

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

**March 30, 2004
9:15 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, Milton
Henry M. Thomas, III, Vice-Chairman, Springfield
Harneen Chernow, Jamaica Plain
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

Member of the Board of Education Absent:

J. Richard Crowley, Andover

Chairman James Peyser called the meeting to order at 9:15 a.m.

Comments from the Chairman

Chairman James Peyser opened the meeting by introducing Board member Harneen Chernow, who was appointed by Governor Romney to fill the seat vacated by Bill Irwin. Ms. Chernow is the Director of Education and Training for the Massachusetts AFL-CIO. Chairman Peyser welcomed Ms. Chernow to the Board, and said that her experience in adult education and workforce development will be a great service to the Board.

Comments from the Commissioner

Commissioner David Driscoll welcomed Harneen Chernow to the Board. The Commissioner noted that the April 27th Board meeting will be held at the Stefanik Elementary School in Chicopee, and the May 25th meeting will be held at Belmont High School. Commissioner Driscoll also informed the Board about a serious reduction in Massachusetts Title I federal entitlement funds, based on new census data. This unanticipated reduction, in which Massachusetts school districts will lose \$25 million, is the biggest loss of any state in the nation.

Commissioner Driscoll announced that Deputy Commissioner Mark McQuillan is leaving the Department to become the Executive Director of the Edco Collaborative. The Commissioner thanked Deputy Commissioner McQuillan for his outstanding work in organizing the Department to implement the No Child Left Behind Act and developing a strategic plan for the agency.

The Commissioner also updated the Board on a provision in the charter school law (Chapter 71, § 89(i)) which states that no fewer than three new charter schools approved by the Board each year must be in low-performing school districts. Coupled with the charter school enrollment cap, which affects nearly 200 school districts, the Commissioner said this is likely to have a limiting effect on the Board's ability to award future charters. Chairman Peyser recommended that the Department publish a list of districts that still have the capacity to enroll students in charter schools and that are also below the state average on MCAS test results.

Statements from the Public

- Ron Fitzgerald, Superintendent of Minuteman Regional Vocational Technical School, addressed the Board on the amendments to the 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 February 24, 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 had a brief discussion of the February 25th report of the Governor's Task Force on State Intervention in Under-Performing Districts, titled "Partners in Progress: A Framework for Raising Student Achievement in Under-Performing School Districts." Chairman Peyser, a member of the Governor's Task Force, which was chaired by Paul Grogan of the Boston Foundation, opened the

discussion on the report by reviewing the three key components of the recommendations: 1) a leadership evaluation team, appointed by the Commissioner, to conduct in-depth interviews with the district leadership; 2) an institutional turnaround partner, engaged by the Department and the district, to work closely with the district leadership over a 1-2 year period; and 3) a community dialogue, which focuses on the creation of a “fresh start” in the district. Chairman Peyser said that most of the recommendations in the report are administrative initiatives, and that the Governor has filed legislation to address other recommendations that would expand the authority of superintendents to reconstitute certain low performing schools.

Commissioner Driscoll said the task force report and recommendations are succinct, based on common sense, and reflect an appropriate sense of urgency. Board member Abigail Thernstrom noted that no major urban district in the country has undergone a major turnaround yet, although there have been improvements in some urban districts. Board member Roberta Schaefer asked about the extent to which contract provisions in under-performing districts will be examined. Chairman Peyser responded that the Office of Educational Quality and Accountability’s Tier III evaluation includes reviewing contracts for possible barriers to student improvement. Board member Harneen Chernow said that she would like more information about turnaround partners in other states, and asked about the dual role of the turnaround partner in both reporting to the state and working in partnership with the district. Vice Chairman Henry Thomas III said that the Department and Board should provide specific guidance on the role of the turnaround partner.

The Board will continue its discussion at the April Board meeting in Chicopee, whose school superintendent, Buzz Nembirkow, was also a member of the Governor’s Task Force.

2. Commissioner’s Recommendations on Two Districts Referred for Determination of Under-Performance (Fitchburg and Webster)

The Board discussed the Commissioner’s recommendations on two districts referred for a determination of under-performance: Fitchburg and Webster. Commissioner Driscoll noted that both districts showed gains in student performance on the 2003 MCAS tests. The Commissioner also said that there is evidence of active efforts to improve curriculum and instruction in both districts.

On a motion duly made and seconded, it was:

VOTED: **that the Board of Education, in accordance with G.L. c. 69, § 1K and 603 CMR 2.04 (5), and upon recommendation of the Commissioner, hereby direct the Educational Management Audit Council to place on “watch” the Fitchburg Public Schools and the Webster Public Schools 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 will monitor the school districts to determine the effectiveness of their improvement initiatives.

