

**BOARD OF EDUCATION  
REGULAR MEETING  
MASSACHUSETTS DEPARTMENT OF EDUCATION  
350 MAIN STREET  
MALDEN, MASSACHUSETTS  
TUESDAY, JULY 30, 1999  
9:07 a.m. - 11:47 a.m.**

The Chairman called the meeting into order at 9:07 a.m., the following were in attendance:

**MEMBERS OF THE BOARD  
OF EDUCATION PRESENT:**

Mr. James A. Peyser, Chairman, Dorchester  
Dr. Roberta R. Schaefer, Vice-chairperson, Worcester  
Mr. Charles Baker, Swampscott  
Ms. Patricia Crutchfield, Southwick  
Dr. Edwin J. Delattre, Boston  
Mr. William K. Irwin, Wilmington  
Dr. Stanley Z. Koplik, Boston  
Dr. Abigail Thernstrom, Lexington

Dr. David P. Driscoll, Commissioner of Education

**MEMBER OF THE BOARD  
OF EDUCATION ABSENT:**

Mr. Marcel LaFlamme Monson, Chair,  
Student Advisory Council

**ALSO PRESENT:**

Nancy L. Catuogno, Registered Diplomate Reporter

**COMMENTS FROM THE CHAIRMAN**

**CHAIRMAN PEYSER:** Before we get to public comment preceding the agenda, just a couple things I want to say and I will turn it over to the Commissioner for some remarks. First is that the Commissioner and I have begun meeting and will meet over the next month at least to try to develop a work plan and schedule for the Board for the next 12 to 18 months which will include not only identification of those issues we need to tie off on on this calendar year, but also the development of a more forward-looking strategy for 2000. And we'll be sharing that with you in the course of the next four to six weeks, and certainly it is our hope that before our September meeting we'll have something on paper that's reasonably solid and detailed that we can begin to work off of. So together we are working diligently to move that forward. Second thing is that I have tentatively scheduled a forum on recertification which we discussed as part of the review of our recertification regulations for August 31 which is the date that we had scheduled for our August business meeting which, assuming all goes well, we won't have to have. But in its place we'll have this recertification forum. And anyone right now that finds this to be a particular problem, let me know, but my feeling is that since we have been holding this date, most of you have it reasonably free. So the plan is for that forum to be held on August 31. Our normal meeting is scheduled for the morning and I would like to keep it at that time. It probably will not be at nine, it will be at ten because some people

are coming in from out of town, that would allow them to fly up that morning. I don't know the location yet. We'll work that out but it will be -- I think it will be in the Boston area. Again, for people flying into Logan. Okay. With that, I'll turn it over to you, Commissioner.

## **COMMENTS FROM THE COMMISSIONER**

**COMMISSIONER DRISCOLL:** I really don't have that much to report. The state budget isn't finalized. I do want to simply talk about the Iowa test results. We are releasing a press release today which talks about those and, as you know, the bottom line is that we had a 10 percent increase in the Advanced category, which is great, but a corresponding decrease in Proficient which meant that the other two categories stayed about the same. So the rich got richer, the poor remained the same. On the other hand, I have released a list of 251 schools that had zero students in the prereader category and also 19 schools who have performed well above the state average even though the demographics of the school would suggest otherwise. So we're going to be doing an analysis of those schools and other places because we want to, again, look at the data to see if there's some reasons why, some strategies, et cetera, so sort of the numbers behind the numbers. So that's really all I have to say, Mr. Chairman.

## **STATEMENT FROM THE PUBLIC**

Steve Perla with the Parents Alliance for Catholic Education addressed the Board.

**MR. PERLA:** Good morning, Mr. Chairman, members of the Board, Commissioner. First, we would like to thank you on behalf of the Catholic school community for delaying action on the SPED regulations on your last meeting to this morning's meeting and we would respectfully ask the Board for further delay regarding this matter until March 2000. And the reasons really are multiple. First of all, as you perhaps understand based on the correspondence you have received, we believe that under Chapter 71B, our students have the entitlement to in fact continue to access Special Ed services as they have for the past 20 years in the state of Massachusetts. The parents of these children are taxpayers in their respective communities and are just seeking to have their children be able to access partial educational services. As you know, they are in fact entitled to receive total educational services and what they have chosen to do is only access partial services in those respective districts, and as a result of those decisions, they are in fact saving those cities and towns considerable dollars. We recognize that the Department does not share our legal view of Chapter 71B. They did indicate, however, that they do want to encourage local school districts to continue to service nonpublic school students. We appreciate the Department's willingness to advocate on behalf of our students, but this encouragement does not carry the same weight as regulations. Knowing already the adverse impact that the Department's most recent technical guidance regarding IDEA 97 has had, we are concerned that should the Board delete these regulations today it will further diminish and/or eliminate in some cases services to our students. For example, already in many districts across the state, parents of nonpublic school students have been notified that their children will no longer be provided with service. Based on our conversations with these districts, we are concerned that this crisis will continue to grow. Therefore, it is critical that the Board delay any action on Section 205. I want to underscore that we are not asking the Board to embrace either legal interpretation this morning. What we are asking is for the Board to give us time to try to resolve this matter either through departmental conversations and/or through a legislative remedy. However, regarding these divergent legal interpretations, I do want to note that we secured an opinion from those individuals who served then Governor Sergeant as well as the legislature on drafting Chapter 71B. This is very much analogous to asking an author what his or her literary passage meant versus going to a literary critic and asking them what that particular passage meant. So we are asking that the Board this morning delay any kind of implementation.

If I may, I have a few other observations I would like to make regarding this. Additionally, the Department suggests that if the Board does not delete these regulations today, that they are triggering or

perhaps will trigger the state's Proposition 2 1/2 unfunded mandate provision. First of all, Chapter 71B predates Proposition 2 1/2. Second, we are only asking that nonpublic school students be able to access community services in the same fashion as they have for the past 20 years. We are not requesting the Board to expand these services. Third, it is our understanding that only the legislature can in fact elicit the Proposition 2 1/2 unfunded mandate requirement. The Department also states that the Board should delete these regulations to avoid any confusion. Advising districts to continue to follow past practice does not typically create confusion. Confusion has occurred in this matter because the Department has directed districts to change their past practice of servicing students in their community who are enrolled in nonpublic schools.

In summary, we are simply asking the Board to delay any action on Section 205 of the SPED regulations until March of 2000. We are asking for this extension so that we may have the necessary time to work out the differences between our interpretation and the Department's without interrupting services to our children. We believe that all kids should have access to these services and we believe their families who are taxpayers in those districts have a right to access these services. Thank you for your time,  
Mr. Chairman.

**CHAIRMAN PEYSER:** I have a question, Steve. You said that I think, if I wrote it down correctly, that private school students or parents of private school students are entitled to full services but have chosen to accept partial services. Are they entitled to full services in the sense that they could enroll in the local district school and receive the full services but have chosen to go to a private school and therefore receive partial services, or are they entitled to full services regardless of where they are enrolled?

**MR. PERLA:** Our take on that and what we mean by that is a parent can in fact decide to enroll their child in a public school district, and what we are suggesting is that since that parent has decided to enroll their child in a private school, they are actually saving that district some money and only trying to access partial service as opposed to full service. And our concern, quite frankly, is that if these services are eliminated, that many of these parents, because they'll have to, will be forced to enroll their child in the public districts and, as a result, actually cost the state more money than what's costing the state at the present time for SPED services.

**CHAIRMAN PEYSER:** I share your concern about districts sort of arbitrarily and I think shortsightedly cutting off services to private school students on the assumption that the federal mandate for such services now having been clarified lets them off the hook in some respects, which I don't think it does. But, nonetheless, I think, I share your concern about what may be happening. The question is sort of a legal question, a regulatory question: How do we define, using your words, partial services. What partial services are children enrolled in private schools entitled to receive and where would we look to find the delineation of that entitlement.

**MR. PERLA:** Based on our legal review, and as you know I went to Attorney Houghten (phonetic) who all of you have received a copy of his correspondence to us and forwarded to the Department, he indicates that the legislative intent in Chapter 71B was to include all students. And I think even the Department at some level recognizes that in their opinion. In fact, they indicate that the legislature back in 1972 was in fact responding to the climate of the time, and the climate at that time was in fact trying to service all kids. They went as far as to say those kids that were not in school, they were trying to of course enroll in schools, and our sense looking back at the history of this was that the legislature was to in fact encourage and trying to look at ways to service all kids. So we don't think the legislature would have intentionally excluded any category of kids, including nonpublic school students, and the historical practice in this state has been that these students have been serviced district after district. And in fact it only occurred this year when the federal regs had changed and the Department sent out advice to the various districts that there's been all kinds of interruption of service whereby parents have been notified that service would no longer be available. So we believe that the entitlement exists already in Chapter 71B. Now, we did have a conversation with the Department staff, we thought it was a substantive conversation, of course we were not able to convince the staff of our position. And that's why we are asking for a delay this

morning so that we may be able to have additional conversations with the staff and, quite frankly, at the same time have some discussions with the current legislature and the Governor about 71B and is there in fact a way to modify the language so that it is clearer. And I want to be clear about this, too. We are not looking to expand services, we are not looking to add services provided at the private school site, we are looking for the ongoing services that our kids have at the various local public schools throughout the state of Massachusetts.

**DR. DELATTRE:** I'm sympathetic with the concerns that you raise and I intend to vote against the resolution to change because I think your arguments for delay are persuasive. I don't understand, if your concern is that you should have more time to discuss this, why we should contemplate delaying it until March of 2000. I don't understand why a delay couldn't be 30 days or 60 days, and I want to see the necessary changes made but I don't want it to make them precipitously, and to the extent you're urging delay for further refinement of the position and the avoidance surely as school starts in the fall of unnecessary confusion and disruption of services and the like, I wouldn't want you to take my vote against the resolution to change as a confirmation of your idea that we delay until March of 2000. I'm not buying into that part.

**MR. PERLA:** To respond to that, if I may, Mr. Chairman. My response to that is that we had looked at March as a reasonable date for two reasons. One, based on at least preliminary discussions with the Department, we think we may in fact have to go and have some serious conversations with the legislature. So our idea is if in fact the legislature's goal is to try to pass a 71B reform prior to that March date as has been agreed to with the Board, then we thought it would make sense for us to be part of that package and to have a discussion with the legislature around that. And that's why we in fact identified March as a target date to basically be included with that overall package that we anticipate the legislature will be working on.

**MR. BAKER:** I just have a question which is if in fact school districts are planning to stop providing support services to students that are currently served in these settings, why isn't the Mass. Advocacy Center and a lot of the other advocacy groups who represent 766 every day here saying the same thing?

**MR. PERLA:** They have been involved. In fact, they have sent written comments, we have worked very closely with Julia Landau at the Mass. Advocacy Center as well as the Disability Law Center.

**CHAIRMAN PEYSER:** They sent a comprehensive critique of the draft regulation and in that critique is the language that Steve and his organization are recommending be maintained.

