality to focus the discussion.

Once this decision is made, we need to focus. Earlier, Mr. Bukowski spoke of an occasion to retake the test in the 11th and in the 12th grade. We certainly are working toward more than two occasions for retesting in grades 11 and 12. We want to allow multiple opportunities. We need to look at the hearing and the appeal process and what is acceptable as an appeal. We need to look at an alternative assessment processes that allow students to demonstrate that they can meet the standard when accommodations can be made. The obvious ones are more time, large print, and so on. I'm willing to try anything as long as it's about the standard starting at 220 in English and mathematics, otherwise, I think we're doing a great disservice allowing students to graduate without those skills.

MS. SCHNEIDER: Mr. Commissioner, the Board has it on its tentative calendar for April to discuss those implementation issues.

DR. SCHAEFER: So, in other words, you will be coming back to us with a whole package of things that we will be looking at?

COMMISSIONER DRISCOLL: Absolutely.

MS. CRUTCHFIELD: I think this is a good place for us to start, and I have faith that we will review this because we'll keep bringing it up.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L.c. 69 ss. 1B and 1D and the Administrative Procedure Act, G.L. c. 30A, s. 3, and having solicited and reviewed public comment on the proposed amendment to 603 CMR 30.00, to be called Massachusetts Comprehensive Assessment System and Standards for Competency Determination (repealing and replacing the obsolete 603 CMR 30.00, Implementation of the Massachusetts Testing Program), hereby repeal said obsolete regulation and adopt in its place the amendments to 603 CMR 30.00 as presented.

The motion was made by Mr. Irwin and seconded by Ms. Crutchfield. The motion passed 8-1. Dr. Delattre opposed.

CHAIRMAN PEYSER: We will now go back to public comments to complete that phase of the agenda and then move forward

Richard King, Massachusetts Alliance for Arts Education

MR. KING: Good morning, my name is Richard King. I'm the Chair of the Massachusetts Alliance for Arts Education. I sit before you today with my colleagues Dr. Nancy Moses, our Chair-elect, and Melissa Glick to my right our Executive Director. The Massachusetts Alliance for Arts Education respectfully submits the following response to the Mass. Department of Education request for public comment on proposed routes to licensure.

MAAE strongly opposes two of the recommendations that will adversely impact arts education in public schools throughout the Commonwealth. The first recommendation we oppose is the omission of the arts as an appropriate second major for those seeking an elementary license in Grades 2 to 6. MAAE does not support this recommendation believing it will diminish the quality and quantity of arts experiences that elementary students will receive. This proposal appears to contradict the Mass. Arts Curriculum Framework Guiding Principle 1 that recommends all preschool and elementary students receive basic education in the four arts disciplines: dance, music, theater and visual arts. Since many schools in the Commonwealth do not have specialists in all arts disciplines, classroom teachers are often the only providers of quality arts experiences for elementary students. Furthermore, the Education Reform Act of '93 recognizes the arts has a core subject that must be taught in school. Allowing elementary education majors the opportunity to pursue a second major in an arts discipline is one way of ensuring that the arts will be an integral part of an elementary student's educational experience. MAAE believes that elementary teachers with substantial backgrounds in the arts are among the best qualified to address multiple intelligences and disparate learning styles of students in elementary schools.

MAAE also believes that elementary teachers with experience in the arts utilize one of the most effective ways to educate students about cultural diversity and provide students with quality cultural experiences. Research has shown that infusing the arts into the curriculum is an effective and creative way to facilitate learning in the other academic areas. MAAE believes that the arts should be eligible as a second major for the elementary license to accomplish these essential goals of education.

The second recommendation we oppose calls for the separation of the certification of communication in performing arts, communication theater and dance, into speech and theater eliminating dance. MAAE sees the separation of communication theatre and dance to be appropriate. But to eliminate dance altogether is ill-advised and also contradicts the Arts Curriculum Framework which has detailed specific standards and strands for dance education. While dance may be the least offered

arts discipline in our schools, many of the larger school districts in Massachusetts have exemplary dance programs and employ certified dance teachers. The Boston Public Schools alone employs 11 full-time certified dance teachers, and programs in Brookline and Cambridge have strength in dance as well.

Additionally, there are universities and colleges that would have liked to train teachers in dance education and were not able to establish programs under the cumbersome requirements of the certification for communication and performing arts. With a separation of the areas of dance, theatre and communication, institutions of higher learning in Massachusetts can continue to offer dance certification programs. MAAE is committed to advocating for quality arts education for all students in the Commonwealth, and we applaud the recent efforts of the Mass. DOE to adopt an Arts Curriculum Framework. However, the arts consist of four unique disciplines including dance, music, theater and visual arts. MAAE feels strongly that eliminating the arts as a second major for elementary license and eliminating teacher certification in dance severely undermines the positive gains arts education has made in Massachusetts. The Massachusetts Alliance for Arts Education strongly urges the Massachusetts Department of Education to reconsider these recommendations and preserve the options for artists to become exemplary elementary school teachers and for dancers to earn certification in dance just as their peers may do so in music, theater and visual arts. Thank you for allowing the Mass. Alliance for Arts Education to offer this testimony this morning.

Tolle Graham, Mass. Healthy Schools Network

MS. GRAHAM: Good morning. Thank you for giving me this opportunity to speak this morning. My name is Tolle Graham. I'm here representing the Mass. Healthy Schools Network, a statewide coalition of parents, school staff, environmental and public health professionals working to improve environmental conditions and indoor air quality in our schools, and I'm also the parent of Boston Public School children.

I'm here this morning to speak in favor of several aspects of the proposed regulations and administrative changes of the School Building Assistance Program. We believe these changes will greatly improve the design, building and maintenance of our school buildings and protect the health of children and school staff during renovation and construction projects. The Healthy Schools Network has received hundreds of calls over the years from parents, teachers and schools plagued by problems due to poor school design, air quality problems, construction and renovation emergencies that cause school shutdowns, evacuations and permanent health problems for some. These problems create great cost to communities to make up for poor design, cost of investigating and fixing problems, lost school time and academic learning. Furthermore, there's the personal toll these decisions take on health, sometimes permanently, costing an increase in teacher disability, upheaval of staff and special services to children who can no longer function in that school.

In June of 1999, the Healthy Schools Network, Mass Public Health Association, Mass Teachers Association, the U.S. Department of Education Office of Civil Rights, and the EPA sponsored an important conference on designing, renovating and maintaining healthy schools. The Commissioner was a keynote speaker there as well. Over 300 attendees representing those involved in the school community as well as contractors, designers and state and federal agencies strongly endorse changing SBAB regs to promote design criteria that includes environmental air quality and changes to ensure health and safety protections. This was verified in a follow-up survey we just conducted. I go into this detail to let you know that there is wide range support for these changes.

Specifically we strongly endorse the proposed requirement that renovation construction projects use the Sheet Metal Air Conditioning Contractors (SMACNA) IAQ guidelines for occupied buildings under construction. It helps control dust, fumes and exposure to hazardous materials. SBAB also requires in the proposals to include the cost of planning and executing these health and safety measures. We also agree with hiring project managers in communities, but these do not come without a cost. We're particularly concerned that the SMACNA guidelines may be viewed as an unfunded mandate and that the costs associated with health and safety protections may be traded off with buying cheaper or inferior materials, poorer ventilation systems in order to stay on budget. We agree that there needs to be more than two to three people overseeing the planning and approval process of the \$300,000,000 program. The Health Schools Network would like to see one of those additional staff proposed designated to provide training, information and resources to communities on healthy design criteria and technical assistance in preparing schools to use these health and safety guidelines. Finally, we agree that establishing a school building assistance advisory committee would be a sound option, but we would like to increase numbers of health and safety agencies and members with expertise in building design and a consumer representative.

CERTIFICATE OF MASTERY STANDARDS - Discussion and Vote to Solicit Public Comment

CHAIRMAN PEYSER: The next item on the agenda is Certificate of Mastery, which is the back part of tab 2 in your books. It doesn't have its own tab. It's part of the Competency Determination tab.

COMMISSIONER DRISCOLL: I have asked Ann Hess and Jeff Nellhaus to come forward. In our new organization, we formed a cross-team task force to talk about Certificate of Mastery. I think it's tab 2.

