

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

**December 16, 2003
9:15 a.m. – 12:30 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 (by Patricia Plummer, designee)
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 9:15 a.m.

Deputy Commissioner Mark McQuillan, on behalf of Commissioner Driscoll, opened the meeting by giving an update on MCAS performance appeals. To date, the Department and the Performance Appeals Board have addressed over 2,500 MCAS performance appeals. Dr. McQuillan said the MCAS performance appeals process continues to work very well. He thanked the Department staff and the educators who serve on the Performance Appeals Board.

Deputy Commissioner McQuillan also reported that the Commissioner has asked the Department to convene a series of meetings with representatives of teachers, school administrators, higher education,

and other interested groups between now and February to gather recommendations on how to make the *Regulations for Educator Licensure and Preparation Program Approval* (603 CMR 7.00) more understandable and workable. The review process may result in some administrative changes as well as amendments to clarify the regulations. In response to questions from Board members, Deputy Commissioner McQuillan said he expects that the amendments to be proposed will not be substantive. The Commissioner will bring any proposed amendments to the Board in March or April 2004 for initial review and a vote to solicit public comment.

Statements from the Public

- Dan Brody of Newton addressed the Board on the model policy on school-sponsored travel.
- Ray Ellis addressed the Board on the Metco program.
- Julia Landau of Massachusetts Advocates for Children addressed the Board on the proposed MCAS performance appeals 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 November 25, 2003 regular meeting as presented by the Commissioner.

The vote was unanimous.

1. Under-Performing Schools: Improvement Plans from Three Schools Cited in 2003 (Harrington Elementary School, Lynn; Laurel Lake Elementary School, Fall River; and Donahue Elementary School, Holyoke)

The Board voted to accept the improvement plans presented by the E.J. Harrington Elementary School in Lynn, the Laurel Lake Elementary School in Fall River, and the Maurice A. Donahue Elementary School in Holyoke. 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: Lynn Supt. Nicholas Kostan and principal Joanne Roy (Harrington), Fall River Supt. Richard Pavao and principal Marilyn Harris (Laurel Lake) and Holyoke Supt. Eduardo Carballo and principal Linda Barrett (Donahue). The school officials thanked the Department staff for their help and commended the performance improvement mapping process that the Department coordinated.

Chairman James Peyser said he sees several positive initiatives in the improvement plans that have been presented to the Board, including: changes in school leadership, strengthening of the school's curriculum and instruction team; a focus on more consistent classroom practice; better alignment of curriculum across the grades; more regular and consistent assessments; and common planning time for

teachers. He added that some issues continue to be of concern for these schools and others, including: consistency of assessment across grades and classes; connection of assessment to program evaluation and classroom practice; the need to focus on results; and the establishment of a schoolwide culture with clear expectations for student achievement and behavior. Chairman Peyser said on the whole, the plans presented to the Board at this month's meeting are a significant step towards school improvement.

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:

- **Harrington Elementary School, Lynn**
- **Laurel Lake Elementary School, Fall River**
- **Donahue Elementary School, Holyoke**

The vote was unanimous.

2. Proposed Amendments to Regulations on MCAS Performance Appeals (603 CMR 30.05)

The Board had an initial discussion on proposed amendments to the regulations on MCAS performance appeals. Chapter 140 of the Acts of 2003, § 119, which was signed into law on November 26th, amends the MCAS performance appeals process for students with disabilities. The law calls for the Board to amend its regulations to change some procedures, but it maintains the state standard for the competency determination for all students.

Chairman Peyser suggested revising the regulations to make clear that the superintendent must present sufficient evidence of the student's work that specifically and directly addresses the state standards, in order for the Performance Appeals Board and the Commissioner to be able to determine whether the student meets the standards. Deputy Chancellor Pat Plummer noted that the reference in the new law to "evidence of acceptance to college courses" is not meaningful, since there is no uniform standard for acceptance to college courses. After discussing the new law and its implementation, the Board decided to defer action on amending the regulations until its January meeting. The Commissioner will bring the proposed amendments to the Board for a vote on January 27th.

3. Amendments to "Circuit-Breaker" School Finance Regulations (603 CMR 10.00)

The Board discussed amendments to the school finance regulations concerning special education payments and reimbursements. Several of the amendments were needed to conform the regulations to recently enacted legislation (St. 2003, c.26) which changed the reimbursement formula for the new "circuit breaker" program. Other amendments clarify payment procedures for summer programs and cost-sharing arrangements.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, under the authority of G.L. chapter 69, section 1B, and G.L. chapter 71B, section 5A, and having solicited and reviewed public comment in accordance with G.L. chapter 30A, the Administrative Procedure Act, hereby adopt the amendments to the School Finance Regulations, 603 CMR 10, as presented by the Commissioner.

