

COMMONWEALTH OF MASSACHUSETTS
Board of Education
*****REGULAR MEETING*****
MASSACHUSETTS DEPARTMENT OF EDUCATION
350 MAIN STREET
MALDEN, MASSACHUSETTS

Monday, December 21, 1999

9:00 a.m. - 11:30 a.m.

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

Mr. James A. Peyser, Chairman, Dorchester
Dr. Roberta R. Schaefer, Vice-Chairperson, Worcester
Mr. Charles D. Baker, Swampscott
Ms. Patricia Crutchfield, Southwick
Mr. William K. Irwin, Wilmington
Dr. Stanley Z. Koplik, Chancellor, Board of Higher Education, Boston
Mr. Marcel LaFlamme, Chair, Student Advisory Council, Monson
Dr. Abigail Thernstrom, Lexington

Dr. David P. Driscoll, Commissioner, Secretary to the Board

**MEMBERS OF THE BOARD
OF EDUCATION ABSENT:**

Dr. Edwin J. Delattre, Boston

ALSO PRESENT:

Maryellen Coughlin, Registered Professional Reporter
Registered Professional Reporter

COMMENTS FROM THE CHAIRMAN

CHAIRMAN PEYSER: Good morning everyone. Welcome to Malden. I really don't have much to say to get things started this morning, although I do want to make one brief and certainly not embarrassing announcement. One of our Board Members, and you'll have to guess which one it is, has just been admitted to that aging campus in Cambridge. Marcel has been admitted to Harvard. Congratulations. Now, of course, we're going to be expecting more of you in your remaining months. Obviously you're well credentialed.

The Joint Commission on Educator Preparation, as you know, has been meeting and has submitted recommendations to the Board. They are also in the process of generating even more. So by the next time we meet, we may have a whole other set of recommendations. The plan is that we will have a full set of recommendations and a report submitted by the Joint Commission by February. We'll get all of those to you. These recommendations pertain very directly to the discussion we'll have, in subsequent meetings, around teacher and educator certification standards and evaluation. Those recommendations are going to be very helpful to us as we pursue this important issue.

I'm not sure if it's been distributed, but the annual report of the new teacher test has been released. In the past we've issued reports after every administration of the test. However, the Department has now accumulated the data through the course of the year so that people who take different parts of the test at different times, or who may take the test more than once during the course of a year are all put together and counted without redundancy. The data are then aggregated by school. It shows, in fact, that there are about a dozen schools above the 80 percent threshold being established as the minimum requirement for maintaining program approval. Obviously many more are below the 80 percent threshold, some by quite a bit.

This is an important report. You'll find it in Tab 10. Hopefully you've had a chance to look at it. This is the first time we've issued this report, and it is the way it is going to be issued as we move forward. It provides data that we haven't had in terms of the performance of the schools of education when aggregating the test results for students. With that, let me turn it over to the Commissioner.

COMMENTS FROM THE COMMISSIONER

COMMISSIONER DRISCOLL: I'll be very brief, but I do want to comment on a number of things. On the agenda today, we have a tentative schedule. In March, Chairman Peyser and I set a tentative schedule right through December. I'm pleased to say that we've addressed every issue that we had scheduled, and we've done so on time. So I think it's very important that we keep this momentum going. There are a number of things that I want to mention briefly.

First of all, there was the Chapter 70 forum, addressing a very important issue that faces the entire Commonwealth. The Chairman called for this forum. There were a good number of people in attendance. We had four or five people that really understand Chapter 70 that attended -- and there are only four or five of them. We had representatives from a number of groups, such as MMA and the Mass. Taxpayers Foundation, etc., and it was very, very informative. We intend to come back with some recommendations in January.

I do want to mention the 12 to 62 plan, the teacher quality enhancement initiative, Chapter 260 in the Acts of 1998. This was the \$60,000,000 endowment that was established by the governor and the legislator for teacher quality initiatives. Tremendous progress has been made. You have, in your packet, under Tab 12, a summary of the progress around programs such as: Future Teachers of America Clubs; the Governor's program, Tomorrow's Teachers; Scholarship Funds such as free tuition and fees for high-school students who graduate in the top quarter of their class and our signing bonus program. We have even proposed legislation for retired teachers.

I also want to mention the Spread the Word Campaign. This is a program whereby we provide free books to students in urban schools that were donated primarily by suburban communities, parents, libraries, and businesses. The Department has even donated books. We were fortunate to have 60,000 books transferred through this program for the last couple of years. The Disney Corporation stepped forward this month and has donated a quarter of a million books. In fact, they're on pallets in warehouses all over Massachusetts, and we're getting them out. It's really a tremendous holiday gift for a number of kids throughout the Commonwealth. The Massachusetts Mentor Program is picking up a few skids and getting them out to the kids in their mentor programs. It's just been tremendous.

On the technology front, we are working on establishing a student identifier for every student who is going to be tracked through our assessment program. It's a major undertaking because we want a unique identifier, not a social security or the like. It's coming along very well. I think 90 percent of our school kids have completed that task.

I have just a few other announcements. The committee that's been working on the Mass. Community Network is looking at various proposals so that we may soon have a contractor with respect to the Mass. Community Network. Finally, since our youngest member was noted for having been accepted to Harvard, we ought to pay tribute to our oldest -- he's not really our oldest member, but the longest serving member. Bill Irwin has been named to the Governmental Affairs Committee of the National Association of School Boards. We're very pleased. Bill, congratulations.

CHAIRMAN PEYSER: We'll move now to the public comment section of the agenda.

Evelyn Rielly, Christian Coalition of Massachusetts

MS. RIELLY: Good morning ladies and gentlemen. Thank you for hearing us today. My name is Evelyn Rielly. I'm executive director of the Christian Coalition of Massachusetts, and I'm here to protest the establishment of the so-called gay/straight alliances in the public schools.

The Commission on Gay and Lesbian Youth was established on the false premise that youths who identify themselves as homosexuals have a very high suicide rate. It is claimed as much as 30 percent. The Boston Herald in May of 1997 exposed that fallacy as having simply no scientific basis in fact. That Herald article is attached to a packet that I have for each of you. On that false premise, an unnecessary and dangerous agenda has been forced on the public school system. Gay/straight clubs are not like other school clubs that are centered on a common harmless interest like astronomy. Gay/straight clubs are primarily about sex. Historians Will and Ariel Durant discovered that societies that delayed sexual activity in its young achieved the highest level of civilization. Our laws have always tried to protect the innocence of children. Would we let a group of youngsters start any other club that was all about sex, especially one that facilitated contact with adults from outside the school?

In USA Today it reports, and there's an article included here, that between 1 and 3 percent of the population admits to homosexual conduct, yet the American Psychiatric Association says that that small number is responsible for 30 percent of the sex crimes against children. My math education tells me that while not all homosexuals are pedophiles, a pedophile is at least ten times more common among homosexuals than among heterosexuals. According to Massachusetts News on page 12, and there's a copy attached, 25 percent of 12-year olds are confused about sex. To send those children to an adult homosexual for counseling is unconscionable. Gay/straight alliances provide referrals to various homosexual organizations. Among them is the Boston Area Gay and Lesbian Youth, which invites youngsters in these gay/straight alliances to free weekends away with homosexuals. So not only is the probability multiplied of those children being preyed upon by an adult, but also the research shows that a child's first sexual experience strongly influences sexual attractions thereafter. Homosexual behavior involves dangerous practices that result in life-shortening diseases. For schools to promote clubs that teach homosexual sex to children is nothing short of criminal. Who will be the target of the first lawsuit when because of a school-sponsored program a child becomes sexually involved with an adult and contracts a deadly disease?

The Equal Access Act does not mandate acceptance of dangerous clubs. I ask the Board of Education to please say no to the seduction of children in our public schools by the radical Commission on Gay and Lesbian Youth.

MR. LaFLAMME: Thank you for coming this morning. I'd like to follow up with you about your comments, if there's contact information in the packet, but I'd like to refute one point that you've made, now. You're operating under the premise that gay/straight alliances are all about sex. I'm speaking for myself, and not for GSA's across the state, as a founding member of our school's GSA. It is not all about sex, for what that's worth.

MS. RIELLY: Well, it's based on a premise which is about sex. I'm sure that there are other aspects to it, such as social aspects, but the underlying premise is based on sexuality.

Scott Whiteman, Executive Director of the Parents' Rights Coalition.

MR. WHITEMAN: Good morning, Mr. Chairman, Mr. Commissioner. Good morning, Board Members. My name is Scott Whiteman, and I'm the executive director of the Parents' Rights Coalition. The Parents' Rights Coalition was instituted to protect parental involvement in their child's lives, as opposed to the intrusion of other members of our society. Evelyn Rielly dealt with much of what I was going to speak about regarding the suicide rate and the fact that it's completely inclusive and unsubstantiated by science. What I can say is that you've been duped by the double lie. William Weld established, by his executive order, the Governor's Commission on Gay and Lesbian Youth stating as his reason the prevalent high suicide rate among homosexual teenagers. As Evelyn revealed, the suicide rate is not high. You've been lied to there. And secondly, you've been lied to that the GSA's are in your schools to protect against suicide by teens. The Commission was founded on false premises, and the facts remain that they are still on false premises. Since the suicide rate is not as prevalent as the agents of the Commission claim, what does the Commission do?

According to the recommendations given to the Governor in 1994, the Commission has provided training on sexual orientation and the coming-out process. Additionally, when dealing with STD's, training sessions are from a specifically homosexual, gay, lesbian or bisexual point of view. Exactly what skills ought we be teaching our children to practice? Should we be training them to trim their fingernails before they stick their hands in someone's rectum? Possibly we should be paying them to practice on a weekend retreat in New Hampshire sponsored by Bagley. Bagley

itself recognizes that the age range in their meetings was from 14 to 22. They're placing 14-year olds in the same meetings as 22-year olds and then speaking about sex. I'm 25. If I were to approach your 14- or 15-year old daughter or granddaughter and ask for her to discuss sex and "really get to know me on a much deeper level," you would come against me, and prevent me from meeting her in this atmosphere or any other atmosphere. You'd possibly even come against me criminally, yet we allow our young boys to be preyed upon by older men and call it diversity.