**MR. PERLA:** We are working very closely with them.

**DR. THERNSTROM:** I have a comment. Is there some compromise on the timetable here possible, that is to respond to Ed Delattre's suggestion and then to take it from there if it seems appropriate once again to extend it down the road in order to seek legislative action, to at that point reconsider it, because I think that Dr. Delattre really does have a point here.

**DR. DELATTRE:** And legislative folks come and go, have in the past and will in the future. I think it makes sense to delay it until after school starts but I'm not making any commitment beyond that.

**DR. THERNSTROM:** Let's at that point have a look at where we are.

**DR. DELATTRE:** Right.

**MR. PERLA:** I would be very happy, obviously, to sort of work with that kind of compromise, and we can certainly be available at any time to meet with the Department staff to try to work out some sort of compromise if that's what's happening.

**DR. DELATTRE:** And to be clear, we may in the end learn that no compromise is possible and we may then very well vote for this irrespective of your objections, but I'm persuaded that you ought to have some more time. I don't believe that every human disagreement like this is amenable to solution or resolution by compromise. It can't always happen but I think you ought to have this window to work with.

Mr. Charles Glick, Director of Government Affairs for the Jewish Community Relations Council, addressed the Board.

**MR. GLICK:** I'm here to represent the concerns of Jewish parents with respect to special needs education and the issues that they agonize over on a daily basis, namely as Jewish parents, how to provide for their children both a Jewish and secular education that helps them maximize their full potential. It is on their behalf that I ask you, as was mentioned earlier by our colleagues within the Catholic community, to delay your decision with respect to paragraph 205 of the 766 regulations until March of 2000 or until some other compromise can be achieved. It is the feeling of the Jewish community that this is a complex issue that requires more than just a legal rendering with respect to the intent of the legislature as it pertains to Chapter 766 and Chapter 71B. This is an issue from our perspective that involves the way in which scores of parents with special needs children have been receiving services for the last 20 years. For the better part of those 20 years, many Jewish parents at their own expense have opted to have their special needs children receive the bulk of their overall education from their respective Jewish schools. However, underpinning this decision has been the child's access to limited but nonetheless vital special needs services funded by their school district. These parents and these students are not asking for anything more than they have been getting so far, namely access to these special education services that they cannot get through any other means. We appreciate the Commissioner's decision to revise future guidance documents to, quote, encourage school districts to serve nonpublic school students. However, our parents' past experience with local school districts suggests that the decision to delete paragraph 205 will serve to further, quote, discourage school districts from providing special education services to their nonpublic school students. Many parents have already been notified by their school districts, as was heard before, that their children will be cut off of services as a result of changes to IDEA way ahead of any guidance by the Department in changes of those regulations. Ironically, as was mentioned before, we believe that the decision to deny public school students access to special education service will not result in a cost saving to the school districts or to the Commonwealth. In fact, these efforts are likely to result in increased costs to school districts. Parents of nonpublic school students will now be forced to make the difficult choice between having their children receive a quality education in a sectarian setting and access to special needs education and public school services they need in order to reach their full potential. In the case of most parents like the nonpublic school parent I spoke with from the South Shore whose school district informed her that her daughter would no longer be eligible for special education service, they will choose to send their children to the local public school full time at a cost that is surely more than the part-time services they are currently accessing. We hope that you will devote the time and attention these concerns warrant and vote to delay consideration of these regulations until they can be fully considered at such time.

Anne Harrington from the University of Massachusetts/Amherst

**MS. HARRINGTON:** We speak on behalf of a group of K-16 educators with recognized expertise in literacy and education who have spent the past few months studying the Mass. teacher educator test of communication and literacy skills. The results of our study are contained in the report we have sent to you, Improving the Assessment of Communication and Literacy Skills for Prospective Teachers. We want to stress that we share the view of the Board that all professional educators must meet the standard of literacy described in the law and must be capable of communicating with lucidity and versatility. We share as well a belief that a common assessment for certification is an effective way to ensure that all Massachusetts educators meet these

high standards. The impetus for our review of the test was our sense that legitimate questions about the test were being dismissed and that those who raised questions were being viewed as aiming to water down the test. That is not our purpose. Indeed, we present the report to you in hopes of prompting review of the test that will strengthen it to make it a comprehensive and valid assessment of literacy skills of prospective teachers. We are aware of a report issued recently by the Washington-based Education Trust that praises the Mass. educator test for its rigor and complexity. It is important to note, however, that the Education Trust surveyed only tests of subject area content knowledge, so its evaluation does not include the communication and literacy skills test. Our examination of available information leads us to conclude that the communication and literacy skills test is not an effective means of measuring the extent to which a prospective teaching candidate has, quote, the communication and literacy skills necessary for effective instruction and improved communication between school and parent, end quote, that was called for in the 1993 legislation authorizing the test. The test rests on a limited definition of literacy and communication skills which is inappropriate to this purpose. In fact, the definition of literacy that is reflected in sample items from the test is narrower than definitions of literacy reflected in the Massachusetts Education Language Arts Curriculum Framework, the 10th grade MCAS test, comparable teacher certification tests, the junior level proficiency exam at one of the University of Massachusetts campuses, and even the communication and literacy skills test's own stated objectives. We recommend revising the test to broaden its scope so instead of the pervasive focus on discrete skills and knowledge about language, for instance dictation, providing definition of parts of speech, that more attention is given to the ability to use language, to read and interpret, revise and edit for specific purposes. We also strongly recommend that K-16 educators be significantly involved in consideration of alternative assessment systems and in the review and redesign of the test. We feel MCAS, the process for developing and revising MCAS, provides ample precedent for teacher involvement and development and ongoing revision of the test. If K-16 educators are brought into active participation as members of the technical advisory committee and other ways in revising ongoing development of the test, we know the result will be an assessment system that will adequately and validly measure the reading, writing, listening and speaking skills needed by educators in the 21st century. We also have two corrected versions of the report we can leave here.

## **APPROVAL OF MINUTES**

**CHAIRMAN PEYSER:** I want to move on to the business items. First is the approval of the minutes both of the June 28 special meeting and the June 29 regular meeting. Does anyone have any changes or corrections that they would like to make to the minutes?

**DR. DELATTRE:** Yes. On page 10 of the June 29 meeting, on the last line it says that I studied symbolic logic for four years. What I said was 40 years. It only seems like I said four years. On page 14 in the third line --

**CHAIRMAN PEYSER:** Sure it hasn't been four years and it feels like 40?

**DR. DELATTRE:** Yeah. On page 14 of the June 29 meeting, the third line on the page says, quoting me, there are essentially three uses of computers for honored scientists. My intent was not that scientists should not be honored, but what I said was modern scientists. On page 27 of the same minutes, four lines from the bottom, Here's your child's mathematics teacher, should be singular, and on page 28 in the penultimate paragraph of my remarks it's the Joint Commission on which I serve, and not served. I thought everyone else did beautifully.

**CHAIRMAN PEYSER:** So this is clearly a conspiracy to misquote you.

**MS. CRUTCHFIELD:** It's working.

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

**VOTED:**           **that the Board of Education approve the minutes of the June 28, 1999 special meeting and June 29, 1999 regular meeting as amended.**

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

**2.       PROPOSED AMENDMENT TO SPECIAL EDUCATION REGULATION (Repeal of 603 CMR 28.00, paragraph 205) - Discussion and Vote**

**CHAIRMAN PEYSER:** It passes unanimously. Let's move on to the next item which is in fact back to the issue we were discussing moments ago which is Section 205 on your proposal to repeal it. Let me turn it over to the Commissioner.

**COMMISSIONER DRISCOLL:** Let me begin with the place where I think we should all agree, and that is that the change that was made in IDEA should be clearly described by the Department of Education to school districts, principals and superintendents, to make sure that they understand their obligations under the new law and don't make statements, as has been suggested, that they will no longer provide services or that they don't have an obligation to communicate with nonpublic schools about their students on an individual basis to assess and determine what are the needs of those students. That responsibility still remains. So under either option, whether you accept my recommendation or you agree to delay, the Department of Education in either case needs to send out a clarifying directive and needs to be available and ready should complaints be brought to us of school districts that are not living up to their responsibility under the new law. And I for one would like those examples brought to me and I will take action because that is paramount in our responsibilities and the law. Having said that, let me disagree with the delay. Let me disagree with the reasons for the delay. I don't believe the confusion is because school districts are now not all of a sudden going to provide services that they did in the past. That flips it around. The very fact of the matter is the law changed, that's the basic fact. If IDEA didn't change, then nothing would have changed. That changed and therefore I believe that a regulation which we have which is based on IDEA law which changed needs to be eliminated, otherwise there is confusion. So I think it's very clear that the -- and I understand the argument about the practicality of it. Now that the law talks about a proportional amount, districts can in many cases perhaps save some money under the new law. And the reality is of course if the students return to the public schools, it could cost them. But I really don't want to get into the practicality of it because I think that's where we should be strong as a department because it should fundamentally be about as much as we should do for kids we should do under the law. But the law has changed. We, in my judgment, should delete this regulation which was tied to that federal law. Whether or not there can be a legislative change, that's fine. If that occurs, then obviously we would change the regulations. To my way of thinking, the delay with respect to the interpretation, talking to people back in the administration back in the seventies, this Department, and I don't know at what levels there's confusion, has been consistent for the last 25 years on the issues of 71B and how it relates to entitlements for nonpublic schools. So I don't think there's any confusion except if we leave on the books a paragraph from our regulations that now is no longer valid given the changes in IDEA. So, Mr. Chairman, I recommend -- and let me repeat. No matter what this Board does, we are going to send out clarifying directives and be involved with districts as to their responsibility. But I recommend that this Board delete paragraph 205.