CHAIRMAN PEYSER: The purpose of the draft is to put in regulatory language the substance of the memo that you have in your materials. I want to make a couple of comments in terms of the memo and the substance of the proposal.

There is a more explicit recommendation about establishing the Minimum Eligibility Threshold for Certificate of Mastery. It is described on page 3 under the heading "Public School Students," that is, a score of Advanced in at least one Grade 10 MCAS test subject and a score of Proficient on the remaining sections of the Grade 10 MCAS. Students that scored at least Proficient on all sections of the MCAS, and scored Advanced on at least one of the sections would be eligible for a Certificate of Mastery. And then that leads to the next part of it which is performance, either on SAT II's or AP exams. This is a new part, called Qualification of Awards and Recognition Other Than Testing. This is an important point because it not only allows for students to demonstrate mastery through means other than a paper and pencil test, but it expands the number of subjects in which students can demonstrate mastery.

For instance, a student who has strong artistic ability and scores Proficient and in one case Advanced on the MCAS could demonstrate, through winning some artistic award or competition, mastery in fine art and qualify for a Certificate of Mastery. There are certainly some uncertainties or gaps around Qualification of Awards and Recognition Other Than Testing. In particular, we don't have a complete list of those things that seem to meet the requisite criteria for rigor that would make it possible for us to evaluate whether, in fact, an award or a recognition is worthy of Certificate of Mastery. There's more work that needs to be done in that area, but that's an important addition to the proposals we discussed before.

As the Commissioner mentioned earlier, there is the addition of the Koplik awards for students who do receive Certificate of Mastery. The intent here is to create a financial incentive and/or award for students to achieve at this level. It's open-ended, at this point, in terms of whether this would be a cash prize, scholarship, or some combination of the two, and there is no specific appropriation or funding available at this time.

The other issue is that the statute states, rather explicitly, that Certificates of Mastery are available for *all* students who reside in the Commonwealth. This implies that we need to create some path to a Certificate of Mastery for students who are in private or parochial schools. That creates certain challenges, not the least of which is that students in private and parochial schools don't take the MCAS which we've established is the minimum eligibility standard. There are clearly questions here under "Questions to Be Answered." A) Is there some alternative that we could offer students in private schools instead of eligibility as demonstrated under MCAS? B) Should students in private schools be allowed to take the MCAS test in order to qualify for the Certificate of Mastery? Commissioner, do you have anything further to add?

COMMISSIONER DRISCOLL: I think we're trying to balance two things. I give the Chair credit for pushing us on this. We want to get this to the point where we can award certificates this year. On the other hand, this is a complicated matter. As the Chair just mentioned, it involves not only public school students but students throughout the Commonwealth by statute. There are a number of important decisions that have to be made. During the public comment period, we will continue to narrow the questions and options. I am confident that we can put a very reasonable process in place. Clearly, it will change as we define things such as other areas that students can excel in, but I think we're off to a good start. We have to continue to make progress.

CHAIRMAN PEYSER: As a practical matter, if we can pull all this together over the next couple of months and issue final regulations, we will be able to issue Certificates of Mastery to the Class of 2000. It's unlikely that we'll be able to do that for private school students in the Class of 2000. At least, as an initial step, we can begin issuing Certificates of Mastery to public school students this coming June.

COMMISSIONER DRISCOLL: Mr. Chairman, if I may, I'd like to add that in this period of anxiety, this is an issue in which we received tremendous positive support, across the board. People like the idea of rewarding students who are doing their job. It seems we're always talking about the failing scores. It's understandable then that such recognition of achievement would receive such positive feedback.

DR. THERNSTROM: I'm confused about something.

CHAIRMAN PEYSER: Are you looking at the regulations now?

DR. THERNSTROM: Yes, I'm looking at the regulations. "Selection for activity beyond local school level based on excellence in artistic or literary achievement." Is that a substitute for performance on MCAS, the SAT's, or what have you?

CHAIRMAN PEYSER: It could be a substitute for performance on an SAT II or an AP test, but not for the MCAS. In order to even qualify for consideration, you have to perform at the Proficient level in all subject matter and Advanced in one.

DR. THERNSTROM: I admire artistic achievement, I really do, but I thought we were talking about academic mastery here. This does muddy the waters. I find it a potentially confusing element in this picture. For instance, any student who is part of the Greater Boston Youth Symphony or the Boston Ballet has made real accomplishment. We're not taking that accomplishment away by not including it as consideration in awarding a Certificate of Mastery. I think we should stick with a certificate for academic mastery.

CHAIRMAN PEYSER: Under this approach, you can't just perform well on MCAS and receive recognition or reward through some kind of competition or other kind of mechanism. You still have to demonstrate academic prowess in either the SAT II or AP. So, in other words, it's not a complete substitute. Instead of two AP exams, for instance, you could have one AP exam, as it says here under the proposal, and two other non-test achievements. It's not a waiver, if you will, of academic achievement, but a substitute for some components that would otherwise be required. This is a reasonable point of discussion, however, the intent was not to provide a free pass from academic achievement, but to allow students to demonstrate mastery in areas beyond the core academic subjects.

DR. SCHAEFER: I respectfully disagree with Abby, because I think that in order to achieve admission to the Greater Boston Youth Symphony or to achieve some artistic prize there is definitely an academic component. You have to have an understanding of music theory in order to be able to perform well. There is definitely an academic component in these things, and I think that they should be considered. As Abby herself points out, not all students are good in science and can compete in the National Science Fair. I think this deserves consideration.

DR. THERNSTROM: Roberta, there is an academic component in music but there isn't in painting. Frankly, standards in painting are subjective and vary from year to year.

MS. CRUTCHFIELD: This is a radical notion - Isn't it about time we stopped trying to separate the arts from the academy? This is a whole as opposed to separate components. And to say, "This doesn't belong here." Well, of course it does. If we're trying to educate well-rounded students, it's all part of the whole.

MR. LaFLAMME: I just wanted to add that there are AP exams in both music theory and studio art. If you're making the distinction on an academic basis, the same kind of achievement might be reflected in a test like that.

DR. THERNSTROM: I didn't realize there was an AP exam in studio art.

MR. LaFLAMME: Yes, it's a portfolio.

MR. IRWIN: I think we've neglected the vocational-technical students and the Certificate of Occupational Proficiency, including the degree of knowledge and skill it takes to pass that. It's important that we include something like that and look closely at what's going on in the vocational-technical schools. Anyone who has attended the vocational-technical student awards can understand what I'm talking about. They know that these students are going on to four-year colleges and universities. It's something we should not overlook.

I also have a concern about the private schools and how we're going to work this out. It seems we're leaning toward setting up a dual procedure here by allowing the private schools to do something different than the public school students. We have to look at that very, very closely.

CHAIRMAN PEYSER: I appreciate your comment on the vocational side. We ought to make sure that when we're identifying awards and other recognition that we look there as well to see if there is a fit. During the public comment period we ought to seek as much guidance as we can on how we might administer a private school Certificate of Mastery that doesn't create a double standard. We should also seek guidance from the legislature in terms of understanding the legislative history of this. We've gotten some mixed signals in terms of what the language means and why the specific language is in there. We ought to pursue that as well.

COMMISSIONER DRISCOLL: I'd like to go back to Abby's point, and then give some updates.

DR. THERNSTROM: I can already see I've lost this point.

COMMISSIONER DRISCOLL: I want to un muddy it for you.

First of all, I think our committee was very careful on page five when they mention "Other Awards." It's tied to academic achievement. Even though achievements such as reaching Eagle Scout or other things are wonderful, that's not what this is about. Clearly we're talking about a connection to academic achievement. More importantly, the law should un muddy it because the law says, "demonstrated excellence in areas not reflected by the state's assessment instruments, such as artistic or literary achievement." That should un muddy it.

MR. LaFLAMME: The Student Advisory Council discussed the Certificate of Mastery issue at great length, at our January meeting. The consensus echoes a lot of the positive comment that the Department has received. Many of the council members saw this as a positive step towards recognizing high achievement. I do have a few questions, however.

When we talked about this in December, I was under the impression that the initial MCAS criteria would be performance at the Advance level in both English and math, am I mistaken about that?

CHAIRMAN PEYSER: That was one of the options discussed. However, in conversations with the Commissioner and members of the Department's ad hoc committee, there was a judgment made that requiring Advanced in one should be sufficient to establish the eligibility threshold. That and continued high performances demonstrated in other assessments. The combination of those two things would be sufficient. I'd be interested in your comment if you think that's too low a standard.

