Minutes of the Regular Meeting
of the Massachusetts Board of Education

December 17, 2002
9:00 a.m. – 11:30 a.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
Abigail Thernstrom, Lexington

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

Chairman Peyser called the meeting to order at 9:00 a.m.

Comments from the Commissioner

Commissioner Driscoll opened the meeting by reporting that he has met with superintendents and history and social studies department chairpersons regarding the History and Social Science Curriculum Framework. The Commissioner will report back to the Board in January about these discussions, which have focused on conceptual issues in the revised framework as well as the implications for assessment.

Commissioner Driscoll also reported that representatives from the U.S. Department of Education will be in Massachusetts this week to review the Commonwealth's school and district accountability system. The Department has applied for early approval of its accountability system under the new requirements of the No Child Left Behind Act.

Finally, the Commissioner expressed his condolences for the four Lawrence families who lost their children in a recent accident. The Board observed a moment of silence in memory of the children.

Statements from the Public

- Catherine Boudreau, President of the Massachusetts Teachers Association, addressed the Board on the federal No Child Left Behind Act.

Approval of the Minutes of the November 26, 2002 Regular Meeting

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the minutes of the November 26, 2002 regular meeting as presented by the Commissioner.

The vote was unanimous.

1. School and District Accountability System: Modifications for Cycle III Rating Process

The Board discussed proposed modifications to the School and District Accountability System. These revisions will bring the school rating and review processes into full compliance with the new accountability requirements under the federal No Child Left Behind Act. Commissioner Driscoll and Associate Commissioner Juliane Dow presented the modifications to the Board for their discussion and review. The first change adds two performance indicators: attendance at the elementary/middle school level and, beginning in 2005, graduation rate at the high school level. In the interim, the Commissioner proposed that dropout and competency determination rates will be used. The Board also discussed the analysis and reporting of performance for subgroups of students.

Chairman Peyser noted that our state accountability system is based on a two-year review cycle, while the federal accountability system requires states to rate whether each school is making "adequate yearly progress." Vice Chairman Thomas noted his concern that the consumers of this information, including educators and members of the public, may have difficulty understanding and interpreting the results of these two systems. Board member Charlie Baker questioned why the definition of "proficiency" differs from state to state. Chairman Peyser responded that other states may use a lower standard for proficiency than Massachusetts, but using a lower standard will not drive improvement for the benefit of students. Commissioner Driscoll added that the U.S. Department of Education will use the National Assessment of Educational Progress (NAEP) tests to gauge proficiency across the states.

Several Board members asked about the interim indicators at the high school level. The Commissioner responded that the tracking and reliability of dropout and graduation data will improve greatly with full implementation of the Student Information Management System (SIMS). Chairman Peyser asked the Commissioner to report back to the Board on the data that will be used for the interim indicators for high schools.

On December 19, the Commissioner will present the modifications to the U.S. Department of Education in support of early approval of our accountability system. The Commissioner also will solicit input from the field on proposed performance and improvement standards for the new indicators as well as on implementation issues.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, consistent with General Laws G.L. c. 69, §§ 1B, 1J and 1K; the Regulations on Under-Performing Schools and School Districts, 603 CMR 2.00; and the federal No Child Left Behind Act, hereby adopt modifications to the School and District Accountability System as follows:**

(1) add *student attendance* as an additional required indicator for elementary and middle schools;

(2) add *graduation rate* as an additional required indicator for high schools starting in 2005, with the Commissioner to determine and report back to the Board on the required additional indicator(s) for high schools that will be used in the interim; and

(3) **approve the issuance, beginning in Cycle III, of subgroup ratings and Adequate Yearly Progress findings when the number of students in a category is sufficient to yield statistically reliable information and maintain the confidentiality of personally identifiable information about an individual student.**

The vote was unanimous. The Commissioner will report back to the Board on the required additional indicator(s) for high schools that will be used until the graduation rate becomes an indicator in 2005.