**CHAIRMAN PEYSER:** Before further discussion, is anyone prepared to place the Commissioner's motion on the table?

**CHAIRMAN PEYSER:** If I may, let me just follow up on the Commissioner's comments. I come down in a slightly different place. I agree with the Commissioner's basic interpretation of the situation but at the same time I'm supportive of putting that decision off, and there's a couple reasons for that. One is that the current regulations, I don't believe, reflect a violation of IDEA. Indeed, if anyone interpreting this suggests that they go beyond IDEA, which is certainly permissible, they would do nothing that would essentially be requiring

districts to do something less than IDEA or even authorizing them to do something less than IDEA, which would be a violation. Second thing is, as the Commissioner implied in his comments and as I think has been described in some of the memos we have received, the Department has never interpreted the existing regulatory language to imply an individual entitlement to children enrolled in private schools, and so that has not changed, and therefore maintaining it does not undermine -- maintaining it temporarily, at least, does not undermine the Department's basic position here which is, again, that an individual entitlement only pertains when a student is enrolled in a public school. Referring I think to the 20 years of that interpretation, there's this citation in the memo we received from the Department which suggests that as far back as 1976 the services provided by districts were considered to be optional with respect to private school students, and even in Mr. Houghten's memo to us supporting, or opposing repeal of the section, he indicated the districts are obliged to only, quote, work out some accommodation with private schools and private school students in terms of the services provided. So my understanding of how the existing regulation is interpreted is not entirely consistent with repeal given the fact that it does not extend an individual entitlement to students in private schools, and therefore its not maintaining existing regulations is not even inconsistent with IDEA, although I will agree that it adds some amount of confusion to how one is to interpret that, and how it needs to be interpreted in the context of IDEA. But in the interests of working on a solution that is acceptable to all parties and that ensures that districts will make reasonable efforts to provide effective services to individual private school students, as I believe they are obliged to do, I'm prepared to let the current regs stand at least temporarily until we take up the larger Education Reform package in March. And the reason I point to March is not because -- well, the reason I point to March is I think as a practical matter the discussion between the Department and those opposing repeal are not likely to yield much fruit in that the Department has argued consistently that there is no state statutory basis for requiring the services, any level of services, beyond what is required in federal law. And barring some change in that legal interpretation, I'm not sure there's any room for compromise on this particular area. Now, we of course can impose our own interpretation which may be something we want to do. But certainly this may be an issue which the legislature does provide us with a certain amount of guidance and that might be a valuable piece of information that could unlock this particular disagreement. Having said all that, I do want to say that I am not persuaded so far by the arguments that have been put forth by those who oppose repeal of the section. In particular, I think it's based on an argument that suggests that students enrolled in private school do have an entitlement to special education services under state law, but as I read state law, there's only one level of entitlement and that is the maximum feasible development with a full continuum of services, and no one is suggesting that that level of entitlement exists for students enrolled in private schools, which raises the question, if not that, what is the entitlement? And I don't see anything at the moment in the statute which points us in the direction at finding what lower level of entitlement exists for private school students, and in the absence of that, I don't see how we can simply extend the same entitlement to private school students because I do think that goes beyond what is currently provided and, in fact, I think it may run into all kinds of statutory and constitutional problems in that the entitlement currently specified in the law requires that schools provide services in regular classroom settings which is not feasible under current constitutional constraints. So, having said all of that, my basic position is that I acknowledge the problem that has been put on the table here which is that school districts may be precipitously cutting off services to individual students which not only is not in keeping with the spirit of IDEA but is not consistent with existing practice. And that second, the best way to resolve this is to delay consideration of this specific proposal until March which is the date we have essentially established to provide the legislature enough time to work its will in special education generally and on this issue in particular. So, with that, let me open it up to discussion.

**MR. KOPLIK:** Question for David. In your memorandum you talked about encouraging school districts, the Department would encourage school districts to serve these students. Help me understand the advocacy level or the energy that would be expended by the Department to make meaning for encourage. How enthusiastic is this encouragement?



**COMMISSIONER DRISCOLL:** On two levels, Stan. One is that I think we have to be very proactive and, as you know, we send out bi-monthly mailings to all superintendents and we have the ability to also send it to all principals, and do if it's an issue involving all principals. We will be very proactive on putting out something regardless of how the Board votes, we will put something out in an attempt to try to clarify it as much as we can and we'll continue to do that if there's confusion. So the first perspective is that we will be actively sending things out to make sure that everybody understands what their responsibilities are. Secondly, I want to be very aggressive and I will say publicly that I have already told our staff to be very aggressive with complaints that are brought in. Because -- at least as reported on a number of fronts -- districts are just taking this as, Well, we don't have to do anything, which is not the case. So I intend to be very aggressive on this, I think it's very important because I think there are responsibilities that districts have and there are kids who need to be serviced under the rubric of the new IDEA, which has some limitations in terms of finances. But nevertheless, they have to certainly comply with the spirit of the law so I intend to be very aggressive.

**MR. KOPLIK:** If you're very aggressive and you send advisories and pronouncements and so on and you get a few complaints and a particular school says, We don't have any money, Commissioner, go take your speech somewhere else, what is your --

**COMMISSIONER DRISCOLL:** Well, my hope is our relationship is a little better than that. I think they have a responsibility. If they are living up to their responsibility and then because of the new law they don't have the obligation and the funds to provide what they did in the past, that's fine, because they are within the law. My concern is people are just blowing it off and interpreting it as this is sort of freedom from responsibility. So they have to live up to the responsibility, they can't defy me on that. Now, there are some practical issues and in that case, if they are within the law, then they are correct.

**CHAIRMAN PEYSER:** By the way, correct me, Commissioner, if I'm wrong on this, but my interpretation of what's happening here in terms of federal law is it was unclear in terms of federal statute and regulations what the requirement was on the part of districts to students enrolled in private schools, and what the feds attempted to do was to make clear that under no circumstances could districts provide less than essentially the per-pupil aid provided by the federal government for special education services to students with special needs enrolled in private schools. So it was intended to avoid the abuses of under service rather than to establish the ceiling of service. Nevertheless, by clarifying with literally a number, which is the average federal aid per pupil, it also in some respects made it easier or makes it easier for districts to argue that that is all in fact that they owe individual students or students enrolled as a group in private schools within their region. So I think that's been the triggering mechanism.

**DR. THERNSTROM:** Dave, I think that the basic problem here is that you can issue a clarifying directive but it can't be clear when, in fact, you know, the law itself, the statute itself, is not clear, that districts are saying, as you just said, There's no entitlement here. And so whatever you say may be rhetorically pretty, but doesn't really settle the matter of what the obligations of the districts are. And I do think what you said and what Jim said with respect to the choices here do make it clear, it's either today or March. I mean, you know, my suggestion, Well, let's take this one step at a time, isn't going to work because we do need some more legislative direction here. I'm not sure, Dave, what you think the downside to delay is.

**COMMISSIONER DRISCOLL:** Well, I don't want to over emphasize. The Chairman and I have talked about this at great length and agreed to disagree. We could have resolved it simply by my agreeing to a March delay and I have already said, It's not crucial because I'm going to send out a directive in any event. I just felt it was important for me to speak on behalf of the Department and set a clear position now for some 20 or 25 years, I think the issue is clear, I think the law has changed and therefore we should do what I think is the logical thing to do. So, our responsibility of sending out a directive, as I say, is going to occur in any event. The only thing that's happened and, again, I've been told this third hand, I don't know it to be a fact, I'm going to meet with 200 superintendents this Friday and I'm going to get their side of the version, so to speak, but I'm told by the various groups that some districts are just saying, We don't have any

responsibility, which is not true. So I do think the directive will help and, I think, I just personally feel obligated to recommend to this Board that they eliminate a paragraph that I think is causing confusion because the federal law changed and we ought to change our regulation in concert. Is it going to make a huge difference if we wait until March? No. And I happen to agree, by the way, if we're going to delay, which I don't agree with, if we are going to delay, that we wait until March because we have already agreed to delay with everything else until March. So that does give an opportunity if there's going to be a legislative change, certainly that makes a huge difference if the legislature will act, so I do think March is the right date. But I will note I'm not for delaying, although I do think the directive is important in any event, and I do think it will be more effective than the Board members seem to think.

**DR. SCHAEFER:** I guess just to reiterate Abbie's point, I have seen districts subvert directives that are in fact more clear than the law, and at this point it's a particularly sensitive one and I think all the directives are not going to be able to change what happens in some districts. So I would agree that we should have delay and hope that there is some compromise brought down and that the legislature is able to -- if the Department is standing firm, that the legislature is to develop some language that will accommodate this issue.

**COMMISSIONER DRISCOLL:** May I just say, when you said the Department is standing firm, I think we need to remember that that's because of what we see as the law.

**DR. SCHAEFER:** I understand.

**DR. DELATTRE:** I think David could say in defense of his position that if we repeal this, his directive still has the same authority, and legally it might. Certainly his encouragement would. But I don't think we do the public interest any good by repealing it and even risking confusion or the sort of consequences that have been described to us this morning. In other words, I would rather you were sending out a directive that didn't say 205 was repealed, because I think the directive including that repeal does confuse the straightforward message you want to deliver. I should add that I don't think everything about this provision is either valid or invalid depending on what IDEA is. Regulations have a life of their own, as you know, and they come to have practical consequences of their own. Finally, I hope against hope that what March will actually bring is a repeal in Massachusetts of the maximum benefit provision in the law, then I think a lot of the problems we face will be eliminated at least for as long as the new law survives. So I'm going to vote against you on this, David, even though I sympathize and agree with what you're trying to accomplish.

**COMMISSIONER DRISCOLL:** You're going to vote against the motion, not vote against me. You wouldn't vote against me.

**DR. DELATTRE:** I wouldn't vote against you. Don't be confused.

**MR. IRWIN:** David, can you speak a little bit to the unfunded mandate part of this because I don't know if all Board members understand as far as what the requirements are with an unfunded mandate and how it negates any rules and regulations that this Board makes without funding it. There's a law in place on the unfunded mandate. Can you speak to that?

**COMMISSIONER DRISCOLL:** I can and the argument that 71B occurred before Proposition 2 1/2 has one side, but there's another side and that is it that Proposition 2 1/2 did change the landscape such that you cannot mandate without paying for it, so that's the legislature. They can't pass a law that's going to cost local districts or communities money without providing the funds. So to the very first extent, if we as a Board of Education and as a Department were somehow able to provide a mandate, we would have to pay for it. But 2 1/2 -- so first of all, I suppose you could say, Well, we'll fund it. But 2 1/2 doesn't allow the Board to even do that. I mean, by state law you can't provide a mandate at the local level that isn't there. So one could argue that because the IDEA was here and because paragraph 205 then became here, and there have been services rendered to private school students over the last many years, and now the IDEA has -- let's just

say from a financial point of view has been proportionally reduced, and you leave 205 on the books and the argument is, Well, you should be provided the same services you provided in the past, then in fact you're providing more services, if you take that argument, you're providing more services than you have to because the federal law has dropped, so to speak. So at least in my judgment, this Board runs a risk of having a paragraph or a regulation that could be construed just from the old arguments of the advocates, leave it the way it was, but leaving it the way it was and the amount of money that's spent for private school students in the past will not be the same as it is in the future because of this new law which is proportional. So I would argue there's a cost factor there that we run a risk, the Board runs a risk of causing that extra money to be an unfunded mandate.

**MR. IRWIN:** So what you're saying is by not changing we are creating an unfunded mandate.

**COMMISSIONER DRISCOLL:** One could certainly interpret that. Now, perhaps with my wonderful clarifying directive, that would help, you know, this would solve everything, but --

**CHAIRMAN PEYSER:** Do I hear a motion to table this particular motion until March 2000?

**MR. IRWIN:** I think first I have to withdraw my motion.

**CHAIRMAN PEYSER:** Well, actually you're not talking to a Robert's Rules expert but I think procedurally if we keep your original motion on the table, I have so many tables floating in my head, and then we table it until March, that would ensure that we do bring it up again at the March meeting as opposed to having to reintroduce the motion. So all in favor of the motion to table the motion until March 2000 Board meeting say aye.