MR. LaFLAMME: It's not that I disagree with that necessarily. I do remember that there was a number given of 1200 potential candidates in the Class of 2000 for this Certificate of Mastery. And that number, as I recall, was tied to Advanced performance in both of those categories. So my question is - Does that number change if we use the new criteria? And if so, is that going to be a fiscal problem as far as scholarships or something of that nature?

COMMISSIONER DRISCOLL: You're right. We've run the numbers on Advanced in both and Advanced in one and so forth. It's a pretty small percentage that scored Advanced in both. Some would say that's because the test doesn't count yet. In fairness to the Class of 2000, who were tested in 1998, we thought Advanced in one was more reasonable. We will obviously make those numbers available to the Board. As far as the financial impact, I would hope that that would not be a deal breaker by any means. I would be confident in arguing for a financial incentive before the administration and the legislator because I think this is small money when you think of the reward. After all, the Governor has introduced Tomorrow's Teachers Fund which gives free tuition and fees to students who graduate in the top quarter of their class and go on to a state college or university. We're not talking about that kind of money.

MR. LaFLAMME: Just one other thing. Perhaps the December version was a little more specific, and now we're looking at more general questions as far as public comment, but I seem to remember an option about scholarships to public or private institutions. The Council was appreciative of extending that also to include private institutions. As far as the Tomorrow's Teachers Scholarship goes, I often hear, "I wish that money could apply toward a private school." I'm sure that that's something that will come up in the public comment period, but I thought I would bring it to the Board's attention at this time.

COMMISSIONER DRISCOLL: There are different reasons for different programs. I'm not sure the Governor has the authority to talk about free tuition at private institutions, so it's a bit challenging. If the proposed regulations pass and if there's a financial incentive, it will be for achievement. I would be concerned about limiting it because someone is going out of state. My hope is that it would be universal. In fact, the law says "all students." I don't think those restrictions that are true for other programs will necessarily apply; I think this clearly is more universal.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with Chapter 69, sections 1B and 1D of the General Laws, authorize the Commissioner to prepare proposed regulations for the Certificate of Mastery that incorporate the standards for the Certificate as presented, and to solicit public comment on the proposed regulations, in accordance with the Administrative Procedure Act.**

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

CHAIRMAN PEYSER: I'd like to return to public comments and invite the Representative Hodgkins to come forward.

REPRESENTATIVE HODGKINS: Good morning, Mr. Chairman, Commissioner, Members of the Board of Education. Thank you for allowing me to be here today and taking me out of turn. I appreciate it.

I represent the 4th Berkshire District, which is the farthest western most district in Massachusetts. It borders Connecticut and New York. My district is 560 square miles, and I represent 17 towns. I come today to speak about the issue of SBAB and building renovations versus building new schools.

In the past 17 years since I've been a legislator, we have built seven new schools in our communities, and more and more and more we're seeing our community schools, schools that compose a large part of our downtown communities, left vacant. There's probably a wind fall for every assisted care living company this side of the Mississippi, but the fact of the matter is we are losing a lot of our historic buildings and a lot of our community schools.

Last July Commissioner Driscoll issued a memo to the superintendents and related parties concerning the reuse and renovation of existing school buildings. The memo stated the Department's preference is to reuse and renovate existing buildings whenever it is cost-efficient to do so and can meet the educational needs of the district. As some of you might know, I filed legislation and a budget amendment last year to enable school districts to opt for renovation regardless of whether the community has land available where the new school could be constructed and whether or not the existing building is wood framed. The language was adopted by the House, but unfortunately did not survive the Conference Committee.

My purpose today is to advocate for this measure that you have in front of you. It appears that rural school districts are not allowed or not encouraged to apply for reimbursements for renovations to their existing buildings because there exists open space in which a new school can be built. To require this from rural schools nullifies the role that a school building plays in a community. It discounts the historical value of the building and the preservation of open space. The method of operation also neglects the notion that school buildings are the crucial fiber in the downtown life across Massachusetts. By forcing rural school districts to build new schools, it diminishes their presence in the heart of our communities while encouraging rural sprawl and destruction of open space. Our school buildings and our open spaces are cherished jewels in our community, and especially in Western Massachusetts. I could give example after example. In my hometown of Lee, we had an old school building. Most certainly it could have been renovated. But because we had space, we were forced to build a new school.

About 12 years ago the legislator from Chelsea, Richie Voke, couldn't attend a Flag Day ceremony there, and he asked if I would go and speak at the Pratt School on Flag Day, which I did. Then, about five years ago, I'm riding down 93 and I see the Pratt School. The Pratt School was absolutely beautiful. It was all done over. It was renovated. It was right in the heart of that community. And I was saying to myself, "Well, how could they do that when they could not provide that for some of our schools in Western Massachusetts. The downtown areas in Western Massachusetts, are a crucial part of our community, and it's important that we try to help them thrive.

Nobody wants our children in school buildings that aren't going to meet all their educational needs for the future, but I believe that if we adopt the Commissioner's recommendations we can incorporate both. We can preserve some of our old historic buildings while making sure that we do what's necessary to incorporate the educational construction and infrastructure and technology that we need for the next century. I'm hopeful that you'll be able to do this because it's a debate in many of our small communities. If you pick up the Boston Globe, or one of our local papers, every three months there's always the story about building on a piece of farmland or building next to conservation land. I'm all for the SBAB program, but there needs to be some way that we can make this work for our rural communities. I'm hopeful today that you'll be able to incorporate the recommendations of the Commissioner. I'll be glad to answer any questions.

COMMISSIONER DRISCOLL: Thank you, Mr. Representative. I want to ask a question because it's instructive and at the heart of the issue. You used the words "forced," and I wonder if you could characterize the play between the local officials in Lee and our paltry staff in SBAB. Did the Department of Education say, "Don't bother renovating, why don't you build new over here," or, in what I'm told was the spirit of the legislation, "Whatever the locals want; let the locals decide." I'm interested in your guess as to how this played out. Was it more the Department or more Lee? This is at the heart of what has gone on in SBAB for a long, long time.

REPRESENTATIVE HODGKINS: I think it was the folks at SBAB, and I say that in all due respect.

COMMISSIONER DRISCOLL: That's fine; it's why I wanted the answer. I accept that.

REPRESENTATIVE HODGKINS: The department has been excellent in helping our communities out. I can understand most certainly that when anybody is looking at 62-percent reimbursement, the state has a responsibility to make sure that their investment is going to be fiscally sound, and that we're not going to renovate a building because it's pretty or has sentimental value. At the same time, there needs to be an understanding that some of those buildings can be done over and renovated in a way that it makes sense.

I was doing a local Brownsfields tour in Scranton, Pennsylvania where they have lots of Brownsfields. One of the things that interested me the most was the fact that in one section of their community they had a high school and an elementary school complex. In Pennsylvania they had similar rules in regards to building construction. They had these beautiful marble school structures, constructed at the turn of the century, that according to the new regulations could not be renovated. They had to build new. But, when local architects came in and were able to blend some rehab money with development money, they did those schools over as training centers. They moved in a community college. They moved in office space, and it's absolutely beautiful. But the crucial part of the story lies in what the architect had said, "I can't believe they left this building."

I know there are issues about wood structures and being landlocked. Obviously none of us want to invest in a piece of property that's going to be landlocked and 20 years from now will not meet our needs. There are some instances where we cannot renovate an existing school structure, but in some cases it is feasible, as was the case in Lee. I think it's the priority and the initiative of the folks at SBAB to get the best bang for their buck. If they are looking at a school building issue, and they know that one mile up at the road there's a beautiful piece of farmland available where they can throw a footprint in that's going to meet the need, then that's what they do.

COMMISSIONER DRISCOLL: I appreciate your candor. That's exactly what I wanted. I appreciate that.

SCHOOL BUILDING ASSISTANCE: POLICY ISSUES AND AUTHORIZATION TO SEEK PUBLIC COMMENT ON PROPOSED AMENDMENTS TO REGULATION (603 CMR 38.00) - Discussion and Vote

CHAIRMAN PEYSER: I'm very pleased with the proposal that's on the table. I have a great deal of praise to offer the Commissioner and Jeff and all of those who worked on this. We did discuss much of this a couple of months ago in the budget and finance committee meeting. This is consistent, as far as I know, with the report that's coming out of the administration on school building assistance. This is an effort to jump-start the reforms that are suggested in that document. There are just a couple of comments I'd like to make on some of the specifics here.

