

**COMMONWEALTH OF MASSACHUSETTS**

**BOARD OF EDUCATION**

**\*\*\*REGULAR MEETING\*\*\***

**MASSACHUSETTS DEPARTMENT OF EDUCATION**

**350 MAIN STREET**

**MALDEN, MASSACHUSETTS**

**TUESDAY, OCTOBER 26, 1999**

**9:00 a.m. - 12:00 p.m.**

**BOARD OF EDUCATION  
MEMBERS PRESENT:**

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

Dr. David P. Driscoll, Commissioner of Education

**ALSO PRESENT:**

Nancy Catuogno Varallo, Registered Diplomate Reporter  
Certified Realtime Reporter

**COMMENTS FROM THE COMMISSIONER**

**COMMISSIONER DRISCOLL:** We are scheduled to have a Statewide Conference on Character Education on December 1. The Chairman and I will be opening the conference at the Worcester Centrum. Governor Cellucci will be joining us as will the Mayor of Melrose, Mr. Patrick Guerriero, who will be representing the National Initiative on Civility. Our keynote speaker will be Dr. Kevin Ryan, former Director for the Center for the Advancement of Ethics and Character at Boston University.

I mention this because I believe that character education ranks high among the myriad challenges facing us in education today. We are seeing an increase in bullying and physical confrontations in our schools. It is a fact that many young people today do not have appropriate role models and come to school void of a sense of how to treat one another. Character education is rightfully something we need to pay a great deal of attention to in the context of standards and high expectations within the content areas - social studies for example. We need to become very serious about it.

We held a forum on October 6 on the issue of residential placement of special needs students. The city of Boston was kind enough to let us use the City Council Chambers. It was a worthwhile evening in which important information was shared. For example, just as we worry about attracting quality educators to our K-12 schools, so do these institutions and programs have problems attracting qualified people. It is an issue of supervision and quality too, not only with respect to the educational program, but the quality of supervision in the residential setting. We need to address this. Like with many other issues, we need to get involved with other agencies. We've taken the first step forward. A number of state agencies have joined us, including the Department of Social Services and Public Health. There are several

issues we need to work out together. For example, we have a policy statement on restraints which has been the subject of possible legislation. There is a whole series of issues around CHINS, the courts, and placement which needs to become much more coordinated in Massachusetts. We intend to take the lead where we can.

Today, after this meeting, we are presenting for the 37th time, the Teacher of the Year Award. All Board members are invited. It will happen in the Great Hall at the State House. We'll be joined by the Governor, the Speaker of the House, and the Senate President to honor an outstanding teacher, as always, representative of the thousands of outstanding teachers in the Commonwealth.

In addition, one of the best parts of my job, and Bob Antonucci agrees, is the Milken moment. We go around the Commonwealth, unexpectedly and under the guise of talking about Ed Reform, to award to a deserving educator the Milken Family Foundation Award. This comes with a trip to Hollywood, California and \$25,000. The Milken moment centers around an audience ready to hear the announcement of the award recipient. Particularly at Lowell High School where there were 2,565 students in the gym. It's a tremendous thing. The Milken Family Foundation has done great work in donating an awful lot of money to honor educators. This is certainly a tremendous program.

I wanted to mention that we do have our assessment contract out for bid. We have three bidders at the current time. We will be doing an analysis and will communicate with Board members as we go through that process.

Finally, I do want to mention the Massachusetts Community Network. This is something we've been talking about for a long time. That will enable us to tie together, technologically, all of our schools, libraries, municipal buildings, and National Guard facilities using the UMass system. This particular effort is being led by MCET. There's an RFR out and we need to decide, fairly soon, who might get that contract. We have a December 31 deadline for reimbursement under the E rate, so we have a time limitation. The legislature and the Governor have approved a capital supplementary budget to allow us to do it. I think it's going to be a major initiative and we'll talk more about how to not just wire schools, which is fine, but how to take that and really translate it so it can improve teaching and learning in the Commonwealth. This is a major initiative that we need to support. We need to get schools on as soon as we can and to get this Mass. Community Network up and running.

## **PUBLIC COMMENTS**

Steve Gorrie, President of the Massachusetts Teachers Association

**MR. GORRIE:** Mr. Chairman, Commissioner Driscoll, members of the Board, thank you for giving me the opportunity to address you once again regarding our concerns about second-cycle recertification proposals. I will not take much of your time this morning, but I submitted a written document for your perusal and comment. We have submitted both oral and written testimony in this area on several occasions, but I do want to say that at this juncture at the outset that we do appreciate that the Department has made some changes in the proposed regulations, both in response to concerns raised by the MTA and by others. However, our main concern remains.

We do still oppose giving principals and other supervisors the sign-off authority over a teacher's individual professional development plan. Teachers are required to develop these plans, as you know, for the purpose of being recertified by the state. We believe that only the state, not the employer, should have the power to determine if a teacher has met the state requirements in this area, and so we will hope that you would reconsider adopting this provision. In addition to our objections to the sign-off provision, MTA has a number of other concerns or objections which I have submitted in the document this morning.

These concerns revolve around three different areas. First, we believe that too much contained in the proposed regulations depends upon Department guidelines and assessments which have yet to be developed and promulgated. The proposed regulations are in places ambiguous or incomplete, and in at least one area, if not others, they seem to fail to comply with the Massachusetts General Laws. I have elaborated on each of these, as I said, in the document that I have before you. I would be happy to answer questions, but especially would ask you to consider these objections and concerns and either amend the proposals before you adopt them or postpone adoption until a later meeting.

**DR. SCHAEFER:** Mr. Chairman, could we address this issue of whether our regulations are in compliance with the Mass. General Laws? I guess the first thing I'd like to address is the issue of whether the state alone can be the authority and whether we are in a position to designate authority to individual districts in terms of that employer/employee relationship.

**COMMISSIONER DRISCOLL:** This is new to me. I will simply say this: If we were delegating complete authority to grant licenses and so forth, I'm sure that there would be legal challenges. I certainly don't see it that way. This is an opportunity to have synergy, if you will, coordination. So we are simply asking that when a teacher develops a professional development plan that it be approved by the superintendent or designee to see to it that it complies, at least 80 percent, with the school or district goals. So I don't see it myself as a violation. I would be glad to defer to Rhoda.

**DR. THERNSTROM:** That's what I was going to say. Maybe Rhoda should address that.

**MS. SCHNEIDER:** Should we address this when the Board addresses regulations?

**CHAIRMAN PEYSER:** That would be a good idea. I think there were some changes made in the regulations specifically on this point because it had indicated that the principal and supervisor would be the one making the determination whether the plan was in compliance with state laws. That was removed. The other question I have is whether it's appropriate for principals to stand between teachers and their recertification or professional development plans. There is an appeals process referred to here in cases where a principal, for example, might be acting in a way a teacher considers arbitrary or unfair. To what extent does that mitigate some of your concerns?

**MR. GORRIE:** I don't see that that many appeals would go forward. I think that the administrator having the final say would be a roadblock. Whether that's a legal issue or not, the question is one the district assuming state responsibility. I'm not so sure that the number of appeals that might arise would actually be heard. We'd rather keep it much cleaner and avoid having to go through that process.

**MS. CRUTCHFIELD:** I am puzzled because I hear words like "barrier", "interference", "roadblock". I consider this an opportunity for alignment in systems with goals and personal plans and outrageous things like conversation. So the look on my face is one of puzzlement.

**MR. GORRIE:** I don't think we are against the conversations.

**MS. CRUTCHFIELD:** I don't think you're against it either, I'm just wondering.

**MR. GORRIE:** We want to make sure that the question of licensure is not being controlled by the same entity that controls one's employment. I think there's no question that personal professional development plans need to be aligned with the district goals. I think there's also a question of whether those district goals even exist in some places, and that's another issue.

**MS. CRUTCHFIELD:** That's an opportunity to develop them.

**MR. GORRIE:** Certainly the conversation has to exist when people come to disagreement, but I don't think we need to have both the employment and the licensure issue controlled by the same entity.

**DR. KOPLIK:** As you know, the Joint Commission on Teacher Educator Preparation considered this particular issue at length. That group was unanimous in its finding that resulted in this particular proposal here. The issue really revolved around trying to correct deficiencies in a prior process in a positive way. I think the expectations that we will realize in this new version gets us to that particular end. We are talking about an issue that had some apparent flaws and trying to correct them. We do not want to punish anybody, abrogate responsibility, nor deny the issue of responsibility. We simply want to improve a process.

**DR. DELATTRE:** Just for the record, I think this is a huge improvement. I have some recommendations to make about its content of a modest sort, but it is not true that everyone on the Joint Commission agreed to this as it stands. In fact, I did not. I will heartily agree when these modest changes are made.

Kathy Kelley, President of the Massachusetts Federation of Teachers

**MS. KELLEY:** Good morning, Mr. Chairman, Commissioner and members of the Board. For the record, my name is Kathleen Kelley, I represent the Massachusetts Federation of Teachers. I appreciate the opportunity to speak with you today. We have submitted written testimony on the recertification guideline, but there were two very important issues that I didn't think we imparted to the Board in enough detail and with enough emphasis. I want to do that and then make some brief comments on the specifics contained in this proposed regulation.

For the record, let me state that the MFT unequivocally supports ongoing professional development for teachers. We believe that that professional development must be aligned with school district and district goals. But in order for that to work, in order to move beyond simply achieving points in a recertification system, in order to make it effective and meaningful, professional development has to be looked at very carefully. It must be grounded in good research. It must offer meaningful intellectual challenges and content. It must take into account the various contexts of teaching and the experience of teachers. It must offer support for informed dissent, and be embedded in the day-to-day work of teachers. That is critical. It is also important that teachers be deeply involved in the selection of their planning and development, and their professional activities.

I would urge the Department to be extremely aggressive in three areas: (1) that every school district has a comprehensive, quality plan on file at the Department, (2) I would urge the Department to look at systems that set up model professional development systems and make sure they are disseminated so other districts struggling with it have an opportunity to review what's working; and (3) I urge the Department to take steps to move into districts that have not set up a rational, comprehensive, quality professional development programs for teachers. I believe that is extremely important.

I join with my colleagues in the MTA. We have opposed the approval of the signature process, we believe it is burdensome, unfair, and unnecessary. In regard to the appeals process, I would simply state that these regulations have no standards nor time lines for what those appeals will be. That may cause enormous problems if there are many appeals.

Besides coursework, there is very little detail in these regulations about what kinds of activities will be promoted and awarded professional development points. We urge that there be an array of quality programs, including study groups, research projects, independent study, institutes, and teacher-directed professional development. We urge flexibility with the end-of-course assessment. I think work products at the end of an activity are just as valuable as testing.

I appreciate the fact that you did the online fee reduction but I would ask this Board to look at the fee structure for all teachers. I attended every forum and I was told that the fees were to pay for the administration of the recertification system. I believe that these fees, as high as they are, go beyond paying for the administration of recertification. I think that's unfair.

Finally, when you are looking at budget priorities, whether today or in the next months, I urge the Board to consider professional development issues a priority including mentoring programs and other programs that make a difference in improving practice and reaching the goals of student achievement. I thank the Board for your time especially the Chairman who gets high marks for the additional time.