**(Insert Motion to table to March 2000)**

Motion made by Dr. Thernstrom, seconded by Ms. Crutchfield--Unanimous Vote.

**DR. THERNSTROM:** That wasn't a vote against you, Dave.

**COMMISSIONER DRISCOLL:** I understand that.

**MS. CRUTCHFIELD:** It's a vote against confusion.

**CHAIRMAN PEYSER:** I do want to reiterate the importance of the revision of the guidelines with respect to implementation of the IDEA. I want to congratulate you on taking on that task.

## **2. OPTIONS ON CURRICULUM AND ASSESSMENT IN HIGH SCHOOL SCIENCE AND TECHNOLOGY/ENGINEERING AND IN MATHEMATICS -Discussion and Vote to Solicit Public Comment**

**CHAIRMAN PEYSER:** I think, some discussion of the math curriculum frameworks as well, and which should conclude with a motion and vote to send the science frameworks out for, or revised science frameworks out for public comment.

**COMMISSIONER DRISCOLL:** Well, Mr. Chairman, I do want to make a number of comments but I want to begin by saying that my interests, primary interest is to have this Board vote to send the framework out, to approve it to be at least sent out for public comment, with one usual proviso and one that I would like

to add. The usual proviso is that the Board reserves the right to take a week or two to see if there are any technical changes they would like to send in. I would like to also ask that the Board consider a motion to send the framework out for public comment but that we reserve the right to meet with the panel, that is the science panel, because we just haven't had the opportunity to have the give and take that we think we would like. Essentially what happened as we looked at the assessment of the framework, we started to realize that to some extent if you provide a 10th grade test that has an integrated approach, you're providing a test at the 10th grade which is two years of high school on at least three full disciplines of biology, chemistry and physics. And so the concern was that we are by assessment causing a certain sequencing of curriculum, and one of the things we hope, and some of these things may become mutually exclusive, which I'm hoping they won't, but at some point we may have to make some decisions and some tradeoffs. But at this point the hope is to provide as much flexibility as we can. So what we did was go back to the standards that were established for a full course in biology, full course in chemistry, a full course in science as developed by the panel, and include them in this document. Now, to some extent, even though it's the panel's work, it's a little bit unfair because the panel is operating under the directive that they come up with one 10th grade test. So in fairness we want to have the panel have some input before it goes out for public comment which would be within a week or two, by the way, but we are very comfortable with the standards. There are some other issues that we are really interested in hearing from the field and it comes down to -- in fact, I think all parties could come to a solution if it weren't for me, and that is that if we moved the assessment to the 11th grade, it seems to solve everything. The problem is I don't see that we have that right because, of course, we are obligated under the law to provide a minimum competency exam at grade 10 in the four subject areas.

Now, this Board may and I may be quite willing to make this recommendation to have this Board seek a legislative change if that be the case. I have reason to believe that the legislature chose grade 10, other states have chosen other grades including 11 and have chosen end-of-course exams, but I think our legislature back in 1993 had the idea of the grade 10 because it gives schools a couple of years to focus on kids that aren't going to be able to pass, gives them at least a couple of years to pass the test so that they can graduate from high school because our statute says they can't unless they pass the 10th grade test. So I think there are a number of questions that still remain. Jeff has given you, I hope --

**MR. NELLHAUS:** I haven't passed that out but I could.

**COMMISSIONER DRISCOLL:** Jeff will give you an analysis of what's going on in other states. We still need to have a lot of discussion with people in the field, in the K-12 field, and also with scientists and people really from across the country, and I believe the debate is very healthy and I wish I could just bring you a science technology and engineering framework that's neat and packaged and here we go. But there are very important issues that need to be discussed and decided, and this may be the better place to begin, I guess is the way to say it, because of all the work that's been done, what's going on, because we're going to face the same thing, perhaps, that is choices on assessment in history/social science, we could even face it in mathematics, and then of course as the Board has brought out, if we get into choices of different tests, do we now get into validity across the board. So I'm sorry on the one hand we don't have a new package, but I'm very pleased with what we have brought you, the standards are very strong, and I think we have to have this debate about what it should look like, what students should know, be able to do, so we can bring back to you carefully thought out options that will inform you in making policy decisions, whether it be making legislative recommendations or legislative change or be it coming to some kind of an assessment program that's going to match the framework. So with that, Mr. Chairman, I turn it over to you and I think everyone knows all of our panel, Sandy Stotsky to my left, Pam Noyce, Tom Noonan and Jeff Nellhaus.

**CHAIRMAN PEYSER:** I think procedurally what we are trying to do here is to separate the discussion about the standards as described in the curriculum framework and the assessment strategy. And we ought to I think have some conversation before we move on as to whether the Board is comfortable with this approach. In other words, what we are talking about in terms of the vote today is sending the framework out for comment which is essentially asking to comment on the content of the standards described in the

frameworks which may include some commentary on how they are to be assessed, but that is not the core issue. The core issue is whether we have the content right, essentially. The secondary issue which is no less important is how we're going to assess that content knowledge and skill. Again, the procedural question is whether we can actually separate those two things. I would argue that we should separate them, we should send this document out for comment before we resolve the assessment issue but that today we ought to have conversation on both and try to move the discussion on the assessment forward so that by the time this comes back, let's say 90 days from now, that we have both an assessment strategy as well as a framework.

**DR. DELATTRE:** I will be glad to move that we send it out for public comment even though I will argue that the issues of the framework are not logically separable, it's not possible to separate.

**MR. IRWIN:** I agree with that, too.

**DR. SCHAEFER:** If you look at what we were just handed, New York and Virginia talk about different levels of diploma. And what I would like to know with respect to what we're talking about, are the tests that you're envisioning for these various options going to be of equal difficulty? Because we have not talked about different levels of diploma here.

**MR. NELLHAUS:** If you're referring to the options for assessment that we described in the memo, our intent was to develop tests that would be of equal difficulty level even though they may cover different content area. But we didn't have in mind there would be different levels of certificates depending on which test you took.

**DR. SCHAEFER:** You feel comfortable that that's possible?

**MR. NELLHAUS:** Yes, we feel -- you know, you can't technically equate tests with different content on them. We can do other things that will try to establish the equivalency of the difficulty level of the tests in terms of writing the test items themselves and the expectations and the rubrics, we can try to build in some sort of equivalence between the tests. But the only real way to establish equivalency between tests is to put overlapping items on the test, and to a certain degree that will be true because some of the tests in terms of the options that we have proposed here will have some overlapping content. Not all of them will. That is somewhat of an issue. But if you look at some of these options some states are talking about here, they are also looking at options in terms of testing, students not needing to pass the same test. For example, in Maryland they say passing two of four end-of-course tests in four different disciplines, so even Maryland is looking at some options.

**MR. KOPLIK:** Why wouldn't that same argument then be used by people to suggest we ought to do the same thing in history and Language Arts and so on? I mean, I see that as a potential development here.

**MR. NELLHAUS:** I think in history we have somewhat of an end-of-course test that we are developing for the 10th grade for the world history test that will be administered that will be based on a two-year curriculum in world history. I think U.S. History is actually mandated, it's required for graduation, so the idea of having to test U.S. History in the order that schools offer it doesn't necessarily hold true since it is a course requirement by law. The English test doesn't cover particular content. It's basically addressing reading comprehension and composition skills which can be tested at any grade level.

**MR. KOPLIK:** What about math?

**MR. NELLHAUS:** It may raise some questions about mathematics as well. As you can see, states have looked at -- are doing this both ways. Some are testing students on accumulation of knowledge that they have attained over several years of study, other states are looking at end-of-course testing and it's really -- I don't

think there's any evidence to say that one is better than the other. It's just a different option. They are just different options and they support different policy decisions, I think.

**DR. THERNSTROM:** One, I don't see how you can separate the question of assessment and substance here. I mean, what you end up requiring of -- what you put in the framework depends in part on what your expectations are for the students that are expressed in the assessments. But, two, on the New York, depending on the level of diploma, it's my understanding that New York is getting rid of its different levels of diploma and that therefore that is misleading. And three, on the history frameworks, I agree with Stan that that remains a problem and that what you really want to know in terms of an exit exam is a student's strength above all in American History, and we have still got that problem on our hands if we have a 10th grade assessment that is heavily based on their two-year course in world history. So whatever the logic, it seems to me, the logic of perhaps moving this to 11th grade certainly applies with perhaps greater force to the history framework.

**MR. IRWIN:** I don't think we can legally do that, can we? We can't change it to 11th grade.

**COMMISSIONER DRISCOLL:** We would have to seek legislative --

**MR. IRWIN:** What we are doing is creating an awful lot of confusion not just for ourselves but for the field also. And to continue talking like this, like we're going to start changing around the way the assessment is done, the tests are done and we are just starting to get into the frameworks that haven't gone out yet for the science technology/ engineering, and we're talking about the history frameworks and the math frameworks, if I were an administrator out in the school system purchasing new textbooks I'd say, Wait a second, let's not purchase anything until they decide what they are going to do and what they want to do. We're going all over the board in all these testing issues now and it's kind of late in the game to be doing this. We have two more years and then that's it. I mean, we talked last time there was a mention about us doing it in the English and math, which to me makes sense, but that's another issue. But we have to come to some agreement on this and soon if we're going to start changing these tests around. I mean, the message to be sent, we can't just do it with the science and technology and then a year from now take up the math and then a year from then take up something else. I think we have to make a decision whether we're going to change the way we do the testing as originally laid out by the Board.

**CHAIRMAN PEYSER:** I think you're absolutely right. The question is how do we come to that decision. We can't do it in silence, we do need to discuss it, but I'm very sensitive to your point.

**COMMISSIONER DRISCOLL:** If I could reiterate what the Chairman tried to do, which was -- I understand that they are tied together, but the issue was that the panel in coming to us said, Well, okay, we have to give a 10th grade test and therefore let's look at it this way, and in effect, that's going to change offerings, course offerings, across the state. So the good news is even though they ultimately can't be separated, I agree, the good news is this framework, which is why I want it to go out, has at least all the standards that we would test. In other words, if we sent out a framework that only had two-thirds of the standards and then we decided at a later date to have end-of-course testing or whatever else, then we would have a framework that is inadequate. At least that has got everything. Now the question is, and I think it's my job along with the staff and certainly we'll be communicating with the Board to deal with experts across the country, to deal with people in the field, et cetera, to come together who understand the dilemma -- and I agree with what you're saying, Bill, in terms of the confusion. But on the other hand, I think in 1993 when the legislature, and with all due respect, said science and technology and there aren't five percent of them who don't know technology isn't computers, they followed other states in trying to do this kind of thing. When you get to it, when you start talking about a kid who is not going to graduate from high school or whatever the issues might be and what kids should be able to know and do, and then also try and take care of the population of students who aren't well prepared for going on in academic areas as well, it becomes complicated. So our hope, even though it is somewhat confusing today, if we send out the framework with all of the standards and then we come to it and we come back to this Board in

the fall with very clear options, then I think it will help. I think the confusion is out there because we put out a framework in 199-what, Tom, 4, 5, which talked a lot about an integrated approach of biology, chemistry, physics, and the field hardly followed. I mean, they still have the same courses.