One is that the proposal attempts to create more flexibility in the kinds of projects that can be funded under school building assistance. In particular, this involves allowing funds to be used, for modular construction or other kinds of construction projects that currently tend to be excluded from reimbursement under school building assistance. At the same time, it puts in much needed oversight to ensure that we're getting the most bang for the buck; and that the projects that are undertaken with reimbursements from the state under SBA are undertaken in an efficient manner. This includes the requirement for construction managers. It includes the establishment of the interagency advisory committee. It includes the authority to exclude certain items such as field houses, swimming pools, skating rings and other sorts of things, all of which will lead to a much more efficient and effective program. This will allow us to do two things.

One, control the significant growth in this program. It's one of the fastest growing accounts in the state budget and is rapidly approaching, even if we approve no further projects, \$400,000,000 a year. At the same time, in addition to controlling costs, it will allow us to do more projects. This is clearly in the interest of the communities that are on that long and growing waiting list. So, again, I want to congratulate the Department for bringing this forward. It's a very strong proposal, and I hope Board Members will support it.

COMMISSIONER DRISCOLL: I'd like to begin with a couple of introductions. You all know Jeff Wulfson, and to Jeff's right is Chris Lynch who has taken over the school building assistance program since Jim Anderson left. To Jeff's left is Jay Sullivan from Accounting and Contracts. Both Chris and Jay have been long time employees here at the Department and do an outstanding job. You need only to talk to people in local school districts to know that they, and Jim Anderson before them, represent the best in state government. I want to make two quick comments.

Number one, I want to compliment Charlie Baker who is chairing the finance subcommittee. When he was secretary he did try to provide leadership and address this issue in a number of ways.

I must say I was late to the game. It was always my impression that this was an issue, being a legislative program, which by the way has been reauthorized until 2003, which called for compliance. We were to comply with the great and general court, as well as the will of local school districts. It took me a while to see that if it keeps going the way it is, we will have financial dimensions that rival The Big Dig. It is also true that through regulations we can make a number of changes that are logical and right.

The second point I want to make is that this is getting confused, unfortunately, with the report that's coming out soon, probably as part of tomorrow's House 1 in outside sections. It is being presented by the Secretary of Administration and Finance. Two weeks ago, I had a conversation with him, at the Chair's request, and asked whether or not he wanted us to wait until February to avoid such confusion. He suggested that we go ahead, and that's what we've done.

Much of what the Governor will present will require legislation and will take a long time. So we want to go forward with the regulations. In all cases it complies with the spirit of the report that Ann Hess is making and the Governor is proposing in terms of legislation. I do think it's fair to predict that the Governor's proposals will include an independent board to oversee this program. I think we all agree that if we're going to do this right and provide the oversight that's needed, after all the state pays anywhere from up to 90 percent for some of these projects, additional staff is going to be needed. This program has been run with very little staff. As we all know, it has grown in leaps and bounds. The job our staff has done here at the Department has been Herculean. I want to make sure that is well-known. With that, Mr. Chairman, I'm glad to turn it over to the Board and Jeff.

MR. IRWIN: Mr. Chairman, I agree with what we're trying to do here. I think it's a great idea. In '93 and '94, I was appointed, by the Chair, to head up a committee to look into all the schools in the Commonwealth of Massachusetts. We put together a questionnaire to all the school systems in Massachusetts requesting information not only on their inventory, but whether they were wood framed, what kinds of roofs they had, heating systems, windows, asbestos problems, lead paint problems or anything else. The Department should have the paperwork. Dave is correct, due to the limited staffing of the school building assistance program they have never been able to enter any of this into a database, but we do have the paperwork. I just want to bring that to your attention.

CHAIRMAN PEYSER: That's a good point. I appreciate that.

DR. SCHAEFER: I'd like to raise one of my favorite subjects, the size of the buildings. The Chairman made reference to the Education Reform Review Commission Report on Charter Schools. One of the things that he did not mention, which I think was a key finding, was that what was distinct about charter schools was their size. They were small, small in number of students, and therefore smaller in terms of the size of those buildings. Whatever benefits accrued to charter schools were probably the result of their smallness. They minimized that, but we know that the benefit that accrues from a small school is not insignificant at all. Namely, it's much more of a community and people know one another. The recent research on this indicates that smaller is better. I would like to know whether the regulations in any way can encourage smaller schools or that larger schools be broken down into smaller units so that there is much more of a community and students are not anonymous and lost.

MR. WULFSON: We actually had a discussion about this whole issue at the Commissioner's Senior Staff Meeting last week.

We've had this SBA program but we've never really tried to build into our program requirements educational issues and needs. One of the things we've highlighted and requested in our budget request for next year is the whole issue of the space requirements. We've had a lot of feedback that says the buildings are too big and that we're allowing too much space for some components, but we don't have the expertise on the staff to address the issue.

The space standards have been in place long enough. It's time to really revisit them. What we'd like to do is hire consultants who can look at what other states are doing, look at what the research tells us, and then come back with additional changes that would go to this issue of how big the buildings should be and how much space we should allow for classrooms. It's been pointed out, for instance, that if we're going to encourage smaller class size, particularly at the lower grades, that should translate into less space requirements there. This, in turn, fits into the whole issue of renovation because in the past we viewed an existing building as inadequate because it didn't meet these rather generous space standards. What we really need is a range of maximum to minimum. Maybe there's a smaller amount of space that would be adequate, if not even ideal. Again, we need some more expertise than we have, but that's definitely on the work plan to address those issues.

CHAIRMAN PEYSER I'd like to underline that point. On page four there is a note that there will be a review that gets to some of the issues Jeff was just talking about.

I would encourage the Department to think about creating a regulatory framework that allows as much responsible judgment as possible on the part of the people who are involved in designing and approving the building, rather than trying to replace one kind of statewide consistent standard with another. It is likely to be inappropriate for any number of individual projects that have their own special circumstances.

I'd also like to reinforce your point that there tends to be an assumption that by consolidating schools and creating larger buildings you're creating efficiency. There are efficiencies and economies of scale in education, and I've never really seen anything to demonstrate that that's true. And in fact, the more consolidation that goes on the more administrative and overhead costs that are created. So I would question whether, in fact, there really are economies of scale in this business, not only economically, but educationally. There seems to be significant benefits to smaller schools. To the extent the regulations and the administration of the regulations influence the size of schools, I do think that we ought to re-examine that and figure out if we can reverse the incentives.

DR. SCHAEFER: Right, and let's not spend too much time on the research of it, because it is out there.

MR. WULFSON: We just want to do a good job. And, of course, one of the issues that always comes up is whether or not we should impose standards. The deference we give to the local needs is due to the fact that the funding mechanism project creates strange and sometimes perverse incentives at the local level. When they're only paying 10 or 20 percent, you can't count on them to do what's in the public interest. They will do what's in their interest but not necessarily from the Commonwealth's standpoint.

Mr. Chairman, there is one piece in the proposed regulations that we were not able to include in your board packet. I would like to provide you with an update on the square foot cost limits, which, as you know, are updated annually. Last year, at the Board's request, we identified a construction industry index -The Engineering News Record Building Cost Index for the City of Boston, published in January of each year. We used that last year for the first time, and we now have the January

2000 index available, that would result in proposed updated square foot cost limits. This is on page 2 of the proposed regulations. For elementary schools, it would increase from \$161 to \$163, for middle and junior high schools, from \$171 per square foot to \$173, for high schools, \$183 to \$185, and for vocational schools, \$195 to \$197. That reflects a 1.2 percent inflation for the year.

CHAIRMAN PEYSER: That's the best number I've heard in four years.

DR. SCHAEFER: Is that a figure that applies across the state?

MR. WULFSON: Yes. We had some economists in this past summer looking at geographical cost differences both for this program and for the Chapter 70 program. Their conclusion was: Although there are cost differences around the state, there is currently no reliable and available and frequently updated data source that would allow us to create an index.

DR. SCHAEFER: Can they develop one, these economists?

MR. WULFSON: If we could pay them they'd go out and do the research every year. But for a program that I don't have any administrative money to begin with on . . .

