

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

**November 25, 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, Milton
Henry M. Thomas, III, Vice-Chairman, Springfield
J. Richard Crowley, Andover
Jeff DeFlavio, Chair, Student Advisory Council, Belmont
Judith Gill, Chancellor, Board of Higher Education
Roberta Schaefer, Worcester
Abigail Thernstrom, Lexington

David P. Driscoll, Commissioner of Education, Secretary to the Board
(Represented by **Mark McQuillan**, Deputy Commissioner of Education)

Member of the Board of Education Absent:

Charles D. Baker, Swampscott

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

Comments from the Chairman

Chairman James Peyser opened the meeting by acknowledging the absence of Commissioner David P. Driscoll, who is recovering from a mild heart attack. Chairman Peyser said that the Board looks forward to welcoming the Commissioner back after a speedy and full recovery. Chairman Peyser thanked Deputy Commissioner Mark McQuillan for his efforts and leadership in the Commissioner's absence. Chairman Peyser welcomed and introduced Governor Romney.

Governor Romney opened his remarks by wishing a healthy return to Commissioner Driscoll. He noted that government has many important responsibilities, but nothing is more important than educating the students of the Commonwealth. The Governor said closing the achievement gap is the civil rights issue of our time. He thanked Board members for their vision and courage in implementing education reform, and said that working with under-performing school districts is the next step in the process of reform. Governor Romney said he has appointed a task force to make recommendations about how the state can partner with under-performing school districts to strengthen schools and raise student achievement.

Statements from the Public

- John Kahn from Framingham addressed the Board on the Keefe Technical Vocational School.
- Kharis McLaughlin and Jean McGuire of Metco, Inc. addressed the Board on the Board's budget proposal.
- Katherine Tang of Metco, Inc. addressed the Board on the Board's budget proposal.
- Mary-Ann Borkowski of Wayland addressed the Board on the Board's budget proposal.
- Chuck Turner and Felix Arroyo of the Boston City Council addressed the Board on the Board's budget proposal.
- Pamela Richardson addressed the Board on the Board's budget proposal.

Approval of the Minutes

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the minutes of the October 28, 2003 regular meeting as presented by the Commissioner.

The vote was unanimous.

1. Commissioner's Recommendations on Four Districts Referred for Determination of Under-Performance (Holyoke, North Adams, Keefe Vocational Technical School and Winchendon)

The Board discussed four districts referred for determination of under-performance. Chairman Peyser reviewed the process to this point, in which the Board has received information related to the recommendation of the Educational Management Audit Council ("EMAC") that the Board consider a declaration of under-performance for the Holyoke Public Schools, the North Adams Public Schools, South Middlesex/Keefe Vocational Technical School District, and the Winchendon Public Schools.

Chairman Peyser made a brief statement, which follows:

The motion that is pending before the Board is certainly historic. In many respects, it is as historic as the vote this Board took four years ago to establish a statewide graduation requirement based on academic achievement. Although there have been other instances when the state has intervened in school districts, the causes of past interventions have been related to fiscal crises or allegations of malfeasance. Today, however, as required by the Education Reform Act, we are considering whether the state should intervene in school districts on the basis of inadequate educational performance.

Before we take up the Commissioner's specific recommendations, we should first make clear what we are not considering today. We are not voting to place any district into state receivership. According to state law and our own regulations, receivership may occur only when a district is declared by this Board to be "chronically under-performing." The motion before us today, however, involves merely a finding of "under-performance," the consequences of which are quite different from receivership.

A declaration of under-performance triggers three things. First, is an in-depth diagnostic evaluation, which will be conducted by the Office of Educational Quality and Accountability, in collaboration with the Department of Education's Office of Accountability and Technical Assistance. On the basis of that evaluation, the Department will engage with the district in a joint planning process, to develop an improvement strategy, which will then be presented to this Board for final approval. The district, supported by the Department, will then be afforded a reasonable period of time to implement its turnaround strategy.

Although there may be some embarrassment in being labeled under-performing, this is not a punitive process. Instead, it is a process that is rooted in collaboration and shared responsibility.