**CHAIRMAN PEYSER:** I think this is sort of the critical substantive issue here which is whether we are going to attempt to force a particular sequencing or particular pedagogical approach on districts with respect to science instruction. In particular, up until this point the frameworks have implied an integrated, so-called integrative approach to teaching science, and there are those who argue I think with quite a bit of merit that the practical effect of that, at least at large, is to water down the curriculum and create practice that debases the quality of instruction in the disciplines themselves and may foreclose higher level instruction in things like physics or chemistry. I don't think that's necessarily true in all cases. I think there's a lot of investment in this case that this is going to go on to create a curriculum in the high school that is bearing some fruit, but in trying to apply that across all the school systems and all the districts in the Commonwealth raises serious concerns about damaging the quality of instruction in those areas. And so the question is, which is obviously why we are wrestling with this, how do we assure high standards and at the same time allow flexibility in the implementation either through integrated curriculum or through various sequencing of the three disciplines.

**DR. DELATTRE:** I want to try to reply to that in some ways by speaking directly to the panel, and what I hope you will continue to work on during the period of public comment. And I want to make a couple predictions in the course of this about the framework. Everybody knows modern science is becoming increasingly interdisciplinary, it's harder and harder to consider modern biology and technology in the absence of chemistry, mathematics and physics. We are all of us directly affected by advances in the medical/environmental sciences in technology, and so I think what we want is a core subset of science that allows an educated public, that is every student, to be conversant with the scientific progress of the day, and that that ought to be an objective of ours. And I think the changes in our understanding of biology and chemistry around physics have led to some school districts revamping their curriculum in science with 9th grade physics, 10th grade chemistry, and 11th grade biology, better fitting the evolution of the modern sciences than the traditional biology, chemistry, physics sequence. And I think doing things in that way can also use the 12th grade as an option year for advanced placement courses and the like. I think that schools with more resources and districts with greater resources will tend to move in this direction in the future no matter what the framework does and no matter what MCAS does. I think that lots of schools will find that this cumulative vision of science, learning science by implementation of the separate disciplines sequence, will make sense to them. I think that as things stand now, a lot of schools can nonetheless, despite the interdependency of the sciences and the research level, make the argument that they don't have the materials, the trained teachers or other resources to offer a top-notch integrated science course, and the National Science Teachers Association is now promoting integrative science, interdisciplinary science education for teachers and their efforts have largely failed. And they failed because they don't have the personnel to teach it. It seems to me that these considerations militate in favor of allowing Massachusetts schools to exercise some discretion, some choice, about the tests they will try to prepare most of their students for. I don't think this is particularly confusing, I don't think it causes disruption in the field anymore than keeping the promise to the field that we have to offer choice among questions in the history exam will cause confusion. Indeed, if you go look at the item analysis of the questions that are now being offered by Advance Systems for the MCAS history test, you will see even if we didn't need choice in the other respects, we need choice to safeguard students from the worst questions.

I think most school districts will choose in the short run to rely on existing separate discipline instruction. And I think what that means is that students will be tested on comprehension of at most two disciplines at the end of 10th grade or whenever we give the test in 10th grade, and I think that a lot of school systems will choose to keep the biology first in the sequence because they will believe that their students will do better on a biology test than on a chemistry or physics test. I think that's one of the prices we're going to pay, but I think we pay that anyway. One of the weaknesses in the core learning standards that I think you have to address, because I don't think they are going to be addressed by the public comment, is the separation

of the chemistry and physics standards. For example, in chemistry core standards, energy relationships are barely mentioned. Thermodynamics is nonetheless a key topic in chemistry and it has to be dealt with extensively. In physics you have to understand the microscopic properties of matter but as the current separated standards are expressed, that's only covered in chemistry. If we leave that kind of division, thermodynamic, microscopic properties, we're going to end up harming science education, not advancing. Finally, I think we run a real risk by the extent to which the standards are separated from mathematics. It seems to me we would want as part of science education for students to be able to include interpretations of equations, graphical representation, and at least probabilistic arguments, but the framework learning standard doesn't make reference to collateral learning and mathematics. And as you know, the mathematics framework and the MCAS in mathematics, 10th grade mathematics, doesn't -- 10th grade MCAS doesn't test adequately discrete mathematics, mathematical structure, trigonometry, measured geometry, from an algebraic perspective. So if the science frameworks don't focus on anything adequately with respect to mathematics, we're going to double the problem. Now, I don't know how much we're going to learn about any of that from public comment, but if I had your job, those are things I wouldn't just leave as they are. I think, by the way, you have made marvelous progress.

**MR. IRWIN:** Can I ask, we have two issues in front of us, one is release for public comment of the curriculum frameworks. No matter what the Board decides to do as far as the assessment part of it goes, our assessment either way would work with the curriculum frameworks that we are talking about releasing today.

**COMMISSIONER DRISCOLL:** That's correct.

**MR. IRWIN:** Then perhaps, Mr. Chairman, a suggestion, we should deal with that issue first and then move on to the second issue, and I would like to make a motion that we release --

**CHAIRMAN PEYSER:** We already have a motion on the table to do that.

**MR. IRWIN:** Then can I call the question on release of the curriculum frameworks?

**CHAIRMAN PEYSER:** On the condition that we will continue to have a discussion around some of the assessment issues.

**MR. IRWIN:** This is strictly on release for public comment.

**CHAIRMAN PEYSER:** Anyone have any further comments specifically on the frameworks themselves? The only comment that I would make has to do with the role of technology/ engineering and in particular I believe that the document suggests that in addition to full years of science in the physics, biology, chemistry domains, that there would be in addition to that in high school at least, I think, two additional full years or two additional -- one semester.

**DR. NOYCE:** One year in grades 6 through 8.

**CHAIRMAN PEYSER:** In high school.

**DR. NOYCE:** By the time of MCAS, whenever that is, an additional semester.

**CHAIRMAN PEYSER:** Even that question creates some --

**DR. NOYCE:** Needs debate, needs public comment.

**CHAIRMAN PEYSER:** Yes, because obviously we are demanding a lot in terms of full-year instruction in all of the core areas where we are having assessments at least and indeed encouraging the schools to adopt more



extensive curriculum with respect to foreign languages and the arts, and the question is: Can this fit also or how does this fit also? So anyway, with that single comment, if there's no other specific comments with respect to the framework --

**COMMISSIONER DRISCOLL:** Just I suspect Board members will agree with my original request that sending it out means that we're going to, first of all, take comment -- I thank you, Ed, for that input -- from Board members and also meet with the panel just for technical issues before it goes out.

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

**VOTED:**           **that the Board of Education , in accordance with Chapter 69, Section 1E of the General Laws, authorize the Commissioner to solicit public comment on the revised draft Curriculum Framework in Science and Technology/Engineering.**

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

**CHAIRMAN PEYSER:** Continue the discussion with respect to the assessment issues. I've got I guess two general questions or areas of concern. One is the statistical comparability with respect to aggregating the data in order to do comparisons or to put individual school and district performances in context, to the extent that different schools or different districts are offering different patterns of tests. Or, if there are only two options, different options, to what extent does that make comparisons across districts or schools difficult. Second is the issue of, for lack of a better word I guess, fairness with respect to competency determination on individual students and the question there is, although you can make some judgments about level of difficulty so that there are common levels of difficulty even though you're testing in different subject areas, it seems to me that a parent or student might be able to make the argument, Well, I'm more talented or have more capacity in one of these disciplines rather than the other, and that because of the nature of the curriculum in my school I was forced to take this other test. Let's say I was taking a biology test instead of a physics test and I really have much more aptitude in physics than biology, for whatever reason, therefore why are you denying me a diploma on the basis of the curriculum decision that was made by my school. So that's one issue. The other has to do with grade level. If I take biology in 9th grade, you take biology in 11th grade, are we taking the same assessment if we are taking an end-of-course assessment? The way we are discussing it here, biology is biology, but perhaps biology in 9th grade is different than biology in 11th grade or even 10th grade. And the same certainly could be said of physics, and so the question of trying to distinguish between not only the difficulty of tests across the domains but within the domains at different grade levels seems to me to be problematic. So I would be interested in that, in getting some feedback on that. The other thing is that on the first page of the July 14 memorandum from the Commissioner down around the middle it says, Following the June Board meeting, Department staff has reviewed these issues in depth and as a result we have, and then number 2 says, analyzed course-taking data. I wonder if you could share that with us. I'm assuming it means what schools are actually offering.

**DR. NOYCE:** We have two sources of data about that. One is the survey that PALMS does every year as part of the chief state school officers key indicators, and that asks all school districts how many kids are in what courses right now. So we know in grades 9 through 10 what courses people are taking right now. We don't know what grade levels they are in when they are taking that course. And the second source of data is from the MCAS questionnaire which asks them what have you taken in 9th or 10th grade. Sort of figuring from that, 95 percent of kids take biology by graduation, 68 percent take chemistry, 36 percent take physics, 24 percent take an integrated science. Those would almost all be in the 1st grade or 10th grade. 10 percent take general science, 35 percent take earth science, 13 percent take environmental science. And then there's a bunch of small ones like oceanography and astronomy and anatomy and physiology, and we can make copies of this for you.

**CHAIRMAN PEYSER:** I would appreciate that.

**DR. THERNSTROM:** What are the 4 chemistry and physics again?

**DR. NOYCE:** Chemistry by graduation, 68 percent, and physics is 36 percent. In terms of when they have taken it, according to the 98 MCAS, 78 percent had taken biology by grade 10, 20 percent had taken chemistry and 6 percent had taken physics.

**MR. KOPLIK:** The same number of people take physics as take earth science.

**DR. NOYCE:** In all, yes. 36 percent.

**DR. THERNSTROM:** Not the same kids, however.

**DR. DELATTRE:** What percentage of students who take physics also take any courses in advanced mathematics? Same question about chemistry.

**DR. NOYCE:** We can't answer that from the data we have.

**DR. DELATTRE:** I know and I don't blame you for that. What I'm telling you is if we don't have that data, somebody doesn't get those data, we are in real trouble.

**DR. NOYCE:** We could do it by 10th grade. We can't tell you by 12th grade. We don't have a way now of capturing that. I think the numbers that are taking biology in 9th and 10th grade being only 78 percent, I think that reflects the change that has been made to more integrated science since the issuance of the framework. That's hypothesis; I don't have any data to support that.

**COMMISSIONER DRISCOLL:** Otherwise it would be close to 100 percent.

**MR. NELLHAUS:** Jim, with respect to the first few issues that you raised, I really think they are legal issues, both the impact of having various testing options in science would have on school accountability and also on the awarding of the competency determination. I think we need to go back and look at those two issues that you just raised and try to see what other states have experienced as they have offered options in the sciences. So I wouldn't pretend to have any answers to those because I think there are a lot of legal implications that are raised by your questions.