**DR. THERNSTROM:** Kathy, do you have a model for professional development in mind? Is there a program you can point to elsewhere?

**MS. KELLEY:** Yes.

**DR. THERNSTROM:** What are the chief ingredients that would differ from ours?

**MS. KELLEY:** There are a number of model programs throughout which are very exciting when you see them at work.

**DR. THERNSTROM:** Can you name them?

**MS. KELLEY:** There are superb programs in Southborough, Lowell and Worcester. There are a whole range of them that have very consistent elements such as: collaboration and cooperation in developing the plan, and a budgetary priority on professional development opportunities for teachers. I do believe that it is important for districts to see different models at work. There are schools experimenting with restructuring the schools so that they can have professional development time built in. There are other models where teachers are teaming and working with the community. While we have some excellent programs there are many districts that offer no quality professional development. Those districts have to be held accountable and be supported by the Department with the models that do work.

**DR. THERNSTROM:** Would you say that there isn't one model that works but a number of variations on the theme?

**MS. KELLEY:** There are a number of models. Absolutely.

**DR. THERNSTROM:** That is what you would argue?

**MS. KELLEY:** Absolutely.

#### **APPROVAL OF MINUTES**

**DR. DELATTRE:** There are a couple small corrections. On page 4 of the Special Meeting, you have me saying the "whole" examination. That was "sole" examination. On page 17 of the Regular Meeting you have me saying that the health framework does not focus sufficiently on the formation of the habits and those "decisions". It's not "decisions" but "dispositions". On that page you have also "behavior to protect oneself from". It should stop after "oneself". "From" doesn't belong there. On page 20, you have me referring to "actual" sciences, that should be "natural" sciences.

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

**VOTED:**           **that the Board of Education approve the minutes of the September 27, 1999 Special Meeting and September 28, 1999 Regular Meeting as amended.**

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

#### **1. REPORT OF THE FINANCE AND BUDGET COMMITTEE - Discussion**

**CHAIRMAN PEYSER:** Next item on the agenda is an update on the FY 2000 budget and work being done by the Budget and Finance Committee in preparation for an FY 2001 proposal with review of Chapter 70 reforms. We were scheduled to bring this back to the Board today for a vote, but we have determined that this is not the best time to do so. There's still no FY 2000 budget so we don't have a baseline from which to base an FY 2001 budget. The committee has been discussing various alternatives around the specific budget, looking at different scenarios for how the current budget might come out, but we are no further along in terms of reporting where we are than we were a month ago. Commissioner, I don't know what tea leaves you have been reading about the FY 2000 budget, but if you have an update, why don't you clue us in?

**COMMISSIONER DRISCOLL:** It appears that the Speaker and Senate President, at least in principle, came to an agreement, but members are not sure what that all means. I'm not sure where we are except that the clock is ticking very quickly. The current rules call for the legislature to adjourn as of November 17. It is getting very ticklish because we have to get a budget and the Conference Committee has to present it to both branches, et cetera. It has to go back to the Governor and the Governor has to present it in a certain amount of time. So it is really getting to a crisis stage in my judgment at this point.

**CHAIRMAN PEYSER:** We may find even a month from now we are without a signed budget. Is that a probability?

**COMMISSIONER DRISCOLL:** It's a probability. I wouldn't believe I would ever say that, but it is.

**CHAIRMAN PEYSER:** Given the march of time and the reality that the administration needs to put in their budget proposal regardless, I suppose, whether there's an FY 2000 budget, it seems to me we ought to commit ourselves to move forward with a 2001 proposal at our next Board meeting.

**MR. WULFSON:** I suspect, Mr. Chairman, we will get guidance from Administration and Finance over the next few weeks if there is not something from the Governor as to what to do with the 2001 requests because they are obviously faced with this dilemma for all state agencies.

**CHAIRMAN PEYSER:** There's a memo dated October 19 which discusses some proposed changes to Chapter 70. These come from discussions in our Budget and Finance Committee meeting informed by further discussion with both the Department and the administration. It's similar to a memo I think you received in the past. There are some minor changes and one significant one on page 4 with regard to local contribution. Essentially what you have here are three options.

This change suggests different ways for calculating how much districts will be required to spend of their own resources in supporting public schools in their communities. As you can see, there is one which is based solely on equalized property values and a flat rate per thousand dollars; another that adjusts that rate which is based on the League of Women Voters proposal; and a third which takes per capita income into account in adjusting the equalized property value to determine what the local contribution should be. So these are three different approaches, we have additional data on the implications of this. Jeff can provide that to you on request. As you might imagine, it has different effects on different communities so there's a bit of a tradeoff here in deciding what's the best balance is in terms of going forward. In the previous draft there was only one option on the table, there are three now. Our intent is to try to solicit comment not only from Board members, but from the public to inform us as to which is the most effective and perhaps the fairest way to go forward.

**MR. BAKER:** We should point out that there is a reason why we have three proposals. The current formula was designed to create formulaic outcomes for the situation at the time the implementation Education Reform funding began. As a result, there's no standard baseline against which to measure local contribution. It was just driven off of wherever you were at that point in time. One of the principles we have talked about is trying to have a foundation budget with local contribution based on some standard set of principles across all communities. State aid would fill in whatever the difference is, which would look a lot less complicated, a lot more understandable and a lot more equitable across the whole structure. The problem you face in doing that is the reason they didn't do that to begin with. That requires some change in where you are and where you end up relative to where you began. This is something that the municipal association, for example, would have an interest in. Now that we are at the point where everyone is funding foundation, this is as good a shot as where we're going to get in terms of clarity of this issue.

**DR. THERNSTROM:** Charlie, do you want to talk about option 1 against 2 against 3 and offer any thoughts? I would be interested in your expertise on these proposals before us.

**MR. BAKER:** Abbie, any of these would be better than the current structure. It matters which one you pick, but the real issue is whether you want to have a uniform standard that applies on a statewide basis or continue to invent a multi-factorial formula which makes it possible for you to avoid ever having to address this issue. I can make perfectly reasonable arguments for any of these. I think we ought to find out if there's a particular sense by those affected on which way to go.

**CHAIRMAN PEYSER:** Based on the data Jeff's produced, it is clear that there are significant differences from community to community in terms of the local contribution they make to their schools relative to whatever standard of ability to pay you choose. There is really a great deal of disparity built into the existing system that has largely been

papered over in the last seven years. It was probably a reasonable political choice to make at the time but it becomes harder and harder to sustain.

**MR. BAKER:** If you want to work off the presumption that there's some baseline level of effort you're trying to support at the state and local level, you're defeating your whole purpose by not being honest about one of the two major components of how you calculate your statewide level. Of course, this is what the local contribution is going to be and what foundation is going to be.

**CHAIRMAN PEYSER:** Our intention is to come back to the Board at the November meeting with a proposal for the FY 2001 budget. We will not come back with a final proposal on the Chapter 70 reforms until some later date. I think, of course, we'd like to do it sooner than later but we are not under the same time pressure so we're going to try to solicit comment over a longer period of time before resolving this particular issue.

**DR. SCHAEFER:** Don't we have to vote to put this out for public comment?

**CHAIRMAN PEYSER:** No. In the end what we are talking about is a reform proposal to the legislature. It is not within our power to change the rules. Any other comments, questions?

**COMMISSIONER DRISCOLL:** Just one thing, Mr. Chairman. I would urge Board members who have a particular interest in the 2001 budget to communicate with the Chair and me prior to the November meeting. We want to capture everyone's main interest as we bring forward a proposed final budget in November.

**CHAIRMAN PEYSER:** Jeff, to the extent a budget is adopted, will you be here to get out copies of the line items and key line items to Board members before the meeting?

**MR. WULFSON:** We expect to do that after the Governor actually signs it. Clearly, they are going to be looking at the option to veto some items which may affect us, so we are telling everyone, "Don't assume that the numbers that are enacted by the House and Senate are going to be the final numbers."

**MR. BAKER:** I'm assuming if we don't have a budget by then, Jeff, we'll just make up a presumed 2000 baseline on which to build 2001.

**MR. WULFSON:** I think we'll flag items based on the 2000 budget.

## **2. MCAS TECHNICAL REPORT - Discussion**

**COMMISSIONER DRISCOLL:** As you know the Chairman and I held a press conference yesterday, where we released the complete MCAS Technical Report, along with the Technical Summaries which you have. There are a number of positive results around validity and reliability as we look at the MCAS tests vis-a-vis either the Stanford-9's or the Iowa's. I've been waiting for this report for a while because this addresses one of the questions that a number of people have rightfully asked. "How reliable is the test?"

It is very important to release this report with all its statistics. I want to make sure that we are fully open with this test and the assessment program. I think we have done that by releasing the entire test, by releasing actual student work, and by releasing the rubrics we use. This technical report gets into not only the statistical psychometric numbers of reliability/validity including content validity and consequence validity, but it addresses the whole program.

They took an in depth look at everything - how materials were transmitted to schools; how schools administered the test; under what conditions; the handling of all the materials; the background of the readers; the consistency of the readers, one to the other; and the consistency of the test one half to the next. They also looked at the content validity and how questions related to the standards identified. I for one think this is very good news. The reliability portions, which we have here, are particularly sound this first time. We compare them at the 10th grade level to both Stanford-9's and Advanced Placement. You can see they hold up very well. Naturally, I'm concerned about the reliability everywhere, but we need to pay attention to the 10th grade.

The comparison to the Iowa is best because it's statewide MCAS 4th grade compared to statewide Iowa 3rd grade and it's the same kids. They took the Iowa in grade 3 and they took the MCAS in grade 4. I think it shows very consistently across the board where the broad range of Failing falls. If you look at the 25th, 50th and 75th percentiles, it's pretty revealing. I think the most revealing is the comparison of the Needs Improvement category. There is a tremendously broad range here, from those kids who are down near Failing all the way up to the top of Needs Improvement, which is near Proficient. Look at the fact that the majority of those kids score above the 50th percentile on standardized tests. I hope this will inform this Board as you make a final determination on the passing grade for the 10th grade MCAS.

Our goal is to get everyone into Proficient and Advanced. That should be our goal, to get as many kids as we can there, but that should not be confused with an equally important goal starting out, of getting as many kids out of Failing as we can. I think they are very distinct goals. We have to recognize the reality out there. I think this report shows that the Needs Improvement students, by and large, when compared to national tests, scored in the 50th percentile or above. That should at least inform our discussion. Of course, we would love to have them in Proficient and Advanced; we would love to have every child in Proficient and Advanced. It would be a heck of a world.

**CHAIRMAN PEYSER:** Let me make another comment. If you have your summary in front of you, on page 9 and 10, you'll see it compares the MCAS results to Stanford-9. I think there's some interesting data to look at that are particularly important when considering our categorization of students in the Failing category.

