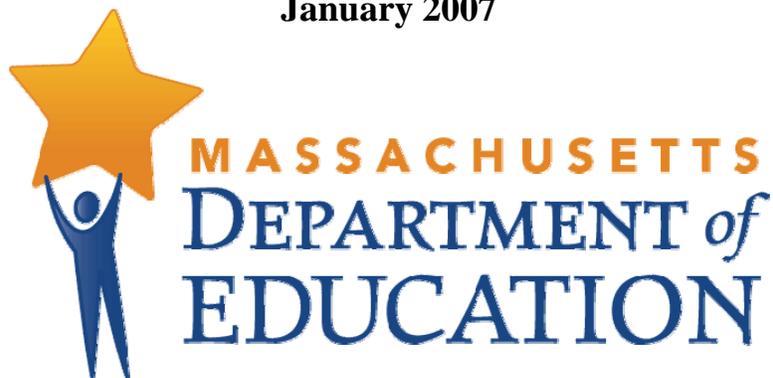


**The State of Public Education:
Massachusetts
Board of Education
2005-2006 Annual Report**

January 2007



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January 2007

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Note: This report contains some information that was previously published in the *2005 Annual Report*. In order to transition from a calendar year report to a *fiscal* year report, the Department has published this report on FY06 (July 2005 through June 2006). All future annual reports will be produced and aligned with the fiscal year calendar.

Commissioner's Comments



In my 43 years in education I have learned many things, but the most important one is a reminder I face every day: great change takes time. Small changes can be made quickly, but typically have little impact. Great change evolves slowly and requires patience, but leaves us with results so dramatic it is difficult to remember the days before the change began.

Such is the story of Education Reform. Since the state's landmark reform act was passed in 1993, the landscape of public education in the Commonwealth has changed completely. Today we have excellent standards, a nationally-recognized assessment system and students striving to achieve at the highest levels possible. Our pre-Reform days are hard to remember.

Our numbers tell the story best: at least 96 percent of all students have passed the MCAS exam from every graduating class since the class of 2003, including more than 80 percent of students from every subgroup. In 2006 an unprecedented 84 percent of the class of 2008 passed both the English and Math exams on their first try. While we celebrated that achievement, we celebrated this one even more: for the first time, Black and Hispanic students both made significant gains in closing the state's academic achievement gap.

While our dropout rate has slightly risen, our SAT scores have stayed steady. Year after year we lead the nation on the National Assessment of Educational Progress, and in 2005 we were the first state to ever rank first on both fourth and eighth grade reading and math exams.

But while we are often referred to as one of the nation's great success stories, we still have obstacles to overcome.

Our nation is far from the top internationally. Global competition gets more difficult with each passing year, and our students need to graduate ready not just to compete with each other, but with their international peers. And the problems aren't just overseas: we lose far too many students along the educational pipeline, either in high school or college. Studies show that just 75 percent of American teens graduate four years after beginning ninth grade. For Black and Hispanic students, that number drops to an unacceptable 50 percent.

Our energies going forward must be focused on achievement: move all students to proficient, close the achievement gap where it exists, and work to prevent future achievement gaps from starting. It is critical that parents, teachers and students themselves do more than just "get by" in school, and instead strive to achieve at the highest levels possible. Passing can no longer be seen as an acceptable standard - to be prepared for the level of global competition awaiting them, our students must strive for proficiency and beyond.

Our great change is well underway. Our schools are improving a little more each day. Our achievement gaps are beginning to close, our graduation rates are inching upward and our Competency Determination attainment rates are steadily rising. But until we can say with confidence that every single one of our children will receive the best possible education our public schools can offer, our work must go on.

Section 1: Who is served by public education in Massachusetts?

In October 2005, more than 1 million students were enrolled in Massachusetts' public and private elementary and secondary schools. Of these, 972,371 students attended public schools.