**CHAIRMAN PEYSER:** Commissioner, how do you suggest we move this issue forward?

**COMMISSIONER DRISCOLL:** Well, I think that you've raised all the problems and I think we have to go to work and come back with a synthesized set of options, and unless the Board wants to rule something out at this point, I think we just -- I think it's a good thing on the one hand because you want to have the debate, but we are going to have to come to -- and time is marching, so I have faith that we are going to be able to take these comments, seek out great input and get some input and come back to you with a sane set of recommendations.

**CHAIRMAN PEYSER:** Well, it seems to me there's one very basic question which we might be able to resolve in terms of getting a sense of what Board members' thinking is on the subject, which is: Do we believe that at the 10th grade level we should be assessing all three subject areas to make some determination about competency across at least those three domains, or should we be considering other alternatives? I mean, does anyone believe that we ought to be sticking to a 10th grade assessment covering the three physics, biology, chemistry domains?

**COMMISSIONER DRISCOLL:** In other words, an integrated, basically what would have to be an integrated approach.

**CHAIRMAN PEYSER:** It implies an integrated approach, not necessarily, but it would imply one. Again, 10th grade assessment, which is looking at all three domains, some core knowledge in all three domains.

**DR. DELATTRE:** I think it ought to be one of the options.

**CHAIRMAN PEYSER:** But I'm saying as the only option, is anyone saying that?

**DR. DELATTRE:** Not the only one. It should be included, though.

**CHAIRMAN PEYSER:** I think that's important information. Is there any other guidance besides the comments that you have made?

**DR. SCHAEFER:** What happens to all those students who are studying earth science?

**COMMISSIONER DRISCOLL:** Well, this panel has made a recommendation on that. I mean, that's what happens. At some point we are not going to come back in September with 55 options, so some things are going to have to go. We're going to have to make some changes.

**MR. NOONAN:** We are recommending they do it in 11th and 12th grade, earth science.

**DR. SCHAEFER:** I'm missing something. If students are taking biology, chemistry, physics, some combination of that, why would they then take earth science?

**DR. NOYCE:** Maybe because to do earth science at the level of doing it with scientific rigor requires that they know biology, chemistry and physics; it's been taught as much more of a descriptive low-level course and it was the feeling of the panel that that was kind of -- that was not the quality level of science course that we wanted as our basic scientific literacy. I think there will be considerable opposition to that view from the field because kids like it, people like teaching it.

**DR. THERNSTROM:** You know, the whole question of the choices within the assessment, framework, it seems to me, and exactly what we're going to be asking of kids at any one time, really depends on some judgments as to what we can realistically expect of all students in the way of sophisticated science. And you look at this framework and, you take this seriously, we are setting the bar awfully high. And I wonder, you know, what your response to those concerns will be.

**DR. NOYCE:** I have two responses to that. One is that what you see before you now is what we think is the core of what could be taught to virtually all students in three years, not two, so that in whatever option you choose there would be a subset of those that would be expected by everyone by the end of grade 10. It has been very much the intent of the panel to define what they consider scientific literacy, fundamental knowledge, and in fact there's -- I think that we'll hear a lot more criticism that there's not enough stuff in there, that other states have more things in there, and there's a tendency to believe that having more standards is more rigorous, whereas we believe that having fewer standards and teaching them really well provides a better foundation for both going on in science or for becoming a literate citizen. I just want -- I'm going to over step a little bit here and say in considering the concerns of the Board about preserving choice and preserving options, because we do not know the best way of teaching these things, the best order or the best organization of courses, while remaining committed to the idea there is a core of fundamental scientific literacy we would like all kids to have, the panel or at least the subset of it that was able to get together on short notice after the last Board meeting, decided they did want to advocate for, and I'm carrying out their wish, urging the Board to recommend an 11th grade test. We think that these things could be taught well in three years and the pluses of that are what I had said. Basically it allows the greatest

flexibility in approach, it defines a core and it encourages three years of science for everybody. Clearly the first downside is that it requires a change in the law and the second is the question of remediation, but there's some question about whether our whole plan should be based on our fear of what we should have to remediate or should it be based on what we think is the standard we would like all kids to reach.

**MR. KOPLIK:** I'm not sufficiently familiar with integrated science to understand whether the component parts of integrated science would address biology, chemistry and physics at a minimum in terms of comprehensive understanding of a core of scientific knowledge. So tell me a little bit more about integrated science and what constitutes that curriculum.

**DR. NOYCE:** The sad truth is there's very little curriculum that is published and well reviewed that exists in integrated science and, in fact, what people are either doing is a series of units, you know, a unit of physics, unit of chemistry or unit of biology, or a thematic approach. A lot of districts might use environmental science and talk about gas laws in the context of air pollution and talk about a force in mechanics in the context of automobiles, or something like that.

**MR. KOPLIK:** Is there a particular pattern as to the students who pursue integrated science?

**DR. NOYCE:** In terms of the data we have now, I really can't tell you that. I think that in general it has been taught as a 9th grade course. In the past a lot of kids were taught, a lot of lower-level kids were taught general science, which is a little bit of this and a little bit of that. There's been an attempt to intellectually differentiate 6 integrated science from general science and make it -- but the concern -- what the panel, those who favor integrated science, most want to see is strong interconnections made between the different domains in large themes. For example, there are courses built around the theme of constancy and change, so you can talk about chemical equilibrium, you can talk about Newton's laws of inertia and every action has an equal reaction. The issue is that there's just not enough experience with this nationally to know whether the sort of scaffolding of the individual disciplines, where things in physics are based on other things in physics, are those built up well, and that's what we really don't know. A lot of the NSTA recommendations about doing every science every year, first of all, doesn't necessarily mean integrated. The model of European and other nations is that they take chemistry twice a week, physics twice a week, biology twice a week, every year for several years. And that is not a model that has been really taken up in this country.

**MR. KOPLIK:** My point here would be that if you truly had a rigorous curriculum of integrated science and indeed you believed or subscribed to the interrelatedness of life and science, then a course in integrated science as newly defined might be a necessary and mandatory prerequisite before you embark upon specific disciplines of science. I don't see why you would need the undergirding in the general application of scientific principle to really understand the principles of biology, chemistry and physics. That's the way I would build this scaffolding or this ladder that you talk about, but I have a hunch that integrated science varies widely and differentially across the state or across the nation, and that there really is no core to it that might stand the test of rigor as an application or prerequisite to biology, chemistry and physics.

**DR. NOYCE:** I would say that you're definitely right that if there is no common understanding of what a core beginning course in integrated science would be, it tends to be a solution to the problem that states face where everybody would like them to cover their topic and there's not much time to do it.

**CHAIRMAN PEYSER:** We're going to need to break here. I want to thank the panel. I want to make one last comment which is not related specifically to science frameworks but related to math frameworks. We confront some of these issues I think as somewhat lower volume or at least lower level complexity with respect to math and, more importantly, as you were discussing earlier, Bill, in terms of the competency determination at least in the initial years, having the math framework and assessment nailed down as soon as possible is of critical importance and of greater importance than doing the same in science, which is not to slow down

science but to say we need to accelerate the math frameworks, and a determination of how we're going to assess.

**MR. NOONAN:** The panel feels it would be ready to come back in September to present a draft to you, and they have been meeting during the summer. We just met last week.

**CHAIRMAN PEYSER:** I would encourage any Board members who have any particular interests or concerns about the math frameworks and the revision that's going on, to stay in close touch over the next couple of months so that when it comes to us in September, it's not kind of a surprise that's dropped out of the sky.

**MR. IRWIN:** The math frameworks, is it possible we can get where the changes are identified from what we have already seen before?

**CHAIRMAN PEYSER:** We have had some discussion, I don't know if Sandra -- perhaps can you describe some of the issues?

**MR. IRWIN:** It would make it easier for reading instead of doing all the frameworks over for us where the changes are being made.

**MR. NOONAN:** We can highlight to you the discussions we have made in the learning standards that we have had to now.

**COMMISSIONER DRISCOLL:** It's one of my goals, and I suspect it's the Chair's as well, but getting back to your idea, it isn't the number of standards, it isn't the thickness of the book that makes it effective, and I think sometimes we send out all this stuff to Board members, which you're going to get anyway but we ought to send out the changes. I think that's very important for people so they don't have to deal with 500 issues.

**CHAIRMAN PEYSER:** The specific changes typically result from some basic decisions that are made that are policy made or philosophical, and making those explicit and clear would be helpful. So anyway, let's adjourn until 11:00 when we will reconvene.

### **3. CHAPTER 70: SCHOOL FINANCE - Discussion**

**CHAIRMAN PEYSER:** We are currently at number 3 under Major Subjects for Discussion and Action which is a briefing and discussion on Chapter 70, and some issues that lie ahead of us, lie ahead of the legislature, I should say, as well, with respect to, for lack of a better word, the next round of Chapter 70 funding. Just as a very brief background, as you know, the legislature in adopting Chapter 70 made a seven-year commitment to funding the foundation formula and to bring all schools up to foundation budget level. That has effectively been accomplished or will be accomplished with the adoption of this -- well, it is the current fiscal year budget even though it is not in place, and so the question is what happens in the next fiscal year. There are a number of longstanding issues with respect to the formula itself which are on the table and there are other issues, other alternatives to the existing formula, which are now beginning to be discussed. And this is an issue on which I hope the Board will take some position before this year is out to provide guidance to the administration and the legislature and, therefore, we need to begin the process of educating ourselves as to what the issues are with respect to Chapter 70 and to start thinking about what alternatives, improvements, we might make ourselves. So with that I will turn it over to you, Commissioner, and to our panel.

**COMMISSIONER DRISCOLL:** I just want to make two comments. One, the Board, the public, others are presented with all kinds of issues to deal with and, as typically happens, some of them are seen as big issues and some are seen as small issues, mountains and molehills. I'm afraid that Chapter 70 is seen very often as a molehill and in fact it's a huge mountain, and that's why I have taken some time today. It really does

undergird all that we are trying to accomplish. As one who had to lay people off and who never knew from year to year as to what our budget would be, Chapter 70 has introduced some very, very important components: first of all, a minimum contribution by a community based on a very complicated formula, but nonetheless a contribution that has to be met; and secondly, of course, an amount of money provided by the Commonwealth which is now \$2 billion in new money since 1993. So this is an enormously important issue and I believe has gone a long way towards stability. Now, people will argue because of the formula that a number of districts have not seen and have not realized great significant increases. In fact, there are some 50 percent of our districts that have had increases in special education that are larger than all of the money they received, additional monies they received under Chapter 70 since the formula. So I think the first thing to be said is it's very, very important and we need to weigh in because with the kind of stability we have had over the last seven years, it's very important. Secondly, it is very complicated and there are flaws and we have to somehow come to a set of recommendations that simplify it, that are understandable, and then allow it hopefully to go forward and have the kind of increases, because I think we need increases each and every year in order to sustain our progress. Our staff has been absolutely terrific. This law to implement back in 1993 was a bear. It was just unbelievable, nobody understood it, there's derivatives of derivatives. We start talking about overburden aid and equity aid and the regional districts and the ramifications of regional agreements, it's been unbelievable, and our staff has been terrific. So I want to turn it over to them to give a brief overview and some ideas of some of the issues that we need to confront. I hope you know the two gentlemen that we stole from the Department of Revenue, that was pretty smart, to my left Roger Hatch who has done a tremendous job since coming over, really sits down here and just crunches numbers all day and gives help to districts, and Jeff Wulfson, of course, our chief financial officer who again came from the Department of Revenue both of whom have done yeoman's work.