Based on the chart you see on page 9, 90 percent of the students who were categorized as Failing under MCAS were scoring below the 50th percentile. Over 80 percent scored below the 25th percentile. The average percentile, listed on page 10, of those students who performed in the Failing category on the MCAS is at the 6th percentile. I think this gives us some comfort that through the construction of the MCAS test we are not creating a measure whereby students who perform well on other assessments perform miserably on this one. It suggests that there's nothing unique about MCAS, specifically at the lower end of the spectrum, that is producing failing performances, while on other measures students actually perform quite well. This would also suggest, certainly at the bottom of the spectrum, and I endorse what the Commissioner said about the correlation elsewhere, that there seems to be pretty consistent data that students who performed poorly on the MCAS test performed poorly on other tests. That's important, especially when we are beginning to think about consequences associated with failing or poor performance on these tests.

The other thing I would say is that we should not consider this the end of the evaluation process. The test itself is and should undergo continuing evaluation both statistically and on the basis of its own content. The measurements here are really looking at, again, the sort of statistical measures or the internal consistency and correlation between other assessments. It does not say necessarily that the content of the test relative to the frameworks or relative to our own understanding of what should be assessed is perfect. It does say we have reached a certain threshold whereby we can have confidence, that using this test as a valid measure of students' performance is reasonable, and that it can be used to make some judgments about student performance and school performance. It's by no means a free pass for us or anyone else to say we are done with our work, let's go home. It's continuous improvement that's needed here and we should pursue it.

**DR. DELATTRE:** As you know, I'm not concerned merely with the comparison of MCAS tests with other standardized tests. I'm convinced that we have an obligation to make sure that every item, every question, every answer scored correct or incorrect, is sound, trustworthy, reliable. These measures cannot answer those questions. To suppose they could is rather like supposing that because you know that every glee club is too big to fit in a phone booth, you could reasonably infer that every member of a glee club is too big to fit in a phone booth, which you can't. You cannot tell a single thing about the quality of the individual questions by the studies that have now been conducted on validity. These tests need to be reviewed by thoroughly competent scholars in the academic core subjects. Until they are and until they are reformed appropriately, we are going to have a lot of questions and answers that are simply not trustworthy. I will give you some examples.

In the mathematics test in the 4th grade test, there's a question that asks for the computation of 789 divided by 9. Both the answers 87.6 and 87.7 are accepted as correct answers. Those are not correct answers. Neither of them. The correct answer is 87.666 and so on. In another example in the 10th grade test, there's a question about the capacity of a garage,



and the correct answer is given as A when in fact the correct answer is E. The reason the wrong answer is given as correct is because the test makers have lost the distinction between something being up to a certain amount and something being equal to a certain amount. As long as they obliterate that distinction they cannot possibly have the correct answer to the question.

As I've said before, the English tests are far better, in my judgment, than any of the others, but even there, there are serious problems with prompts, questions, and answers. There's one question in the English test that refers to a eulogy to Arthur Ashe. In the eulogy, the eulogist says, "Death came prematurely for Arthur Ashe as it had for his mother." Then the test asks what "prematurely" means. The correct answer in the test is "earlier than expected". That's not what prematurely means. If you know that a child's death is imminent and you expect it, that doesn't make it any the less premature. If the eulogist means earlier than expected, it's a bad exercise for the test; and if he doesn't, then it's the wrong answer for the test, and in any case the question includes an account or correct answer for a word that is not what the word means.

If you look at the prompts in the English test, you will find a real resistance to the application of intelligence in some of the prompts. For example, in the writing prompt for grade 8, the Governor has invited students to write an essay expressing their feelings on the policy in question. And then it says, "Write a persuasive essay telling whether you feel students should be required...." Persuasive essays or logically persuasive essays are written about what people think, and prompts ask for reasons why we should think what we do or why others should think what we do. They do not ask for autobiographical accounts of what our feelings are. It's the wrong kind of prompt. You could have essays that give you a certain kind of scoring that measures comparably to those on other tests. Nonetheless, it's an intellectually bad prompt. I will give one last example to include history as well. And there are many of this sort.

There's a question in the history examination that asks to identify which of the following would have been approved, strongly approved, and so on, by Abolitionists during the Civil War. And one of the correct answers in the test is the Emancipation Proclamation. In fact, many Abolitionists were outraged by the Emancipation Proclamation and they were outraged by it because it applied only to the states in rebellion. It freed no slaves in the border states, no slaves in the Union, and it, in fact, freed no slaves in the Confederacy, because Lincoln had no power to enforce it. Its purpose was not to free slaves but to persuade the British not to recognize the Confederacy as a country. Many Abolitionists were very upset about the limits of its application. It may very well be that students will get the answer right according to the test because, perhaps, that's what they are being taught in school. It doesn't show that the test question is competent or that the answer is right. In fact, what is identified as a correct answer is wrong. You can't fix those kinds of problems without attention to the individual items on the test. I'm not going to take hours, but there are difficulties, problems and mistakes of this gravity which could be shown in greater detail, how shall I put this delicately, by people who know what they are doing - real scholars in these various fields. But nothing about comparison with other tests or putative tests as a whole for validity will make these tests trustworthy. That won't happen until the individual items are reviewed in detail and specificity and fixed so they aren't susceptible to the kinds of criticisms I'm now making.

**DR. THERNSTROM:** I agree that ideally every item should be sound, no tests of course are going to be perfect. I'm very struck by the comparison with Virginia which just released, for the first time, a few of its items, and the questions looked pretty bad. There's no comparison between the quality of their test and the quality of the tests that we are giving. One of our greatest strengths is that we are releasing test items so that they will be open to the kind of challenge Dean Delattre has just mounted. I do not think that the fact that some items are far from perfect is an indictment of the quality of MCAS in general. Having looked at the questions rather carefully, I'm impressed with quite the opposite. These are very strong tests. In fact, I suspect they are the best in the nation.

**MR. LaFLAMME:** I would ask Dr. Delattre whether the provisions outlined in the technical section here, "committees of curriculum specialists, content area specialists, and Massachusetts public school teachers review each test item," add to test validity. Presumably they look at whether questions are applicable to the frameworks and whether they are in fact correct, historically accurate or mathematically accurate, for example. In your judgment wouldn't that system catch some of the things you're mentioning? If not, what else might we implement to do just that?

**DR. DELATTRE:** The system as it exists doesn't catch these things because it relies on assessment development committees. The assessment development committees are brought into play too late and too little to make any

substantial changes. They don't have the kind of advanced information and detail they need. It's not the fault of the assessment development committees, I think they don't have enough information and they don't have it soon enough to make the kinds of changes they need. My own view is that they have to be strengthened. The Academic Affairs Division of the Department of Education has to be strengthened so that the Deputy Commissioner for Academic Affairs has the budget and the wherewithal to hire, full time, the kinds of experts the Department needs. They also need the budget to hire consultants, from school personnel and academic scholars to scientists in universities and laboratories, to make sure that we have internal control and are not relying simply on an external contractor or a weak system of assessment development committees. I don't expect us to achieve perfection, my argument is that we are making mistakes that are easily avoidable. It's not rocket science to figure out how to avoid them. If we had the wherewithal inside the Department, consultants to the Department, and reliably informed assessment development committees, we could be certain that we have the best test in the country.

**CHAIRMAN PEYSER:** I agree with what's been said. We need a process of developing test items, both in terms of the role played by the assessment committees and the capacities internally within the Department, to exercise more control over the development of test items to ensure accuracy and merit in the context of the frameworks. In cooperation with the Commissioner, we will be moving on this. I hope we'll be able to put more specific proposals on the table for the Board to consider in the next couple of months. Again, I think the basic critique about the process is correct. The process can be improved. As a result, some of the specific issues that have been put on the table can be addressed in a more straightforward manner to ensure we're getting the best assessment we can develop.

**MR. LaFLAMME:** Would that likely include the addition of academic scholars to the assessment committees or would there be other means increasing validity?

**CHAIRMAN PEYSER:** Two things. One is that the assessment committees have a balance of scholars and teachers so that there are individuals with a solid grounding in the subject matter, as well as people with a solid grounding in what students at a particular grade level can be expected to know and do. Secondly, the Department itself needs to have larger resources, human resources basically, in order to drive that process and to provide the kind of a consistent quality control over the outcomes.

**MR. NELLHAUS:** I would add, although it's not in this report, that we do have data about individual test items. We field test every item before it becomes a common question on the test. In some cases the questions have been through more than one administration, and the statistics that we generate from the field test are given to our assessment development committees and reviewed as we are selecting test questions. Granted, statistics don't always tell you everything about an item, but in this case, we have very strong evidence of whether an item is acting erratically. In other words, is a poor student answering difficult questions or a strong student missing easy questions? Those are the kind of statistics we can get through a field test, as well as information about the general difficulty level of the item. All of this information is reviewed very carefully as we select items for this test and the committees are brought into that process. I recognize that, like any system, we can always strengthen it. Certainly, bringing in some content area experts earlier in the process would be a way to improve our current test development system. We have very strong information supporting the validity of each of the test questions we have on the MCAS at this time.

**DR. SCHAEFER:** So the conclusion is that the test system overall is a good one and we will take the necessary steps to iron out the problems.

**CHAIRMAN PEYSER:** My judgment about the report, and the test in general, is that it is above the threshold of reliability and validity that would be necessary for us to move forward with the process of establishing graduation requirements and accountability systems. Which is not to say that the test is immovable and cannot be improved significantly. I think it can be. This will be especially important as we try to establish higher standards and expectations for what students should know and be able to do. It's in those areas in particular that the quality of the questions and their merits in terms of content are so important. I'm satisfied that the data on the 1998 assessment is sufficient to move forward with the process we've undertaken. I would underline that the 1999 assessment represented improvement over 1998, although it's not part of the analysis that's presented before you. It's my expectation that each subsequent assessment will continue to improve, especially in the area that has been highlighted, which is not so much focused on the statistical reliability as the content quality of the exam.

**DR. THERNSTROM:** I'm more than happy to sign onto the process that you say will be put in place because, of course, the test is not perfect. But I do not want us as a Board to undermine public confidence in the test as a whole when I regard those tests as basically sound, and I think it is very important that that is the message that goes out from this Board.

**DR. DELATTRE:** You understand, of course, that I don't share that view.

**COMMISSIONER DRISCOLL:** Mr. Chairman, Board members should know that you, and I met with Jeff, Sandy and Dean Delattre on this issue yesterday. There was one thing we all agree on - we need to do everything we can to improve this test. I've always had an interest in seeing to it that the Department play a bigger role in the quality control. I do think we need to play a larger role. I'd be more than happy to sit with Dean Delattre and have our various committees meet but I don't want to get carried away with some of these questions. I happen to be a math person. On the issue of dividing 789 by 9, an open-ended question worth one point, the issue is- can the kid do the work? It's not just do the answer; it's show the work. It isn't a multiple-choice question. So we are satisfied, and I would count myself among them, if a youngster at the 4th grade level can come up with either 87.6, which means they stopped after one place, or rounded it off to 87.7. The question is can the youngster handle the question; we don't want to give them zero for rounding up or down.

I agree with Abbie. I'm glad that there are people like Dean Delattre who will do this kind of work. That's why I send them out. And we don't have many people that take the time to really look through it, but that's how we are going to learn. I enjoy going through the particulars. It's not a perfect test but I'm very proud of it and I'm pleased with the statistics as we now know them. It passes for me broadly at a strong common sense level which is what I want, a sense of fairness. Can it be improved? Absolutely. I think that's what we need to commit ourselves to as a Department. We have committed to the Chairman to put forward a process by which the final test will be approved. It will involve more control either through staff or contracts to get the kind of academic support we need to make sure, as much as we can, that every question passes muster.