Under-performance does not imply that district personnel are incompetent. Nor does it imply that they have shirked their obligations to their students. Under-performance means that students are struggling to meet the higher standards we have established and the district is struggling in its efforts to help them succeed.

As often as not, these problems will be associated with structural or systemic barriers, rather than irresponsibility. They will more frequently be the result of inadequate capacity, rather than inadequate competence.

Accountability for results is an uncomfortable and awkward process. Nevertheless, it is the very essence of education reform. Local decision-making and community pride are hallmarks of our educational system. But they are not ends themselves.

Effort and good intentions are simply not enough. Student learning is the non-negotiable bottom line. And when students are consistently failing to meet expectations, all of us - the state included - have a responsibility to act.

As we embark on this new phase of education reform, we must recognize that educating all children to high standards is hard work - very hard work - and the state doesn't have all the answers. But if the interests of students are to come first, we must be willing to put aside long-standing institutional prerogatives and work together.

Deputy Commissioner Mark McQuillan presented the Commissioner's recommendations on the four districts. He noted that the recommendations reflect a measured response to a complex problem, and rely on considered judgment about which of the four districts – all of which have had serious deficiencies in the management and delivery of educational programs and services - would most benefit from active collaboration with the state. Commissioner Driscoll recommended that the Board vote to declare the Holyoke Public Schools and the Winchendon Public Schools to be under-performing school districts. He also recommended that the North Adams Public Schools and South Middlesex/Keefe Tech be placed on “watch” by the Educational Management Audit Council for the next 12-18 months. All four districts are expected to take immediate action to address the performance deficiencies that have been identified.

Deputy Commissioner McQuillan said that the superintendents in Holyoke and Winchendon have done an enormous amount of work, and that the Commissioner's recommendation is in no way a reflection of the superintendents, who should be acknowledged for their efforts. He said that the Department is confident that the superintendents and their school districts, in collaboration with the state, will work to solve the problems in the districts and to improve student achievement.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L. chapter 69, § 1K and 603 CMR 2.04 (5), and upon recommendation of the Commissioner, hereby declare the Holyoke Public Schools and the Winchendon Public Schools to be under-performing school districts, and direct the Educational Management Audit Council to conduct a fact-finding visit to each district to help guide the district's improvement planning. Based on the report of the fact-finding team, each district shall prepare a plan to remedy its performance deficiencies, and shall propose a timeframe within which identified deficiencies shall be corrected. Each district shall present its plan to the Commissioner and the Board for review and acceptance.

Further, that the Board, upon recommendation of the Commissioner, direct the Educational Management Audit Council to place on “watch” the North Adams Public Schools and the South Middlesex Regional Vocational Technical School District (Keefe Tech) for the next 12-18 months, with regular monitoring during that time period by the Office of Educational Quality and Accountability to determine the effectiveness of each district's improvement initiatives. After each district has been on “watch” for a year, the Educational Management Audit Council may, if necessary, initiate a referral to the Board for a declaration of district under-performance.

The vote was unanimous. The Office of Educational Quality and Accountability (EQA) will conduct a Tier III review in Holyoke and Winchendon in January of 2004. EQA will engage in regular monitoring of North Adams and South Middlesex/Keefe Tech during the “watch” status.

2. Under-Performing Schools: Improvement Plans from Four Schools Cited in 2003 (Gerena Community School, Liberty Elementary School and Duggan Middle School in Springfield and Lucy Stone Elementary School in Boston)

The Board discussed improvement plans presented by the Gerena Community School, Liberty Elementary School and John J. Duggan Middle School in Springfield and the Lucy Stone Elementary School in Boston. Under the Regulations on Under-Performing Schools and School Districts, schools that have been declared under-performing must submit plans for improving student achievement to the Board. The Department evaluates each plan based on a rubric developed for this purpose as well as the detailed fact-finding report that identifies the school’s areas of strength and weakness. The Commissioner then makes a recommendation to the Board as to whether to accept the plan.