Enrollment Data 2005-2006

Enrollment (#)		Enrollment by Race/Ethnicity (%)**	
Public Schools	972,371	African American	8.3
Grades PK – 12	971,909	Asian	4.6
Private Schools	128,873	Hispanic	12.9
		Native American	0.3
		Native Hawaiian/Pacific Islander	0.1
Enrollment by Grade (%)		Multi-Race, Non-Hispanic	1.4
Pre-Kindergarten	2.5	White	72.4
Kindergarten	7.0		
Grades 1-5	36.8	Selected Populations (%)	
Grades 6-8	23.1	Special Education	16.5
Grades 9-12	30.5	First Language not English	14.3
Grade SP*	0.0	Limited English Proficient	5.3
		Low Income	28.2
Enrollment by Gender (%)			
Females	48.6		
Males	51.4		

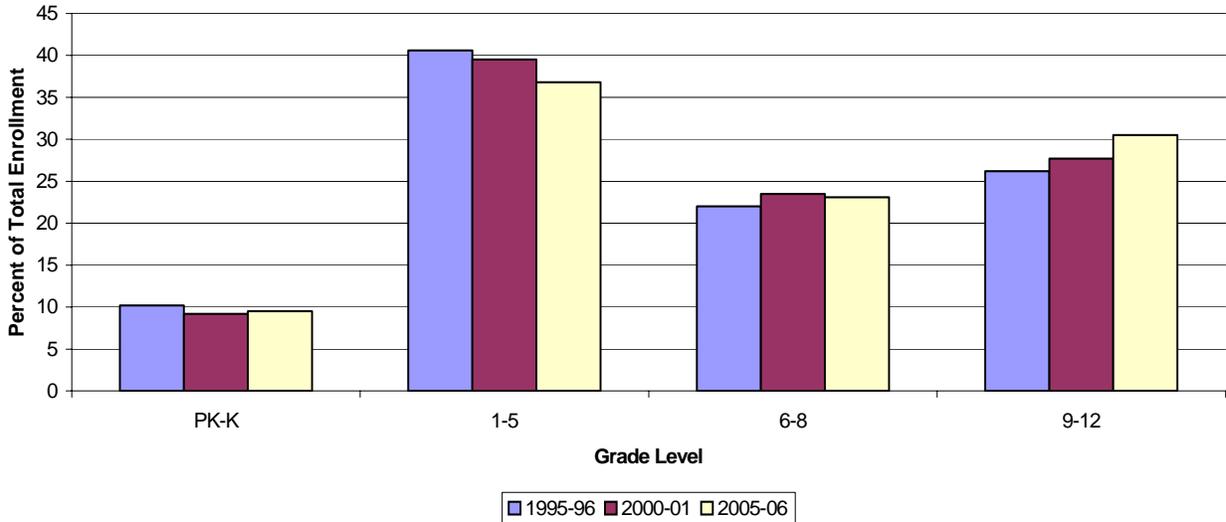
* SP – Beyond grade 12 Special Education Student.

Enrollment Trends in Massachusetts Public Schools

Massachusetts public school enrollment has fluctuated over the past decade. Since 1995, the demographics have changed significantly.

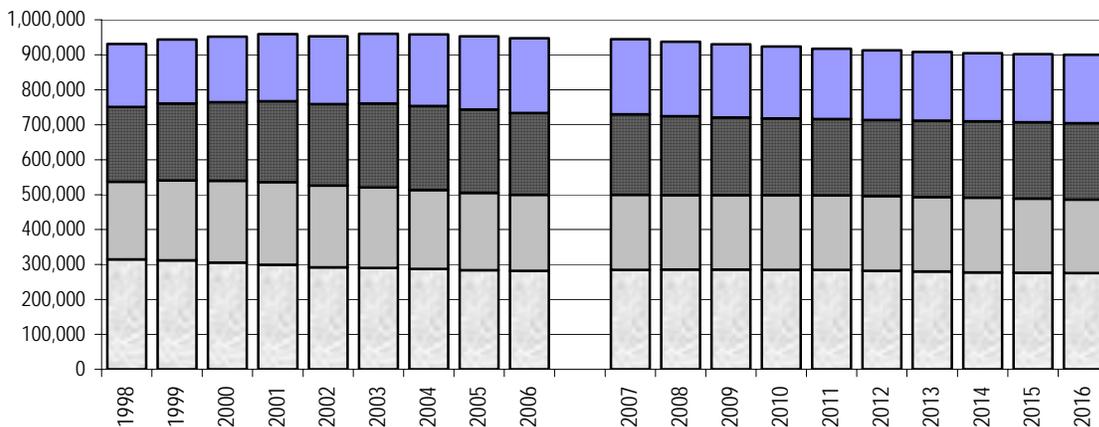
Total Student Enrollment	1995-96		2000-01		2005-06	
	#	%	#	%	#	%
Race						
African American	75,325	8.2	85,195	8.7	80,477	8.3
Asian	35,103	3.8	43,483	4.4	45,081	4.6
Hispanic	85,006	9.3	105,043	10.7	125,160	12.9
Native American	1,925	0.2	2,721	0.3	2,942	0.3
Native Hawaiian/Pacific Islander	N/A	N/A	N/A	N/A	1,166	0.1
Multi-Race, Non-Hispanic	N/A	N/A	N/A	N/A	13,748	1.4
White	719,568	78.5	743,151	75.9	703,797	72.4
Selected Populations						
Special Education	153,912	16.8	160,369	16.4	160,752	16.5
First Language Not English	114,474	12.5	129,568	13.2	139,342	14.3
Limited English Proficient	45,044	4.9	44,747	4.6	51,618	5.3
Low Income	232,529	25.4	245,882	25.1	274,524	28.2

