**Minutes of the Regular Meeting**
**of the Massachusetts Board of Education**

**April 29, 2003**
**9:05 a.m. – 12:45 p.m.**

**Massachusetts Department of Education**
**350 Main Street, Malden, Massachusetts**

**Members of the Board of Education Present:**

**James A. Peyser**, Chairman, Dorchester
**Henry M. Thomas, III**, Vice-Chairman, Springfield
**Charles D. Baker,** Swampscott
**J. Richard Crowley**, Andover
**Jeff DeFlavio**, Chair, Student Advisory Council, Belmont
**Judith Gill**, Chancellor, Board of Higher Education (by Patricia Plummer, designee)
**William K. Irwin,** Wilmington
**Roberta Schaefer**, Worcester

**David P. Driscoll**, Commissioner of Education, Secretary to the Board

**Member of the Board of Education Absent:**

**Abigail Thernstrom,** Lexington

Chairman Peyser called the meeting to order at 9:05 a.m.

**Comments from the Chairman**

Chairman James Peyser opened the meeting by commenting on the recent decision by the U.S. Department of Education denying the Department's request to allow the Certificate of Attainment to qualify students for federal financial aid for postsecondary education. Chairman Peyser noted that the FY 04 budget proposals filed by the Governor and the House Ways and Means Committee both earmark $3 million for students who have not yet earned the competency determination to participate in remedial and developmental coursework at community colleges and workplace sites at no cost to the

students. He said, "It is our intention that all of the students in the Class of 2003 who wish to pursue a high school diploma and higher education will be able to do so."

**Comments from the Commissioner**

Commissioner Driscoll commented on the U.S. Department of Education ruling, noting that the U.S. Department of Education has not closed the door on this issue; the federal agency stated that these students could qualify for financial aid through an approved ability-to-benefit test, and also that Massachusetts could renew its request in the future, based on additional data.

Commissioner Driscoll highlighted the steady progress in student achievement in the Commonwealth, as demonstrated by trends in SAT scores, the TIMMS report, and MCAS results. He said one of the reasons for this success has been the continuity and predictability of education funding. The Commissioner asked Board members to consider long-term strategies to ensure that funding for public education remains as stable as possible.

The Commissioner also congratulated Janice Snaith, a member of the Department of Education who has been awarded the David Cronin Award by the Massachusetts Association of Vocational Administrators. He also introduced Cheryl Rappaport Liebling, who will be heading up the Department's work on the federal Reading First initiative.

**Statements from the Public**

- David Tobin and Jack Jones of the Massachusetts Association of Vocational Administrators addressed the Board on the Chapter 74 Regulations.
- Sue Veins of the Massachusetts Vocational Association addressed the Board on the Chapter 74 Regulations.
- Paul Dunphy of Citizens for Public Schools addressed the Board on the Holyoke Community Charter School.
- John Aubin, the owner of Open Square in Holyoke, addressed the Board on the Holyoke Community Charter School.
- Cathy Boudreau of the Massachusetts Teachers Association addressed the Board on the Chapter 74 Regulations and the English Language Learners teacher license.

**Approval of the Minutes**

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

**VOTED: that the Board of Education approve the minutes of the February 25, 2003 regular meeting as corrected (pages 9-10).**

The vote was unanimous.

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

**VOTED: that the Board of Education approve the minutes of the March 25, 2003 regular meeting as presented by the Commissioner.**

The vote was unanimous.

1. **Amendments to Regulations on Vocational-Technical Education (603 CMR 4.00)**

Commissioner Driscoll opened the discussion on the Amendments to the Regulations on Vocational-Technical Education by thanking Board member William Irwin for his work on the regulations, as well as Department of Education staff members Jeff Wheeler, Stafford Peat, Carole Thomson, and Debra Comfort.

Jeff Wheeler presented a summary of the proposed regulations to the Board. The Vocational-Technical Education Regulations have not been amended substantively since the Education Reform Act was enacted in 1993. The amendments increase and strengthen the academic and technical skills that students will acquire as well as the standards of preparation and professional development that vocational technical education teachers must meet. Programs will be linked with national program standards, occupational clusters and postsecondary education and training in order to increase the options for vocational technical education program graduates.

Board member William Irwin thanked the many people involved in amending the regulations for their professionalism and their steady focus on improving programs for the benefit of students. Board members then discussed several aspects of the amended regulations. On the issue of related instruction, Mr. Wheeler said the proposed regulations leave the scheduling to the judgment of local school officials. On the issue of testing for teacher licenses, Commissioner Driscoll clarified that the new communications and literacy test will be for teachers of vocational subjects and skills, who are experts in their occupational area but may not have a bachelor's degree. The teachers of academic subjects in vocational-technical schools are subject to the existing standards and testing requirements for academic teachers.

