

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

**January 27, 2004
9:10 a.m. – 11:40 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
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 Peyser called the meeting to order at 9:10 a.m.

Comments from the Chairman

Chairman James Peyser opened the meeting by welcoming back Commissioner Driscoll. Chairman Peyser thanked Deputy Commissioner Mark McQuillan for his work in the Commissioner's absence, and said he and all Board members are delighted that the Commissioner is back and in good health.

Chairman Peyser also announced that Board member Charlie Baker has resigned after five years of service on the Board. The Chairman thanked Mr. Baker for his contributions on behalf of the students of the Commonwealth.

Comments from the Commissioner

Commissioner Driscoll thanked the Board, Mark McQuillan, the senior staff and members of the Department for their work in his absence, and for the care and concern expressed to him and his family.

The Commissioner noted that Governor Romney has made public education a top priority of his administration. The Governor will release his budget recommendations for FY 05 (House 1) on January 28th. Early in February the Governor and the Commissioner will announce the results of the most recent grade 10 MCAS retest (administered in November 2003), and update the cumulative data on the competency determination for students in the classes of 2003, 2004 and 2005.

Commissioner Driscoll introduced Robert L. Franklin, President of Prospect Ventures, Inc., who is the Vice Chair of the Public Education Nominating Council. Governor Romney has asked Mr. Franklin to serve as his liaison to the Board of Education. Mr. Franklin invited Board members to contact him and the Public Education Nominating Council with any suggestions for possible nominees to vacancies on the Board of Education.

Statements from the Public

- Fred Fantini of the Cambridge School Committee addressed the Board on charter schools.
- Thomas Fowler-Finn, Superintendent of the Cambridge Public Schools, addressed the Board on charter schools.
- Nancy Walser of the Cambridge School Committee addressed the Board on charter schools.
- Stuart Giddell, a parent in Cambridge, addressed the Board on charter schools.
- Marjorie Decker, Vice Mayor of Cambridge, addressed the Board on charter schools.
- Lee Valentine of the Massachusetts English Plus Coalition addressed the Board on MCAS appeals.
- Ruth Kaplan of the Brookline School Committee (through a statement read by Marilyn Segal) addressed the Board on MCAS appeals.

Approval of the Minutes

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the minutes of the December 16, 2003 regular meeting as presented by the Commissioner.

The vote was unanimous.

1. Reports from the Educational Management Audit Council (EMAC) on Fitchburg Public Schools and Webster Public Schools

The Board discussed the Tier II reports on the Fitchburg Public Schools and the Webster Public Schools prepared by the Office of Educational Quality and Accountability (EQA) and transmitted to

the Board by the Educational Management Audit Council (EMAC). Joe Rappa, the director of EQA, presented a brief overview of the two reports. The superintendents of the two school districts will present their responses to the reports at the February meeting.

Chairman Peyser noted some common themes in the six Tier II reports that EMAC has transmitted to the Board to date: low student performance and little or no improvement over time; limited use of student performance data by the districts to drive curriculum and instruction decisions and allocate resources; lack of documented alignment of curriculum with state standards; many poor or unsatisfactory ratings from EMAC on various performance indicators; and an apparent lack of urgency by district officials to address the identified problems. Commissioner Driscoll said the Department is working with local school officials to help them implement models of good educational practice, such as using data analysis to drive decisions. He said this is a culture shift for some schools. The Commissioner said he will make a recommendation to the Board on Fitchburg and Webster at a future meeting, after the Board has heard from the two superintendents.

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

The Board discussed proposed amendments to the Regulations on MCAS Performance Appeals, to be adopted as emergency regulations. On November 26th, Governor Romney signed into law Chapter 140 of the Acts of 2003, § 119, amending the MCAS performance appeals process for students with disabilities. The law calls for changes in some procedures for performance appeals but it maintains the state standard for the competency determination for all students. The law directs the Board to adopt emergency regulations. Under the Administrative Procedure Act, emergency regulations take effect upon adoption, the public comment period follows, and then the agency reviews the regulations and takes final action on them within three months.