The vote was unanimous.

4. School Building Assistance: Approval of Priority List and Audit Adjustments

The Board discussed the updated School Building Assistance priority list, reflecting the FY 03 applications completed to date. Associate Commissioner Jeff Wulfson explained that the updated priority list adds eligible capital projects and renovation projects as required by § 668 of the FY 04 budget (St. 2003, c. 26). Four additional projects may be added before the end of this fiscal year. The updated FY 04 priority list now has a grand total of \$6,988,076,699 in state grant funding under the School Building Assistance program.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with 603 CMR 38.10 (8) and 603 CMR 38.10 (9) and on recommendation of the Commissioner, hereby approve the FY04 School Building Assistance Priority List.

The vote was unanimous.

The Board also discussed the final approved costs and state construction grants for 42 School Building Assistance projects based on final closeout audits.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with 603 CMR 38.12 and on recommendation of the Commissioner, hereby approve the final approved costs and state construction grants as listed in Attachment 3.

The vote was unanimous.

5. Model Policy on School-Sponsored Student Travel (St. 2002, c. 346)

The Board discussed a model policy on school-sponsored late night and overnight student travel, in accordance with legislation enacted last year (St. 2002, c. 346). The model policy reflects comments and suggestions that were submitted on the draft policy that the Board disseminated in September. The Commissioner will distribute the model policy to school officials for their use in developing or amending their own local policies, which school committees must adopt by January 2005. Associate Commissioner Wulfson said the Department will follow up with local school

officials and will report back to the Board on implementation of the law sometime in 2005.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, under the authority of G.L. chapter 69, section 1B, as amended by St. 2002, chapter 346, section 1, and having solicited and reviewed public comment, hereby adopt the Model Policy for Late Night and Overnight School-Sponsored Student Travel, as presented by the Commissioner.

The vote was unanimous.

6. Presentation on Green Schools Initiative

The Board heard a presentation on the status of the “green schools” initiative. Associate Commissioner Jeff Wulfson, Andrea Ranger, the Department’s Green Schools Specialist, and Kimberly Cullinane from the Massachusetts Technology Collaborative, made the presentation. The goal of this interagency initiative is to encourage the design of energy efficient, environmentally friendly and healthy school buildings. The program is a partnership between the Department and the Massachusetts Technology Collaborative (MTC), with financial support from the MTC’s Renewable Energy Trust. 18 school projects, including new construction and major renovation projects, are included in the pilot phase of the green schools initiative. Within 12-18 months, the Commissioner will bring a set of “green schools” standards back to the Board for discussion. Chairman Peyser suggested that it would be useful to review all of the existing state requirements for school design from time to time, to be sure they make fiscal and educational sense.

7. Request from Holyoke Community Charter School for Approval of Charter Amendment

The Board discussed an amendment to the charter of the Holyoke Community Charter School, as requested by the school’s board of trustees. The school is scheduled to open in September 2004.

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 Holyoke Community Charter School (mission statement, educational philosophy, curriculum, assessment, school schedule, and leadership structure) as presented by the Commissioner. Approval of this amendment is expressly conditioned upon the submission by the school’s Board of Trustees of a contingency plan to the Department by January 30, 2004 regarding options for a facility that will allow the school to open in September 2004 if construction is not complete on the proposed new facility. Approval of this amendment is also expressly conditioned upon the submission of detailed reports by the school’s Board of Trustees to the Commissioner, on the fifteenth of every month from January through August 2004, regarding the school’s progress towards opening, including but not limited to meeting all deadlines as described on pages 23 to 24 of the school’s amendment

request. Failure to meet these conditions may result in the imposition of sanctions, including but not limited to placing the charter school on probation and/or revocation of the school's charter.

The motion passed 6:0. Vice Chairman Thomas abstained.

8. Approval of Grants

The Board discussed \$250,000 in federal grants for after-school and other out-of-school-time programs, to enable 12 districts and their partner organizations to expand enrollment of students with disabilities in existing 21st Century Community Learning Centers. The Board also discussed \$750,000 in state-funded academic support services grants for the current school year and summer 2004 programs.

On a motion duly made and seconded, it was:

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

The motion passed 6:0. Vice Chairman Thomas abstained.

On a motion duly made and seconded, it was:

VOTED: that the meeting adjourn at 12:30 p.m., subject to the call of the Chairman.

Respectfully submitted,

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