Enrollment by Grade 1996, 2001, 2006



Over the past decade, the Commonwealth has seen the bulk of its student population shift to higher grades. In 1995, students enrolled in grades 1-5 accounted for 41% of the overall population, but by 2005, that number had fallen to 37%. Likewise, the percentage of students enrolled in grades 9-12 has steadily increased over the same time period.

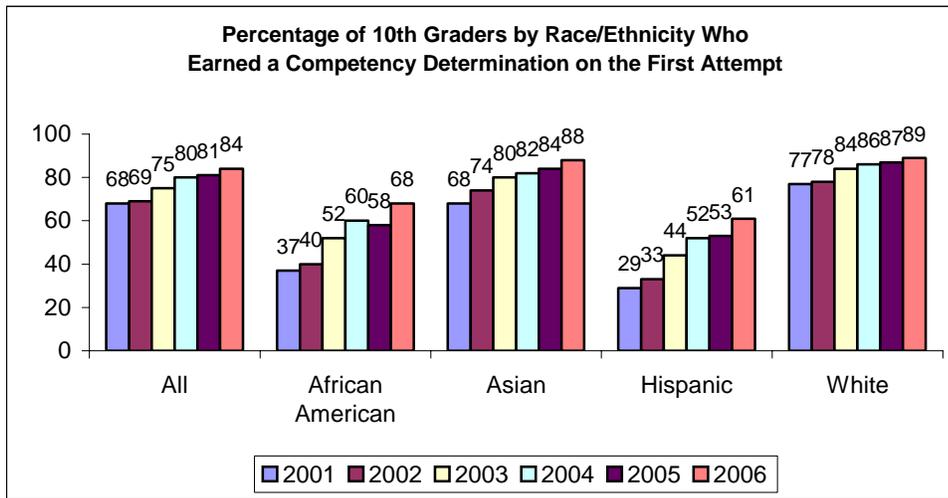
Projected Public Enrollment Thru FY2016 Massachusetts State Totals, K-12



Section 2: How are Massachusetts students performing?

MCAS

The Massachusetts Comprehensive Assessment System (MCAS) is the state's standards-based student assessment program. In the spring of 2006, 519,898 Massachusetts public school students in grades 3–8 and 10 participated in the ninth administration of the Massachusetts Comprehensive Assessment System (MCAS). Students were tested in Reading (grade 3), English Language Arts (grades 4–8 and 10), Mathematics (grades 3–8 and 10), and Science and Technology/ Engineering (grades 5 and 8).



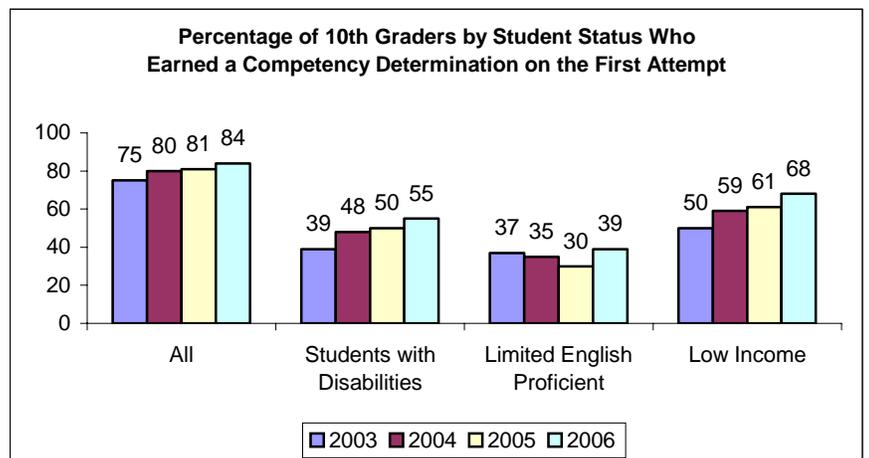
Competency Determination Results

High school students are required to earn a Competency Determination (CD) as well as meet local requirements in order to graduate from high school. To earn a Competency Determination, students must pass both the grade 10 English Language Arts and Mathematics tests by earning a score of 220 (*Needs Improvement*) or above.

