

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

**June 22, 2004
9:10 a.m. – 12:25 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
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
Abigail Thernstrom, Lexington

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

Chairman James A. Peyser called the meeting to order at 9:10 a.m.

Comments from the Commissioner

Commissioner David Driscoll opened the meeting by sharing some highlights from a presentation that he made recently at the Council of Chief State School Officers' large-scale assessment conference in Boston. The presentation, titled "A Decade of Progress," illustrates the steady improvement that Massachusetts students have made in the past ten years, as measured by the MCAS, SAT, and NAEP.

The Commissioner also updated the Board on the FY 05 budget process. The state budget is expected to be enacted before July 1. The Commissioner highlighted two areas of particular interest in the budget proposals: (1) a proposed moratorium on charter schools, which would include some charter schools approved by the Board that have not yet opened; and (2) the proposed creation of a new

department of early education and care to oversee early childhood functions currently housed at the Department of Education, the Office for Child Care Services, and the Department of Public Health.

Commissioner Driscoll informed the Board that the Department is continuing to work with leaders in Holyoke and Winchendon as they prepare the turnaround plans for their school districts. The Commissioner expects that the Board will review and take action on the plans before the start of the new school year.

Commissioner Driscoll congratulated Department staff member Roger Hatch, the Director of School Finance, who has been selected by the Massachusetts Association of Vocational Administrators (MAVA) to receive the David F. Cronin Award, in honor of the many years of outstanding service that Roger has provided to school administrators. MAVA will present the award to Roger at its annual dinner meeting on June 29th. The Commissioner said “The Department, the Board, and state and local officials throughout the Commonwealth depend on Roger Hatch’s expertise and benefit from his excellent work.”

Jeff DeFlavio, the 2002-2004 student Board member and outgoing Chair of the Student Advisory Council, reported on the SAC’s activities this year, including the work of the three subcommittees of the SAC: budget, public relations, and legislative. He also introduced the 2004-2005 student Board member, Emily Levine, who is entering her senior year at Northampton High School.

Statements from the Public

- Beverly Miyares from the Massachusetts Teachers Association addressed the Board on the educator licensure regulations.
- Katherine Lopez-Natale from the Massachusetts Foreign Language Association addressed the Board on foreign language education.
- Edith Jennings-Cope, President of the Holyoke Community Charter School Board of Trustees, and Cynthia Ciborowski and another parent from Holyoke, addressed the Board on the Holyoke Community Charter School waiver request.

Approval of the Minutes

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the minutes of the May 25, 2004 regular meeting as presented by the Commissioner.

The vote was unanimous.

1. Guidance for Determining Schools’ Chronic Under-Performance

The Board had a discussion on a draft “rubric” to guide Department staff, the Commissioner and the Board in reviewing the progress that an under-performing school has made, and determining whether

the school should be deemed chronically under-performing. Associate Commissioner Juliane Dow and Lynda Foisy led the discussion. In September 2004, the Board will be called upon to determine the question of chronic under-performance for four schools. The proposed criteria and standards will guide the decision-making with these four schools as well as others in the future.

2. Educator Licensure

The Board discussed two amendments to the educator licensure regulations, and corresponding amendments to the regulations on licensure of teachers in vocational-technical and adult basic education programs. The amendment to 603 CMR 7.14(6) authorizes the Commissioner to modify licensure requirements in cases of hardship caused by recent regulatory changes. Board members and the Commissioner agreed to clarify the proposed amendment by deleting the words “in effect.”

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, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopt the amendments to the Regulations for Educator Licensure and Preparation Program Approval, 603 CMR 7.00, as presented by the Commissioner and amended.

The vote was unanimous.

The Board discussed the amendments to 603 CMR 7.14(8), 603 CMR 4.13, and 603 CMR 47.11, which strengthen the provisions for licensure revocation, suspension, limitation and denial.

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. 74, § 2, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopt the amendments to the Regulations for Vocational Education, 603 CMR 4.13, as presented by the Commissioner.

The motion passed 7:1. Board member Harneen Chernow opposed the motion.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L. c. 69, §§ 1B and 1H, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopt the amendments to the Regulations for Licensure of Adult Basic Education Teachers and Preparation Program Approval, 603 CMR 47.11, as presented by the Commissioner.

The motion passed 7:1. Board member Harneen Chernow opposed the motion.

The Board postponed a presentation and discussion on educator licensure standards and procedures. The Commissioner will work with Board members to schedule this presentation at an upcoming meeting.

