

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

**April 27, 2004
9:05 a.m. – 12:20 p.m.**

**John J. Stefanik Elementary School
720 Meadow Street, Chicopee, Massachusetts**

Members of the Board of Education Present:

James A. Peyser, Chairman, Milton
Henry M. Thomas, III, Vice-Chairman, Springfield
Harneen Chernow, Jamaica Plain
J. Richard Crowley, Andover
Jeff DeFlavio, Chair, Student Advisory Council, Belmont
Judith Gill, Chancellor, Board of Higher Education
Roberta Schaefer, Worcester

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

Member of the Board of Education Absent:

Abigail Thernstrom, Lexington

Chairman James Peyser was briefly delayed in arriving, and Vice-Chairman Henry M. Thomas, III called the meeting to order at 9:05 a.m.

Comments from the Commissioner

Commissioner David Driscoll opened the meeting by introducing Mayor Richard Goyette of Chicopee and Superintendent Buzz Nembirkow of the Chicopee Public Schools. The Mayor and Superintendent welcomed the Board to the Stefanik School in Chicopee.

Commissioner Driscoll noted Superior Court Judge Margot Botsford's April 26th report to the Massachusetts Supreme Judicial Court in *Hancock v. Driscoll*, concerning the constitutional adequacy of the state's education reform efforts. The judge found that the plaintiff students in Brockton, Lowell, Springfield and Winchendon are not receiving the education to which they are constitutionally entitled, but she rejected the plaintiffs' request to establish an outside commission to review and recommend changes to the foundation budget formula. The judge cited the "impressive accomplishments of the Commonwealth and the Department of Education over the past ten years," and recommended that the Supreme Judicial Court direct state education officials to analyze the foundation budget and the costs of improving educational leadership capacities. The case will continue in the Supreme Judicial Court, which will review Judge Botsford's report and the briefs and oral arguments from both sides, and then decide whether the state's education reform efforts meet the standard set by the Massachusetts Constitution. No dates are set yet for the SJC proceedings.

Commissioner Driscoll stated that the House Ways & Means Committee released its proposed budget for FY 05 on April 14th. The House will debate the budget during the week of April 26th.

The Commissioner reported that the Department released the most recent MCAS retest results a week ahead of schedule. This year the Department administered two MCAS focused retests, one in November and one in March. Next month the Commissioner will publish an update on the percentage of students in the classes of 2003, 2004, and 2005 who have met the competency determination standard, as well as the MCAS testing schedule for FY 05.

Together with Governor Romney, the Commissioner will hold a series of evening meetings with parents in communities around the state during April and May, to discuss education issues and respond to questions and concerns. The first community forum is at Barnstable High School on the evening of April 27th.

Commissioner Driscoll announced that the Wallace Foundation will re-fund all fifteen states, including Massachusetts, that participated in the original State Action for Education Leadership Project (SAELP). Over the next three years, SAELP in Massachusetts will focus on building local capacity to prepare, recruit, support and retain a highly qualified and diverse group of school leaders, and supporting local efforts to enable teachers and curriculum specialists to play a greater role in instructional leadership. In the next fiscal year Massachusetts will receive \$200,000 from the Wallace Foundation, and will be eligible to receive up to \$200,000 annually for the following two fiscal years, for a total grant of \$600,000. Commissioner Driscoll congratulated Department staff member Elizabeth Pauley for her ongoing work with SAELP.

The Commissioner announced that he has appointed Kristin McIntosh as Deputy General Counsel for the Department. Commissioner Driscoll thanked Ms. McIntosh for her service as Acting Associate Commissioner for Charter Schools for over two years. Given the current nature of the charter school work and the need to focus more on the financial and operational aspects of this important facet of education reform, the Charter School Office will be headed up by an Administrator who will report to Jeff Wulfson, Associate Commissioner for School Finance and District Support.

Statements from the Public

- Linda Delano, President of the Massachusetts Association of Colleges for Teacher Education (MACTE), addressed the Board in support of the proposed amendments to the Educator Licensure Regulations.

Approval of the Minutes

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the minutes of the March 30, 2004 regular meeting as presented by the Commissioner.

The vote was unanimous.

1. Recommendations from the Governor's Task Force on State Intervention in Under-Performing Districts

The Board heard a presentation from Buzz Nembirkow, Superintendent of the Chicopee Public Schools, and Mark Roosevelt, Executive Director of the Massachusetts Business Alliance for Education, on the recommendations from the Governor's Task Force on State Intervention in Under-Performing Districts, of which they were members. On February 25th, the Task Force issued its report, "Partners in Progress: A Framework for Raising Student Achievement in Under-Performing School Districts." Board Chairman James Peyser was also a member of the Governor's Task Force, which was chaired by Paul Grogan of the Boston Foundation. The Board had an initial discussion of the report at the March 30th meeting. Commissioner Driscoll noted that while legislation has been filed to implement some of the task force's recommendations, most of the recommendations can be implemented administratively.

Mark Roosevelt opened his remarks by reading the following statement from the task force report: "While it is important to be respectful of the critical role local communities must play in the education of their children, it is now time for the state to assume greater leadership in accelerating improvement in districts that are struggling to keep pace with rising expectations." Mr. Roosevelt said this view is also reflected in Judge Botsford's report. He said that many districts need state assistance to move students to proficiency.

Superintendent Nebirkow said that small districts, in particular, which have limited capacity, look to the Department of Education for assistance to address the weaknesses that are identified through objective evaluation such as MCAS results and EQA district reviews.

Board member Judy Gill said that more partnerships are needed between K-12 and higher education. Board Vice-Chairman Henry Thomas said communities need to be engaged to demand proficiency in education.