Pedophilia is a crime. Consensual sex between a child under the age of 16 and a man above the age of 18 is a crime. Who will be to blame when an older man and a younger boy lie together facilitated by the GSA's? Keep in mind that by their own admission homosexuals who represent less than 3 percent of the population commit about 30 percent of the crimes of pedophilia. Forget the idea --If we can just save one. You are opening the door to the sacrifice of many others under the guise of diversity and safety. The Commission on Gay and Lesbian Youth has lied to you to get into the schools. They lie to our parents while in the schools, and you best pray that they're not lying with your young boys. If you provide the inroad for these criminal pedophiles, you ought to be held accountable as well for their crimes. Of course they will claim that the GSA is not about pedophilia, but how many gay men would have missed out on a valuable liberating experience, one that initiated them into their sexuality if it weren't for so-called molestation. This is a quote by Carl Mays, "Getting It Over With" in the Advocate. "According to these savages, you don't have to fear that homosexuals are pedophiles. You should thank them." Thank you.

MR. LaFLAMME: I appreciate the information that you're providing about those suicide statistics, that's certainly informative, but I'm also aware that the 1997 Massachusetts Youth Risk Behavior Survey correlated other high risk behaviors specifically to homosexual students. Just a few of the statistics that I can think of off the top of my head are: 32 percent of self-identified gay and lesbian students reported using laxatives or vomiting to control weight as opposed to 3 percent of straight students; 18 percent reported staying home from school at times because they felt unsafe versus 4 percent of straight students. So while the premise about suicide rates may be inaccurate as far as the establishment of GSA's, I feel there is other evidence to support their existence even beyond that statistic which may have been proven false.

MR. WHITEMAN: Sadly many of the statistics that we've seen have been proven inconclusive or completely false within two or three years. I haven't seen those statistics. I hope to see them, and I hope to one day prove them untrue. But even if they're true, what we're doing is asking children to walk into a lifestyle that is destructive. I can give you statistics that 14-year olds who use cocaine are more likely to get a deviated septum and other sinus problems. The reality is it's their behavior that causes those problems. There are many destructive behaviors associated with homosexuality, including promiscuity, which is true of the heterosexual community as well. Promiscuity is destructive to their health. I know a lot of girls who give themselves away very freely are also anorexic. Should we be suggesting that they're more comfortable with their sexuality so that they should give themselves openly to everyone and be a couple pounds heavier. I would contend, no. I think that we should go for their safety in both routes, keep them sexually pure as well as healthy.

APPROVAL OF MINUTES

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education approve the minutes of the November 22, 1999 Special Meeting and November 23, 1999 Regular Meeting as presented by the Commissioner.**

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

PRESENTATION BY GOVERNOR'S COMMISSION ON GAY AND LESBIAN YOUTH - Discussion

CHAIRMAN PEYSER: The next item on the agenda is a presentation by the Governor's Commission on Gay and Lesbian Youth and then a brief discussion to follow. David LaFontaine is here with other panelists. David, if you could introduce those who are with you.

MR. LaFONTE: Good morning. My name is David LaFontaine. I'm the chairman of the Governor's Commission on Gay and Lesbian Youth. This is Jason Lydon, a student from Silver Lake Regional High School, Lesa Lessard, who is the vice-chair of the Governor's Commission, and Alex Cole who is a senior at Arlington High School. I have a brief presentation, and then the students and Lesa will be making a few remarks. I do feel compelled to respond, at least briefly, to some of the comments that have been made here today.

In addition to my work with the Commission, I'm a professor at Massasoit Community College. I teach composition and literature, and I'm going to paraphrase Virginia Woolf. One of the things that she said that impressed me was that she'd come to believe that all that matters is saying what one truly feels. I truly feel like crying when I hear adults whose responsibility as parents and teachers is to safeguard the rights of our youth speak as they have. I feel like crying when I hear stereotypes and ignorance being expressed in public forums when there is the potential for this misinformation to get out through the media.

We have students here today. We have students all over the state who are going to read about the coverage of this meeting. And frankly, it's the stereotypes and misinformation that drives so many lesbian and gay young people to despair, to suicide. So I can only plead with the people who are here to make a commitment to getting the truth out to our young people. The truth is what has brought us this far, and the truth is what is going to take us the rest of the way. I'm honored to be able to make this presentation. I think the Board's recognition of the importance of gay and lesbian youth today is of tremendous symbolic significance. You're sending a message to the youth of Massachusetts that you believe gay youth are of great importance, that they're valued by the Board and the State Department of Education. It's tremendously positive for kids who live in silence and invisibility to know that the most powerful board in the state, in my opinion, is making this symbolic statement affirming their worth.

These really are the best of times and the worst of times for gay and lesbian young people in Massachusetts. It's a population that we would estimate as being at least 15,000 students in number, and that's a conservative estimate, based on the students who attend the gay/straight alliance meetings. It really is the best of times because of the leadership of Governor Paul Cellucci who established the only commission of its kind in the nation when he was then Lieutenant Governor under Bill Weld. It's the best of times because of the leadership of our Commissioner, David Driscoll, who since 1993 has made this program one of his very top priorities. And thanks to his leadership and the brilliant work of the safe school staff, we now have 175 gay/straight alliances. When the program began, there were just one or two. That's educational leadership at its best. And perhaps the most luminous beacon in this whole movement to make schools safe was the passage of the Gay and Lesbian Student Rights Law signed by Governor Weld on December 10, 1993. This was much heralded. It received national publicity. And we felt that we finally had the legal mandate to put an end to the discrimination and violence, once and for all. Yet, historic milestones notwithstanding, we find that daily life for gay youth is still a grim reality.

For gay youth in Massachusetts, as around the country, these are also the worst of times. The Commission has had widespread reports of harassment and physical violence suffered by gay and lesbian students. We'll be sharing that information privately with the Department of Education staff in the hope that we can respond individually to these students who need help. In the halls, on the playing fields, in the classrooms of almost any school in this state, gay and lesbian students are subjected to taunts, ridicule, threats, and sometimes, physical assault. For many of our brightest, talented, and sensitive youth our places of learning are places of torment. As tragic as the antigay violence is, even more tragic, from the Commission's perspective, is the failure of the law to work at the most fundamental level of protection of students' safety. For these reasons, we ask the Board to adopt a set of recommendations that will bring about a message of zero tolerance for antigay violence in our schools. I'd like to briefly walk through the recommendations and then turn the mike over to the other panelists.

The recommendations are in this packet which I am handing around. The first, and probably the most important, pertains to the Chapter 622 regulations. These are the guidelines that the schools follow when they enforce student rights, the Student Rights Law. The Chapter 622 regulations are necessary to teach schools about how to prevent discrimination against gay and lesbian students. They're very important powerful guidelines. We could compare them to ADA guidelines on a federal level, the Chapter 766 legislation referring to accessibility for handicapped, disabled students. Unfortunately, they have not been updated in the six years since the law passed. And as a result, our fear is that little by little the schools are realizing that they are not going to be held accountable for the violence

and the intimidation. To have a set of regulations that mentions all the protective categories except for student sexual orientation sends a message that gay and lesbian youth are somehow of a lesser status than other minority youth. We want our kids to be afforded the same respect, under the law, in all schools that other minority youth are afforded.

The second recommendation is that the Board and the Department identify all the schools in the state that have not included student sexual orientation within school policies. Legally the schools are obligated to mirror Massachusetts law in their own policies. The Commissioner, in past correspondence, has certainly made this clear to schools. Unfortunately, we're finding that perhaps up to 30 percent of schools have not taken the appropriate action in their policies. Our goal is that 100 percent of the school systems will have policies that reflect Massachusetts law. There's no excuse for any school system not mirroring the law that was passed resoundingly by the Massachusetts Legislator six years ago.

Finally, we ask that the Board, in conjunction with the Department, conduct a survey of all school districts to identify student handbooks that have failed to be inclusive of the rights of gay and lesbian students. The student handbooks, as I'm sure everyone here knows, are a very important tool for communicating the rules and regulations of the school system to the students. It's important that the students be educated about the law. I think if we were to do a survey of students in Massachusetts, it would be the rare student who knows that this law is even on the books and what the law means. Perhaps this is an opportunity not only to enhance student knowledge of the rights of gay and lesbian students but to send a broader message through the student handbooks about minority rights, about the rights of women, the rights of the disabled.

Once again, the heart of our message is that students need to be listened to, and that adults need to play a protective role in ensuring their safety. Perhaps, what will be most illustrative of the need for these recommendations being adopted is the testimony of two students who are currently in Massachusetts high schools.

MR. LYDON: My name is Jason Lydon, and I'm a junior at Silver Lake Regional High School in Kingston. I'm talking to you today because I am openly gay and I have been for the past two years. Hate crimes are committed against me every day. You walk down the hall, and people call you "faggot," they'll call you a "homo," they call you "queer." All the words you can think of are directed towards gay people every day. At my school, sometimes things are done about it. I'd like to give you other examples this morning.

My freshman year I was standing outside waiting for the late bus and a boy came up to me, called me a "faggot," and threw a wooden stake at me. Luckily, it didn't hit me. There was no pain, except emotionally. He made it so that I felt like a worthless person who wasn't as important as he is. I've had rocks thrown at me going to class. I've had coins thrown at me. People often decide that pushing me into lockers is a fun thing to do while they call me some sort of homophobic word.

I started the gay/straight alliance at my high school in February. It took so much. I got my life threatened. I had phone calls to my house threatening my life, threatening my family, just because some people are homophobic and can't understand that gay people are people too. We exist all around you. We're your family, your friends, teachers. People need to understand that it's not okay to threaten lives, to beat or kill people just because they're different. When I started the gay/straight alliance, I had 20 members at the first meeting. It was amazing. All these people were supportive, helpful. And just so you know, only four of the people in my club have self-identified as either gay, lesbian, bisexual. Many allies come. They are very supportive. They help us out through a lot of hard times. School needs to be a place where we can learn.