3. Proposed Supplement to the Mathematics Curriculum Framework

The Board discussed a supplement to the Mathematics Curriculum Framework, providing more detailed guidance about the expectations at each grade level and the content of future grade-level assessments. The Board initially discussed the proposed grade-level standards in September 2003 and solicited public comment on them.

The curriculum frameworks for English language arts (2001) and mathematics (2000) contain standards written for two-year grade spans, such as 3-4 and 5-6. The MCAS currently tests English language arts at grades 3, 4, 7, and 10 and mathematics at grades 4, 6, 8, and 10 based on these standards. The federal No Child Left Behind Act requires annual testing at each grade from grades 3 through 8 in both reading and mathematics. Therefore Department staff, working with committees of teachers, drafted standards for grades 3, 5, and 7 in these subjects. Educators who reviewed the supplement responded positively, noting that the grade-level standards refine and clarify the framework that they are currently using.

Commissioner Driscoll said this mathematics supplement, along with the English language arts supplement that the Board adopted in March, will provide very helpful guidance to Massachusetts educators and students. Vice Chairman Henry Thomas said he believes the field will welcome this supplement. Chairman Peyser noted that the supplement is consistent with the Task Force Report's recommendation that the Department create grade-level standards in English language arts and mathematics.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with Chapter 69, Sections 1D and 1E of the General Laws, approve the *Supplement to the Mathematics Curriculum Framework*, and direct the Commissioner to distribute copies to the Joint Committee on Education, Arts and Humanities for their information, and to public schools and other interested parties throughout the Commonwealth for use in improving curriculum, instruction and assessment in Mathematics.

The vote was unanimous. The Commissioner will distribute the supplement to schools and to the mathematics assessment development committee.

4. Amendment to Regulations on MCAS Performance Appeals (603 CMR 30.05)

The Board discussed amendments to the MCAS performance appeals regulations. At the January 2004 meeting, the Board voted to adopt and to invite public comment on emergency regulations implementing the new law on MCAS performance appeals for students with disabilities, Chapter 140 of the Acts of 2003, § 119. The law revises some of the procedures for performance appeals for students with disabilities, but

maintains the state standard for the competency determination for all students. The final amendments to the regulations are revised only slightly from those adopted in January.

General Counsel Rhoda Schneider and legal counsel Teri Williams Valentine responded to questions from Board members and noted some additional editorial changes to the regulations. Deputy Chancellor Pat Plummer expressed concern about the provision in the statute that suggests that “acceptance to college courses” may be an indicator of student achievement. She noted that in many cases, acceptance to a college course reflects an open enrollment policy and does not connote anything about the level of a student’s subject matter knowledge.

Commissioner Driscoll recommended that the Board not take action at this time to expand the amended performance appeals process beyond the statutory coverage for students with disabilities. He noted that under the current regulations, for good cause the Commissioner may waive the eligibility requirement that a student without a disability obtains a score of 216 on at least one administration of the MCAS test in the subject area of the appeal. He suggested that the Board review this issue after the new regulations have been in effect for at least one full school year, at which time the Board may consider whether to broaden the regulations or make other changes.

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 and St. 2003, c. 140, § 119, 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 on the Massachusetts Comprehensive Assessment System and Standards for Competency Determination, 603 CMR 30.00 (sections 30.02 and 30.05), as presented by the Commissioner. The amendments concern procedures for MCAS performance appeals.

The vote was unanimous. The regulations, as amended, will be posted on the Department’s website at <http://www.doe.mass.edu/mcasappeals/>.

5. Charter Schools

The Board discussed a request from Conservatory Lab Charter School (located in Boston) to amend its charter by changing its administrative leadership from two co-directors to one executive director.

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 Conservatory Lab Charter School of Boston (change in leadership structure) as presented by the Commissioner.

The vote was unanimous.

The Board also discussed a request from the Foxborough Regional Charter School to enter into a loan agreement that extends beyond the term of the school's current charter. Acting Associate Commissioner Kristin McIntosh responded to questions from Board members and noted that the Board's approval of the extended loan term does not impose any liability on the Board or the Commonwealth.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89(j)(6), approve the request of the Board of Trustees of the Foxborough Regional Charter School to enter into proposed loan agreements that extend beyond the term of the school's current charter and are not to exceed fifteen years. The Board's approval is conditioned upon the acknowledgement and agreement of the parties to the loans that the Commonwealth, including but not limited to the Board and the Department of Education, has no liability for any portion of the loans and provides no representations or guarantees with respect to these loans. Specifically and without limitation, the Board's approval has no impact on any action the Board may choose to take in the future with respect to probation, revocation, or renewal of the charter of the Foxborough Regional Charter School.

The vote was unanimous.

6. Approval of Grants

The Board discussed \$990,562 in grants for the 2004 Content Institute Program and the Vocational Technical Education Curriculum Framework Content Institutes.

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. Roberta Schaefer abstained.

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
Commissioner of Education
and Secretary of the Board