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

**VOTED: that the Board of Education, in accordance with G.L. chapter 69, s. 1B and chapter 74, s. 2 and 2A, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. chapter 30A, s. 3, hereby repeal the existing Regulations on Vocational Education, 603 CMR 4.00, and replace them with the Regulations on Vocational Technical Education, 603 CMR 4.00, as presented by the Commissioner.**

The vote was unanimous.

The Board also discussed the level at which to set the initial positive placement standard for Outcome III. Outcome III is the percentage of vocational-technical graduates who are employed in a field related to their program of study, in a military program related to their program of study, or who are

enrolled in postsecondary education or advanced training twelve months after graduation. The proposed regulations would require school districts to report program outcomes to the Department, and authorize the Board to set minimum outcome standards every three years.

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

**VOTED: that the Board of Education, pursuant to 603 CMR 4.05 (Program Outcomes), hereby set the positive placement outcome standard for Outcome III at 70% commencing on September 1, 2003.**

The vote was unanimous.

**2. Programs for English Language Education**

The Board discussed the Regulations Governing the Education of English Learners (603 CMR 14.00). Commissioner Driscoll gave an overview of the process for amending the regulations, based on Question 2. Chairman Peyser noted that these regulations are intended to interpret and apply the law (G.L. Chapter 71A, as amended by Question 2), and replace the current Transitional Bilingual Education Regulations.

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

**VOTED: that the Board of Education, in accordance with G.L. chapter 69, s. 1B and chapter 71A, as most recently amended, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. chapter 30A, s. 3, hereby repeal the Transitional Bilingual Education Regulations, 603 CMR 14.00, and replace them with the Regulations Governing the Education of English Learners, 603 CMR 14.00, as presented by the Commissioner.**

The vote was unanimous.

The Board discussed a proposed new regulation, 603 CMR 14.06, to implement the section of Question 2 relating to parents' right to enforce the law. Chairman Peyser said it is appropriate to set up a deliberate and considered administrative process to help resolve these cases.

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

**VOTED: that the Board of Education, in accordance with G.L. chapter 69, s. 1B and chapter 71A, as most recently amended, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. chapter 30A, s. 3, to solicit public comment on the proposal to adopt 603 CMR 14.06. The proposed regulation addresses Section 6 of Question 2, "Legal Standing and Parental Enforcement."**

The vote was unanimous. After the public comment period, the Commissioner will bring the regulation back to the Board in June for a final vote.

In addition, the Board discussed amendments to the Regulations for Educator Licensure and Preparation Program Approval concerning the English Language Learners license. To prepare teachers who can effectively implement the statutory requirements of Question 2 and who can be considered "highly qualified" according to No Child Left Behind requirements, the amended regulations define one basic license for teachers of English Language Learners (ELL). Starting in 2004, this ELL license would replace both the current English as a Second Language (ESL) license and the current Transitional Bilingual Education (TBE) license. Teachers who are currently licensed in ESL or TBE may continue teaching what their licenses allow them to teach without obtaining other licenses or adding the new ELL license, and they may renew their ESL or TBE licenses.

Chairman Peyser suggested that the Commissioner inform school officials and teachers as soon as possible about the requirements and options for teachers of English language learners. The Commissioner said the Department will continue to work with local educators to ease the transition to the new law. The key, he said, is that teachers need to have appropriate skills and training to educate students whose first language is not English.

**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 c. 71, s. 38G, and 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 Educator Licensure Regulations, 603 CMR 7.00, as presented by the Commissioner.**

The vote was unanimous.

**3. Student Assessment and Competency Determination**

The Board discussed a proposed amendment to the Regulation on the Competency Determination (603 CMR 30.03). The Board adopted the regulation on the competency determination standard for high school graduation in January 2000. The regulation was drafted to focus on the graduating class of 2003, although it is widely understood to apply to students in succeeding graduating classes as well. The proposed amendment clarifies that the regulation applies beyond the class of 2003 and that the Board may in the future add subjects to the competency determination besides English language arts and mathematics.

Mr. Crowley asked when the Board might consider raising the competency determination standard. Commissioner Driscoll said the Board took great care in defining the performance levels, and we have seen great progress in students meeting the standard and earning the competency determination. He added that the Board should give adequate notice to schools and students if the standard is to be raised. He suggested starting the discussion sometime in the fall, after the results are in from the grade 10 MCAS tests administered this spring to the Class of 2005, as well as final results for the Class of 2003.

**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 1D, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c. 30A, s. 3, to solicit public comment on the proposed amendment to the Regulation on the Standards for the Competency Determination, 603 CMR 30.03, as presented by the Commissioner.**

The vote was unanimous. After the public comment period, the Commissioner will bring the regulation back to the Board in June for a final vote.