I don't do this for me. I'm not here today for me, because I can handle this. I go to school every day and I handle it. I've gotten over these names hurting my feelings as much. I've gotten over being pushed into lockers. This is for those kids who go home every day and think about how great it would be not to have to wake up in the morning and go to school to be ridiculed and harassed by their fellow students. It's time for us to make sure that everyone understands what the law states and that everyone understands that it is what they have to do.

MR. COLE: My name is Alex Cole, and I'm a senior at Arlington High School. I'm also the co-president of the Arlington High School Gay/Straight Alliance. In contrast to Jason, I think my story, and the story of Arlington High School, is a much more positive one. It's basically because the school took steps to ensure that the law was being implemented.

A number of years ago, before the school took steps, kids who were perceived to be gay were beaten up on almost a daily basis. But then once the law was passed, the faculty of the school and the superintendent took measures. They hosted a faculty in-service workshop on the issues. They included the law in the student handbook, and they formed the Safe School Task Force on Gay and Lesbian Youth. Shortly after that the students started the Gay/Straight Alliance. I would like to highlight that the faculty took steps before the students formed the Alliance. It's absolutely vital to have faculty support, because without them supporting an organization it's very difficult to get one started. Today the Arlington High School Gay/Straight Alliance has over 140 members, I think that's 14 percent of the school population. Contrary to a comment that was made earlier, we have never discussed sex. The only issue that we deal with is making the school environment more tolerable and more safe for gay and lesbian youth. I can't tell you how important it is to have that group because I am a gay youth. I've had to turn to it before for support. Some of my friends have as well. Working to educate and rid the school of stereotypes has also been a very enriching experience to me

Finally, I'd just like to say that every year my principal reads from the student handbook and includes the line about harassment based on sexual orientation. He tells students that people who harass based on sexual orientation will suffer the same penalties related to other reasons for harassment. As a gay student, I just can't stress how important that is to me. Not only does it make me feel safe and protected, but it also validates me as a person. Not only does it tell the rest of the students that if they harass me because I am gay they will have penalties enacted against them. I'm very pleased to say the school has not been afraid to enforce this. This let's the students know that gay people exist, and that we deserve the same rights and privileges as everybody else and the same respect as well.

MS. LESSARD: Good morning. My name is Lesa Lessard, and I'm the vice-chair of the Governor's Commission on Gay and Lesbian Youth. I want to thank you for seeing us this morning and for inviting us here to talk about this very important subject.

Through the creation and support of GSA's, there has been training of guidance counselors, teachers, and school administrators in developing safe schools for all students, gay and straight alike. This has encouraged conversations, student to student, educator to educator, and teacher to student. But there's a fourth line of a communication that will occur, and that line of communication is between parent and child. This is important because there are consequences when these conversations don't occur.

There are higher rates, sometimes three times as high, for drug use, alcohol abuse and suicide among gay youth. The rate of absenteeism and the dropout rate are also higher among gay youth. I am actually citing the Massachusetts High School Students Sexual Orientation Results of the 1997 Youth Risk Behavior Survey, which is in your packet. There's a correlation between these facts and silence. A fundamental hope that most parents share is that they want to be able to communicate with their kids. In 1975, when I was a high-school sophomore, there were no conversations. When I was found out to be a lesbian, I lost my family. I became a homeless teenager, and eventually a ward of the state. To this day there is no communication between me and my family. I lost a lifetime.

Breaking the silence in schools and in families, adhering to the law, supporting GSA's and training educators can help students understand themselves, support one another, and strengthen families. It can help prevent tragedies like mine. I was lucky. I survived. I graduated high school. I found a network. But students shouldn't have to rely on luck. Would a conversation have made a difference in my own life? My mother is a teacher. My father is a school administrator. It could have made a big difference. Thank you.

MR. LaFONTE: I just want to make one final comment. We have two parents with us today who are very proud of the testimony of Jason and Alex. I'd just like to ask Jason's mom and Alex's dad and sister to stand. Thank you for coming.

CHAIRMAN PEYSER: Thank you all for coming. In particular, Jason and Alex, thank you for being here. I'd like to make a brief comment in an attempt to place this discussion in a somewhat different and, in some measure, larger context. A few weeks ago in Worcester, the Governor sponsored a statewide forum on character education. And while the subject has long been a matter of discussion, it has moved into the realm of action and policy as a result of the recent shocking incidents of mass violence in our nation's schools. Columbine, and other incidents, reawakened us to the fact that schools must reinforce virtuous behavior and attitudes in order to maintain safe, orderly, welcoming environments that are conducive to work, reflection, and learning.

Habits of mind such as respectfulness, kindness, self-discipline, and courage should be openly discussed and modeled daily in our schools. In such places, discrimination, name calling, harassment and violence have no place, and respect for individual rights and the dignity of all people should be cherished. The Gay and Lesbian Students Rights Law can be an important component of school-wide efforts to create communities that are grounded in virtue and civility, where learning can be the central focus and where academic excellence is brought within reach. The Commissioner and I have discussed the specific recommendations that have been brought forward to us by the Commission, and have agreed to a plan of action to bring the Department's regulations and policies in line with the statute, which is our obligation. I would turn it to the Commissioner to describe in more specific detail the steps ahead.

COMMISSIONER DRISCOLL: Thank you, Mr. Chairman. Of the three recommendations, one, of course, is a regulation that needs to be brought to the Board. On the tentative calendar the Chairman and I put before you, we have included preliminary discussion on the 622 regulations for February followed by a scheduled period of public comment, with finalization in April. The other two recommendations are administrative, that being the policies of school committees and the handbooks for high schools in Massachusetts. The Department of Education will pursue those, and, as the Commission has pointed out, we will contact school principals and superintendents to see to it that schools are in compliance.

MS. CRUTCHFIELD: I'm happy to hear your comments about the larger perspective of character education. I think that it's important for us to remember that if we're talking about inclusive education, if we're talking about all of our kids, we can't leave anybody out. As I listened to the presentations this morning, I was reminded of the axiom that silence kills, and that we need to support all of our kids. It seems to me that the conversation we need to have needs to occur at a much higher level than stereotypes would allow. As long as we allow people to dismiss the larger concern with the notion that the issues that gay, lesbian, and bisexual kids face is all about sex, then we diminish their value. That's simply not fair. I'm happy to hear your comment of placing this in the larger context where it belongs. I am happy to support the work that the Department is going to do.

CHAIRMAN PEYSER: I think we'll jump out of order here for a moment and go to the legislators who are here to discuss the Waltham Equity Plan pending before the Board today. The first person I will call is Senator Steven Tolman.

Senator Steven Tolman

SENATOR TOLMAN: Thank you Mr. Chairman, Commissioner, Members of the Board, I appreciate you taking me out of order, especially on something of this magnitude. Some of you may not know it, but I've been a senator representing the Waltham area for the last year. In fact, I'm completing the end of my first term. One thing I've learned during that time is that they've been working hard on this plan.

I hope by now all of you have received my letter and many others. Yesterday I spoke to the legislative director, and he suggested you may vote today on the Waltham issue. I hope the Board does come to a decision today. There's nothing more important to the children of Waltham. Community groups, parents, elected officials, city and state have been working on this plan extensively with the Board. I'm also aware that they've been working with the Racial Imbalance Council to the Board. With the patience Waltham has shown over the last five years, they deserve to have your support today for their plan to build four new schools, and rehab three additional schools.

You know that your vote today will be consistent with your sworn duty to implement the law. Your affirmative vote will allow Waltham to fulfill its responsibility that they are mandated to do. As you know, Waltham has been ordered to comply with the Racial Imbalance Law since 1994. They've worked with the Department. And in 1996, in April of 1996, after developing a plan, Mayor Stanley met with, then, Commissioner Antonucci. Commissioner Antonucci approved a modified version of the plan, and wrote to the Members of the Board. After that meeting, Waltham was directed to develop a long range plan for their school buildings. Three years later Waltham has crafted a plan which we can all be proud of. This plan is fair.

Recently Medford's plan was approved and amended. It didn't even have to come before this Board, and they were approved for the 90 percent. Their proposal was not even sent to the Board. Waltham has worked every way possible, dotted every "i," crossed every "t." They've complied every single way possible to improve the schools for the children of Waltham. Throughout the last five years they've taken every step they've been asked to, and yet they find themselves constantly in the midst of delay, which could hurt their school system. The most recent delay is at 11 months. More importantly, is in direct conflict with the mandates of the Racial Imbalance Law. Your vote today will be crucial. It will be a crucial step in the funding issues that concern the City of Waltham. It certainly makes a difference between 90-percent funding and 62-percent funding. More importantly, the good faith and time and effort of all parties involved in this process will be for not.

Your vote today will ensure that we can work together to make racial balance in Waltham a reality. Ultimately the only ones that are going to benefit are the children of the Waltham Public Schools. Right now Waltham is going to be taking on a new mayor and a lot of new officials, but the whole town is energized to go forward with this plan. They have worked diligently. Although I come in only in last year, I ask the Board, today, for an affirmative vote to move this plan forward. Thank you very much. Again, I appreciate your taking me out of turn.

CHAIRMAN PEYSER: In your mind, based on your understanding of the statute, does approval of an equity plan by the Board imply that all school buildings must be funded at the same percent whether or not the individual projects directly affect racial imbalance or isolation?

SENATOR TOLMAN: To my understanding, that was the goal for the last five years. Waltham has been working to balance the racial population of the schools. In other words, that was the plan. And when they did that, they were entitled to the 90 percent. Yes, that is my understanding of the law.

CHAIRMAN PEYSER: But do you think that the law prohibits the Board from making judgment as to whether individual building projects within the context of the plan actually do contribute to racial balance or the reduction in isolation?

SENATOR TOLMAN: Explain that again, Jim.

CHAIRMAN PEYSER: Does the law prohibit the Board from looking at the individual building projects, and basically saying, "We can understand how that one contributes to the reduction of racial imbalance or isolation, but this other one doesn't. We can't see our way clear to understand how that particular project in fact does change racial imbalance or isolation?"

