

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

**October 28, 2003
9:10 a.m. – 12:00 noon**

**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

Members of the Board of Education Absent:

Charles D. Baker, Swampscott

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

Comments from the Commissioner

Commissioner Driscoll opened the meeting by updating the Board on the work of the Council on Early Education and Care. An outside section to the FY 04 state budget created the Council to coordinate resources and public funding streams for early education and care. The Council has scheduled five forums that will be held across the state in October and November to hear suggestions from the field on ways to coordinate, integrate and streamline state administration of publicly-funded early education and care. The Council will then take the comments into consideration as it develops recommendations for a February 2004 report to the Governor, the Legislature and other interested parties.

Commissioner Driscoll also congratulated Board member Abigail Thernstrom on her new book, *No Excuses: Closing the Racial Gap in Learning*.

Statements from the Public

- Anne Wass, Vice President of the Massachusetts Teachers Association, addressed the Board on school accountability.

Approval of the Minutes

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the minutes of the September 23, 2003 regular meeting as presented by the Commissioner.

The vote was unanimous.

1. Reports from Educational Management Audit Council (EMAC) and District Responses to EMAC Reports

The Board heard a presentation from South Middlesex/Joseph P. Keefe Vocational Technical School District Superintendent Peter Dewar and Director of Guidance Jonathan Evans on their response to the Tier II report that was prepared by the Office of Educational Quality and Accountability (EQA) and transmitted last month to the Board by the Educational Management Audit Council (EMAC). Chairman Peyser noted that, in the past, there has been strong resistance at Keefe to MCAS and the use of its data to strengthen curriculum and instruction and improve student learning in the district. He asked the superintendent if the school district has a commitment to using MCAS as a tool for driving academic achievement. Superintendent Dewar responded, "We are committed to the graduation standard." Mr. Evans presented some steps the school has taken to strengthen teaching and learning in English language arts and math, and he noted the improvement in student results on the grade 10 MCAS for the class of 2005 compared to previous classes.

The Board also discussed a Tier II report on the Winchendon Public Schools prepared by the EQA, which the EMAC transmitted to the Board this month. Under the Regulations on Under-Performing Schools and School Districts, the Board is responsible for reviewing any reports from EQA that "uncover serious or widespread deficiencies" which "are likely to have a substantial negative effect on the educational achievement of the students attending the district's schools." Joe Rappa, the director of EQA, presented an overview of the report's findings. Winchendon School Superintendent Robert O'Meara, School Committee Chairman Michael Niles, and Valorie Miller, Director of MCAS Remediation, Professional Development and Grants, presented the school district's response to the EMAC Tier II report. The superintendent said the district does not dispute the findings in the EQA report. He distributed a document listing recent activities the district has undertaken, and said he believes with some state assistance, the district could get itself out of "under-performing" status in one to two years.

As of the October meeting, the Board has received and discussed four Tier II reports from the EMAC, on Holyoke, North Adams, Keefe Vocational Technical and Winchendon, and has heard from representatives of each district. After reviewing all of the information available, the Commissioner plans to make a recommendation to the Board about next steps, in accordance with the Board's Regulations on Under-Performing Schools and School Districts, at the November 25th Board meeting.

2. Commissioner's Update on Under-Performing Schools

Commissioner Driscoll began the discussion on under-performing schools, noting that accountability is the next stage of education reform, following funding, standards and assessment. The school and district accountability system is now a major focus for the Board and the Department of Education as well as for local school officials.

In the winter of 2000, the Department designated four schools as under-performing: the Arlington School in Lawrence, the Roosevelt Middle School in New Bedford, the John J. Lynch Middle School in Holyoke and the Matthew J. Kuss Middle School in Fall River. The schools adopted improvement plans that were accepted by the Board in 2001, and they have been implementing the improvement plans for the past two years. The Department conducted follow-up reviews in May 2003.

Commissioner Driscoll and Associate Commissioner Julianne Dow reported that all four schools made progress in the first year, in terms of developing and implementing improvement plans based on data, strengthening teaching and learning, and demonstrating higher student achievement. However, the schools have not all sustained their progress.

Dr. Thernstrom noted that it will be difficult for schools to make continuous, sustained progress at the rate that the No Child Left Behind Act demands. Commissioner Driscoll responded that it is the right goal and the Department intends to manage the process in a way that uses common sense, highlighting progress and minimizing discouragement. Chairman Peyser said by setting high standards, Massachusetts ensures that our students are going to learn more; states that have set lower standards are doing themselves a disservice. He added that our objective is to get students to proficiency and maintain a sense of urgency and purpose, not fear.

The Commissioner will direct all four schools to continue their improvement efforts and will notify them that the Board will revisit the question of chronic under-performance after the Cycle III results are reported in the summer. If the Board determines that any under-performing school is "chronically under-performing" because it has failed to demonstrate significant improvement, the law authorizes several possible consequences, including appointment of a new school principal by the superintendent where warranted, and additional authority for the school principal to select or remove teachers.

3. Board of Education Budget Proposal for FY 05

The Board had an initial discussion of its FY 05 budget proposal. The Board's budget committee met once in September and had a preliminary discussion of the budget proposal for FY 05. Chairman Peyser noted that the proposed numbers for Chapter 70 and special education reimbursement under the new "circuit-breaker" program are on hold, pending collection and analysis of additional data from

school districts. The committee is recommending additional investment in assessment, school and district intervention, professional development in the areas of mathematics and English language acquisition, and Department administration. The Board will discuss and vote on its budget proposal at the November meeting.

4. Board of Education Legislative Proposals

The Board had an initial discussion of legislative proposals that it may submit later this year through a member of the Legislature. These would be in addition to the four pending bills that the Board filed in 2002 concerning school finance (amending the Chapter 70 formula), school construction reforms, a retained revenue account for educator license fees, and professional teacher status. The Commissioner presented proposals to streamline the educator licensure (certification) statute, and to authorize school committees to establish an educational stabilization fund. Board member Roberta Schaefer suggested in addition that the Board consider filing proposals to remove assistant principals from collective bargaining, and to increase the share that school employees pay for health insurance benefits on a par with what state employees pay. Commissioner Driscoll will bring the legislative proposals back to the Board at a later meeting for a vote.

5. Charter Schools

The Board discussed requests from the South Shore Charter School and the Edward Brooke Charter School to enter into loan agreements that would extend beyond the term of each school's current charter. Under the charter school statute, a charter school may incur temporary debt in anticipation of receipt of funds but requires approval of the Board of Education if it wishes to agree to repayment terms that exceed the duration of the school's charter. The Commonwealth, including the Board and the Department of Education, has no liability for any portion of the loans, and the Board's approval has no impact on any action the Board might take in the future with respect to either school's charter.

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 Edward Brooke Charter School to enter into proposed loan agreements that extend beyond the term of the school's current charter and are not to exceed seven 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 Edward Brooke Charter School.

The vote was unanimous.

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 South Shore Charter School to enter into proposed loan agreements that extend beyond the term of the school's current charter and are not to exceed thirty 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 South Shore Charter School.

The vote was unanimous.

6. Approval of Grants

The Board discussed \$900,000 in grants under the state-funded Parent-Child Home Program and \$2.6 million in grants under the following federal programs: Early Childhood Mental Health Project, Career Resources Network, Charter School Dissemination, McKinney-Vento Homeless Education Program, Community Service Learning School-Based Program, and Refugee Children School Impact Program.

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 12:00 noon, subject to the call of the Chairman.

Respectfully submitted,

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