The Board also discussed the proposed schedule for implementing the high school MCAS tests in science & technology/engineering and U.S. history. According to the proposed schedule, the science & technology/engineering test would become operational in 2006, and the U.S. history test would become operational in 2008. A plan for foreign language testing will be discussed at a later date. The Commissioner said the Department has intended to phase in the additional tests, understanding that the schedule is subject to appropriation. There will be much more discussion before decisions are made about raising the standard for the competency determination or adding subjects to it. Vice Chairman Thomas said the state standard has brought out the best in students and teachers, and the Board should keep standards and expectations high because students and teachers are capable of meeting the challenge. Chairman Peyser said that if there is any way to accelerate the implementation of the U.S. history test, the Board and Department should do so. He also recommended that the Department consider using existing rather than customized tests for foreign languages.

**4. Early Childhood Program Standards and Learning Guidelines**

The Board discussed the proposed Early Childhood Program Standards and Learning Guidelines. The Early Childhood Program Standards are intended to guide ongoing development, evaluation, and improvement of early childhood center-based programs funded through the Community Partnerships for Children (CPC) program, which provides funding for public schools, Head Start, and child care programs serving three- and four-year old children.

Part I of the standards would replace the existing Early Childhood Standards for Programs for Three- and Four-Year Olds adopted by the Board in 1988. Part II of the document is the Guidelines for Preschool Learning Experiences Based on the Massachusetts Curriculum Frameworks, which are designed to help early childhood practitioners interpret the frameworks in the context of appropriate experiences for three- and four-year olds.

Associate Commissioner Barbara Gardner and Elisabeth Schaefer explained the differences between the proposed standards and the existing standards. Ms. Schaefer noted that teacher qualifications will increase over a 14-year period. The Department is working with institutions of higher education and others to plan training programs to help child care teachers meet the new qualifications. Ms. Plummer said the Board of Higher Education is very supportive of this mission.

Commissioner Driscoll said he intends to work with the Office of Child Care Services to implement the new standards and strengthen early care and education for the benefit of young children. Chairman Peyser commented that it would be useful for the Department and OCCS to coordinate their program monitoring. Board members noted several sections or charts in the standards that need some

clarification. The Commissioner said staff will make necessary technical and editorial revisions to the document before it is published.

**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. 15, s. 54, and having solicited and reviewed public comment, hereby approve the Early Childhood Program Standards and Learning Guidelines, as presented by the Commissioner.**

The vote was unanimous. After final editing, the Department will publish the standards and disseminate them widely.

**5. Proposed Amendments to Charters for Holyoke Community Charter School and Barnstable Horace Mann Charter School**

The Board discussed a proposed charter amendment presented by the Board of Trustees of the Holyoke Community Charter School. The proposed amendment would address changes in the school's educational program as a result of its management contract shifting from Edison Schools Inc. to Springfield Education Management, LLC and SABIS Educational Systems. The charter school has been scheduled to open in September 2003. Board Vice Chairman Henry Thomas III recused himself from discussion and action on this amendment.

After hearing from the president and the principal of the Holyoke Community Charter School and members of its board of trustees, Board members and the Commissioner expressed concerns about the trustees' plans for a school building, recruiting a new principal, and the fit between the school's mission and the philosophy of the educational management company. The Board tabled action on this amendment. Chairman Peyser stated that tabling action on this amendment is not a reflection of the Board's faith and confidence in the founding group or the board of trustees. The charter school's board of trustees may bring the proposed amendment back to the Board at a future meeting.

The Board also discussed an amendment to the charter of the Barnstable Grade 5 Horace Mann Charter School. The proposed amendment adds grade 6 to the charter school and changes the school's name to the Barnstable Horace Mann Charter School.

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

**VOTED: that the Board of Education, in accordance with G.L. c. 71, s. 89 and 603 CMR 1.00, hereby amend the charter granted to Barnstable Horace Mann Charter School (addition of Grade 6 and name change) as presented by the Commissioner.**

The vote was unanimous.

**6. Amendment to Special Education Regulations (603 CMR 28.08(4))**

The Board discussed an amendment to the Special Education Regulations, 603 CMR 28.08(4), concerning meetings for parents to explain the benefits of mediation to resolve special education disputes. The Commissioner proposed the amendment to ensure consistency with the federal special education regulations. As amended, the regulation would permit school districts, if they choose, to require parents to attend a meeting that explains the benefits of mediation.

**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. 71B, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, s. 3, hereby adopt the proposed amendment to 603 CMR 28.08 (4) (Special Education Regulations), as presented by the Commissioner.**

The vote was unanimous.

**7. Approval of Federal Grants**

The Commissioner presented for consideration a federal grant to the Worcester Public Schools to add another graduate level mathematics course to the 2003 Content Institutes for educators. In March the Board approved grants to fund 34 Content Institutes. The Commissioner also asked the Board to vote an amendment increasing by $1364 a grant awarded to the Malden Public Schools in March.

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

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

The vote was unanimous.

Chairman Peyser thanked Melanie Winklosky for her work on the 2002 Annual Report of the Board of Education.

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

**VOTED: that the meeting adjourn at 12:45 p.m., subject to the call of the Chairman.**

Respectfully submitted,

David P. Driscoll
Commissioner of Education
and Secretary of the Board