Commissioner Driscoll and General Counsel Rhoda Schneider provided an overview of the proposed regulations and responded to questions from Board members. Vice Chairman Thomas asked how the Department is providing information to parents and schools about the MCAS performance appeals process. Mr. DeFlavio asked if the proposed regulations could be broadened to cover all students, not just students with disabilities. Chairman Peyser suggested that the Commissioner invite public comment on that issue so that the Board may consider it before taking final action on the regulations in March.

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, hereby amend the Regulations on 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.

Further, in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, the Board finds that the immediate adoption of these regulations is necessary for the preservation of the public welfare, in order to implement new provisions of

state law that affect students and school districts immediately, and that observance of the requirements of prior notice and public comment would be contrary to the public interest. The Board directs the Commissioner to provide notice and an opportunity for public comment on the emergency regulations, in accordance with the requirements of G.L. c. 30A, § 3, within the next three months.

The vote was unanimous. After the public comment period, the Commissioner will bring the regulations back to the Board at the March meeting for a final vote. Information about the new regulations will be posted on the Department of Education's website at <http://www.doe.mass.edu/mcasappeals/>.

3. Charter Schools

The Board had an initial discussion on four charter school renewals: Barnstable Horace Mann Charter School, Conservatory Lab Charter School, Robert M. Hughes Academy Charter School and Roxbury Preparatory Charter School. The Board is scheduled to vote on these renewals at the February meeting.

The Commissioner reported that the principal of the Robert M. Hughes Academy Charter School resigned recently. Chairman Peyser noted that student performance at the school was poor for several years and rose last year, but it is too early to know if the increase is an anomaly or a trend. The Commissioner said the Department plans to review these issues further before he makes a recommendation to the Board on renewal of the charter. Mr. Crowley asked about the school's financial viability, remarking that the school's reported expenses increased sharply last year and the school reported a \$200,000 loss. The charter school's auditor and the chair of the school's board of trustees responded. Chairman Peyser stated that the Department and the Board would require the charter school to provide additional information, including assurance that the school has adequate systems in place for fiscal oversight, before the Board votes on renewal of the charter in February.

Board members also discussed the reports on the Conservatory Lab Charter School and Roxbury Preparatory Charter School. Chairman Peyser commented that Conservatory Lab had mixed results in terms of student performance. He asked about some of the school's academic program initiatives, and representatives from the school responded. With respect to Roxbury Preparatory Charter School, Vice Chairman Thomas said the report tells a great story of how a mission-driven inner city charter school can bring about impressive student performance and steady improvement.

The Board also had an initial discussion of applications for new charters. Seven applicant groups have submitted final applications for new charters. Two of the applications are for Horace Mann charters and five are for Commonwealth charters. At the February Board meeting, the Commissioner will make recommendations and the Board will vote on granting charters for new charter schools. Commissioner Driscoll commented that this is a volatile public issue because of funding, but the Commissioner and the Board must make their decisions based on the charter school law. Chairman Peyser thanked Dr. Schaefer and Mr. Crowley for attending the recent public hearings on the new charter applications.

4. Approval of Grants

The Board discussed \$1.5 million in grants under two federal programs: Massachusetts Mathematics and Science Partnerships (under Title II-B of the No Child Left Behind Act) and the Community, Higher Education and School Partnerships Service Learning program. The Board also discussed \$197,157 in grants under the state program for Workplace Education Planning, which is a component of adult basic education.

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.

5. Rescheduling of March 2004 Board Meeting

The Board agreed to change the date of the March 2004 Board meeting to Tuesday, March 30th.

On a motion duly made and seconded, it was:

VOTED: that the meeting adjourn at 11:40 a.m., subject to the call of the Chairman.

Respectfully submitted,

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