**MS. CRUTCHFIELD:** All that being said, do we have a time frame for having that happen?

**COMMISSIONER DRISCOLL:** We do because we have a contract out. I would suspect that within two weeks we're going to come forward with a process, as the Chair requested.

**MS. CRUTCHFIELD:** Will we also take a look at some of the questions that Dean Delattre has raised?

**COMMISSIONER DRISCOLL:** Yes, that is ongoing. We didn't have an opportunity to go through it, but we need to provide that opportunity to go through it line by line. I think the larger issue we met on yesterday was this whole idea of who's on first as the test is finalized.

**CHAIRMAN PEYSER:** Initially, it's a discussion of the division of responsibility between the contractor and the Department. We obviously need to work that out before we sign an agreement with anybody, and there's certainly a hard deadline. There may be some budgetary implications of this. It's my hope that in the proposal the Department has already put forward to the contractor that there are sufficient resources, should the Department pull back some of those responsibilities, to cover the cost of doing a very thorough job of maintaining sufficient quality control over development of the test items.

**DR. DELATTRE:** I'm enormously grateful for the leaning in this direction. This isn't going to make any test perfect, but it will fulfill our obligation to make the test as good as we can. I think that in matters of psychometrics, test administration, and score reporting we obviously need an outside contractor. Once that begins to merge into item construction, then the question becomes- to what extent are we better off with our own? I'm grateful for the indications that we will be doing more of it ourselves by expanded staffing, including appropriate consultants, and earlier and more substantial involvement of the assessment development committee. I don't want to leave you with the impression that I thought something was fundamentally wrong with the composition of the assessment development committees. I don't think that. I think the problem has been the timing and extent of their involvement; but I'm very grateful.

**CHAIRMAN PEYSER:** If we could move on, we need to get to recertification for which there's a vote. Thank you all for participating. Now let's move on to the next item on the agenda which is the recertification regulations which have been out for public comment. They are coming back for a final discussion, consideration and a vote.

**COMMISSIONER DRISCOLL:** The Board deserves a great deal of credit because this process became delayed for a variety of reasons. This Board didn't seriously undertake the issues of the second round of recertification until the March meeting. It was then talked about as more or less a crisis of time. I think an awful lot has happened, from the Board's perspective, between then and now, to have a final product before you which, of course, can be amended in some ways even at this meeting. I want to focus on the larger policy issues that are imbedded in this product. The first round of recertification had a lot more strength to it than people liked to talk about. People liked to talk about exceptions or those that didn't live up to their responsibility. There are tremendous opportunities for people to come together but overall this Board, the Joint Commission, several others, and certainly myself have had concerns about that first round. In several ways it needed to be tightened up. It's focused on academics, on content - that is so important. We know from study after study that the knowledge of teachers makes a difference to student achievement. All the changes that have been made move it tremendously forward. I want to compliment the Board and say that the devil's in the detail, as usual.

There are issues such as ensuring that administrators don't get into a situation where they are jeopardizing licenses, and the issues Ed and other Board members have raised about definitions. The Department needs to address all this. The Board has put before us an outstanding set of regulations. Now, we need to do a lot of work communicating back to the Board and flushing out definitions. For example, it's clear what an undergraduate or a graduate level course is, but what about a provider other than a higher education institution that defines undergraduate or graduate level? What about a museum? What about Woods Hole or an oceanographic center or something? We're going to have to work to see to it that there's consistency. Mr. Chairman, you and the Board members need to be complimented for tackling this very difficult issue with all of its ramifications against deadlines coming and going, cohorts and all that sort of thing. The Department has a lot of work to do once these regulations are adopted. We need to come back to you with drafts of our guidelines and finalize them by December 1.

**CHAIRMAN PEYSER:** I would like to reiterate a few things you've said, Commissioner. The revised regulations contemplate integration of professional development and recertification with a couple of things. One is school and district improvement and the assignment of professional development opportunities leading towards recertification around issues and areas that require improvement within the context of the whole school and district. The second, which is equally important, is aligning professional development with areas of teacher weakness, areas where the individual teacher needs to improve independent of what's going on in the school and the district. That requires interaction or a conversation, as we described it earlier, between the teacher and the teacher's supervisor. This is a critical step forward.

The emphasis on content studies in areas that are more advanced, described in the regulations as the graduate level or the upper undergraduate level, is also important. It emphasizes what most of us on the Board have concluded and what many researchers outside of this room have concluded. One of the areas of great weakness among the teaching force is an inadequate depth of knowledge in specific subject areas taught.

Finally, which is perhaps more speculative but equally important, is the development of new methods of assessing teacher knowledge and skill, especially at the level of excellence. We discussed this at the last meeting when it came up. The Department would have the authority to go forward and develop challenging assessments that will allow teachers to demonstrate their knowledge of their subject area and demonstrate their ability to teach those subjects to children. It would require that teachers not merely rest on their laurels, but expand their knowledge and push their skills in order to prepare for such evaluations. These don't exist yet and they may not exist for some time, but I think it's important for the Department to begin the development of such assessments. It will advance not only the purposes of recertification, but it will advance the more important purpose of elevating the quality of teaching and learning.

### **3. PROPOSED AMENDMENTS TO REGULATIONS ON RECERTIFICATION (603 CMR 44.00) - Discussion and Vote**

**COMMISSIONER DRISCOLL:** Let me introduce Lucy Wall, from Rhoda Schneider's office, who has done a tremendous job on the recertification amendments and can answer the questions about the legalities. To Sandy's right is Megan Mayo-Brown who has also done a lot of work for us on this. Perhaps one of you would like to summarize what the changes are.

**MS. WALL:** They are highlighted in the October 19 memo to the Board. What we did was add two definitions: advanced academic study and topic. I should point out that, at this point, the definition of advanced academic study has been refined yet again. So the definition in the October 26 version of the regulations is revised further from the definition in the October 19 memo.

We then broke down the type of professional development points that can be awarded by the nature of the awarding authority, whether it be an outside provider, category one, the Department, school district or collaborative, category two, or educator-directed activities, the third category. We did that to clarify the issues. Specifically, the end-of-course assessment would only be required of outside providers, not of programs offered by the Department and school district and not of the type of activities that an educator would be doing on an independent basis.

We clarified language on the testing option to emphasize that the test is an option but is only an option as part of an improved professional development plan. An educator who is working in a school district would have to get supervisor signoff in order to count those PDP's for their professional development plans.

From a legal standpoint, the most significant change was number 4 in your memo. We removed any reference to local supervisors approving or endorsing professional development plans for their compliance with state law. We are keeping that authority solely within the Department. Local approval and endorsement will be limited to compliance with the local needs and the professional development plan as it reflects those needs. Finally, we added the language about a reduction in the recertification application fees for filing online.

**CHAIRMAN PEYSER:** I have two drafts in front of me dated October 26.

**MS. WALL:** Are they different?

**CHAIRMAN PEYSER:** Slightly. One has capital letters at the top with the date October 26 and there's another that doesn't have the date up there.

**MS. WALL:** One should say "October 26, 1999 Version" all in capital letters.

**COMMISSIONER DRISCOLL:** It should say October 26, 1999 Version?

**MR. KOPLIK:** Recertification regulation.

**DR. SCHAEFER:** It was on the table this morning.

**CHAIRMAN PEYSER:** I think there's a change under advanced academic study.

**COMMISSIONER DRISCOLL:** We changed the definition to comply with what Dean Delattre had suggested. I also think we change 44.04. That was the issue of whether or not it was the supervisor or designee, or appointed designee.

**MS. WALL:** In 44.04 (1) (a) it specifically says it's the educator's direct supervisor and/or appropriate designee who does the signoff, and in 44.04(1) we left the language just the generic term.

**COMMISSIONER DRISCOLL:** Because it's defined in (a). That was your issue about department heads . .

**DR. DELATTRE:** That's covered.

**COMMISSIONER DRISCOLL:** Those were the two changes that we needed to make: the definition of advanced academic, and making sure that it clearly means a department head or department chair could also be designee.

**DR. SCHAEFER:** I want to thank the Department for preparing this summary of the comments that have been sent in and the Department's response, because I think that was very helpful in terms of trying to understand what the issues were. And no system is perfect but it looks to me as though this is something that should be workable and that we should try.

**MS. CRUTCHFIELD:** To support and add to what Roberta has said, it seems to me the comments acknowledged in most of the responses provide some additional information about things we need to do in order to create an infrastructure which supports the professional development program that we are launching. This includes something I certainly voiced as a concern. How do we get the folks who are supervising up to speed around the skills that they need? How do we also ensure that the providers of professional development are of a very, very high quality and teachers and administrators are getting what they need in order to meet the recertification regulations that we are putting out?

**DR. DELATTRE:** I share the view that this is huge progress. I admire it enormously and concur with everything that's been said. I have one suggestion. We all know we are not going to be able to build the kind of structure that would let us evaluate every provider, up front, to see whether the provider ought to be eligible to be a provider. That isn't going to happen. So while we have a procedure for registration, we don't have a procedure for evaluation and, what's more, we are not going to get one. Our best safeguard is in the definition. It's in 44.02 where it defines advanced academic study as a course of study in content area that is equivalent to an upper level undergraduate course or a graduate level course. Our safety, and the safety of quality, is in what "equivalent to" means. I don't want to hamstring ourselves with a definition so narrow that we have no room to move. If there can be anymore detail given to "equivalent to" that would, just by definition, rule out providers whose stuff doesn't resemble advanced study. It would be a good safeguard. Right? If we can do something by definition instead of trying to build some huge personnel structure, I think it would be to our benefit. My only reservation about the supervisory business had to do with the department chairman being eligible, so I'm completely content with that.

**CHAIRMAN PEYSER:** On the point of defining what "equivalent" means, I'd like to add two things. One is that it's in there. A conclusion has been reached by many folks, including myself, that there are a number of excellent academic courses and programs that are not offered directly by universities that have a course number assigned to them and they should be in there. My view is there are relatively few of those. Roberta, you may be able to address this more directly and more knowledgeably than I am. To the extent it is a very small universe, it seems to me that it's not a particularly difficult thing to identify, at least on the assumption that we are not generating a growth industry, because then we would not be able to identify those that are genuinely equivalent.

**DR. DELATTRE:** Museums, as they said.

**DR. SCHAEFER:** And who will identify them as being equivalent?

**CHAIRMAN PEYSER:** The Department will do that, but the question is what criteria would they use. I'm not sure regulation is necessarily the place to define that.

**DR. DELATTRE:** I don't care where the definition is as long as this Department has muscle by virtue of the definition.

**DR. SCHAEFER:** So before a supervisor signs off on a program, will that have to come to the Department?

**COMMISSIONER DRISCOLL:** The issue is the language. Ed is right in pointing it out, What is equivalent to? We need to define it well as to what it is and perhaps what it isn't in our guidelines. As Ed says, we can't evaluate every program, we just can't do it. We don't have the staff. But at least we will know and they will know what the expectation level is. And the better we can do that, the more likely that what is offered will be equivalent. And then we'll all be happy. I agree with the Chairman, I don't think there are going to be a whole lot of them. It is our job to bring the guidelines back to the Board, but it is also our job to define them.