MR. LaFLAMME: I'm looking at 38.07 on page 3, "Applicants may apply for a major reconstruction grant provided that it has been at least 50 years since such building or portion of a building was constructed or most recently renovated." I guess I'm just curious how we arrived at 50, whether that's a reasonable number or not.

MR. WULFSON: First understand what this proposal is attempting to do. At the same time that we're proposing to increase our funding for certain types of projects like boiler repairs and roof repairs and modular construction, what we want to get out of the business of doing is helping school districts maintain their existing buildings. We believe it is a responsibility that the local district and the local city and town should have. Too often, a community will come in for a project that will involve adding an addition on to a 25-year old building. We're more than happy to provide the funding for that addition. Providing the extra capacity is something this program is designed for. But what's happened in the past when cost has been less of a concern is, "While we're at it, why don't we just renovate the existing building, repaint it, fix the walls, put in new lockers, new furniture, repair that leaky ceiling." So what should have been a \$10,000,000 addition now becomes a \$30,000,000 addition and renovation. So we're saying to the district is, "What the law really requires, and what makes sense in terms of your balance of responsibilities is the kind of stuff you need to be doing every year. Don't tell us you need help painting the building, that's your responsibility." The 50-year rule is in recognition of a couple things.

One is that when we build new buildings we expect them to have a 50-year life. It's also in recognition that school buildings get a tremendous amount of wear and tear. Most of these building are used 7 days a week, 18 hours a day, between community meetings in the evening and preschool programs and after-school programs. Even if a building is properly maintained, after 50 or 60 years it's due for a renovation. Given that we still have a significant stock of buildings that are between 50 and 100 years old in this Commonwealth, we were uncomfortable saying, "We're not going to help you at all with those buildings." That seemed to be too much of a change and would leave too many urban districts in the lurch. This seemed to be a compromise position. For the first 50 years you need to maintain the building, but we're willing to put some money into a school building every 50 years.

CHAIRMAN PEYSER: I believe in the administration's proposal there will be some incentives, in terms of reimbursement rates, for districts that do invest in maintaining their buildings.

MR. WULFSON: Yes. The one thing we can't do through regulation is deal with the whole issue of the reimbursement rates, both the equity of them and the need to build some incentives in there. A lot of what you'll see in the Governor's proposal goes to the reimbursement rates. I assume everyone understands we're just asking the Board to go out for public comment, although clearly people are already lining up to give public comment. I think there will be a lot of interest in this from the schools and communities. We're anxious to get that feedback because we know we're getting into some uncharted areas here. We expect to come back to you in March with analysis of those comments and perhaps some proposed changes.

MR. BAKER: Do you know if the administration is going to put the \$400,000 in for administration?

CHAIRMAN PEYSER: For the SBA?

MR. WULFSON: We're not at liberty to say.

COMMISSIONER DRISCOLL: Give us a guess.

MR. WULFSON: I believe the Governor will be supportive.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, under the authority of Chapter 69, Seciton 1B and pursuant to Section 11(b) and © of Chapter 645 of the Acts of 1948, as amended, authorize the Commissioner to solicit public comment and review, in accordance with said Chapter 645 and General Laws Chapter 30A, the Administrative Procedure Act, on the proposed amendments to the School Building Assistance Regulations and program cost standards, 603 CMR 38.00.**

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

CHAIRMAN PEYSER: Passes unanimously and goes out for public comment and will return -- what's the schedule?

MR. WULFSON: March.

MR. WULFSON: The reason we want to move ahead now is we want whatever changes we make to apply to the projects that districts are now working on to submit to us for the next funding cycle.

COMMISSIONER DRISCOLL: The number of projects is increasing, and the people before you are doing tremendous work.

As we go to the next item, I would like to make an editorial note that we did not violate the Schaefer rule. We're suppose to have something discussed at one meeting and voted at the next. However, that can be overridden by a majority. It was unanimous. But this is a new wrinkle, Mr. Chairman. I want to be up front about this idea that we bring something into the Board and then put it out for public comment right away.

CHAIRMAN PEYSER: I would add further that although the specific proposal was not discussed at the budget and finance committee, we did discuss the general area of school building assistance and the general direction of these reforms.

We have basically two items left on the agenda. One is to take up the renewal of two charters, specifically the City on a Hill Charter School and the South Shore Charter School. Then we will have a presentation and discussion, led by Juliane Dow, on school and district accountability and further developments in that area. With that, I'd like to turn it over to the Commissioner and to our New Associate Commissioner, Jose Afonso, who is sitting next to Ms. Barker.

**CHARTER SCHOOL RENEWALS: CITY ON A HILL CHARTER SCHOOL AND SOUTH SHORE CHARTER SCHOOL;
Waiver of Deadline - Discussion and Vote**

COMMISSIONER DRISCOLL: Let me formally introduce our New Associate Commissioner for charter schools, Susan Barker. She comes to us with a great background. We welcome her and Jose Afonso, who has done such great work on all of these renewal projects.

The two issues before you are: the renewal of two charter schools, which I am recommending, and a motion to waive the February 1 date until one month from now in order to receive information from the Atlantis Charter School in Fall River. Frankly, this is the result of their inability to get us the information we need in a timely manner. I'm not happy about asking you for a waiver, but I think the school and the children deserve the consideration. If the adults can get their act together, we'll be back here next month with that information.

You've gotten all the materials from the two schools up for renewal. I'm recommending both schools, City on a Hill and South Shore Charter School, be renewed.

CHAIRMAN PEYSER: Suzan, I know you're on the spot here since you've done a good job in all of 7 days. But if there are any summative comments you want to make about either of the schools now is the time. Jose?

MR. AFONSO: As the Commissioner pointed out, in the summary of recommendations we essentially provide evidence for both schools and evidence that answers the three basic questions regarding our accountability system. And just as a reminder, the three questions are: Is the academic program a success; is the school a viable organization; and has the school been faithful to the terms of its charter. And the answer to all three questions for each of these schools has been a yes. If you feel it is necessary to go over the process by which we reached this conclusion, we would be happy to do so.

CHAIRMAN PEYSER: I don't think it's necessary. I would like to commend the quality of these evaluations, and the ones that have preceded it. They have brought into view not only the strengths but the weaknesses of all these schools.

The two that we have before us certainly are not dissimilar from others in having both strengths and weaknesses. I know that Board Members are familiar with the issues, administrative issues in particular, at South Shore Charter School, which required an auditor's report a year ago. There's a memo in the materials that was developed by Ann Hess, through fairly extensive interviews and document reviews, around some of the claims related specifically to the reporting of enrollment. She has found that while there were errors in reporting of enrollment figures those errors were ultimately corrected, did not lead to any misallocation of state funds, and have been corrected internally within the charter school. The evaluation report indicates that there have been some administrative problems at South Shore over the years. The general conclusion of the report is that those problems are being brought under control and that the Board is taking steps to not only improve its own capacities for governing the school, but to strengthen the day-to-day administration of the school.

There have been some significant improvements in terms of the academic performance measured by MCAS and other standardized measures at South Shore. At the high school, where the first year MCAS results were quite low, there was substantial improvement this year. This appears to be the result of direct steps taken by the school and its administration to improve the academic content of that program and its alignment with the state standards. There is high praise offered for the elementary school program as well at South Shore. So while it certainly has not been without its ups and downs, the report's overall evaluation fairly presents the school and a positive picture about its future and potential.

City on a Hill presents a different set of issues. Overall, there's a conclusion that it's a very strong academic program with a very strong and talented teaching core. The issues raised here in the report have to do with alignment between the academic work that's going on in the school and the standards. The school is making efforts to improve not only the level of communication within the school, but the alignment internally and externally with standards. One comment that needs to be made is that City on a Hill, as the data indicates, graduated 24 students last year. That was half of the original incoming class. The important thing to remember is that City on a Hill is attempting to do something that is not unique to charter schools, but is unusual in K to 12 education. They are establishing graduation requirements based on the achievement of competency in certain specified areas, the achievement of academic standards. That often requires students to spend more time in school, not only during the regular school year but beyond their four years of high school. This is a difficult thing for many students to accept. It's certainly not the standard operating procedure in most places. I think that has, in part, contributed to their loss of students. It has contributed to the fact that some students scheduled to graduate last year are still at City on a Hill. In part, the statistical weakness of City on a Hill in terms of its graduation rate may be a reflection of its strength in terms of insisting on high standards and high performance. Again, I commend the reports for focusing not only on the strengths but the weaknesses of these schools. I hope that they will be instructive not only for the schools themselves as they go forward but for educators throughout the public system in terms of improving the quality of their schools.