Commissioner Driscoll said the Department does not currently have the capacity to implement all of the recommendations in the report, and that it needs and deserves increased resources for this work. He noted that the report conveys a sense of urgency that is critical. The Commissioner updated the Board on the status of the Holyoke and Winchendon Public Schools. He reported that the leadership in each district is willing and able to partner with the state to turn around the district.

Chairman Peyser reviewed the current district accountability process. He said it is timely for the Board to consider refining the regulations on under-performing schools and school districts (603 CMR 2.00) to streamline the process between the Office of Educational Quality and Accountability (EQA) and the Educational Management Audit Council (EMAC) and the Board and Department. The Commissioner will present proposed amendments to the regulations to the Board later this spring.

2. Under-Performing Schools: Winter 2004 School Panel Review Results

The Board discussed the results of the school panel reviews the Department conducted in sixteen schools earlier this year to determine whether any of the schools is under-performing. Commissioner Driscoll and Associate Commissioner Julianne Dow opened the discussion by outlining the school performance review process. Eight of the schools were determined by the Commissioner to be under-performing: Michael J. Perkins Elementary (Boston); Grover Cleveland Elementary (Boston); Elihu Greenwood Elementary (Boston); Homer Street Elementary (Springfield); Washington Street Elementary (Springfield); White Street Elementary (Springfield); M. Marcus Kiley Middle (Springfield); and James Sullivan Middle (Lowell). These eight schools will now go through a fact-finding process in preparation for developing an improvement plan.

The Commissioner has found six other schools to be not under-performing: James F. Leonard (Lawrence); Emily G. Wetherbee (Lawrence); John Marshall Elementary (Boston); James J. Chittick Elementary (Boston); William Monroe Trotter Elementary (Boston); and Keith Middle (Boston). The Commissioner has deferred a decision on two schools: Paul A. Dever Elementary (Boston) and William S. Greene (Fall River). Commissioner Driscoll noted that school and district accountability will be a significant part of the work of both the Board and the Department for the next several years.

Commissioner Driscoll said that at a Board meeting later this spring, Associate Commissioner Dow will present a general overview of the school performance review process, explaining how the Department coordinates the accountability initiatives required by Massachusetts law and the federal No Child Left Behind Act.

3. Proposed Amendments to Regulations on Educator Licensure and Preparation Program Approval (603 CMR 7.00) and Technical Amendments to Other Licensure Regulations

The Board discussed a number of proposed amendments to the educator licensure regulations. On October 1, 2003, all licensure candidates were required to meet the current regulations, including amendments that became effective in June 2003. Based on the Department's review after six months of implementation, the Commissioner proposed some refinements to the regulations in order to make them more workable and understandable, while maintaining high standards.

Associate Commissioner Bob Bickerton and Carol Gilbert, Administrator of Educator Preparation and Quality, led a discussion of the proposed amendments. Board members asked for further clarification of several of the amendments, as well as an opportunity to discuss the educator licensure regulations generally. The Commissioner said he will schedule further discussion of the regulations at a future meeting.

Board member Roberta Schaefer made a motion to solicit public comment on two of the proposed amendments. The first makes some revisions to the process for revoking, suspending or limiting an educator's license (603 CMR 7.14(7)), and makes corresponding changes to the licensure regulations for educators in vocational-technical education and in adult basic education programs (603 CMR 4.13 and 47.11). The second proposed amendment authorizes the Commissioner to determine or modify regulatory requirements in individual hardship cases.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L. c. 69, § 1B and c. 71, § 38G, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, to solicit public comment on proposed amendments to the Regulations for Educator Licensure and Preparation Program Approval, 603 CMR 7.00, as presented by the Commissioner: 603 CMR 7.14 (7); 603 CMR 4.13 and 47.11; and 603 CMR 7.14 (6).

The vote was unanimous. After the public comment period, the Commissioner will bring the proposed amendments back to the Board for final action at the June meeting.

4. “Gaining Ground: Value-Added Analysis for Massachusetts”

The Board heard a brief presentation from Paul Reville, a former member of the Board of Education who is now executive director of the Rennie Center for Education Research and Policy at MassINC, on a paper recently published by the Rennie Center titled, “Gaining Ground: Value-Added Analysis for Massachusetts.” Board members expressed interest in the concept of value-added analysis, which is a system for tracking individual students' academic progress over time. They also noted that implementing such a proposal would take time and additional funding, as well as requiring possible modifications to the current assessment system. The Commissioner said the Department will explore the issues further and report back to the Board.

5. Renewal of Charter for Community Day Charter School (Lawrence)

The Board had an initial discussion on the proposed renewal of the charter for the Community Day Charter School in Lawrence. Board Vice-Chairman Henry Thomas said that he recently visited the school, and congratulated the educators at Community Day Charter School for their use of data to improve instruction. The Board is scheduled to vote on the charter renewal at the May 25th meeting.

6. Board of Education Annual Report for 2003

The Board discussed the Board of Education Annual Report for 2003. The report chronicles the major decisions and actions of the Board of Education in 2003.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the Board of Education 2003 Annual Report.

The vote was unanimous. The Commissioner will distribute copies of the annual report and post it on the Department's website.

7. Approval of Grants

The Board discussed \$4 million in grants under the federal Reading First program for five urban districts, as well as federal grants for special education summer institutes for educators, career and technical education programs under the Perkins Act, and amendments to two grants previously approved by the Board.

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.

On a motion duly made and seconded, it was:

VOTED: that the meeting adjourn at 12:20 p.m., subject to the call of the Chairman.

Respectfully submitted,

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