**DR. THERNSTROM:** I'm still stuck on a problem I raised last time and that is the problem of needing to pick up from where the teachers are. We all know that there are an awful lot of math and science teachers in this state aren't in need of higher level courses; they need to begin with very basic college instruction. That is just simple reality. For that reason, I am concerned about the way this is phrased.

**CHAIRMAN PEYSER:** Advanced academic studies are given bonus points but teachers can and should be taking courses that reflect new material to them as opposed to taking some course they took by a different name two years ago. It is certainly appropriate for an elementary teacher to take introductory graduate courses, for instance math. It doesn't qualify for the extra bonus points, if you will, but it will certainly qualify for PDP's.

**COMMISSIONER DRISCOLL:** It's dangerous to think regulations can solve all the problems of the world. What the regulations can do is establish a playing field and a sense of direction. Things are so interrelated. If you talk about a teacher teaching something they didn't have proper content background for, recommended coursework could be part of the recertification process and part of the evaluation process. It's up to the supervisor to say, "You need to take a course, become more knowledgeable." It is very hard, Abbie, to have regulations that are going to lead everybody.

I'm looking forward to this dialogue. I think the points Kathy Kelley made are very valid and they are in our ballpark. It's our responsibility to take these regulations and bring them to life. This communication between the supervisor and the teacher needs to be an important one. The regulations try to deal with the overwhelming responsibility that elementary teachers have with respect to content, allowing them, if it's substantially new to them to pursue basic instruction.

**DR. KOPLIK:** I think David and his staff have an opportunity to engage in some important thought prior to trying to translate things into rigidity of regulation. That may be the more difficult task. I'm confident David and Sandy and the rest of the staff can engage in developing some thresholds which will guide whether something that's offered by any college and labeled as an upper level undergraduate course or a graduate level course is by itself, genuine and worthy. That's where you're going to have to spend a considerable amount of time because the range, depth, substance and scope are going to vary just by virtue of what they label things. You need to be careful in that regard.

**COMMISSIONER DRISCOLL:** I think I will talk to the Chancellor. He probably could help me with some of that.

**DR. KOPLIK:** He'll help you on it. As you develop these thresholds, keep in mind that you're going to have many more opportunities on the electronic side. The electronic side has less history in terms of quality, the judgments that you render, and the interpretations you give, particularly through electronic transmission. There will be an avalanche of those during the course of this recertification period. It will be an enormous challenge for David and his staff.

**MR. LaFLAMME:** I think that the Commissioner and the Chairman have both made a convincing distinction between information conveyed through regulations and through guidelines. I think Mr. Gorrie made a valid point in his public comments by saying that too much contained in the proposed regulations depends on Department guidelines and assessments yet to be developed and promulgated. The Student Advisory Council met in this room last Thursday and expressed a similar concern, specifically in relation to 44.03(2)(a), and appropriate end-of-course assessment that satisfies Department guidelines. I'm confident that those guidelines will be developed, but for my own information, is there a timetable for those? The larger question is: Is it premature to approve regulations without having some idea of how these gaps are going to be filled in?

**COMMISSIONER DRISCOLL:** By the November meeting we will have guidelines back and they will have to develop over time, too. They are not going to be just set in stone. We mentioned the testing in general; we'll adapt those guidelines as we go along. I think Stanley is right about the electronic issue, by the way. We will have the guidelines to you. I think it is appropriate for this Board to vote the regulations. We have a time issue. The clock has already been ticking.

We haven't been in the dark. All of these discussions about what the ultimate language will be is not a surprise. We have already begun discussions about what we're going to do. One of the interests I have, Marcel, is to make the thing come alive to some extent. In other words, I don't want to just have dry guidelines. It has to be ongoing. I think we'll

learn as we go. Not to say we are not going to bring specific guidelines back, but hopefully we can improve on definitions and other issues are raised. We can put out clarifying memos or whatever the case may be. The unions have raise important issues. It's okay for us to say you can only approve those that comply with plans when you don't have plans. There's a whole picture here we have to develop and we will come to it. We will come to some definitions about equivalency and expectations for the November Board meeting. I don't know if anybody wants to add anything. Lucy, I do feel in fairness that we ought to answer the legal question raised by the MTA.

**MS. WALL:** The legal question had to deal with notification to the Joint Commission. Since 1998 we have had an agreement with the Joint Committee on Education that we'll provide them with a copy of the proposed regulations at the time we start the public notice clock. We did that in this case and we received back comments from the Chairman of the Joint Committee. We have read through those comments and incorporated some. The Chairman has responded, in writing, to those comments, or plans to, so that they get their input at a meaningful point in the process in which we can both react to and incorporate the comments as appropriate. That is really not a legal problem.

**COMMISSIONER DRISCOLL:** That's not the issue of an unwarranted interference in the licensure relationship, they failed to comply with Massachusetts General Laws 71 section 38G, which is the Joint Committee issue. In short we have complied.

**MS. WALL:** So in fact we have complied. Prior to the motion, there are two small housekeeping matters that actually were raised by the MTA in their comments submitted today. In the definition of advanced academic study, fine tuning it yet again, it appears that the signet at the start of the parenthetical rather than "i.e." should be "e.g" in section 44.08, which is on page 6 of the draft, at the very bottom of the page, in subparagraph 3, it should read, "An educator who is currently employed in a position requiring certification for which he or she holds an active certificate," deleting the word "primary". Now they are perfect.

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

**VOTED:**           **that the Board of Education, in accordance with G.L. c.69, s. 1B and G.L. c. 71, s.38 G, having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, s.3, hereby adopt the amendments to the Recertification Regulations, 603 CMR 44.00, as presented.**

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

**CHAIRMAN PEYSER:** I wanted to defer to Ed on related materials that were distributed to Board members around alternative certification and the certification standards which were provided in support of the recertification regulations we just dispensed with. Ed, would you like to make a comment?

**DR. DELATTRE:** I think the progress on certain certification drafts is enormous, too. I wanted to make a couple observations about the option that includes a bachelor's degree from an accredited college or university with an arts or sciences major, or major appropriate to certificate sought.

The text says, "Appropriate majors for the elementary school certificate are English, history, or other social science, economics, political science or geography, mathematics and science. An interdisciplinary major must consist of a combination of these disciplines." As you know, the interdisciplinary major is routinely used for prospective elementary and early childhood teachers. I believe that disciplines and subject areas that are mentioned here as eligible are included because they are drawn from the list of academic core subjects in the Reform Act. If that's the rationale, it should be noted that the academic core subjects also include foreign languages and the arts. If there is to be a parallelism with the Reform Act, those should be considered. For the elementary interdisciplinary, we may want to expand the list of disciplines that qualify. I would suggest that we consider the inclusion in interdisciplinary majors of philosophy, religion, classics, and foreign languages, and, if it seems necessary, to make explicit that history includes intellectual history, history of ideas, and art history. If it's implicit in the study of history, that's fine with me. If the interdisciplinary major provision is to cover early childhood as well as elementary, then child development needs to be included in the major. But, the fact that the document, as it's prepared, makes clear the intention to exclude all sorts of areas of study



that don't qualify as disciplines and don't have the stature of disciplines, that seems to me exactly right headed. The only question is: What disciplines are wise to include here? I'd be disappointed, for example, if philosophy is excluded and presumably logic is excluded. That would seem to be a mistake.

**CHAIRMAN PEYSER:** I agree with everything you've said. I think the intent was to focus the eligible majors on "legitimate" academic liberal arts studies, and certainly it is a broader list than those that are currently presented.

#### **4. CAREER AND TECHNICAL EDUCATION - Policy Discussion**

**COMMISSIONER DRISCOLL:** Mr. Chairman, let me give a brief overview and then present the slides we're going to show. We have been talking specifically about bringing the Chapter 74 regulations forward for well over a year. Rightfully, what we present today is a different picture and should be a different picture. This is an area that, traditionally, has been too separate in many ways and very confusing in others. There have been all kinds of programs that have been developed around work-based learning or school-to-business partnerships or shadow programs etc. I have listed just a few of the names that people band about, add the acronyms and you will get an alphabet soup going. It's a very disjointed picture in many ways. Our challenge is to put it together in one delivery system that has the proper goals, allowing specific objectives where needed. I would suggest two things.

One is that there are a number of skills and knowledge required by all students. Then, there are those specific programs geared to specific skills for occupations certain students want to pursue. I think we have to keep that in mind as a Board. This isn't just about vocational schools or about kids who aren't academically inclined or whatever it happens to be, it's about all of it. Clearly all kids benefit from career development activities and from relevant experience. I think many of us learned more from our summer jobs during college than we did in some of our courses. I want to begin by telling you it's wonderful that we finally have a name. It's the federal government that gave us a name --Career and Technical Education. It's the right title; under this all of the current programs can fall. More importantly, at the end of this presentation I want to show you where we're going and what we need to do. Let me introduce Jeanne Young who is manning the control switch, and Keith Westbridge who has done a lot of work in work-based learning, and of course, Fran Kane, Administrator for Career and Technical Education.

**MR. KANE:** Thank you for the opportunity to address the Board. I would like to run through what you have in your Board packet. This was supposed to be a Power Point presentation but we couldn't find an LCD this morning, so we simply put them on overheads.

The first figure you have is the current secondary area, grades 9-12. We basically serve 39,000 students with the Perkins and Tech Prep money that comes from the federal government. The second figure is the post-secondary, and in that area we serve roughly 34,000 students. Finally, you should have an updated copy of all of the consortia that make up the Tech Prep Consortium. This is our connection to post-secondary education, the 2 plus 2 program and all the other activities that go on in connections between the current post-secondary system, which are the community colleges and the high schools. That brings us into the area that is served by the Tech Prep money and the Perkins III money. Roughly \$19 million takes care of the development of these three programs, the secondary, post-secondary and the Tech Prep programs.

**COMMISSIONER DRISCOLL:** By Perkins III he means the latest iteration of the Carl Perkins Federal Act.

**MR. KANE:** Thank you. I will explain that in a few moments. The other current initiatives, we support are in the 22 Massachusetts high schools that are presently in High Schools That Work, which is a restructuring of the academic system. Over the few years we've been involved, we have seen that it is making a difference. It requires a number of different initiatives worked into one for the restructuring, but it has a very, very good system of checks and balances that go along with it. I think all of you are familiar with the School-to-Work Initiative, so I'll be brief.

There are 39 statewide partnerships going into this last year of funding. That was approximately \$33 million over the last five years. We did recently receive \$1.8 million to really move career majors forward. This new funding stream, under the Career Majors Initiative, is intended to move ahead connecting with High Schools That Work. The state money is the Connecting Activities money; I think you all know that was work-based learning. From this slide, you can see that

we have been involved with that for three years. The funding has been four and a half million dollars. We anticipate it will be the same this year. This has really brought about student activities that extend the classroom experience into the workplace. The workplace is comprised of roughly 7,900 employers involved with us this year. We have had over 20,000 students participating. Keith Westbridge, sitting to my right, has been the person responsible for development of this and cranking it up to where it is.