MR. LaFLAMME: I just wanted to call the Board's attention to page 10 of the booklet we have. Speaking about City on a Hill, and maybe this is a somewhat tangential point, but it's interesting. In that last paragraph, "A history competency requires students to pass a test given to people wishing to become U.S. Citizens. At town meeting every student has an opportunity to discuss political topics selected from historical and contemporary events through internships and the City Project, a researched based project in the City where students participate in the civic life of the Boston community." Last night, at our planning meeting we talked about promulgating student leadership by a very strong connection between civic

education and academic learning. I think that it is to the credit of City on a Hill that they have implemented a connection in that way. And while we certainly would encourage them to move towards external alignment with the frameworks, I think that they're to be commended for that, and that perhaps that model is one that we might look at replicating elsewhere.

CHAIRMAN PEYSER: One other thing I'd say about City on a Hill is that they've also been very active in reaching out to other schools in Boston and elsewhere. There is a collaborative program around teaching calculus that was initiated by City on a Hill and funded by a federal grant received through a joint application filed by City on a Hill and the Boston Public Schools. They invite outsiders from Boston and elsewhere to come in and participate in juried assessments of student performance and work at the end of each school year. They're very active, as you were saying, in reaching out to the community through internships and other programs to engage the students in the practice of citizenship, which is a core feature of their mission.

MR. LaFLAMME: Sounds like a place I'd like to visit.

DR. SCHAEFER: I commend the charter school office on the quality of not only these but the others.

I have a question that relates to our next topic - accountability. Would it be possible for some of the teams that have reviewed charter schools to be the same teams that go into the other schools that we'll be looking at? Obviously we've subjected these charter schools to a great deal of scrutiny, and it would be interesting to see what the reaction is of the same team to looking at some of the other schools that we're going to be reviewing.

MS. CRUTCHFIELD: I would say, if not the same teams, the same scrutiny, the same format.

COMMISSIONER DRISCOLL: I think that's a very good point. The members have gone through extensive training. It is the same expectation for people involved in the district reviews.

DR. SCHAEFER: I would rather see the same team do the review rather than people looking separately at charter schools.

CHAIRMAN PEYSER: There are two things I would encourage the Department to do, and I have talked to the Commissioner and Juliane about this in the past. In developing the protocols and process for school evaluations, distinct from district evaluations, we ought to try to build on the very strong experience we've had over the past year in evaluating charter schools. Not only in terms of the process but also in terms of the people. Ultimately, the limiting factor in terms of doing these evaluations is having competent, experienced people who know what they're looking for and who will exercise the right kind of judgment. This requires a very interesting balance of being able to judge competence and quality without necessarily being biased against a particular approach. This is the essence of charter schools, they celebrate the diversity of educational programming.

DR. SCHAEFER: There was just one other point that I'd like to raise. We've made a decision that the schools that we're going to be looking at are the lowest performing schools. It would also be interesting if we could take some of these teams and go into schools that have done extremely well. Maybe some would volunteer to be held up to scrutiny. The teams would see what difference there is so that we'd have some kind of control group as well.

On a motion duly made and seconded, it was;

VOTED: **that the Board of Education, in accordance with General Laws chapter 71, section 89 and 603 CMR 1.00, and subject to the conditions set forth below, hereby grants a renewal of a public school charter to the following schools for the five-year period from July 1, 2000, through June 30, 2005, as recommended by the Commissioner:**

Commonwealth Charters:

1. City on a Hill Charter School

Location : Boston

2. South Shore Charter School

Location: Hull

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

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

On a motion duly made and seconded, it was;

VOTED: that the Board of Education waive the provision in the Charter School Regulations, 603 CMR 1.11 (1), that provides for notification to charter renewal applicants no later than December 1 of the year in which the renewal application was received; provided, however, that this waiver shall apply only to renewal applications pending as of this date; and provided, further, that all such charter renewal applicants shall be notified of the decision to renew or not to renew the charter and the reasons therefor no later than March 1, 2000.

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

SCHOOL ACCOUNTABILITY AND DISTRICT ACCOUNTABILITY

CHAIRMAN PEYSER: We will be combining school and district accountability in the presentation and discussion. Julianne Dow is joining us now.

MS. DOW: In September, the Board adopted a School and District Accountability System. It has two units of evaluation - individual schools and school districts. For evaluating schools, there are really three steps in the process. The first is a School Performance Rating System that utilizes MCAS results. For schools that are identified through that process as either having very good performance and very good improvement or for those who have low performance and aren't improving. We have a second stage to the process, a more detailed review that may lead in either case to an on-site inspection. So those are the three stages of the process.

Last week we sent out, to all schools and superintendents, copies of the reports for all schools -- a Mid-Cycle Progress Report on the School Performance Rating System. It included an explanation of the School Performance Rating System, which would be familiar to all of you from the proposal that was approved last September. I've given you, in your Board Book, copies of two reports that are from actual schools. You can see, from the way the report is designed, how the calculations are performed in order to give the ratings. We will be giving ratings next year based on two years of data averaged. In this Mid-Cycle Progress Report we have shown the baseline performance from 1998. We've put in what the specific improvement expectations are for each school; that appears graphically as the little red box in the section under Improvement. That's their target range for improvement. Then we showed the 1999 results that either show that they are headed toward that target or that they are well on their way. One example shows a decline in performance from 1998 to 1999 therefore illustrating a much bigger gap to close to get an average score that will fall within that target range when we have the results of the 2000 MCAS exams.

This is our attempt to make sure that all schools are paying attention. They know that we have this system, it explains the system, and it shows them how they will receive their ratings next year. We intend to use this same format. This is set up to print off of an Access database so we're able to print individual school reports. Next year, when we have the 2000 data, they will receive an overall rating on the two dimensions that we are considering, both absolute performance and improvement in performance.

In the regulations, with respect to school performance we made provision for this interim year. Before we make final ratings, we'll look at the '99 data, compare it to the 1998 data, identify the schools that were the lowest performers in 1998, and look at whether they had made any progress in '99. Those who made no progress may go forward potentially to a declaration of under-performance in the current year.

Before we would make a declaration of under-performance, we would have a School Panel Review, which is the second stage in the process. This involves coming together to look at more detailed data regarding the school's performance:

disaggregating the data we have, looking at attendance, dropout rates where they're applicable, retention rates, information we have about school mobility and changes in enrollment, the school's improvement initiatives over the last two years, and their improvement plans for the next year. We would have a face-to-face meeting with school and district administrators to look at the efforts being made to support that school. On the basis of that review, and the additional information and experience of meeting with school officials, we would make a decision as to whether there should be a declaration of under-performance.

If a school is declared to be under-performing through that process, there would be an on-site review by an independent fact-finding team. The composition of those teams will include professionals with experience in this area. We would expect to reach out to the individuals who have been participating in the charter school reviews as well as other individuals around the Commonwealth who have experience as educators and evaluators of educational programs and services.

Our expectation is that we will begin this spring. In April, we hope to have our first panel reviews of schools we have identified through this process. We want to be sure that we have something that's statistically significant in indicating failure to improve. We're looking at the schools that have declined in performance from '98 to '99. We've tallied those schools with Category 5 and 6, those with more than 60 percent failing or those with 40 to 60 percent failing that have actually declined by two or more points. At the 4th grade level, we have 14 schools in that category. At the 8th grade there are 11 instances in that category. At the 10th grade, there are 19 instances of declining performance by two or more points. Following that, we'll be taking a more detailed look in assessing how many panel reviews we should do. We have a couple of schools with a decline in scores both at the 4th and 8th grade, we'd be looking for things like that in choosing schools to begin this process. We may decide to do some on-site reviews without having a formal declaration of under performance but simply by agreement with the schools. Since this is a pilot there are a number of avenues open to us as we develop these processes over the next several months.

CHAIRMAN PEYSER: By way of confirmation, are there forty four schools which appear to have met the initial criteria? That is, 44 that scored in the bottom two performance categories in '98 and their scores actually declined by two or more points in 1999?