SENATOR TOLMAN: I think your question could best be answered in this context. The City of Waltham, for the last five years, has been under the impression that if they fulfill this obligation they're entitled to the 90 percent. That was the understanding communicated by Commissioner Antonucci through every single effort along the way. It was to fulfill this obligation to balance the schools racially, and when they did they would be entitled to the 90 percent. To change the rules at this juncture is a bit unfair. However, maybe you should be looking at in the future. I would want to work with you on that. I might suggest that's something we should look at, because I wouldn't want cities or towns to be utilizing laws to save cities and towns money. But it's important to recognize that the whole time Waltham has been involved in this process with the Commissioners and with the Board of Education, they have been under the direct impression that this would entitle them to the 90 percent. That's why they have such an aggressive plan, and that's why they have cooperated and tried to address the concerns that the Board has raised. Your specific point I think maybe in the future should be addressed. But before communities start to utilize the current system or

the current law, they should be informed that there will be a review somewhere along the way. That has never been the case with Waltham's plans, Mr. Chairman.

DR. THERNSTROM: Thank you very much for coming. You said, "Nothing is more important to the children of Waltham than approving this plan. It seems to me that the bottom line for the children of Waltham, if we're going to talk about what's most important, is getting every student into the proficient category on the MCAS tests. I'd like to hear your explanation of the link between student performance and 90-percent funding for a massive school construction. If we look at good schools across this country, we know that children do well academically in old buildings, and they do well in new buildings, and there is zero relationship between the building and the academic performance of students.

SENATOR TOLMAN: We currently have sixth graders that aren't in the middle school, who had to stay back in the elementary schools. They're not able to participate fully in the programs that are generally offered to junior high school students because of overcrowding. I grew up in very old schools. I totally understand and agree with you that it's not new windows and a new school building that's going to make the difference. It's teachers and home study as well. I don't directly relate the 90-percent funding to improving MCAS tests, and I didn't infer that. What I would say is that for the last five years the City of Waltham has been working diligently on a plan, and they've been under the impression that they'd be entitled to full funding.

DR. THERNSTROM: So yours is really a process argument, it seems to me. You're saying, Look, we worked very hard on the basis of certain assumptions, and those assumptions were not --

SENATOR TOLMAN: Not assumptions, it's more under the general intent of the law.

DR. THERNSTROM: As the Chairman has suggested, one can interpret this law to cover a plan more limited in terms of school construction than you have proposed. What you're really saying is that because nobody told you that you shouldn't make the following assumptions, we can't, at this point, question what you've done.

SENATOR TOLMAN: No, Doctor, that's not at all what I said. Basically what I did say was that we were led to believe, under the direction of the law, and by the former commissioner that if we complied with this and that, as Waltham has done the whole way, that this would be the process. That's what I was saying. It was strictly covering every aspect of the law, providing cooperation at every turn, and that's what Waltham has done. They now have a great plan that certainly will help the children of Waltham. And in doing so, under every single step of the way they've been entitled to the 90 percent. It's so important that they go into the new millennium with an effective plan, with a great school committee to address the concerns of the children. And hopefully, to get those MCAS tests up with state of the art technology in the schools.

DR. THERNSTROM: In your initial response you said that there was one school in which the sixth grade children are in the wrong building.

SENATOR TOLMAN: That's just one example, of course.

DR. THERNSTROM: Yes. Is that a discrete problem that we can address without this entire plan?

SENATOR TOLMAN: Doctor, as I explained to the Board, I've only been in Waltham a year. Now, I'm also a state senator involved with many different aspects in different communities. There are members of the school committee and administrators here who could specifically tell you how important this program is to the children because they live it day in and day out. I'm here as a legislator to tell you that under the process, every step of the way the concept was: If they do the racial imbalance plan, they would qualify for the 90 percent. They now have a plan in place. They have worked with the previous commissioner. They have worked with the current commissioner. And they have worked with the Board every step of the way. And in doing so, they should have an affirmative vote so that they can go forward with their plans.

MR. BAKER: Steve, this isn't a question for you. I was just reading the Racial Imbalance Advisory Council memo. Can somebody explain to me what exactly Rosemary LeBlanc is talking about here when she says that they approved a previous plan? I'm assuming it wasn't this plan.

SENATOR TOLMAN: That was Commissioner Antonucci's.

MR. BAKER: And what's different about this versus that?

COMMISSIONER DRISCOLL: We send the plans to the council in a preliminary way. There was a previous plan that was sent to the Racial Imbalance Advisory Committee, and they approved it.

MR. BAKER: Why didn't that one end up here?

COMMISSIONER DRISCOLL: Because Waltham submitted the amended plan.

DR. THERNSTROM: But in any case, that advisory council is --

COMMISSIONER DRISCOLL: An advisory council.

DR. THERNSTROM: Yes, it's kind of irrelevant.

COMMISSIONER DRISCOLL: Well, it is not irrelevant. But I'd rather put it in the context when we get to the overall issues here.

MR. BAKER: What the council is basically saying here is, we approved one plan that we thought would work, and we don't think this one does. I mean, that's pretty much what this letter says.

CHAIRMAN PEYSER: Let's come back to that.

COMMISSIONER DRISCOLL: It's a very important issue, by the way.

MR. BAKER: Do you know what the difference is between 90 and 62 financially?

SENATOR TOLMAN: I think, and again there are professionals here. I think we're looking about \$30,000,000, is it?

CHAIRMAN PEYSER: It's a hundred million dollar plan overall.

MR. BAKER: Okay. Oh, \$90,000,000 and \$62,000,000, there you go. Thanks, Jim. That was helpful.

SENATOR TOLMAN: I'm delighted to see the smiles, and I certainly hope you'll take a good look at this and support Waltham's position. Thank you very much.

Representative Peter Koutoujian.

MR. KOUTOUJIAN: Before I begin, I'd like to make sure that there are no questions that might be answered by Senator Tolman.

My name is Peter Koutoujian. I'm a state representative from Newton and Waltham. I'm also a Waltham graduate and I attended all Waltham schools. I've come here today to ask you to approve the plan in whatever form you see fit. Waltham has worked. I've been very involved in the community for a long period of time, and I do remember the angst and the work that was undertaken by Former Superintendent Gibbons, Superintendent Parrella, and so many members of the community. It was a lot of work. I remember the articles years ago about the changes. I remember many of the telephone calls from people calling up because they bought a home in a certain neighborhood, because they wanted their child to attend that elementary school and now face the prospect of having to go across the city

and deal with busing issues. I remember all the angst when the city went through that. I know all the work of the people here today and so many members of the community. They will speak about it in much more detail than I can.

One thing I'd like to point out is that at previous points, to my own frustration, as much as I wanted to get involved in this issue, I was asked not to, because they did not want politics to become an issue. They wanted to work with the Board and seek its approval internally and procedurally without the outside politics coming in to force anyone's hand, Mr. Commissioner or Mr. Chairman, and that is to the credit of the Waltham school system. However, now we are here one year later, and we are still in the same position that we were in four years earlier.

I'd suggest while, Doctor Thernstrom, you made the point about these schools perhaps not having a relative affect on MCAS scores, I know differently. I've attended some of these schools, and they're not up to par, and that's when I was attending them many years ago. Whether or not there's a direct correlation, I can't say. I know that in one or two of the schools I attended learning would be very difficult. But that's not the absolute answer to this. Waltham has been held back for about five years now while we attempted progress. I think that's where so much of the injury to the education of Waltham students may have come from. Because we have held off for four to five years now, we have not been able to step forward on so many other plans to improve education. I think that's pretty much all I want to say. Certainly I'm open to any questions you may wish to ask. I appreciate you're allowing me to speak here, particularly out of turn, and I will certainly entertain any questions or comments by the Board.

MR. LaFLAMME: I appreciate the perspective that you bring to this as a graduate of the Waltham system. I think that really says a lot. I'd like to examine what you said, based on what you've seen in the schools and from what you remember, about the learning process being difficult. Presumably that's related to overcrowding and other things that new construction might alleviate. I can accept that. But how is it influenced by the larger funding question in terms of 90 percent versus 62 percent? Is that difficult learning environment a result of racial imbalance and is that something that the 90-percent funding rate would help to correct? I see the correlation between funding and improving education, or new schools and improving education, but is that a racial imbalance issue?

MR. KOUTOUJIAN: Well, there certainly is racial imbalance in Waltham. As far as if we were to look at the law as it stands right now, there is racial imbalance. I was just doing a reading at an elementary school that, at one time, had a very large percentage of minority students. The school has done some wonderful things to draw in students as a magnet school. They've made some incredible strides.

The difference of \$30,000,000 is going to be significant, particularly when the city is talking about building a couple of very new facilities in order to replace some of these while letting the city take over some others. I suggest that we take a more centralized view towards education in Waltham. The extra \$30,000,000 will certainly make a difference whether it's about race or whether it's not. There was an issue about race four years now. Now it has become more of an issue of equity. Whatever it is, Waltham needs both. Waltham has complied with the law. Thank you for the question.

DR. THERNSTROM: I think Marcel's question is the heart of the matter. Frankly, I don't think you've answered it. Is the education of students being held back by overcrowding or by a concentration, for instance, of Hispanics in one school. That's what this 90-percent reimbursement is about.

MR. LaFLAMME: I have no doubts that the \$30,000,000 will be beneficial to the District of Waltham, but I'm questioning whether the premise of racial imbalance is directly correlated to improving education enough to hand out that \$30,000,000.

CHAIRMAN PEYSER: Let me just interrupt for a second. Obviously this is an important question which transcends the immediate discussion we've got on our plate, simply because the law doesn't really care whether it has any positive effect on learning in the schools. That is, without question, problematic. However, it is, unfortunately, somewhat of an extraneous consideration.

DR. THERNSTROM: Not completely, Jim. It is related to the extent of the new construction that is being proposed here rather than the targeted effect.