**COMMISSIONER DRISCOLL:** I want to add that we are the only state north of the Mason-Dixon line participating in the High Schools That Work project which was started by Southern Bell. In addition to the restructuring, it's based on measurable results which is a very important aspect of that program.

**MR. KANE:** They have a complete evaluation system which we are trying to use in our own way. They send their people up to do a one-week evaluation very similar to what the secondary schools do for accreditation.

This next slide addresses the Carl D. Perkins Act of 1998. A lot of changes have taken place here. We have sent out our one-year transitional plan to bring ourselves in line with this new Act. What it basically says is that you will raise standards and show performance measures. There are four major issues called "the four core indicators"; you should have copies. This is something we are working on now. We have to have this plan submitted and agreed to by the federal government by April of 2000. You should also know that at the same time we are working very closely with the Workforce Development Act of 1998. We are working closely with the Department of Labor and other stakeholders to make sure our delivery service is in line with theirs. We can feed off one another and make sure that we are taking care of the needs of the students. Before we can look at the total procedure we want to follow to bring all of the areas and initiatives together in this one unit, we have to develop a simple road map. Our road map, at this point, is what we call our career clusters or career majors or pathways - whatever terminology you wish to assign to it. I have zeroed in on career and technical education and broken it down into these career majors. You also have a list of all the courses we offered under the programs. We have grouped them under each of the general clusters there. That leads us to our last and final slide which outlines our major task -- Perkins III, the core indicators, the accountability plan

Without that plan submitted and accepted by the federal government, we will not receive close to \$19 million in the following year. I understand that Chapter 74 state regulations have been around and under revision for a while. We really need to pull all of that together, along with the teacher standards and certification. Last but not least is our certificate of occupational proficiency which has a lot to do with the competency determinations for graduation. My interpretation of that is the MCAS.

What we really need to do, and what we have done with a number of programs, is form committees that have all of the stakeholders involved. One of them, on the certificate of occupational proficiency, is the one we are looking at right now to decide how we're going to move this ahead. Are we going to develop a core set of competencies for a basic general career major or cluster? Are we then going to move into specifics out of that which could be any one of the areas listed under here? We have a lot of questions and a lot of things to do. We probably have more questions than answers at this time.

The complete committee will reconvene on November 9 on the certificate of occupational proficiency. We have had people come in and give us their synopsis of it from Ohio State, from NOCTI, the National Occupational Competency Testing Institute, and VTEC, bringing the vocational-technical perspective. We need to look at where we're going with this. There are certainly a lot of questions and concerns over the MCAS. We need to look at that in light of the MCAS. We need to look at the certificate of occupational proficiency, move those along and come back to you at a later date with what we hope is a good and sound plan. I will be happy to take questions.

**COMMISSIONER DRISCOLL:** As much as I want to talk about the broad state goals and having us all in one system based on standards and a measurable accountability system, I think it's only fair to point out that the vocational schools here in Massachusetts have a very unique challenge. In many ways, the best success stories in this Commonwealth are in our vocational schools. They often take large populations of kids who have never really experienced success and within a four-year period they give them skills to get a job. A lot of these kids go on to further education. It's really that they experience success. That is so important. You have to understand reality

One vocational school last year, after accepting their students in September, looked at the results of the MCAS in November and recognized that 87 percent of the kids in their school had failed the MCAS. They have twice the percentage of special needs students statistically throughout the state. One vocational superintendent suggests we ought to give results of MCAS by zip code. Thereby Bedford, who sends its students to Shawsheen, would get back those scores of those 10th graders that they send to Shawsheen. It's not a bad idea when you think about it. I am very much concerned about the issue the vocational schools raise. They have a unique challenge. People don't seem to understand that they will be held accountable as if they didn't have a greater challenge. In response, I think we need to build a school and district accountability relationship that's based on improvement. If we continue to try to compare apples to oranges, we're going to be unfair; if we judge it on improvement, we are being fair.

I think we also need to put a great deal of pressure back on the sending schools and look at what it is that they are doing in preparation for kids. I for one don't want to see vocational schools go by the boards just because of their MCAS scores because they are providing a service that otherwise doesn't get provided. In a broad way we need to talk about what works and, like everything else, it has to be about high expectations.

Boston is the best example in the country we can pick. A youngster can work in the workplace and actually work on standards that they are covering in the school. When there's that connection academic achievement is very significant. So we have dropouts in the Boston Public Schools who get involved in these programs, who go on to become technicians and beyond. This Board and the Department have not put it together in a system. That's what we are trying to do. As we go forward with the Perkins plan, which we'll bring back to this Board, and look at the certificate of occupational proficiency, not withstanding the student of mastery, I hope we will finally have a system that we can say is both coordinated and about high and measurable standards.

**DR. SCHAEFER:** Is there any school in the state that has a model you think works under this system?

**MR. KANE:** We feel that the model for High Schools That Work is a good one. We have 12 of the career and technical high schools presently using that. It's a very good model because of the accountability, the involvement of teachers, the common planning time and the decision-making process. I cannot give you, unfortunately, at this time any drastic figures that say we have really improved it or compared our MCAS scores of this school to something else's. But, I do feel that that is a real promising practice and it's something that we need to work at even more.

**DR. SCHAEFER:** What are the number of academic hours compared to shop, the occupational hours? Are there internships or apprenticeship models or what is unique about that?

**MR. KANE:** It varies, but it's basically 50/50. What a number of schools are attempting to do now, because they know the pressure is really on them, is to make up for what has not happened over the first eight years. They've tried to rearrange their schedule so that there are more academics happening in the 9th and 10th grade, rather than spread them out over all. One of the criticisms we hear is that they come to the vocational school because they have been failing under that system and now you want them to use the same system. We have to find that happy medium because we can show tremendous growth. When students don't understand the value of what is being taught to them at the blackboard or through the overhead but they can see it through a work site experience, then they move forward. That's been the salvation for the career and technical high schools for those students. They get in there and get hands-on, they get the contextual learning and everything starts to flow together. Unfortunately, at this point we have to have everything flow together before the 10th grade. We've got to look at a number of things and come up with something that is agreeable to all because, as I said, my real concern is not to lower the standards or change them but to find something -- maybe a weighting system. I'm not sure at this point. There's just too many unanswered questions.

**DR. KOPLIK:** Fran, I don't think you're going to find something agreeable to all. That's number one. Number two, our discussions in the past have centered around holding all students to "the same high standards." If we're going to look at alternatives of equivalency, we had better do that in the next three to six months rather than let this discrepancy hit us a year and a half from now. I feel a sense of urgency to address the issue of what our expectations should be with regard to the universe of students who are within our responsibility. As much as we like to champion the high standards, high achievement aspect, there may be different ways to define that without diminishing the attainment of a high school diploma. I feel that we have been drifting somewhat and I blame myself as well because I have been

working with Fran on this issue. I'm not certain where we need to go, but I know we need some direction and definition here because we're going to find ourselves in an embarrassing situation 18 months from now.

**CHAIRMAN PEYSER:** We did talk about this back in September, especially in terms of establishing the initial threshold for graduation. There seemed to be general agreement that we ought to be establishing a single threshold, especially to the extent it may only be in the subjects of English and math.

It seems to me there's a tendency, at least in describing curriculum at vocational-technical schools, to talk about the academic as being largely separate from the vocational and occupational. You often hear, quite frequently, "We spend every other day or two and a half days a week doing English, math, science, social studies, and then the rest of the time we focus on the occupational development." It seems to me, without somehow forcing the two together in ways that don't make sense, we need to figure out ways to use the occupational experience to reinforce and improve the academic experience as opposed to separating entities that don't reinforce one another. We need to look at practices out there that leverage the occupational experience in order to improve the academic experience.

**MR. KANE:** We are doing a lot of work on that. We have examples of transferable skills crosswalked with the frameworks. We are moving in that direction. Jeanne Young, who was kind enough to be operate the overheads, is our Language Arts specialist. She is working with schools, running workshops that illustrate how academics can be connected with what is actually happening in the work site. That's where the whole work-based learning plan comes in with the connections. More and more schools are moving in that direction. There are schools you go through where it's difficult to tell where the academic and the so-called shop teaching is because they have a nice blending going on. It is happening.

**CHAIRMAN PEYSER:** One other quick point, maybe this is more of an observation, but you have seven clusters defined here and there are probably 60 or 70 individual occupational listings.

**MR. KANE:** There are at least 78 of them.

**CHAIRMAN PEYSER:** The certificate of occupational proficiency seems to be a rather massive undertaking if you are going to issue such certificates in each of those individual areas. Looking at the clusters, it doesn't seem feasible that you can have seven assessments of occupational proficiency. Within the cluster there's so much diversity. How are we going to do this?

**MR. KANE:** That is going to be the difficult. I really want the major committees' input. You have to develop a core first, look at the sub-cores and then decide on the number of competencies you're going to have. We need to come out of this with a COP that is reliable; it cannot be suspect. That may involve part of it being a paper and pencil test, and the other a performance assessment. We have to have performance testing, but we can't have teachers evaluating their students. We would probably do it the way Skills USA does it now. They rely on a number of people that have been trained to evaluate. This could cost over a million dollars a year just to do that.

**CHAIRMAN PEYSER:** Let me interrupt you. I think part of the issue here is going to be the rollout strategy. How do we get started as opposed to how do we finish? How we finish may be an insoluble problem at the moment, but certainly getting started seems to me to be the most important.

**MR. KANE:** I decided to put aside \$50,000, in the budget, to hire a contractor. The big meeting resulted in three subcommittee meetings to come back to look at the criteria for hiring a contractor and review what we have here and what we don't. What I tried to give you is a summary of what is happening around the country. It appears as though we are far behind, but when you take a closer look, you see that those who have been working on this for eight or ten years are no further ahead. I do have to tell you - there has to be the pen and paper assessment, but there's got to be performance, too.

**COMMISSIONER DRISCOLL:** The most important thing is that we are now bringing forward all of the various aspects into a system. As we talk about certification regulations, we need to talk about the approval for teachers, et cetera. All the pieces will now come forward to the Board within this umbrella and we need to make progress. It's was 1993 when

the law passed and while we are somewhat farther on the COP today than we were six years ago, we are not very far. We need a lot of progress in a short period of time and we will be sharing that with the Board.

##### **5. REPORT ON LAWRENCE OVERSIGHT COMMITTEE - Discussion**

**DR. SCHAEFER:** The subcommittee of the Lawrence Oversight Committee met with the mayor and school committee of Lawrence on October 14. The purpose, of course, was to try to assess where we were with the district. As you know, the superintendent, Dr. Gaskins, was appointed about a year and a half ago. On the basis of her first year's leadership, the subcommittee thought there had been significant progress made toward improving the organizational management and the infrastructure of the Lawrence Public Schools. There are a few things that I would like to highlight.

First of all, there is a new senior management team in place. Dr. Gaskins appointed an assistant superintendent for academics, director of human resources, business manager, director of professional development program review and evaluation, and a new high school principal. In addition, there's a three-year contract that was settled, and as part of that they have agreed to restructure the high school. There are 21 hours of district-directed professional development. The reorganization of the high school is underway. They have chosen the town development model out of Johns Hopkins. There's a new 9th grade academy that was launched this fall. They have also approved plans for an alternative school, which was very much needed. They've identified a site and they expect to open the school this year. They've also undertaken a series of planning efforts for the construction of new schools, they've designed three new elementary schools. The construction will begin this winter or spring, and they will be opened by the fall of 2001.