**MR. WULFSON:** As the Chairman indicated, this year fiscal year 2000 is the seventh year of the formula. Just a minute or two of background just so everyone understands exactly what we are talking about here. When we use the phrase Chapter 70, this is the primary program of state aid and state financing for the general operations of a K-12 public school system. We have dozens and dozens of categorical grant programs but 95 percent of the dollars that we give out to local school districts goes through the formula of the Chapter 70 program. As the Commissioner indicated, it's an incredibly complex formula but at heart it's fairly simple. It basically consists of three important features. The first is the so-called foundation budget concept. It was the notion that there was a certain amount of funding that every school districts needs in order to provide an adequate education, and we calculate that every year for each district based on their unique enrollment characteristics, taking into account inflation, and the goal of the formula, as the Chairman said, was to get every district spending at or above that foundation budget level by this current year. The second piece of the formula is the local contribution piece. The Chapter 70 program still leaves the local municipalities as the source in the first instance of funding and we calculate or attempt to calculate for each community what they are able to afford given Proposition 2 1/2, given their revenues, given their unique situations and wealth. And then the third piece of the formula is the calculation of the state aid, that basically the commitment is to make up the difference between what the foundation budget is and what the community can afford.

We have made significant progress, I have just passed out to you actually a corrected version of the chart that was in your packet, made some minor corrections in the calculation, but the basic thrust is still the same that back in 1993 we had roughly two-thirds of the students in school districts in districts that were spending below the foundation budget amount, and through 1999, this past year, that number is cut in half and we do expect with this final year of funding, once we get the state budget, that all districts will be spending at or above the foundation budget level, and that's a significant accomplishment. As the Commissioner points out, there are many flaws, problems, areas that could be improved on in the formula. There is a very strong expectation that the legislature will try to address that this fall. The legislature intends to try, the joint education committee has already conducted a series of public hearings on these issues, numerous proposals have been filed as legislation and will be considered by the education committee. Obviously with the delay in the passing of the state budget and the recent resignation of Chairman Lane as the House Chair, some of us are a little concerned whether the legislature will actually be able to stick to that ambitious schedule of addressing

those changes this fall, this fall being the real deadline if we want to make changes that will inform the budget process for fiscal year 2001 which we are actually starting to do planning on right now. But certainly there is a strong expectation that we will at least try to tackle some of these issues. There's also a very strong expectation around the state, and I'm not sure how realistic it is, that the new formula will mean more money for everybody. One of the fascinating things to me about the current formula is even though the state, as the Commissioner mentioned, has significantly increased its funding commitment to K-12 education, it's up by more than a billion dollars annually since the beginning of Ed Reform, out of the 351 cities and towns and the 325 operating school districts, there probably isn't a single one that doesn't feel that they could use more money. I think I got some of my negatives mixed up there, but every single one of them believes they could use more money productively, let me put it that way.

**CHAIRMAN PEYSER:** If one comes forward and says they don't need money, we'll give them as much money as we've got.

**MR. WULFSON:** Now the secret is out and wouldn't it be nice if we could accommodate that. But the renewal of the formula really needs to be taken in the context of several other issues that I want to mention. One, of course, is the legal background. The formula itself grew out of the McDuffy case and this fall we expect the SJC to be hearing and making a decision on the Lopez case which will give it an opportunity to address whether the original formula met some of the mandates of the McDuffy case. At the same time we have a number of other very big ticket items that are up for consideration as part of the budget or as part of our legislation. There is the special education reform legislation pending that includes a promise of increases in state funding for special education. We know the School Board Assistance Program continues to have a large backlog and, in fact, there's proposals on the table now to have the state get involved in the funding of repair projects as well as new construction and renovation projects that could potentially drastically increase our financial commitment. We know the Speaker has proposed expanding early childhood to include full day kindergarten. The list goes on. And if you add it all up, we could easily say we have requests on the table for three, four, five hundred million dollars worth of increases in education. Given that education, K-12 education has gotten the lion's share of increases over the past seven years, given we don't know how long the current economic boon will last, I think we need to be realistic as to what type of increases the state budget can support, and we're going to need to deal with that as a Department and Board not only in the context of the changes to the Chapter 70 program, but in terms of our budget request for fiscal year 2001 that we'll be coming back to you with at the next meeting to begin that process. So given all those constraints, I think if anyone is going to play the role it has to be us to say, This is not just a question of how much money can you give us, we'll spend it all, but it's how much money can we justify, how much money do we need based on educational needs, based on sound policy considerations, based on what the research shows. Many other people are coming in and just simply asking for more money. I think the burden is on us to justify any additional increment of money and say why this is needed and how it fits in with our overall goals of increasing student achievement. We put together some background information, I particularly call your attention to the last two pages of your packet, this is a list we came up with, I'm sure there are others we can add, of what are really some of the key policy issues that would really underline in the reauthorization of the formula.

What we have been trying to do is go out and talk to various groups, municipal officials, and trying to get people to focus on the reasons for parts of the formula as opposed to the typical question that we get is, How can I change the formula to get more money for our district? You know, that may be well and good and I certainly understand their position as local budget officials, but we would like to sort of step back and engage both the Department staff and the Board in some of these issues that might really inform and provide a basis for some recommendations to the legislature. Each of these issues alone I could probably spend an hour talking about, but I guess issue number 1 of all of them transcends and really goes to the heart of what we are trying to achieve here with Chapter 70. The issue is: Is the foundation budget adequate? The whole heart of the Chapter 70 formula is we are trying to provide adequate funding for every district. We understand that funding alone will not result in student achievement, many other things have to happen, but without some level of adequate funding none of the other things can

happen or can happen easily. Nationally we have seen two large trends in education financing. One is the shift from equity to adequacy in funding formulas. Back when the first wave of educational financing litigation began, some 15, 20 years ago, most of it had to do with equity issues. We had a fixed pie and how do we split that up in a fair fashion without shortchanging the poorer districts without any real regard to what the total amount of money was, whether it meant anything or not. But the emerging trends seem to be it's not enough to say we are sharing the money equally, it's are we providing enough money, the adequacy level. Massachusetts actually was at the forefront of that because our formula did include measures of adequacy when it was first enacted back in 1993. But the measures we currently use in the formula are measures of inputs. The foundation budget is built up from various assumptions on class size and teacher salaries and how much you need for textbooks and how much kids you should be having in special education and things like that. What we are now starting to see nationally is a shift away from those kinds of measures of adequacy to the outcome-based measures. Don't tell us what inputs this is going to buy, demonstrate to us that the amount of money we are giving to you is enough to provide for adequate student achievement, however that is defined, and at this point, of course, there is no consensus as to how you measure that. There is even less useful research on how you link dollars to achievement. But that clearly is one of the major research issues we have in front of us to justify either the current foundation budget level or justify increases in that foundation budget. We need to be able to demonstrate that connection. One area there has been some significant research in that I have found interesting in recent years is focusing on the differentials for low-income and bilingual students, those students who we know qualitatively need more educational resources. Our formula includes some judgments for those students, provides more money to districts based on the numbers of students that fall into that category, but some of the emerging research indicates that those factors may be well understated and that the amount of additional resources it takes to deal with student populations in those categories may be much more significant than we know. So that's just really a broad overview of where we are in the process, and the types of issues that I think we need to address. Again, I think our focus needs to be on the educational side, there's a whole set of issues on the municipal finance side in terms of how much we can reasonably expect a community to pay, how do you measure the wealth of a community, is the property tax fair, how do you deal with the issues of low-income residents of high-property-value communities. These are very important issues in the formula as well, but I'm hoping that our colleagues in the municipal community take the lead on some of those issues. At this point we look to the Board for some guidance on how you'd like to proceed over the next few months in talking about these issues and in crafting some recommendations that we can bring to the legislature in the early fall.

**CHAIRMAN PEYSER:** By the way, just in terms of thinking of our schedule, in order for us to be timely in terms of our recommendations, what month are we talking about in terms of trying to put something before the Board for a vote to send to the legislature? Are we looking at the end of the year, is it November?

**COMMISSIONER DRISCOLL:** Are you talking about the budget or this issue?

**CHAIRMAN PEYSER:** This particular.

**MR. WULFSON:** I think the legislature has indicated once the budget is passed and once they have come back from their well-deserved vacations, this is going to be one of the issues they are going to tackle. And the goal, I don't know whether it will be necessary to have legislation in place by the end of the calendar year so that it can inform the budget proposals that will go in in January.

**CHAIRMAN PEYSER:** Do they actually think they are going to pass legislation before the end of the year or just have a bill in the hopper?

**MR. WULFSON:** Well, the hope is that something will be passed. I think experience tells us that will probably not be achieved, and then there may be an issue of do we have to have an interim year.



**CHAIRMAN PEYSER:** I've assumed, perhaps incorrectly, that essentially the administration as part of a House 1 submission would put a proposal on the table and the legislature would either at that time or prior to that have a proposal on the table.

**MR. WULFSON:** The problem with that time table is if you do it as part of the FY 01 budget process, by the time you reach resolution you're talking about conference committee a year from now, and for that to inform the municipal budgets that start in 11 months would cause a certain amount of disruption, and I think it would probably at that point, if we could not get agreement on at least the framework for a new formula --

**CHAIRMAN PEYSER:** Perpetually the status quo.

**MR. WULFSON:** Or some tweaking for one more year, and that may very well turn out, but I know the Education Committee is spending a lot of time with us now, we have had meetings with their staff and certainly both Chairman Lane, and of course we don't know who will replace him, and Senator Antonioni have indicated they want to at least tackle the issue in the fall whether it's resolved or not, and I think if we want to add our voice to that debate, as I think we should, the sooner in the fall we do that I think the better.