MS. DOW: Yes. Of those forty-four, four are charter schools, eight are vocational schools and thirty are schools within regular academic districts. Of those thirty, thirteen are at the 4th grade level, ten at the 8th grade level, and nine are at the 10th grade level. At the 10th grade, of the 19, 8 of them are vocational schools.

DR. TERNSTROM: You defined a decline in scores as dropping two or more points. My first reaction to that is, wait a minute, is that a statistically significant decline? What is the answer to that?

MS. DOW: The decline is based on their overall score, so it's averaged across three subjects. It's an overall decline. That helps us, somewhat, statistically because we are including more incidences of testing. But that's one of the things that we'll want to look at now in determining which of those schools we might actually select for the panel review. A school that had a very small group tested, might not be the one we would select to put through this process at the first instance. We can also look at those who had a two point overall decline and those who had four. We did a run of those who had declined by six or more points; we had few schools in that category. The next stage involves further defining the set of schools that we would review. Then we have to look at feasibility. How many of these panels can we actually put together? How many instances can we use this process this test year?

DR. TERNSTROM: At the end of the day, isn't it going to be a rather arbitrary decision as to which schools, within the low performing group, you select for panel review?

MS. DOW: It won't be arbitrary. It will be systematic in that we will be able to tell you what criteria we used. We will probably start with, as the regulations suggest, those that performed at the very lowest in 1998. That's the first criteria. Then we'd match those with those who had the greatest decline. I will be able to tell you what criteria we used; we won't arbitrarily pick from a hat.

CHAIRMAN PEYSER: It's important to keep in mind that this is effectively a pilot. The capacity of the office to put all the schools that fall below the threshold through the process is fairly limited. They have to go through a selection process, and

there will be judgment applied. To some extent, judgment can be deemed arbitrary. That may be appropriate if we've got the capacity to do ten panels and we've got fifteen schools which qualify.

DR. THERNSTROM: I'm not questioning the appropriateness of those judgment calls. Inevitably, there is a subjective call here because you've got a bunch of schools that are low performing and statistical questions about how one actually differs from the other.

CHAIRMAN PEYSER: The other point is that just because a school is referred to the review panel doesn't mean it's under-performing. That's for the review panel to determine.

MR. IRWIN: Juliane, because the vocational-technical schools number is so high in the 10th grade, I'd be interested in the correlation between those schools that are receiving and the sending schools from the 8th grade that are failing. I'd like to examine the correlation between the sending schools from the 8th grade that are sending into these failing vocational-technical schools.

MS. DOW: There are a number of complexities for us in looking at vocational schools, because they are picking up their kids at 9th or sometimes 10th grade. Once we have the student I. D. system David was referencing, we'll be better able to evaluate such a correlation. Once we're able to do that match, then we'll be able to look at student performance in 8th grade and in 10th grade to look for patterns and trends. It's another reason why we're going to have to give some thought to whether we can select vocational schools at this period for the panel review. We may decide that we're not ready yet to do that.

MR. IRWIN: I think you can look at the schools right now because you have certain sending schools in a district. If you can show that they're under-performing at the eighth grade and sending to the vocational schools, that's going to tell a lot of the story right there.

MR. LaFLAMME: This may be skipping around a little bit, but I'd like to make a comment about the fact-finding teams since you just mentioned them.

In September, the Board decided to include students in a pool of prospective participants on those fact-finding teams. I had Judi hunt up the regulations just to check how that was raised. In the memo which we have in our packet, under Tab 5, the last paragraph, it states that we are starting to look for qualified individuals who might be willing to serve on panels or on the fact-finding teams. I'm sure the process for identifying and reaching out to those people is still in process as well. I would offer the services of the Student Advisory Council for recruiting students who might be interested and working with the Department to put together an application process. The applications would go to the Department to be reviewed and screened for students who might be able to serve on those teams.

MS. DOW: It's more likely that we're going to have student representation on the panel reviews. They don't involve a large time commitment. The time commitment to be on a fact-finding team is, per incidence of fact-finding, somewhere in the range of up to ten days between the pre and post, plus the on-site time. We're going to be looking for participants on those teams to do more than one for the same reason that people were talking about earlier. It takes several experiences at this to begin to develop perspective. I think the feasibility of having students participating on those is less. It is feasible, however, to include students in the panel reviews which I anticipate will involve a day of time. It will involve coming in to look at materials, participate in discussion, meet with the school leaders and then make decisions and recommendations to the Commissioner.

MR. LaFLAMME: I can see that. I would also suggest that student involvement might be particularly useful in the context of the fact-finding team and the on-site visit. Students would be able to talk to other students about what is working and what's not, and identify impediments to improvement. I don't doubt a student's capacity to serve on a review panel. Perhaps the student's qualification for the task, being a student, might be best applied to a fact-finding team that will be on site talking about a perspective only a student can provide.

COMMISSIONER DRISCOLL: Marcel, are you ignoring the 10 days or are you suggesting that we could work around that? Are you suggesting that we should just deal with it?

MR. LaFLAMME: I'm missing ten days to be here over the year. It's a concern, but it's also a concern for professionals who need to take 10 days off from work, or for teachers. Ten days of time is a lot for anyone.

COMMISSIONER DRISCOLL: I was wondering whether your point is that students should be full-fledged members or whether you would consider some way of adapting their time to be less? 10 days is a lot of time. As Juliane points out, we want people to serve on more than two or three. These people are going through a lot of training, and they're getting paid. They don't have responsibilities, otherwise. They're able to commit to this. To think about a student taking 20 days out of a school year is a little rough.

MR. LaFLAMME: I guess I'm not sure how that 10 days might be broken up in terms of pre, on-site, and post, but I would say that the on-site time might be an especially important time for a student to be there. They could see firsthand, codify some of their impressions, and let the fact-finding team move ahead with that.

CHAIRMAN PEYSER: Are there any other comments on the school portion of this presentation? There is another portion that is related to district accountability. Let's move on to part 2.

MS. DOW: Board Members, you should all have a copy of these slides. There are some extras here for people in the audience who may need them. I want to take this opportunity to make sure that we're staying in communication and keep you apprised of the progress that we're making on the development of the District Performance Evaluation Process. The process really breaks down into eight pieces of the puzzle.

First, we're talking about developing standards for how districts and schools should operate. We began by looking at different evaluation instruments being used, and soon recognized we were talking about evaluation and indicators before we had talked about what the standards are. In the same way that we created a responsible program for evaluating student performance, by first articulating the standards and then the evaluation of performance against those standards, we knew we had to do the same thing with district performance. We hadn't articulated a set of standards. So, the first thing we've done is describe those standards, a statement of what our expectations are.

A second component is evaluation criteria for each of those standards, what would be the indicators. If they were doing it, how would we know it? What would we see? What are the results, the efforts, the experiences? Where would we look? What sources of evidence would we look to when we go out into districts? Would we look at our own databases and documents that are available to us? Then very particularly, when we're looking at quantity, frequency, and quality, how will we measure those across an evaluative spectrum? I break these out because they're all on different time lines and different parts of the work plan.

We're also developing what the protocol is. What's the actual methodology we will use when we go out to the districts? What is the quantity and frequency of reviews that we will do and the logistics surrounding them? These are the ground rules and expectations for those who are going to be evaluated and those who are going to be conducting the evaluation.

When we submitted the proposal last June, following discussion at the Board about the larger school and district accountability system, the Commissioner committed himself to creating an advisory board to give us feedback on the processes and evaluation tools we'd be using, and to review the results of the evaluations. It would also act as a feedback loop back to the Board, and ultimately to the larger public, about what we're learning through this evaluation process. This advisory board would also make recommendations to the Department about training needs and gaps in the provision of supportive programs and services.

Obviously we need external review and feedback of each of these: standards, evaluation criteria, and protocol. We need it from you, the Board, from district leaders and from people in the business community and the broader public. We began that process informally. David distributed copies of the draft standards that were sent out to all of you when he went to a superintendents meeting on Friday. It's also available to folks here today. This is really not a formal request for comment. This is at a very preliminary stage. We're asking people to review the standards, to ask if this in fact what they expect of schools and school districts. I say schools and school districts in that a school district is a central office and its schools. So when we review district performance, we will always be reviewing the performance of the schools in the district as well as central operations.