They are also exploring sites for the new high school. Keep in mind that Lawrence is about six square miles with 70,000 people, so they are somewhat short of space. They are having difficulty finding an appropriate site. They have set funds aside from their operating budget to build up their construction reserve fund. As I mentioned, they've chosen the town development model for the high school. All the other schools are also selecting a comprehensive school change model. Two of the elementary schools are already implementing reform models, they are using Success For All for one and Essential Schools for another. The middle school is also working on a complete restructuring of grades 6 through 8. They are investigating and selecting models for the other elementary schools as well, and implementation of those will occur next year. The district is actively assessing student performance using the information from MCAS, the MAT-7's and other tests to try to evaluate the success of their programs and services.

There are several promising new programs that have been initiated to improve educational outcomes for limited English proficient students. This is a very serious issue for the Lawrence Public Schools. 86 percent of the students in Lawrence are minority; that's the highest in the state. For 79 percent, English is not the first language at home. 80 percent of the students are Hispanic. 29 percent are limited English proficient, and that too is the highest in the state of any district. They are working on aligning their curriculum with the state frameworks and guides have been developed and distributed throughout the district.

Now, to come to what our expectations are for this current academic year. As I've stated already, the district's management has been stabilized and there are numerous initiatives underway to improve the quality of education in the Lawrence Public Schools. Our focus for the coming year should be on student results, and we will be looking for demonstrable gains in the educational performance of the students.

There are a several issues that are critical: They need to identify some successful strategies to decrease the extremely high dropout rate in the district. In the last academic year, it was 22 percent. They need to decrease the percent in the Failing category of MCAS and increase the percentage in Proficient and Advanced. They need to reverse the trend of steadily declining academic performance in grades 5-8. They also need to address the causes of the district's extremely high rate of student suspensions and exclusions. The superintendent and the school committee need to send a clear message about ensuring high expectations for all students. They need to make sure that there's an implementation of the aligned curriculum at all grades and in all subjects, and they need to provide support for the LEP students who are in regular ed. They also need to make sure that they have implemented the teacher evaluation system. The school system has been in arbitration over this and now that they have agreed to an evaluation system, they need to use it in a way that will drive some change in the district. They need to keep their school construction project and planning on schedule and on budget and set some priorities with their limited resources.

They have undertaken a number of initiatives but they need to focus in on a few during the coming academic year and make some success out of those rather than spreading their resources amongst a lot of things. We are expecting the superintendent and the school committee to formulate an action plan for the year. The superintendent will provide the Commissioner and the Board with quarterly reports of progress that will indicate how they are accomplishing the objectives set forth in that plan. The people from the Department, Julianne Dow and others, will be meeting with people in Lawrence on a regular basis. There is another meeting of the Lawrence Oversight Committee and the school committee in another six months.

**MR. BAKER:** I have a couple of questions. I used to spend a lot of time in Lawrence when I was in state government. They have more available abandoned property than any other city in Massachusetts. How could they possibly be having a hard time finding a site?

**DR. SCHAEFER:** I can only surmise that a lot of those must be brown field which are going to have to be cleaned up and so on. Let me turn that over to the Commissioner.

**COMMISSIONER DRISCOLL:** While you're right, Charlie, it doesn't fall in nice little packets for a high school. If you were looking for a site vis-a-vis abandoned property, it just doesn't work. They have tried a couple of places that were abandoned in blocks or in larger sections, but it still isn't enough. It is a problem.

**DR. SCHAEFER:** How much land do you need for a high school?

**COMMISSIONER DRISCOLL:** Our guidelines are extensive, but we would consider waivers. You have to have enough for play fields and parking, but more about that later. We'd be glad to have you join us. We have walked around Lawrence and tried to find it. There is a site on the far end of Lawrence which appears to be large enough but the city would like to maintain that property for economic development since it's right near route 495 and 93.

**MR. BAKER:** I was actually thinking about the abandoned shopping center when I was thinking about abandoned buildings.

**COMMISSIONER DRISCOLL:** That has been looked at. Frankly, that's my first choice, but not necessarily the City Council's and the mayor's at this point.

**MR. BAKER:** So it is to find a site they like; it's not that they don't have any sites.

**COMMISSIONER DRISCOLL:** I would say that's right.

**CHAIRMAN PEYSER:** There may be things in the regulations governing the construction of high schools that are problematic. If the city comes forward and asks for waivers, which they indicated they would, the Commissioner's willingness to entertain those becomes important. The reality may be that they need to fit something into an unusual space, at least unusual based on the regulations. The extent to which we are operating under a single high school model may also be somewhat problematic. It may make sense from a construction point of view, but not educationally or in terms of the city as a whole. It may force them to go outside.

**MR. BAKER:** What about structured immersion programs for their 80 percent Hispanic population?

**MS. DOW:** They have implemented a two-way bilingual class. They don't have a large number of students who are not Hispanic, but they do have a lot of students who are not limited English proficient. So for those students who are fluent in English and perhaps truly bilingual already, they can do a two-way program in the sense that a portion of the time is in English and a portion of the time is in Spanish. They are working to develop both languages but they are experimenting with several different models. To their credit they have done some evaluation at the end of the first year, last year, looking at using some new standardized tests they have begun to use with their Spanish and their English speaking students. We are hopeful because they seem to be approaching this thoughtfully. They have looked for other program models around the state and in the country, and they specifically asked that we very actively engage with them

and help. They recognize that they do not know all that there is to know. They need help from the state identifying successful program models and not just in Massachusetts. They have asked this to be an area of particular focus in our assistance to them over the next couple of years.

**DR. THERNSTROM:** Juliane, you just said there are a lot of students who are truly bilingual already which would mean they have very strong English. I'm not sure why those students aren't simply being taught in English. Why are they juggling two languages in these classes when undoubtedly a high proportion of them are in great need of having their academic skills strengthened? If they are looking for models, there is the story of what's happened in California and improvement in Hispanic academic performance in the wake of the passage of Proposition 227, which pretty much banned bilingual education in the state. That is a success story that is unmatched by any other story of educational reform. The data looks so good so quickly.

**MR. KOPLIK:** I heard Roberta recite a long list of initiatives. That's step number one but I'd like to hear, with regard to the timetable that she sees in place, that some of these initiatives will translate into improvement. Can we begin to see that in a reasonable time frame or are they all three years in the making?

**DR. SCHAEFER:** That would be hard for me to judge at this point. The Department's people are in Lawrence much more than we are. But this year we are looking for improvements in the MCAS and to see them focus on a few particular objectives and not to be all over the place. David and Juliane, do you want to comment?

**COMMISSIONER DRISCOLL:** It is an annual review. Part of the agreement is that there's an annual review. In fact, if the Board isn't satisfied with the progress on an annual basis, we could end the agreement and go to court to declare them underperforming. The heat is turned up. They are not under the usual scrutiny; they are under an annual scrutiny. That's going to be part of all of our school district accountability; we're going to be looking every year. This issue of the dropout rate is very, very important to us. It may be that they finally have the right numbers and we'll accept that, but it's very high and they have to do something about that. We are looking for progress on that now, not next year--not when you have a 22 percent dropout..

**DR. KOPLIK:** Do you feel, David, you have the substance of a substantial number of milestones to make a judgment as to whether they have a plan with measured outcomes at the right intervals rather than getting weighted by a lot of initiatives that have a tendency to get people excited?

**COMMISSIONER DRISCOLL:** I will make two statements. So far, so good. Long way to go.

**DR. DELATTRE:** I'd like to go back to the bilingual issue for a minute. I agree entirely with Abbie's observations. When Charlie asked whether they were working in structured immersion your reply, Juliane, was that Lawrence wanted models of success. I want to know exactly what they mean by success. Specifically, I want to know if they mean by success the achievement by students as soon as possible of fluency in English.

**MS. DOW:** I think that is one of their goals. I think another goal is to develop native language proficiency, and maintain it for students as part of the larger goal for the whole district. I do think they are having discussions about both of those. This is a relative thing. They've just moved from having a transitional bilingual educational program, with large numbers of teachers who do not speak English themselves very well. They are making first steps. The first step towards some structured immersion is actually moving students who heretofore had been in a TBE program speaking and learning in Spanish only, or very heavily dominance, to a program where they are spending most of their time receiving English instruction with native language support. That is an example of a program they have piloted to begin to move students from a situation where they were not getting adequate English language acquisition opportunity to one where they are. These are students who, once they leave school and even their English class, may not encounter much English in the rest of their day because they are living in a culture that is dominantly Hispanic. Spanish is the dominant language in the community, at home, in the workplace, even on radio and television. We see this as being a year where they did some very fundamental infrastructure building, engaging with us very actively in talking about where they are going to go from here. We see the last year as a year where they have accomplished things on the organizational side. Now the focus is on tackling the educational crisis and they are truly at the very beginning point of that.

**DR. DELATTRE:** I'm glad to hear they have gotten that far. It still concerns me when you say, "The purpose is to learn English, but also to maintain the first language skills." You go on to describe that the rest of the day outside of school for many of those students is entirely conducted in that first language anyway. Why then is the school determined to maintain what's already being maintained?

**CHAIRMAN PEYSER:** I will interject that beyond what may be the personal preferences or institutional preferences in Lawrence, there's also a state policy issue here which is problematic.

**COMMISSIONER DRISCOLL:** State statute.

**CHAIRMAN PEYSER:** Which I wish we could address in some way.

**DR. DELATTRE:** But if they are already not doing TBE, the law has been set aside and that's exactly what you have to do if you're going to be of any service to these students. You have to flout the law.

**MR. BAKER:** I was under the impression the law had been and was being flouted for years.

**DR. DELATTRE:** Nobody says it, though.

**CHAIRMAN PEYSER:** Why are you saying it now?

**DR. DELATTRE:** Because somebody's got to say it.

**DR. THERNSTROM:** I just want to second what Ed just said. Native language proficiency is the responsibility of parents who want to have their children maintain their first language. That is not necessarily the pattern of immigrant parents. It has not historically been the pattern of immigrant parents. But if we are interested in these students doing well on MCAS, doing well in life, on the job, in institutions of higher education, then English is the language they must learn. If you start from the premise that you have two goals and only one of them is learning English, we are starting at a bad place.

**COMMISSIONER DRISCOLL:** Mr. Chairman, may I point out, with all due respect, that we have given you a report, we hear you, but we have on the books not only a transitional bilingual education law but the requirement to hold every student in Massachusetts ultimately responsible for foreign language requirement in grade 10, every student. So these are not simple matters of just declaring from here what is or isn't going to happen. My issue with the transitional bilingual education law has always been its rigidity and treating every student as if one program fits all. In 1974 that might have been the right thing to do because they weren't being serviced at all. I think this deserves discussion at another time because we are talking about statutory requirements. We're talking about the individual needs of kids which range from those students, in the majority, who are way behind to those students that can be serviced by different kinds of programs.