CHAIRMAN PEYSER: In terms of the law, the more precise question we need to ask is whether the building projects have an affect on the level of racial imbalance and isolation. Of course, educational improvement is certainly a plus. The Department is right and the districts are right to focus on educational improvement in developing the projects, but I'm not so sure in terms of determining whether to approve or reject the plan. On a historical basis and in terms of statutory authority, I'm not sure we have the flexibility to say, "Yes, the building plans that you've got will resolve the racial imbalance and isolation problems, but we don't think they'll sufficiently raise student achievement. Therefore, we don't approve them." We're constrained by the law, unfortunately. I would agree the law should provide us with more flexibility, but I don't think it does.

DR. KOPLIK: We have been given a motion to consider which, it looks to me, addresses some of the issues of evaluation and reporting results in order to get at the heart of the matter here and the nature of the literal interpretation of the law. I think this is a useful place for us to land but ask the question: If we're asked to approve a plan contingent upon the additional provisions, who's adding the additional provisions? Is Waltham going to come back to us with additional provisions for us to take another look at this? If so, then it looks to me like you're providing a conditional approval today based upon a subsequent review. So what are we really being asked to consider in terms of who does the work?

CHAIRMAN PEYSER: I'll answer briefly and let the Commissioner follow-up. We are now jumping into things, Representative. I'll ask you to sit there for another minute.

MR. KOUTOUJIAN: Don't mind at all, sir.

CHAIRMAN PEYSER: Basically we're talking about dividing this into two separate pieces. One is the approval of the plan itself, which has more to do with student assignment than it does with building projects per se. And then the second piece is specifically around whether building projects are eligible for 90-percent or 62-percent reimbursement, meaning whether they're eligible for the racial imbalance level of reimbursement or whether they're just eligible for the normal level of reimbursement. The position we're taking is that these are two separable decisions. We ought to move on the first one, in part because of the reasons that have been expressed already today. The city has made a good faith effort to work with the Department, and the Department has been providing feedback all along. The district has been responsive to the Department's requests, but at the moment lacks sufficient information to know whether each of the individual projects being proposed, in fact, will have a direct effect on reducing or eliminating racial imbalance or isolation. Therefore what we would like the Department to do is to work more closely with the district to get a more clear understanding of exactly what the impact of each project will be on the specific question of racial imbalance or isolation.

MR. BAKER: I have two questions. In 1994, did the DOE basically said you are out of compliance?

MR. KOUTOUJIAN: That's right. We were ordered to make changes.

MR. BAKER: So we started it. At some point did Waltham come forth with a plan that was rejected?

COMMISSIONER DRISCOLL: It was to be revised.

MR. BAKER: We rejected.

COMMISSIONER DRISCOLL: I'd like to make a suggestion, Charlie. With all due respect to the Representative Koutoujian, since we have the superintendent and other representatives here from Waltham, we should have that dialogue with them. They know in detail all of those steps. And then I certainly want to make a recommendation along with a summary of where we are at this point.

MR. BAKER: Do you think we're putting a finer point on this particular plan than we've put on other plans?

MR. KOUTOUJIAN: Would each individual school be considered for the 90 percent funding? My understanding is that, historically, that has not been asked before. That would be asking something of Waltham that has not been asked before. I believe there are 22 Chapter 636 school districts. It is also my understanding also that the only one that has not been funded under this 90 percent is the City of Waltham. Dr. Thernstrom and Mr. LaFlamme, as to your question, Mr. Chairman put it correctly, I found it very difficult to defend since my understanding is that it is not the case, that's not according to the law. So while you may be correct in a philosophical sense, that's not the way the law stands right now.

WALTHAM EQUITY PLAN - Discussion and Vote

CHAIRMAN PEYSER: Would the folks here representing the school district and the City of Waltham come forward. We've got four seats. I don't know how many of you there are.

Board Members, procedurally we are, as you might have noted, jumping the agenda here. Rather than stop and start on this issue, let's just do it now and see it through. We do need to make some progress here. We have other things on the agenda as well. We've already devoted some time to this. I would suggest that if there are any comments that folks want to make now, that collectively you limit your comments to 10 minutes. Then we'll have some questions and discussion, and I'll invite Jeff Wulfson, Rhoda Schneider, and other members of the Department up to speak in order to begin the formal consideration of the motion. Who would like to begin? Please introduce yourselves, as well.

SUPERINTENDENT PARRELLA: Good morning Commissioner, Mr. Chairman, and Board Members. My name is Dr. Susan Parrella, and I'm the superintendent of schools for the City of Waltham. I will read to you a letter that you have before you. The Waltham School Committee held a special meeting on Saturday, December 18th, 1999, to review the Commissioner's letter of recommendation to the Board, which you would have received last Wednesday. Following discussion, the School Committee voted unanimously as follows: (a) to add the current Amended Equity Plan -- this is a quote from the Commissioner's letter --on results, particularly with respect to reduction or elimination of racial imbalance and isolation of minority students; and (b) to include contingency measures in the event that the plan's strategies do not produce the intended outcome, plus the recommendations of the Racial Imbalance Advisory Council contained in the most recent correspondence of December 13th, 1999, to the Commissioner. We hope that the Board will accept the recommendations of the Commissioner and vote to approve Waltham's Amended Equity Plan. We also commit ourselves to work with the Department of Education in implementing our plan and are requesting future technical assistance to finalize the areas cited above. We would hope that this would be completed in a timely manner and would work towards the January 2000 deadline that the Commissioner suggested.

MAYOR STANLEY: Just by way of introduction, I'm Mayor William Stanley, City of Waltham, and we're here primarily today to encourage the Board to accept the recommendation of the Commissioner of Education that has been submitted to you. I would like to point out that there are four members of the school committee here today. They have taken time from their regular jobs in the community to demonstrate their support for the plan and the importance of this issue in the City of Waltham. I'd like to take the opportunity briefly too to commend the superintendent and her assistant superintendents, who have spent so much time and worked so hard to comply with the law and to work with all the various factions and the Board of Education at the state of level. The school committee people here today are Margaret Donnelly, Marina Bartley, Robert McGuerrin and Robert Sincotta. Dr. Repassy is also here with us today, to offer encouragement and support for this plan. I do think, based on some of the questions asked of our legislative representatives, that there is confusion on Board about the plan. I hope that Waltham gets the opportunity to clarify those matters because it's very important that every Board Member understand the history regarding previous plans and so on in order to make an intelligent decision on this matter. I'd like to open things up for discussion and ask the Board for any questions.

SUPERINTENDENT PARRELLA: Do you want us to put historical pieces together for you?

CHAIRMAN PEYSER: No. If there are no other specific comments that you all would like to make, then I think I would like to turn it to the Commissioner and the DOE staff to present the history. I'd like to give the Board an opportunity to pose specific questions to you while you're here, however. So is there anybody else who has something burning that they need to say or should we just move to some questions?

DR. KOPLIK: In adopting the Commissioner's language at your meeting on December 18th, can you enlighten us as to the discussion which surrounded this specific language and what items or issues you would seek to address specifically by January 2000?

SUPERINTENDENT PARRELLA: We would hope to have the issues that the Commissioner cited resolved. We would work with the Board of Education to completely resolve those by the end of January. We would also like to address the issues that the Racial Imbalance Commission has set forth in their letter. There would be no open issues; we want to close this. We want everything in place. We want our "i's" dotted and our "t's" crossed. We do not want people to say, "I don't understand this, I don't understand that." My understanding is that the Commissioner's office is obligated to give us that assistance, and if in fact the plan is not acceptable, then it's your responsibility to develop one for us.

CHAIRMAN PEYSER: Let me ask you a question that is at the heart of my concerns. The Commissioner sent a letter of October 22nd, as you know, asking for responses to several questions. One of the questions was about whether all the buildings in the plan were essential to reduce racial balance and isolation. The response, if I'm not mistaken, was a one-sentence answer: Yes, they're all essential. Could you explain how they're all essential? Frankly, I don't think you've submitted information that clarifies why they're all essential. They may all be desirable, but why are they all essential to reduce racial imbalance and isolation.

SUPERINTENDENT PARRELLA: We currently have a plan in place, approved by Commissioner Antonucci, which allows minority students to leave a particular neighborhood school and white students only to go into that neighborhood school. If you are a minority, you cannot access the Magnet Dean School in the City of Waltham. You just can't. That's the plan that was approved. We obviously have parents who are very upset with that. We cannot develop another Magnet Dean comparable to that because then that plan would not be in place as it's stated. It creates a problem in that it's a racially imbalanced school. We are balancing, as best we can, most of our schools on the backs of the bilingual students and the ESL students by moving them out of their area and into other schools. If we don't do that, we would have additional schools that are imbalanced. We have three racially isolated schools in the community. If racial isolation is not a part of bringing equity and balance to the community, and you can provide us with a letter stating that we can ignore those schools, we'll be happy to bring that to the community. We'll say, "You can be a racially isolated school; that's not important."

CHAIRMAN PEYSER: You're still not quite getting at my question. Specifically, what does the renovation or construction of new school buildings have to do specifically with the issue of whether or not the schools have the capacity to provide the programming necessary to reduce in racial imbalance or isolation?

SUPERINTENDENT PARRELLA: It brings us from eight small elementary schools which are racially isolated or imbalanced, and brings us down to six elementary schools. It does away with two of the elementary schools, and would allow us to strategically place school in such that they would be almost balanced by just their neighborhood pieces. So we're shrinking the size of our school system from eight to six and are placing new schools in a location that would help us balance the community without having to move students if not necessary to do so.

CHAIRMAN PEYSER: So your basic argument is that the way to reduce racial imbalance is to build larger schools to consolidate schools, is that right?

SUPERINTENDENT PARRELLA: That's the basis of it. Consolidation would help us balance the schools, because we have racially isolated and racially imbalanced schools now. The City is clearly divided. One side of town is isolated, and one side of town is imbalanced. There are a few schools in the center who are balanced by themselves. But if you look at our projections for the future, they border. And if we moved everyone back to their neighborhood schools, we have documentation that shows that the growth at some of our schools for minorities has changed drastically over the last five years so that we have schools that were balanced but now are borderline imbalanced.