At the same time that we're going to be looking for people to review and give us feedback on these drafts, we're also going to try some pilot testing using the working draft in some communities. A couple have already identified themselves. We're reaching out to others looking for volunteers. We'd like to have teams go out and go through the working protocol, the working standards and the working evaluation criteria. We will have all three in draft by mid-February so that we can begin a pilot test. We're going to do a walk-through first in Revere. They're nearby, and they've expressed a willingness and interest to do this with us. This will be an iterative process. We'll be gathering information from a more general public, and we'll be engaging with some specific districts to answer the following questions: Can we do this? What do we learn? What training is necessary in order to have evaluators come in and do this well?

Another critical component to being successful is the enhancement of our DOE data collection and information management systems. We are in the process of establishing a data warehouse that would allow us efficient access to student, school, and district data already being collected. It would clarify needs and necessary changes in data collection so that we have that data. We're developing changes in the reporting guidelines for some of the financial and pupil data that comes into us with the end of the year report. We are also currently piloting use of the auditors that do the federal audits for municipalities.- We're having them use a new compliance supplement, as a Massachusetts Department of Education compliance supplement, to ensure that the financial information is reliable. We're also discussing, for the purposes of this accountability system, and teacher and school administrator recruitment and development, ways in which to increase our data collection with regard to school districts personnel. We are working on the development of a data warehouse to house that data and new data collection efforts to get all the data that we need. We have been looking at data we currently have that we could use to assess, while identifying what we need in order to plan for the new data collection systems we will need.

Finally, the 8th puzzle piece, and it's a critical one, the hiring and training of evaluators. We're recruiting for three teams that would do the pilots this spring and anticipating eight teams working during the next school year. We posted an RFR, three months ago or more, to ask for initial interest from people. We got some response. We've conducted interviews and have a set of highly qualified individuals who have indicated an interest in working with us this spring. We are still looking. We did this as a rolling admissions, if you will, to create a pre-qualified list of individuals who we can contract for specific services once they're on this list. We're going to continue recruiting folks for that. We're looking for people with evaluation experience, analytical skills, an ability to use this evaluation tool and work effectively on a team. They must write well and have the kind of commitment to high quality public education that is very purposeful. They must be able to convey a strong sense of purpose as they go out to conduct these evaluations. I also want to be sure everyone is aware that there are a couple of companion processes going on that relate to our development of a District Performance Evaluation System.

We began, more than a year ago, talking about trying to do district performance evaluation in connection with the coordinated program reviews we perform in 70 districts a year to ensure compliance with federal and state program requirements. These include special education, Title I, Perkins, vocational, nutrition, and safe and drug free schools. This year, in 37 districts, we have added to that compliance review a set of questions and interviews that relate to school and district improvement planning, to composition and effectiveness of school councils, to student learning time, teacher and administrator evaluation processes and curriculum alignment. We're getting information back. At the conclusion of this year we'll have information about those components in those 37 districts.

Meanwhile, across the river and through the woods the Educational Management Accountability Board, which is appointed by the Governor, is continuing through its partnership with the division of the Department of Revenue/Division of Local Services to conduct audits. They have completed nineteen audits to date, between '97 and '99. We've now participated with them in six of those audits, four of which happened this fall. So we are trying out some of these processes in collaboration with them as well. We've entered into discussion with them about where we're headed for the future and about a collaborative relationship between the two agencies for the future. As we think about the advisory board for our accountability system, we want to think about ways to bring together that board which has committed, capable, and thoughtful members together with our project. We also have in mind our relationship with the Charter School Inspections, the NEASC Accreditation Reviews, and the High Schools That Work Network, a vocational schools network, all of which have evaluation systems.

Of our 350 something districts, about 70 of them are districts that operate only individual schools, either a vocational, charter or regional school district that operates only one school. When there's only one school, the protocol for review is going to need to be different. We're thinking about these companion processes that actually may, if our standard and evaluation

criteria is sufficiently aligned, suffice for an evaluation of those districts that really are a single school. I would like to point you to the materials I've handed out regarding how we're approaching all of this.

We have the three areas of inquiry, which we've been talking about for a while, (1) student results (2) the quality of what's actually being provided now and (3) organizational management. Within each of those, we've developed a set of key questions that are really that higher level. They're my questions really from a policy perspective. Then, a set of standards of which there are many more that are specific objectives. We're anxious to hear the response and feedback we're going to get on those. As we're looking at evaluation criteria, we are looking at what the indicators are, the sources of evidence and the measurements. Looking at the slides, you can see how we're trying to parse this out.

The implementation time line that we're looking at began with its distribution to you and the superintendents on Friday. We would expect to bring to formal proposed standards for your preliminary approval in March and then go out for public comment. The regulations did provide that those standards for district evaluation would come back to the Board for approval. Those would therefore be able to come back to the Board for a vote in May and be published and distributed in June. They could be in place prior to the next school year and distributed and made known to those districts who will be reviewed next year.

We have provided you with an outline of evaluation protocol. We'll be doing a walk-through, as I mentioned, in Revere in February. We'll be formalizing the language and text of that protocol. All my wise counselors have said we should be looking at six rather than nine pilots, because we're also going to be doing the school panel reviews. We intend to do six additional pilots over the spring and be feed that back into the refinement of these tools. The evaluation criteria would go in the evaluator's workbook. We'll have a draft in February. We'll circulate it informally, as we are now with the standards. Again, we would intend to bring that back and by June have a working draft of that. It will still be a working draft as we go into the summer and fall, because as we train new teams there will be revision and refinement.

A key thing for us to get moving on is the Advisory Board. We have to define in writing what the mission and structure is, and then appoint a Chair and recruit other members. That's something that David, Jim, Sandy, and I will be working actively on. We invite your active thoughts and suggestions about individuals who might be willing to serve on such an Advisory Board. We would hope to have the Advisory Board meet in April so that they could be actively involved in the review of these documents and feedback from the folks who have participated in the initial pilots. And then I'm anticipating that the Advisory Board might meet on a bimonthly basis to review the process and reports that have been completed.

Finally, we come to the hiring and training of evaluators. We've begun the recruitment. It's going to be an ongoing process. In addition to recruiting people who would do this for us on a full-time or part-time basis, I want to note that there's been discussion with some districts about partnering with us in a leadership development program where they would identify people in the district who could benefit by participating in the process. That experience would be coupled with an experience locally, in cooperation with a university or college, or other leadership development program. We need a larger Department discussion about how this fits in with our other work around leadership development. I'm hoping to have participants actively employed in the school districts, gain partial leave from their regular duties to have this experience.

CHAIRMAN PEYSER:: Thank you, Julianne, I want to congratulate you on the progress you're making and the aggressive and reassuring timetable that you've laid out. I think this really bodes well for a very strong year in the area of accountability.

The one comment I'd make, which I have made to you and to David as well, is in terms of the standards that have been distributed. Hopefully Board Members will have a chance to look at and comment on striking the right balance between clarity and flexibility. Specifically, ensuring that people doing the evaluation have the flexibility to make judgments about how things are working overall rather than being too locked in to the individual standards and the evaluation criteria associated with them. We don't want them merely going down some checklist and evaluating each component without stepping back to look at the whole and exercising some judgment. We need to strike the right balance so that people know what they're suppose to be evaluated on and at the same time give evaluators enough leeway to make reasonable judgments about how interactions work. Other than that, you've done tremendous work here and made great progress.

MS. DOW: I appreciate, Jim, the feedback you've already given me on the initial draft. It was very helpful. I ask you to keep the lines of communication open. These questions are very helpful to us as we're formulating this.

MR. LaFLAMME: I have a logistical question. The RFR is out or has gone out as far as the district accountability, for that group of people. But what about the school accountability, both for the review team and for the fact-finding team, what is being done to reach out or to find people to serve on those groups?

MS. DOW: We haven't begun that yet.

MR. LaFLAMME : I don't mean to return to that again, but I was just wondering --

CHAIRMAN PEYSER:: Are you volunteering?

COMMISSIONER DRISCOLL: Would you like students to be considered?

MR. LaFLAMME: Something of that nature. As that process continues, I have no doubt that you'll keep us updated, so thank you.

CHAIRMAN PEYSER: Any other comments, questions? With that, thank you, Juliane.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education adjourn the meeting at 12:00 p.m., Subject to the call of the Chairman.

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

Respectfully submitted,

David P. Driscoll
Secretary to the Board