**DR. THERNSTROM:** Can I just ask you one question? Is bilingual education transitional when the kids already know English?

**COMMISSIONER DRISCOLL:** No, transitional bilingual education is just the opposite.

**DR. THERNSTROM:** But we just heard from Juliane that a lot of kids know English. There's no reason for transition therefore.

**COMMISSIONER DRISCOLL:** If that's the case, yes.

**CHAIRMAN PEYSER:** If there's nothing further on this issue, which I hope there isn't --

**MR. BAKER:** I think we should come back to this one on another day.



**CHAIRMAN PEYSER:** Obviously, the problem we are wrestling with here is the Board has taken a position on the bilingual education statute which is being reiterated here. The question is how do we move that particular debate along in a context that can be helpful to Lawrence.

**MR. BAKER:** I'm not saying we can talk about it today.

**COMMISSIONER DRISCOLL:** I'm sorry but I have to correct the Chairman's statement. This Board is on record as being against the transitional bilingual education. My recommendation as interim commissioner was that we seek waivers, which I think are more pragmatic. It has been voted, however, by this Board, that the law be broken so I'm charged to go to the legislature with that, as I did before a roomful at the Gardner Auditorium. I would hope we have another discussion because I would like to try again to persuade you as to the efficacy of looking at waivers.

**DR. DELATTRE:** One last thing. I beg you to remember that in the context of transitional bilingual education, Juliane said most of the teachers in TBE aren't competent in English. Does that make any sense in transition?

**COMMISSIONER DRISCOLL:** No one is going to challenge that.

**MS. DOW:** I don't think I said most, either.

## 6. APPOINTMENT OF ADVISORY COUNCIL MEMBERS

**COMMISSIONER DRISCOLL:** You have before you the list of my recommendations for council appointments. I have an interest in making these councils far more active than they have been in the last couple of years. We have, thanks to you and others, candidates with significant backgrounds for these positions. I would like you to approve them at this time so that we get the councils active and get reports back to you. They are, after all, supposed to advise you.

**DR. DELATTRE:** I'm very much in the dark here and I will explain why. On the Bilingual Education Advisory Council there are no scholars and there are no researchers on the nature of effective bilingual instruction or on programs that have worked and programs that don't. In the Early Learning Advisory Council there are four people who have responsibilities in daycare. I have no idea whether they have any responsibilities in early childhood education or early learning. In the Global Education Advisory Council we have a professor and a dean, but we don't know professor or dean of what. We don't know what disciplines they know anything about. In the Health Education/Human Services we have an associate professor, we don't know what this person is professor of. We don't have one pediatrician or one other M.D. on the whole council. In the Mathematics and Science Advisory Council there are no mathematicians and no research or laboratory scientists, to our knowledge. We don't know whether the four professors named here are professors of mathematics or mathematics education or professors of science or science education. On the Racial Imbalance Advisory Council there are no scholars. Finally, on the Special Education Advisory Council there are no doctors, no neurologists, and no scientists who are studying the putative causes of vaguely defined disabilities. So I don't know what kind of advice to expect. I don't know enough. I have nothing against any of these people; I don't know any of them. I'm in the dark about what kind of advice we can expect and what kind of expertise we can take for granted here.

**COMMISSIONER DRISCOLL:** Of course you can always reject their advice. The suggested qualifications are outlined in the statute, some have requirements such as special education. There is a requirement that certain people be on special education or early childhood, for example. As I said in my memo, all resumes will be kept on file for your review upon request. I did offer that. Frankly, at this point, I would like this Board to approve my recommendations. I think this it's important to getting these advisory councils up and running. Obviously, if you feel in the dark, I don't expect you to vote, but I did give you the opportunity to look. I'm recommending them and I'm hopeful that they will make cogent recommendations to this Board. I stand by them.

**DR. THERNSTROM:** Dave, I would like to know how the statutory requirement is worded precisely. It looks to me as if the list for the bilingual education council has nothing but activists on it. Early learning needs a social scientist. Ditto,

as a matter of fact, with bilingual education. Look at the racial imbalance list, you've got activists on behalf of race conscious programs. Again, you need a social scientist. I'm signing on to what Ed has already said.

**COMMISSIONER DRISCOLL:** My responsibility is to bring recommendations; I've brought them. In my judgment, the statute's interest in all of these advisory councils, some of which is part of the Education Reform Act, some existed before, is to get broad inclusion, if you will. These are not assessment committees, these are not academic review committees, these are advisory councils that are supposed to be able to represent a broad field. If you're not comfortable, that's fine with me. I think it's important to fulfill our obligation and I've done so.

**DR. SCHAEFER:** On the global education council, I assume that's in state law that there be a Global Education Council?

**COMMISSIONER DRISCOLL:** Correct.

**DR. SCHAEFER:** Wouldn't it make sense, though, to recommend that it be changed. Since we now have a history/social science framework shouldn't we have an advisory council on history and social science rather than on global education? To keep things consistent, I'm suggesting we do that at some point.

**COMMISSIONER DRISCOLL:** At some point you want a statutory change.

**DR. SCHAEFER:** Yes. Also, given the comments that have been made, can we add people to this list to provide some other balance, or is this the number?

**COMMISSIONER DRISCOLL:** The Board can do anything it wants. I have made my recommendations based on how many people I think should be on advisory councils, based on recommendations from key administrators at the Department and based on what was brought before me. I have a recommendation for you -vote it up or down and make whatever changes you want.

**MS. SCHNEIDER:** Commissioner, if I may interrupt, as you state in your cover memo, these are new appointments. There are additional members on the advisory councils. Perhaps Board members need to get a list of the full council.

**MR. BAKER:** I was going to ask the same question. Are these add one, take one? I know a lot of people who know a lot about Health and Human Services, but I don't know any of these people. If these are the ones Dave thinks is a good place to start, that's fine, but I can come up with good candidates. On the technology council, there are tons of people with knowledge about the Internet who would be thrilled to serve on something like this.

**COMMISSIONER DRISCOLL:** First of all, the technology council is technology in statute only. It's technology as is represented in the science and technology framework. It's really engineering and design, if you will. Again, I can only say that I have offered you this list; I have offered my recommendations.

**CHAIRMAN PEYSER:** Let's back up here a second. Obviously there's some concern from Board members about voting on these names given what they know about them. I would underline that the Commissioner did offer an opportunity to make candidate recommendations and review resumes. Perhaps we can get a commitment from Board members to take the responsibility to review resumes and to evaluate, to the extent possible on paper, all these people. I'm willing to put this off for a month if there are Board members who are prepared to sign up to do the work. I'd be less interested in simply delaying to allow us to come back here a month from now and have the same discussion.

**MR. LaFLAMME:** In addition to looking at the resumes, can we get that master list which Rhoda mentioned and therefore have an idea of what the actual composition of these councils are?

**COMMISSIONER DRISCOLL:** I'm fascinated by the interest in these councils all of a sudden. They have been in the law since 1993 and nobody's paid any attention.

**DR. SCHAEFER:** Perhaps we could divide them up among the Board members.

**CHAIRMAN PEYSER:** Are specific Board members willing to participate in this?

**DR. DELATTRE:** I'm willing. I'm also perfectly willing to assent that Dave gave us opportunities for input and review if we did the homework, and I was too busy to do that. I would be grateful for a month's respite and I will be happy to help.

**DR. THERNSTROM:** I would be delighted to look at resumes.

**MR. BAKER:** I have a different question. Are these curriculum advisory councils?

**CHAIRMAN PEYSER:** It's broader than that.

**COMMISSIONER DRISCOLL:** There is the issue of the legislature, in section one of the Education Reform Act trying to show broad participation. I guess that's why it's in section one.

**CHAIRMAN PEYSER:** I think they have broad authority. They have authority to advise us on any matter before the Board. We have had them, they exist. Abbie Thernstrom, Roberta Schaefer, and Ed Delattre now constitute the Education Advisory Council Review Committee. We will get you the necessary resumes in order for you to do your work. We'll expect a report back on our November 23rd meeting.

**MR. LaFLAMME:** May I just ask one question for my own information in dealing with an issue that came up at the student council meeting. At the top of this list, it says several appointees served last year without formal appointment. I don't know about the structure of these advisory councils, when they meet or what they do. But if they were not appointed and served without formal appointment, then can non-appointees come to the meeting and contribute? How is that set up? I had students come to me to say that there aren't any students on these councils. I acknowledged that that may be true. I feel like these councils would benefit from specific expertise. Students might have something to say on some of these issues which they are discussing. Are these closed meetings?

**COMMISSIONER DRISCOLL:** No, they are governed by the open meeting law. They must be posted and must be held in open session.

**CHAIRMAN PEYSER:** How would one find out when they are scheduled, on the website?

**COMMISSIONER DRISCOLL:** I'm not sure whether they are on the website. If we don't already, it would be a good idea to put them on our website. Certainly interested parties could always call the Department. We'll tell them when the next meeting is. They move around the state, of course. We try to balance locations out. I hope the subcommittee will be mindful of the need to balance it out geographically.

#### **7. CHARTER SCHOOL RENEWALS: SCHEDULE AND WAIVER OF DEADLINE - Discussion and Vote**

**CHAIRMAN PEYSER:** We have a regulatory deadline of December 1 to make all decisions about charter renewals. That's a deadline that affords us one more Board meeting to review applications. I believe there are seven remaining charters to be renewed and I think there's a schedule in the memo for bringing those up. Both in the interest of allowing full consideration of the Board of these seven renewal applications and in terms of providing the staff and consultant enough time to get the work properly done, more time is needed. Therefore, a waiver is requested to allow us to go past the December 1 deadline.

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

**VOTED:** that the Board of Education waive the provision in the Charter School Regulations, 603 CMR 1.11 (1), that provides for notification to charter renewal applicants no later than December 1 of the year in which the renewal application was received; provided, however, that this waiver shall apply only to renewal applications pending as of this date; and provided, further, that all such charter renewal

**applicants shall be notified of the decision to renew or not to renew the charter and the reasons therefor no later than February 1, 2000.**

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

#### **8. APPROVAL OF GRANTS - Vote**

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

**VOTED:**           that the Board of Education approve the grants under the following programs as presented by the Commissioner: Emergency Immigrant Education Program (English Language Acquisition); School Breakfast Demonstration Project; Universal Breakfast Program; and School Breakfast Start-Up Program.

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

#### **OTHER ITEMS FOR INFORMATION**

**CHAIRMAN PEYSER:** You have, in the back four tabs, some materials that I would urge you to look at. I'm sure you already have. I would particularly call your attention to the fact that under tab 10 there is an outline and review process for the remaining two frameworks that have yet to go through the same revision process we are undertaking with math and science. They involve History/Social Science and English Language Arts. In particular, on page 2 under Phase II it says December to April. There are some points of departure for, in this particular case, the History/Social Science framework. The overall thrust, is to review the framework both in terms of its general quality and its scope. We need to make some judgment as to whether it is overly broad or unclear, and what the requirements might be for assessment. If you have any feedback on that particular point or anything else in that memo, I'd appreciate it if you would respond either to me, Dave, or Sandra Stotsky as soon as possible so we can get the process underway.

**The meeting was adjourned at 12:00 p.m.**