DR. THERNSTROM: You're describing a situation with a very fluid population. Racial ethnic composition of the schools change from year to year, and yet you're presenting a plan in which you say for a tremendous expenditure of

money and construction you know what the student population is going to be as a consequence. There seems to me a problem here with a logical leap.

MR. ROSENBERG: I think we're wandering off track, and I'd like to go back to Mr. Peyser's comments and a question posed by Mr. Baker.

DR. THERNSTROM: It's not off track because you are promising racial balance with a particular school construction program and yet you have just described a very fluid population with movement in and out of the schools.

MR. ROSENBERG: Basically what's before the Board today is a simply question: Has Waltham complied with the racial balance mandate that was imposed upon us? Today is not a discussion of buildings or construction that takes place with school building assistance under the additional comments made by the Commissioner in his recommendation. In light of Mr. Baker's question to the Senator and Representative, and the fact that the Board has changed over the past number of years that we've been working at this, let me cite four or five items from a chronology of how we came to be here.

April 28th, 1995, after a year of working with the DOE civil rights specialists, Waltham received a letter: "We will expect complete compliance with the Racial Balance Law by September 1996." This ultimatum in writing is a direct quote. Go now to February of 1996. We were ordered, in writing, to submit our voluntary compliance plan that would be scheduled for consideration by the Board at their May 1996 meeting. We were to include in the plan items pertaining to SBA construction funds. We then get closer to the deadline, March 26, 1996. Dan French, a bureau director at DOE, tells Waltham Public Schools that they are required to submit an approvable desegregation plan prior to the beginning of the 1996-1997 school year. This was to be a long-term plan to racially balance all schools, which may include a long-term construction plan. Then, three days later we get another letter from Mr. French reiterating the deadline and saying that the desegregation plan must address both racial imbalance and racial isolation in all schools. We come now to a meeting that has led to today's event. It was March 19th, 1996. A group of us met with Commissioner Antonucci, then Deputy Commissioner Driscoll, Alan Safran, who is now an associate commissioner, Rhoda Schneider, general counsel, and a couple of civil rights people from DOE. At that meeting, we brought our 51-page comprehensive voluntary compliance plan and submitted it to Commissioner Antonucci. The month prior to that meeting Malden had had their desegregation plan approved by the Board. We were scheduled for May. Then at an April 19th meeting with Commissioner Antonucci, he indicated that the Board was going to reconsider the statute, and that indeed it would not be advisable for our plan to go forth to the Board in May. He planned to cancel our meeting with the Board for May. We said, "But here is our plan, our 51-page comprehensive plan." And he said, "I will approve part of it. I will approve the short-range steps, which Dr. Parrella outlined involving voluntary transfers and magnet themes, and I will defer consideration of the remainder of your plan until the Board has discussed the racial balance statute." The Commissioner unilaterally approved that plan and wrote a letter to the Board indicating that he had done so. We then became a 636 community and have received small planning grants thereafter. Then, in January of 1999, we sent the second portion. An amendment to our 1996 plan was submitted to the Board, and it's been on hold for the past year. There are two other time line items. We met with Commissioner Driscoll, General Counsel Schneider, and some others on August 25th. At that time, we submitted our Control Choice Plan, which is the plan that the Racial Imbalance Advisory Council endorsed. It contained control choice as a student assignment process, and it's identical to most of the other 22 communities. Commissioner Driscoll indicated he could not support controlled choice, and that we should go back and revise that plan, removing race to the extent possible and creating an equity plan. We obeyed his direction and did so, and that's why the plan you have before you today is called an Amended Equity Plan as opposed to a control choice plan.

CHAIRMAN PEYSER: Thank you. In the interest of moving on, I'd like to thank the panel for coming and excuse you. I would like to ask Jeff Wulfson, Rhoda Schneider, and anyone else who would be appropriate, to come forward. I turn it over to the Commissioner to provide us with his summary of where we are and his recommendations.

COMMISSIONER DRISCOLL: Mr. Chairman, I know this is a very important issue, and we may have the chronology out of whack but let me try and make the following major points. All of the statements and facts that the Waltham representatives have brought forward are absolutely correct.

Frankly, Waltham, unlike other communities at the time, is being treated differently. There is a different level of scrutiny at this point. Had their plan been submitted to a previous Board at a different time, we might be sitting here with Medford, Malden, or Framingham. They did perhaps suffer from very poor timing in that regard. But the fact of the matter is things have changed, and there will likely be challenges to a law that is currently on the books and therefore considered to be constitutional. Waltham had been complying with what we asked them to do since 1994, thus the meeting in August, thus the discussion of the Board, and the decision put before this Board now. I do think, in fairness to Waltham, time is something that we ought to attend to. I don't think we should delay this community any longer. The kind of plan that had been approved in the past, the controlled choice plan, a kind of guarantee, if you will, of balance and elimination of isolation through busing or controlled choice, is not something I felt this Board would look upon with favor. Therefore we started the discussion with Waltham. Boston Public Schools will be coming in soon about establishing a plan that focuses on equity. There is also no question that school building assistance, both from the administration and perhaps the legislature, is being looked at. This Board intends to look at the entire SBAB program in the future. Therefore, there are two aspects that are different for Waltham than any other community.

Number one, without a controlled choice program, there is, as the Racial Imbalance Advisory Council has put forward, no guarantee that you're going to eliminate the imbalance or isolation. If you don't force it, so to speak, and you rely on these other factors to cause families to make certain choices on a volunteer basis, there obviously is no guarantee. So this Department wants to work with Waltham to see to it that the results that are needed under the law are met.

The second issue is that while it is absolutely true that, historically, other communities had the entire building plan approved, and no scrutiny of individual projects vis-a-vis racial balance or elimination of racial isolation, it was an issue. It was an issue of what do you need for buildings, and getting your 90 percent and getting on a priority list. It was more or less automatic in that sense. You put forward an entire building program, and it was approved. There was never any attempt to see whether or not the questions that Board Members have asked relate to either racial balance or racial isolation in any more than a broad sense. So my recommendation is twofold.

First of all, that we approve the plan as amended and the Department will work with the Waltham Public Schools on the results of implementing that plan. And number two, and it would seem that the statute clearly allows this jurisdiction, that we look at the various building aspects of this program to see whether or not there can be the link between the elimination of racial imbalance or isolation and the projects as put before us. Jeff Wulfson has volunteered to do so.

There are a couple of things that I want to commit to. One is the time line. I don't think it's fair for Waltham to be subjected to any further delay, that's why we have gone fairly expeditiously to get this before the Board for a vote, hopefully. There are some deadlines with SBAB that begin in March and run till June. So my first commitment is to have our review be completed in time so as not to hold up any of the projects. I hope this can be done. There's a second issue. How do you decide that a building is related or not related? To some extent you either decide it as a whole or not. It's very hard to divide it up. In that regard, we will, in working with Waltham officials, get as much information as we can to develop thorough, clear recommendations. It will have to stand on its own. It will either be understandable or not, and it has to be fair. If it's not fair, obviously we can be challenged. We think we can make that kind of decision and we can do that kind of analysis. It is clearly a different case for Waltham than the other 21 communities.

I might add, if you look strictly at the numbers, a case could be made that Waltham's racial imbalance issue is clearly more pronounced than those of a couple of the districts we've had recently. But there is no question if you are from Waltham's perspective. They have been working on this for five years. They've put in a great deal of effort. There were a number of factions in town. They've done a tremendous job pulling everybody together. This has been a unified factor in Waltham, no question. We cited them. Everything they've done since 1994 we made them do it. And so from their perspective, the rules have changed. If you lived in Waltham, you certainly would think so. My obligation is to try and present to this Board what I think is the right thing to do for the sake of public policy. It is a certainly a change in emphasis, if not direction to some extent. We have the law we need to deal with. We have the spirit of the law. We have the letter of the wall. And I've presenting this to you. So my recommendation stands that

we go forward with the Waltham Public Schools, that you approve the amended plan. The Department will work with the Waltham officials, first, on the issue around students, and then on the issues of construction.

CHAIRMAN PEYSER: Let me just make one other comment here in support of the proposal that's on the table. The original focus of the Racial Imbalance Act has changed quite a bit over time in ways that the original authors could not and did not foresee. I think we're looking at the very start. Waltham is not Springfield. It's not Worcester. It's not similar to the other communities that were part of the original or early districts that came under the jurisdiction of the Racial Imbalance Act. Another thing that's happened is that spending in school building assistance is growing rapidly, and will soon reach proportions that will consume most of the new funds available for education in the state. We can no longer afford to approve building projects, especially at the 90 percent level, without providing meaningful scrutiny at the Board level. Now, is this process more rigorous than in the past? You bet it is. Waltham claims, with justification, that we're throwing them a curve. Moreover they would argue that they're being penalized as a result. Given the expectations that have been set by boards of education and departments of education, I can't disagree with them. However, if we don't exercise our prerogatives and responsibilities to review each building project that comes before us, we'll be penalizing taxpayers and other communities that are awaiting school building assistance funding. Waltham's gain is somebody else's loss, and we need to be cognizant of that in evaluating their proposal and in evaluating whether to grant the 90 percent versus the 62 percent level which Waltham currently qualifies for. Again, the reality is that things have changed. Do I wish the history had been different? Yes, I certainly do. But nonetheless, the Board has its obligations, and I think that those obligations require us to provide strict scrutiny to those proposals that come forward, certainly when they involve the 90-percent reimbursement for schooling building assistance.

DR. THERNSTROM: Jeff Wulfson is going to be asking whether a hundred percent of the funding is essential to compliance with the law, as I understand it. I assume this is not just going to be an exercise in window dressing. If he takes a genuinely hard look and finds that only 60 percent of the funding is mandatory under the law, 60 percent, that's 90-percent reimbursement, what happens next?