**CHAIRMAN PEYSER:** Certainly in part of our planning efforts in the next few months we ought to think about the schedule because I don't think we can reasonably vote on something in September, but I think that it needs to be on the agenda in September if we're going to make headway on this and get some timely advice at a minimum to the legislature and to the Education Committee. A couple of, I don't know, additional comments I suppose following what you said. It seems to me there may be three general areas, I'm not sure it captures everything you've said, but there are improvements in the formula itself which has to do with sort of the inner workings of the box, that's one set of issues. There's another set of issues which has to do with things that are outside of that Chapter 70 box but which affect the total level of Chapter 70 aid that municipalities receive and I'm not sure exactly how to describe all that, but my general sense is most of it has to do with grandfathering and the hold-harmless clauses that have been dragged in from history which result in communities that on paper look to be identical receiving sometimes substantially different amounts of aid as calculated on a per-pupil basis, and addressing those kinds of seeming inconsistencies or those areas of unfairness from one community to the next seems to me to be another category of issue that needs to be dealt with. And then the third area which, I mean, I like to define more narrowly but others might define more broadly, are different alternatives for actually distributing the funds. This gets in part to the issue we have raised here, number 3, around focusing more funds on the school sites rather than districts, but there may be other permutations. I personally am quite favorably disposed to figuring out if there's a way for us to direct funds towards schools based on enrollment rather than filter them through districts and allow districts to allocate those funds as they see fit from one school to the next. Having expressed my sympathy for that, I know there's other technical problems associated with actually implementing it. Nevertheless, I think that really reflects a fundamental shift in the way that funds are distributed to schools, not the aggregate amount of funds, but the way in which they are distributed is another category, and I might also lump into that some issues that may revolve around facility financing and capital improvements which, at least under the current formula and the current way in which funds are allocated, tend to be entirely separable and these funds tend to be considered operating funds rather than funds to defray costs associated with providing a full slate of services including those that have to do with capital expenses. So anyway, I think this is a very useful start for our own sort of internal education process. I think you do raise the principal issues here and I think it's something we ought to give more thought to in terms of trying to frame some of the options, but also in terms of trying to accelerate our own understanding of what some of the details are because, unfortunately, this is the kind of issue which we can easily skim across the surface and make some fairly high-level decisions or recommendations independent of some of the gory detail.

**DR. SCHAEFER:** Would it make sense to plan a session for the Board?

**CHAIRMAN PEYSER:** I think we definitely should. We have a session on recertification in August, maybe our meeting before the September meeting ought to be focused on this subject. I don't know. We need to work through some of this with what other schedule issues are impinging upon us, but there's no question that we need to give Board members the opportunity to have more focused time not only to read about this issue or this set of issues, but also to discuss them and hear others who have more informed opinions as well as differing opinions talk about it.

**DR. THERNSTROM:** It seems to me this is an utterly fascinating issue and it's obviously extremely complicated and I'm delighted to find out about it a lot more and think further, but I'm going to ask the most low-level, crude question here. Isn't the reality that a resolution of the issues as you've outlined them is going to be politically driven and not driven by the kinds of educational considerations that we may in a fancy dance here come up with?

**MR. WULFSON:** It may very well be, but my obligation is to present the rational policy-driven point of view.

**COMMISSIONER DRISCOLL:** Let me take a shot at that. It certainly is very likely given the schedule that we're going to be subject to that kind of thing, but we believe that there is a fundamental difference between what we see as a Department and I hope as a Board as opposed to the way the legislature, which needs to worry about its own district -- and they say down and to the right. Give them any form, go down and to the right, they go down in their community and go across to see how much money it is. As a result, the legislature has tended to have these sort of hold-harmless provisions where no one loses, and one of the things that we I think will hit head on, I don't know how practically it will be successful, but I think one of the things we need to do in the sense of fairness, there has to be winners and losers. There has to be some decision made in which some gain and some actually lose. Otherwise the issue is now the districts who are losing students are gaining money, and that really doesn't make sense, but that's the way it works. There's a year delay and every time the legislature increases minimum aid, they are really essentially subsidizing communities that are having lower enrollments and hurting communities that are having significant increases in enrollments. That's a fact. But to try to get that change is very, very difficult. So yeah, we're going to run up against that.

**DR. THERNSTROM:** My point is, Dave, does it make any difference at the end of the day what this Board has to say on such issues?

**COMMISSIONER DRISCOLL:** I hope so. I think if we became aggressive and proactive, I would hope so.

**CHAIRMAN PEYSER:** The question is not whether or not there's going to be any horse trading over a revision of the financing formula. Of course there will be. The question is what's the point at which that horse trading starts. I mean, if we are able to influence the framework by which a final legislative solution is produced, then I think we will have done our job. We can't do much more than that. However, if the baseline of the framework is established by somebody else and does not reflect what we consider to be good policy decisions, then we know we're going to come out conservative, the worst possible situation.

**MR. KOPLIK:** Jim, I think this is a critical issue for the Board to undertake and I think it's an issue that I think at least certain members of the Board may have particular interest in exploring in greater detail than others, and ultimately come back to the Board for fuller discussion. My recommendation to you is to probably talk with Charlie Baker, chairman of the committee that you appointed, and this would lend itself I think very well to that committee getting its feet and hands and brain into an issue that would be appropriate for an in-depth - you would have to spend a couple of days at a minimum with the staff looking at options, and then we come to the Board with some findings, just so that you have a deeper understanding by individual Board members because at the present time we don't have that. We look at some charts and everybody does what David does even at this level, down and to the right.

**CHAIRMAN PEYSER:** I think you're right. Actually, I talked to Charlie this morning about getting together as soon as he gets over this particular hump with respect to his new task at Harvard Pilgrim, which is not going to go away, but he is sort of reaching a critical decision point and once he is past that he believes he will have some more time available, and we're going to get together within the next few weeks and have a serious discussion on exactly that point in determining how much time he's got available for us to really launch the committee with chairs and use that committee as one of the drivers of putting recommendations before this Board. If for some reason he's got a persistent time constraint that would prevent him from putting in the time needed to move this forward, I will try to figure out another means, whether it's reconstituting a committee or doing something else, but I think you're absolutely right. We need to use that vehicle, we need to use the resources of Board members who have the time and also have the background to be more focused on this issue to advise us as we go forward.

#### **4. PROPOSED MEETING DATES FOR 2000 - Discussion and Vote**

**CHAIRMAN PEYSER:** The next item is a listing of the proposed meeting dates and we would like to get some agreement on these dates which --

**DR. THERNSTROM:** I forgot to look at my calendar at home, I think they are okay, but I would like to reserve the right to call in this afternoon and let you know if I have a problem.

**CHAIRMAN PEYSER:** They start in January and go through December, they are essentially the fourth Tuesday of every month, but there are some rare exceptions.

**COMMISSIONER DRISCOLL:** It's really just the holiday in February and the Christmas in December and there aren't any other conflicts with religious or legal holidays otherwise.

**CHAIRMAN PEYSER:** Does anybody have any known conflicts with this schedule?

**MR. KOPLIK:** Tuesday the 19th will be the third Tuesday in the year 2000, David. That would conflict with what I have done with Higher Ed. We have gone to the third Tuesday of every month. The good news is we haven't set December 2000 yet, I have just gone through June, so maybe we can make an adjustment.

**CHAIRMAN PEYSER:** Should we say it should be Wednesday the 20th?

**CHAIRMAN PEYSER:** I don't like Monday meetings in that sometimes having at least one day in advance of the meeting gives us flexibility in the meeting time, but frequently as a practical matter some of the discussions occur the day before and it's a little easier to have those on a Monday.

**COMMISSIONER DRISCOLL:** Should we consider Wednesday the 20th?

**CHAIRMAN PEYSER:** I would. If they have a regular schedule, we shouldn't conflict.

**COMMISSIONER DRISCOLL:** Does anybody have a conflict with the 20th in the morning?

**MS. CRUTCHFIELD:** Can you verify the dates for the rest of this year? Can somebody?

**MR. IRWIN:** I can. August 31, September 28, October 26, November 23 and December 21.

**MS. CRUTCHFIELD:** I'm golden.

**CHAIRMAN PEYSER:** Do we need to take a vote on this?

**COMMISSIONER DRISCOLL:** No.

**CHAIRMAN PEYSER:** Abbie, if you can get back to us.

**DR. THERNSTROM:** I will but I don't think there's a conflict.

## **5. AUTHORIZATION TO COMMISSIONER - Vote**

**CHAIRMAN PEYSER:** And then the last item is providing the Commissioner with authorization to make grants.

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

**VOTED:**        **that the Board of Education authorize the Commissioner, in consultation with the Chairman, to act on behalf of the Board in approving grants and any other matters, including School Building Assistance matters, that require action between July 20, 1999 and the next regular Board meeting; provided that the Commissioner shall report to the Board at the next regular meeting on grants and any other matters**

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

## **6. CERTIFICATION OUTLINE**

**COMMISSIONER DRISCOLL:** One last item. Item 6 in your packet is a framework I think we called it, I keep using that word, about the certification regulations which we have offered comment on, so involved in all the issues that are connected to everything else we talk about, and in fact when you talk about science, we are going to be requiring certification regulations that people have background in chemistry, physics, biology, whatever. But anyway, at 10:33 today we received notification that we did in fact receive a grant, \$1.4 million a year for three years on teacher quality enhancement. I'm very pleased, we are one of 20 states to get the grant, and the abstract says we are to create an information system that will allow Massachusetts to diagnose present and future staffing needs, evaluate educator preparation programs, monitor statewide trends and teacher quality and inform state policy on all issues related to educator personnel. Finally, regulations would be revised to strengthen standards for educator certification and program approval. So it is right in line with what Stanley and I, the joint commission, what we have been talking about, so that's very good news. I wanted to share that with you.

**CHAIRMAN PEYSER:** When does the money become available?

**COMMISSIONER DRISCOLL:** September October 1.

**DR. THERNSTROM:** Can I go back to the schedule for a second? It would be nice to know whether we should in general expect to be meeting the night before or not. Some of us do have very complicated schedules and we need to know whether we need to be in town for the afternoon or evening.

**COMMISSIONER DRISCOLL:** The short answer is you should pencil them all in.

**CHAIRMAN PEYSER:** Especially certainly given what we just discussed about the timetable around Chapter 70, given the fact that we've got closing down on us some decisions about competency determination,

essentially pass thresholds on MCAS, given a number of other issues that have pretty short time horizons, it seems to me a pretty safe bet we're going to require in almost every case, certainly through the end of the year, to have so much amount of premeeting discussion that's separate from the business meeting. So the short answer is yes, I would pencil it in. And as part of what the Commissioner and I hope to do in the next few weeks as we develop the work plan and schedule for the rest of this year and up through 2000, is to be more explicit about that. The other thing I just mention about this memo that we've got in front of us, this is as the Commissioner said, critical work. I think what Sandra and Carol have done in identifying these eight problems is sort of a down payment on a further effort to try to sketch how the certification regulations would be revised which has applications for them. The professional teaching standard, whatever they are called, the standard of professional teaching and administration, I think they have made a very good start, I'm very pleased by the lists that they've drawn and by the issues they've raised and I would add also that the Joint Commission for Educator Preparation also has an active interest in this process that's underway, and I think they are likely to provide support and input on this as well.

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

**VOTED:           that the Board of Education adjourn the meeting at 11:47 a.m., subject to the call of the Chairman.**

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

Respectfully submitted,

David P. Driscoll  
Secretary to the Board