2. Update on MCAS Appeals Process and December MCAS Retest

Commissioner Driscoll updated the Board on the MCAS appeals process. Working with the performance appeals board, the Department has been implementing the MCAS performance appeals process that the Board adopted in January of this year. The Commissioner thanked Jan O'Keefe, Jeff Nellhaus, Marie Sheehan and others in the Department as well as Woburn High School principal Bob Norton and the other educators on the MCAS Performance Appeals Board for their work on the appeals process.

Based on the review of 402 appeals from 67 school districts which were submitted in the fall of 2002, Commissioner Driscoll reported that 204 appeals have been granted. 80 percent of the appeals were in mathematics and 20 percent were in English Language Arts. Coincidentally, nearly 50 percent of appeals were granted in each area. Chairman Peyser said, "The success of the appeals process underlines the fact that we're holding students accountable for demonstrating achievement of a standard. The MCAS test is a reliable, efficient, and useful way of measuring whether or not a student is meeting the standard. The appeals process provides us with another mechanism to do so."

Commissioner Driscoll also updated the Board on the December 2002 MCAS retest, which was administered in schools during the week of December 9th. Approximately 54,000 students in the

Classes of 2003 and 2004 were tested in either math or English. Results from the December 2002 MCAS retest will be released around March 1, 2003.

3. Charter Schools

The Board discussed proposed amendments to the charter school regulations. The proposed amendments clarify the roles of the Board and the Department of Education with respect to new charter schools, the renewal of charters, and charter amendments.

Board member William Irwin expressed concern about diminishing the Board's role in approving amendments to charters, because the Board has statutory authority to grant charters. He proposed that significant changes to a school's charter should come to the Board for a vote. Chairman Peyser suggested using the public comment period to define the terms "significant change" and "substantive modification" in order to clarify the instances in which amendments to charters would still require Board approval.

Board Vice Chairman Henry Thomas requested that the Department consider holding a public hearing on the proposed amendments in western Massachusetts. The Department will schedule three public hearings on the proposed amendments to the regulations. After the public comment period, the Commissioner will bring the amendments back to the Board in April for a final vote.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with G.L. chapter 69, section 1B and G.L. chapter 71, section 89, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. chapter 30A, section 3, to solicit public comment on the proposed amendments to the Charter School Regulations, 603 CMR 1.00, as presented by the Commissioner.**

The vote was unanimous.

The Board also had an initial discussion about three charter school renewals: South Boston Harbor Academy Charter School, Champion Charter School (Brockton), and Boston Evening Academy Charter School. Board member Charlie Baker complimented the Department on the quality of the renewal reports, and asked that future reports include the names of the members of the Board of Trustees at each charter school. Board member Rick Crowley asked for 2002 financial statements from each of the schools. The Board is scheduled to vote on these renewals at the January 2003 meeting.

4. No Child Left Behind Act: Overview and Update

Deputy Commissioner Mark McQuillan provided an overview and update to the Board on the implementation of the No Child Left Behind Act. He has convened a statewide committee of educators which has been meeting monthly since October 2002 to help districts understand and comply

with the many requirements of the legislation. He noted that teacher quality is one of several major initiatives under the federal law, and the Board will be addressing policy issues relating to teacher quality during the next year. The Commissioner said the Department will continue to update the Board on the No Child Left Behind Act in upcoming Board meetings.

5. Approval of Grants

The Board considered $985,000 in grants under two federal programs: after-school programs to enhance participation of students with disabilities, and the refugee children school impact grant program.

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.

New Business

Board Vice Chairman Henry Thomas suggested that the Board should convey its views to the new governor and legislature about the importance of education funding. Chairman Peyser noted that the governor-elect will submit a budget in late February, and suggested that the Board revisit this issue at the January meeting.

On a motion duly made and seconded, it was:

VOTED: that the meeting adjourn at 11:30 a.m., subject to the call of the Chairman.

Respectfully submitted,

David P. Driscoll
Secretary to the Board