COMMISSIONER DRISCOLL: First of all, Jeff has volunteered to do this very difficult job. He would present his findings to me and I will make my recommendations, but it will become public. It will be subject to the scrutiny of this Board, Members of this Board, and it will be subject to the scrutiny of people in Waltham, for that matter the general public. He's taken on a difficult job. It's not going to be a wink and a nod or whatever else. This is going to be a serious attempt to try to figure out how to answer the \$64,000 question. How do you equate the building projects with the 90 percent? I've already stated that this Department has never undertaken such an analysis before. Assuming that we came up with 60 percent as qualifying for the 90 percent, we would make a recommendation to the Board that 60 percent of the project would go forward under the Racial Balance Law, under that part of the law which would be 90 percent reimbursed. The other 40 percent would go under the regular provisions of Category C, or whatever it is, which would be 62 percent.

DR. THERNSTROM: What is the meaning of the vote today when we really have not resolved the question of whether they're getting a hundred percent of this plan?

COMMISSIONER DRISCOLL: In my judgment, it's out of fairness to the Waltham Public Schools. We've been at this for several years. They have a very crucial deadline. One could say they've had a very crucial deadline for the last four Junes. They clearly have a major deadline for this June, and therefore it backs up to March and some things that we have to do. I think it's crucial that this be voted today so that we can move forward with the analysis and get it done in time for them to jump through all the other hoops they have to jump through to get their building program going forward.

MR. LaFLAMME: But it would seem that regardless of whether or not we take a vote today that final approval of funding is still contingent upon that report, is that so?

CHAIRMAN PEYSER: Yes. In other words, it's dividing the decision into two pieces. One is the approval of the plan. The other is the decision with respect to reimbursement rates on the individual projects.

MS. CRUTCHFIELD: Can the plan go forward without the second part?

CHAIRMAN PEYSER: I believe the plan can stand on its own independent of who's paying for the buildings. That's what the second question is about, who's writing the check.

DR. THERNSTROM: But, Jim, the plan is not going to go forward from Waltham's perspective unless the entire 90-percent reimbursement is there.

CHAIRMAN PEYSER: Then to what extent are we held hostage to any community coming forward and saying, "You've got to fund it all." The reality is that we have to provide scrutiny to make sure that funding it all is the right thing to do. Frankly I don't think we have the information from the District to provide us with the kind of assurances we need that all \$100,000,000 of these building projects are in fact directed specifically towards reducing racial imbalance and isolation.

DR. THERNSTROM: I understand that. I just think it's a package, and I don't know what we're signing off on today when the central question is unanswered.

MR. BAKER: They've said that they're willing. This vote was basically taken by their school committee, which I believe is supportive of the process that's been developed by the Department. It seems to me that what they're saying is, "We've been back and forth here for four years in a row trying to get a plan approved, let's just put the plan behind us. We're willing to work with you on the information that's associated with the financing." That's what this letter looks like it's saying. Am I missing something here?

COMMISSIONER DRISCOLL: No, you're not at all. I think that's absolutely correct. I don't know what the alternative would be. If you delay it, fine, but I don't think that's fair. We're ready to go to work. I think this is the right thing to do. Unless you want to approve it as submitted and give them the entire hundred percent, in which case Waltham will just leave and be happy. In August, I could have said I'm going to submit your plan as approved, but I don't think this Board would have approved it. This is not a case of me going off on my own. This is in the tenor of the times. People are looking with greater scrutiny and I'm trying to provide a way to work with Waltham to make this, as best we can, comply with both the spirit and the letter of the law.

DR. SCHAEFER: I agree with Jim wholeheartedly. I wish that the history were very different, but under the circumstances, it seems to me that we don't have much choice in the matter. If we could move the question.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, having reviewed the report of the Racial Imbalance Advisory Council, approve the plan submitted by the Waltham Public Schools under the Racial Imbalance Law, provided that appropriate provisions are added to (a) evaluate and report on results, particularly with respect to the reduction or elimination of racial imbalance and isolation of minority students, and (b) include contingency measure in the event the plan's strategies do not produce its intended outcomes.

Further, that the Board direct the Department to thoroughly and expeditiously analyze the school building projects that Waltham has presented and determine whether each project satisfies the standards for 90% School Building Assistance funding under General Laws chapter 15, section II; that is, that "...the construction or enlargement of the schoolhouse is for the purpose of reducing or eliminating racial imbalance. Or imbalance of minority students..."

The motion was made by Dr. Schaefer and seconded by Ms. Crutchfield. The motion passed 7 to 1. Mr. LaFlamme abstained from the vote.

FINAL ADOPTION OF REGULATIONS ON AGRICULTURAL HIGH SCHOOLS, 603 CMR 45.00 - Vote

COMMISSIONER DRISCOLL: Mr. Chairman, we've made some changes. It is really only Essex County that we need to worry about at this point, so we've made the change whereby these regulations refer only to Essex Agricultural. Secondly, we also agreed with the comment made by the Massachusetts Teachers Association regarding my approval of collective bargaining agreements in conflict with 150E. So we've made those two changes. And with those two changes, I would recommend approval.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education in accordance with G.L. c. 69, section 1B and St. 1997, c. 48, section 7A, as amended by St. 1998, c. 300, section 21, and having complied with the requirements of the Administrative Procedure Act, G.L.c.30A, section 3, hereby adopt the Regulations on Agricultural High Schools, 603 CMR 45.00.**

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

CERTIFICATE OF MASTERY: PROPOSED STANDARDS FOR 2000 - Discussion

CHAIRMAN PEYSER: We've discussed this several times, and we're going to discuss it again in January. What's before you today is a memo from the Commissioner intended to stimulate discussion. But given the late hour, I'm not sure how much discussion I want to stimulate.

The key issue is introducing the notion of a certain minimum performance level on MCAS as a prerequisite to receiving Certificate of Mastery. The second thing is an intention to try to move, as expeditiously as possible, on this so we can begin issuing Certificates of Mastery this coming June. Do people have any comments or thoughts on the memo? Again, I would emphasize this is coming back to the Board in January in the form of draft regulations. We will be able to actually vote on sending this out for public comment. So what we're trying to do here is provide more direction to the Department in crafting those regulations.

DR. SCHAEFER: I think that this makes sense.

DR. KOPLIK: My only reservation on the Certificate of Mastery, and I understand the logistics here, is limiting it to English language arts and mathematics for graduation in 2000. I think that's a compromise and a realization of where we are in terms of development. But we've already made that adjustment, I think, in terms of looking ahead to 2003. I don't think that I would correlate the two in suggesting Certificate of Mastery as being the highest level of achievement, especially with the recognition you're providing here, a monetary reward in some cases. I think we're shortchanging the meaning of Certificate of Mastery.

CHAIRMAN PEYSER: That's an appropriate comment. There is some discussion in the memo of looking beyond the first years for making this a more comprehensive and flexible kind of evaluation system so that students who exhibit comprehensive mastery, as suggested by the regulations, have an opportunity to make that mastery known. If there are no further comments --

COMMISSIONER DRISCOLL: We'll get materials to the Board in between meetings. We did ask the College Board representative their questions about advanced placement versus SAT II. I think, from Stanley's comment, the Chairman and I had wished to try and do something this year. Obviously, it's very difficult to do something in a comprehensive way, although that's what the law calls for. If the Board wants to try and do something this year, we need really two steps. A pragmatic first step, and then make it to more comprehensive for future classes.

TENTATIVE CALENDAR OF AGENDA ITEMS THROUGH JUNE 2000 - Discussion

CHAIRMAN PEYSER: The next item is the tentative agenda for the next six months. You've got the meeting schedule.

COMMISSIONER DRISCOLL: I want to draw attention to Monday, June 19th, which is a change I requested. This was a problem. I have a conflict, and I apologize for it. All of the other dates didn't work, but this one seems to work Monday, June 19th. So all the others have been as noted. We've had those for a long time. It's only the June that's changed.

THE CHAIRMAN: Then you've got the tentative agenda for the next six months. I call your attention to a few major items here. One is discussion around the Board's Goals and Mission and trying to establish some general context for the Board's work. We have the math and science frameworks that are scheduled to come back in February and in March, and these are large, difficult projects. There's a lot of work going on in a very compressed time frame, but these are obviously very important issues that we need to finally settle and resolve. The History/Social Science Framework itself is undergoing review during this time period and scheduled to come back to us in June. We will also, early in the year, begin looking at changing the regulations governing teacher certification and evaluation, and this is related to the Joint Commission's work, but also related to work that's been ongoing in the Department for many months. The regulation about special education, which you may recall we deferred last fall, is going to be back in March. We will deal with them then. There are going to be some proposed amendments with regard to regulations on vocational education. We're going to begin discussions about taking steps to launch initiatives around school leadership. Those are the major items. The other thing I'd mention is that we're going to continue some of the discussions we've already started around school finance reform, both including Chapter 70 and school building assistance.

DR. SCHAEFER: I would also like to request that we add, preferably for the January meeting, a discussion of the racial imbalance law and the monthly recommendations by the legislator.

CHAIRMAN PEYSER: I think it does make sense to bring it up in the context of school building assistance.

DR. SCHAEFER: That's February?

CHAIRMAN PEYSER: Which is January. I guess I would just remind Board Members that there had been a process which was referred to earlier today of drafting some statutory changes and holding some public hearings, and I think that might be a useful starting point for continuing that discussion.

DR. SCHAEFER: I think if you're going to have us take seriously, and I believe that's certainly your intent, an item as important as Board Goals and Mission, you really can't subject it to the routine nature of a meeting. That's just the reality. We'll have our next meeting in January. We'll go through a few items. We'll get delayed. It will be this, that and the other thing, and then we'll say, "Oh, by the way let's finish up, it's 11 o'clock. Board Mission and Goals, you got a list. David has put together a nice list. All in favor, approved." I think it's worth more time than that.

CHAIRMAN PEYSER: I agree. It's a good point. And I think, especially for an issue like that, we ought to use the day before the meeting as an opportunity to have a more extensive and perhaps relaxed conversation. You could probably argue for several, but I don't think people have the time to put a lot of material together in a day's meeting, but I think that one deserves some isolation.

MS. CRUTCHFIELD: I'd like to support that. I'd like to be radical and push this envelope and suggest about Board retreat.