Associate Commissioner Julianne Dow introduced the school and district representatives to present their plans: Boston Deputy Supt. Janet Williams and principal Elaine Gibson (Lucy Stone), and Springfield Supt. Joseph Burke and principals Peter Levanos (Gerena), Anthony Hill (Liberty) and Maritza Valentin (John J. Duggan). The school officials thanked the Department staff for their help and commended the performance improvement mapping process that the Department coordinated.

Chairman Peyser thanked Julianne Dow and her staff for their efforts. He said that the positive response to this process reflects the quality of the partnership between these schools and the state.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L. chapter 69, § 1J and 603 CMR 2.03 (6), and upon recommendation of the Commissioner, hereby accept the plans for improving student performance submitted by the following schools:

- **Gerena Community School, Springfield**
- **Liberty Elementary School, Springfield**
- **John J. Duggan Middle School, Springfield**
- **Lucy Stone Elementary School, Boston**

The vote was unanimous.

3. Board of Education Budget Proposal for FY 05

The Board discussed its FY 05 budget proposal. Chairman Peyser noted that this is the start of a long process that leads to a state budget for the fiscal year that begins July 1, 2004. He said because of uncertainty about revenues and about funding for Chapter 70 and the circuit breaker special education

reimbursement program, the Board's budget committee simply plugged in the FY 04 figures for those two items.

Vice Chairman Henry Thomas proposed that the Board increase the line item for the Metco program by \$1.5 million to restore its funding to the FY 03 funding level. He suggested that the funds for this purpose be allocated by reducing the proposed line item for teacher quality enhancement initiatives. Several Board members commented that it would be important to evaluate the effectiveness of the Metco program. Board member Abigail Thernstrom stated that unfortunately it is not possible to do a full evaluation of the program's impact on academic achievement of students because of the lack of longitudinal data and a control group.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education amend its budget proposal to increase the line item for the Metco program by \$1.5 million to restore its funding to the FY 03 funding level, and reduce by \$1.5 million the proposed line item for teacher quality enhancement initiatives.

The motion passed 5:0. Dr. Thernstrom and Dr. Schaefer abstained.

Board member Jeff DeFlavio proposed that the Board restore the line item for comprehensive health education to its FY 02 funding level. Chairman Peyser commented that health education is similar to English language arts and mathematics in that it is an important component of the educational program but does not have separate funding in the budget. Vice Chairman Thomas said he would second Mr. DeFlavio's motion because he agrees with the concept, but he said the budget's bottom line is set and that would make the funding difficult or impossible for FY 05.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education amend its budget proposal to restore the line item for comprehensive health education to its FY 02 funding level.

The motion was defeated 1:5. Vice Chairman Thomas abstained.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L. c. 69, § 1A, approve the FY 2005 budget proposal, as amended, and authorize the Commissioner to transmit the budget proposal to the House and Senate Committees on Ways and Means, the Joint Committee on Education, Arts and the Humanities, and the Secretary of Administration and Finance.

The vote was unanimous. In accordance with state law, the Commissioner will transmit the budget proposal to the House and Senate Committees on Ways and Means, the Joint Committee on Education, Arts and the Humanities, and the Secretary of Administration and Finance.

4. Proposed Amendment to Regulations on Competency Determination (603 CMR 30.02, Definitions)

The Board discussed a proposed amendment to the Regulations on the Competency Determination. In the spring of 2003, the Department found that a handful of school committees appeared to be confused about the state statutory requirement that all students must earn the competency determination in order to be eligible for high school graduation and the award of the diploma. While all of those cases were resolved, in order to avoid any confusion in the future, the Commissioner recommended that the Board clarify the definition of “competency determination” in the Regulations on the Massachusetts Comprehensive Assessment System and Standards for the Competency Determination.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L. c. 69, §§ 1B and 1D, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c.30A, § 3, to solicit public comment on the proposed amendment to the Regulations on the Standards for the Competency Determination, 603 CMR 30.02 (Definitions), as presented by the Commissioner.

The vote was unanimous. After the public comment period, the Commissioner will bring the regulation back to the Board early in 2004 for a final vote.

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