3. Annual Performance Evaluation of the Commissioner

Chairman Peyser presented the recommendation of the committee of Board members that conducted the annual performance evaluation of the Commissioner. The committee, which included Chairman Peyser, Vice-Chairman Henry Thomas, and Rick Crowley, recommended an overall "outstanding" rating for the Commissioner's performance review for 2003. Members rated Commissioner Driscoll on the criteria that have been used for the past several years: effectiveness in supporting the Board's work, effectiveness in building external support for Board policies, effectiveness in managing the Department and its staff, and effectiveness in raising student performance. Chairman Peyser said, "Over the past 18 months, several important and controversial education reforms were implemented by the Department, involving: MCAS graduation requirements, bilingual education, and district accountability. Even though many observers anticipated distracting and divisive battles over each of these initiatives, all were implemented in an atmosphere of professionalism and relative calm. This is due in no small measure to the Commissioner's steady leadership." Vice-Chairman Henry Thomas said that the Commissioner displayed remarkable leadership in a challenging year.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the Commissioner's performance rating of "outstanding" as recommended by the Board's committee. Further, that the Board approve a salary adjustment for the Commissioner as follows. The Commissioner shall receive for FY 2004 a 2.5% increase or, if the State Human Resources Division implements a higher rate for the yearly incremental increase under the state management compensation system, the Commissioner shall receive the same yearly incremental increase as is provided to other state managers who receive a similar overall performance rating. In addition, the Commissioner shall receive the merit increase that is established for state managers who have earned the highest possible performance rating, when the State Human Resources Division implements the merit increase.

The vote was unanimous.

4. Charter Schools

The Board had an initial discussion on the renewal of the charter for Neighborhood House Charter School (Boston). Chairman Peyser noted that the Neighborhood House Charter School has been a model for other schools across the nation. The renewal of this charter will come to the Board for action at the August meeting.

The Board discussed a charter amendment requested by the Boston Evening Academy Charter School, a Horace Mann charter school located in Boston, to add a day program in addition to its evening program beginning this fall.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89 and 603 CMR 1.00, hereby amend the charter granted to Boston Evening Academy Charter School of Boston (change in maximum enrollment, grades served, and governance and leadership structure) as presented by the Commissioner.

The vote was unanimous.

The Board also discussed a waiver requested by the Holyoke Community Charter School, a Commonwealth charter school in the City of Holyoke for students in kindergarten through grade 8. The Board granted a charter to Holyoke Community Charter School in 2001. The waiver allows the school to open in the fall of 2005.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.03(2), hereby grant a waiver of the requirements in 603 C.M.R. § 1.04(4)(b) to Holyoke Community Charter School. This waiver allows Holyoke Community Charter School to open in the Fall of 2005 instead of the Fall of 2004. Such waiver also operates to amend the charter granted to Holyoke Community Charter School.

The motion passed 5:0. Vice-Chairman Henry Thomas and Board member Jeff DeFlavio abstained.

5. Annual Approval Items

The Board discussed requests from 21 small towns to tuition their students to public schools in other towns rather than operating their own schools.

On a motion duly made and seconded, it was:

VOTED: that the following public school districts, in accordance with provisions of Chapter 71, sections 1, 4, and 6, be permitted not to maintain certain public schools for the school year 2004-2005 and to tuition their students to other school districts for said year.

SCHOOL DISTRICT

GRADES

Acushnet	9-12
Berkley	9-12
Clarksburg	9-12
Devens	K-12
Erving	7-12
Farmington River Regional (Otis/Sandisfield)	7-12
Florida	9-12
Gosnold	K-12
Granville	9-12
Hancock	K-12
Lanesboro	9-12
Monroe	K-12
Mount Washington	K-12
Nahant	7-12
New Ashford	K-12
Richmond	9-12
Rowe	7-12
Savoy	6-12
Shirley	9-12
Truro	7-12
Tyringham	K-12

The vote was unanimous.

The Board also discussed authorizing the Commissioner, in consultation with the Chairman and members of the Board, to approve grants that require action before the August Board meeting. The Commissioner reports to the Board on any such approvals.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education authorize the Commissioner, in consultation with the Chairman, to act on behalf of the Board in approving grants between June 22, 2004 and the next regularly scheduled Board meeting; provided that the Commissioner shall report to the Board at the next regularly scheduled Board meeting on any grants that have been so approved.**

The vote was unanimous.

6. Schedule for Regular Board Meetings through June 2005

The Board discussed the schedule for regular Board meetings from August 2004 through June 2005.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the schedule of regular meetings through June 2005, as presented by the Commissioner.

The vote was unanimous. The schedule will be posted on the Department's website.

On a motion duly made and seconded, it was:

VOTED: that the meeting adjourn at 12:25 p.m., subject to the call of the Chairman.

Respectfully submitted,

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