CHAIRMAN PEYSER: A public Board retreat of course.

MS. CRUTCHFIELD: That goes without saying. But there's plenty of information available around Board Goals and Missions. I am happy to begin to pull some of it together since this has been something that I've wanted to do for a very long time.

CHAIRMAN PEYSER: Let's talk about that some more. Any other comments on this? If not, we'll move on.

COMMISSIONER DRISCOLL: We can defer this.

CHAIRMAN PEYSER: Yes, let's defer the discussion on evaluation.

DR. SCHAEFER: I would like to raise something for Sandy Stotsky and the Board to think about. Some additional things that I would hope we would undertake evaluations of. It's somewhat controversial but nevertheless extremely important. I propose evaluation of: (1) early childhood programs, what works, what doesn't, what's cost-effective, et cetera; (2) METCO, that's something we've talked about for several years. I really do think this needs to be done; and (3) in light of the discussion we heard this morning, I think that the gay/straight alliance issue needs to be evaluated. What is going on in schools and what's not? There's a lot of controversy around this, and it's the Board's responsibility to have some sense of what's actually transpiring in schools.

CHARTER SCHOOL RENEWALS: Hilltown Charter School and Boston Renaissance Charter School - Discussion and Vote

CHAIRMAN PEYSER: Two charter schools are coming up for renewal, Western Massachusetts Hilltown and Boston Renaissance.

COMMISSIONER DRISCOLL: Mr. Chairman, you've received under separate cover, as has been our practice, the summary of the review of both schools. And, again, I think the staff has done an excellent job, and my recommendation is very strong for both of these schools. One thing I would note with the Renaissance School is that this is a much larger charter school than is usually the case. With large schools come large logistics and other issues. There is new leadership here. This school has had its growing pains in the first couple of years, and it has gone through three leaders, but it certainly has settled in. As the report indicates, is in very good shape. I'm very pleased to recommend both of these schools to the Board.

CHAIRMAN PEYSER: Ed, do you have any general comments on the recommendations?

MR. KIRBY: Not unless there are specific questions.

CHAIRMAN PEYSER: I would like to say a couple of things about these two schools.

These schools reflect the diversity in approach to education that was inherent in the original concept of charter schools. Western Massachusetts Hilltown and Boston Renaissance Charter School are two very different schools on almost all dimensions, yet they have achieved a certain level of success despite the significant difference. I was particularly heartened to read in the evaluation report about Hilltown's good faith and positive struggle to figure out how to fit a curriculum based on the process of student learning, that is, driven by student interests and skills, within the context of the statewide frameworks and assessments. Rather than simply ignoring the standards and assessments as being extraneous and unrelated to the work going on in the school, based on the report, they are struggling to figure out how to fit the two things together, compatibly. I think they're to be congratulated for doing that.

In terms of Boston Renaissance, we're aware, certainly based on the report and other information, that there have been struggles in getting this school off the ground. Many of the struggles are related to the physical constraints of putting such a large institution together in the middle of a fairly congested urban center. But over the last year, the change in leadership, and the focused direction that that leadership has brought to the school, has clearly turned it around. The school is now on a path that the reviewers and evaluators are convinced will lead to the achievement of the high aspirations it set for itself.

Both schools are to be congratulated for engaging in this struggle of starting a new school, which is truly a great struggle, and for having achieved the success that they have.

On a motion duly made and seconded, it was:

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

Commonwealth Charters:

1. **Boston Renaissance Charter School**
Location: Boston
2. **Hilltown Cooperative Charter School**
Location: Williamsburg

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

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

COMMISSIONER DRISCOLL: Congratulations to Headmaster Roger Harris and Boston Renaissance School. I don't think anybody from Hilltown is here. Yes, Board member, Erich Husemoller. That's a long trip. Congratulations.

APPROVAL OF GRANTS

CHAIRMAN PEYSER: The next item is approval of grants and an authorization to the Commissioner to make some grant-making decisions between board meetings.

COMMISSIONER DRISCOLL: Right. I want to make it very clear that I intend to have Board members see all the materials. It's just a timing issue. Now that the budget has been resolved, there are not only the usual programs, but new programs, such as the John Silber Early Literacy Programs. The timing involved in trying to get these out to the districts and then getting them back, is a problem for both our January and February Board meeting.

All I'm looking for is the usual authorization that allows me to approve them in between, because we're losing time with the school districts. We've done it during the summer, but I'm asking for that kind of flexibility at this time, Mr. Chairman. I will send all of the packages to all of the Board Members. We now send them to Mr. Irwin on his request, but all Members will get all of it. It's really a question of trying to make sure it's pragmatic for the schools.

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 that require action between regularly scheduled meetings on December 21, 1999, January 25, 2000, February 23, 2000 and March 28, 2000; provided that the Commissioner shall report to the Board at the next regular meeting on grants and any other matters that have been so approved.

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

REVIEW OF COMMISSIONER'S PERFORMANCE AND SALARY - Discussion

CHAIRMAN PEYSER: We're down to the last item on the agenda, a review of the Commissioner's performance and salary. I have a memo here, which I will pass out to Board Members, which summarizes the criterion process we used to evaluate that performance and adjust the salary, and a summary of a conference call that Roberta Schaefer, Bill Irwin, and I had to discuss the Commissioner's performance.

The first thing we did is look at the base salary for the Commissioner, which is currently \$140,000, to determine whether it is consistent with national pay levels for chief state school officers. Based on our analysis, which was helpfully aided by Stan Koplik, we determined in fact that level was competitive. Therefore, adjustments to the salary should be based on considerations of inflation and job performance. We also agreed that we should follow the general guidelines established by the state in terms of establishing the parameters for raises. Specifically we were looking at an inflationary increase of about 2.5 percent and a performance increase of up to 2 percent. Finally, given the fact that the last salary adjustment was 18 months ago, we would look at the Commissioner's salary in that context. We would multiply whatever increase we provided by 1.5 to acknowledge the fact that an annual review was not done in a timely way.

We then talked about the specific criteria around job performance. Specifically we identified three things: one is effectiveness in supporting the Board's work; the second is effectiveness in building external support for Board policies; and the third is effectiveness in managing the Department and its staff. In all three areas, reading from the memo here, we agreed that the Commissioner's performance has been strong and has improved during his tenure in office.

In particular, we agreed that the Board's success in making several major policy decisions during the past nine months has been due in large part to the support and initiative of the Commissioner and his staff. In addition, we agreed the Commissioner has been a sincere and steadfast advocate on behalf of these policy decisions with the many constituencies that have an interest in education reform. Finally, we agreed that the Commissioner has made a concerted effort to improve the internal functioning of the Department, including the addition of some very able staff members. In light of that very positive appraisal on the part of all three members we recommend that the Commissioner's salary be increased by 6.75 percent, which is the maximum level under the guidelines established by the state for review of other public employees and consistent with the numbers that I mentioned earlier on in the context of this 18-month period. This is the equivalent then of \$149,450 effective January 1st, 2000. I do want to emphasize that we were unanimous in our evaluation of the Commissioner's work. Are there comments either members of the task force or other board members would like to make?

DR. SCHAEFER: No, I think you've covered it.

CHAIRMAN PEYSER: I would like to add again that I think the Commissioner has done an outstanding job. Going back through the days prior to the final resolution of whom the Commissioner and Chairman might be, he also did an admirable job keeping things on track under very uncertain circumstances. With that, I need a motion on the table to approve a 6.75 percent raise to \$149,450, effective January 1st, 2000.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education approve an increase in the Commissioner's salary of 6.75 percent to \$149,450, effective January 1, 2000.**

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

COMMISSIONER DRISCOLL: If I may, Mr. Chairman, I'd like to thank you and the Board. I think we have accomplished a lot, and I'm pleased for the positive comments that have been made. I do assume those comments to be more about my staff than me, and also this Board. I do think the Chairman and Members of the Board don't get enough credit. You've been very supportive, and I think we've made a good team, I really appreciate all the help and support.

CHAIRMAN PEYSER: The other thing I'd like to note is that when we talked about the tentative schedule going forward, we discussed being more explicit and focused about Board Goals and Mission. In that context, I think we also need to be thinking about how we set expectations for the Department and therefore the Commissioner, in particular the Commissioner, as we move forward. I have had discussions about how to do this a year from now. One of the things we're clear on is that increase in student achievement is the core objective of this Board, the

Department, and of the schools. Therefore, the evaluation of the Commissioner's performance ought to be linked to measures of student performance, and, presumably, that means MCAS in particular. The extent that student performance improves, or not, will be a important factor in evaluating the Commissioner's performance in the years ahead.

COMMISSIONER DRISCOLL: You'll see me take a week's vacation in May to run around to all the schools urging the kids on.

CHAIRMAN PEYSER: The only other thing I'd like to say before we adjourn is that there are a number of items of great importance in your packets: (1) There is the Annual Report on Year Two of the Massachusetts Educator Certification Tests. Again, this is an accumulation of scores during the year, so it presents a clearer picture of actually how prospective teachers are doing and, more importantly, how individual schools are doing. (2) There's a summary of the forum on Chapter 70, a very brief summary I believe. There are videotapes available for Board Members who would like to watch that. It may be good viewing for insomniacs, though there is some very interesting information brought up.

MR. BAKER: Are there transcripts on that too?

COMMISSIONER DRISCOLL: Yes, we did a transcript.

CHAIRMAN PEYSER: (3) There is a also a memo from the Boston Public Schools on the modification of their control choice plan which is important reading, especially in the context of what we're talking about today in Waltham. (4) There's a report from the administration on the potential impact of the "Rule of 90," on the supply of teachers for which I commend all of you. (5) There's more information on the contracting process underway for the test provider for MCAS. (6) There's a memo on the certification of school nurses, an issue most members are familiar with. We've had testimony and quite a bit of letters back and forth. This would also be worthwhile reviewing. I would encourage you all to spend some time with what's in the appendix here. Before we adjourn, are there any other burning issues that members have to discuss? If not, happy holidays to you all. Happy new year. We'll see you next year.

The Meeting adjourned at 11:30 a.m.