Six of these sixteen tests – English Language Arts at grades 5, 6, and 8 and Mathematics at grades 3, 5, and 7 – were newly introduced in 2006 in response to the requirements of the federal *No Child Left Behind Act* (NCLB). The 2005-2006 school year marked the first time that NCLB required all 50 states to have in place annual reading and mathematics assessments at grades 3–8 and one grade at high school.

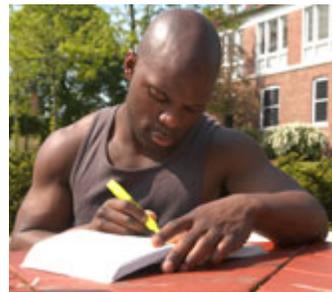
While most of the 2006 results remain largely unchanged from 2005, our grade 10 students continue to show remarkable gains in both English Language Arts and Mathematics. Between 2005 and 2006, students in grade 10 significantly improved their performance. These gains were made by all student subgroups. In 2006, the percent of grade 10 students performing at the *Proficient* and *Advanced* levels increased by six points in both subjects – from 64 to 70 percent in English Language Arts and from 61 to 67 percent in Mathematics. In Mathematics, this increase was highlighted by a six-point jump in the percent of students performing at the *Advanced* level (from 34 percent in 2005 to 40 percent in 2006).

As a result of the higher scores by grade 10 students in both subjects, the state as a whole had yet another increase in the high school Competency Determination attainment rate for 2006. Eighty-four percent of students in the class of 2008 passed both the grade 10 English Language Arts and Mathematics tests on their first attempt in spring 2006, up from 81 percent for the class of 2007.

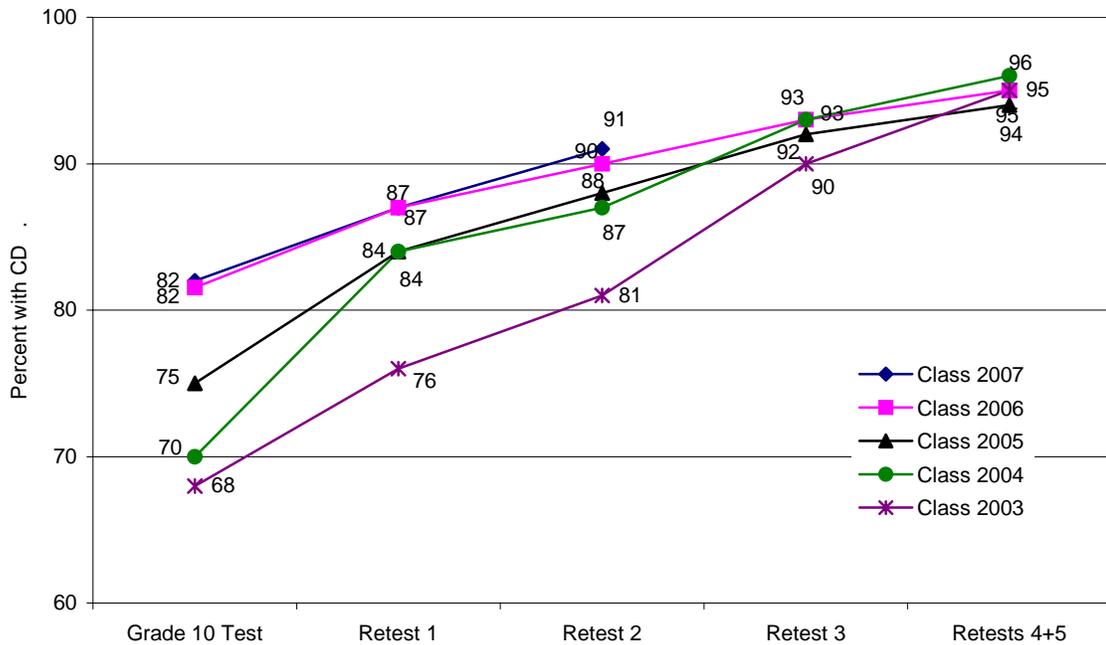


1998-2006 Statewide MCAS Results: Grade 10 <i>Percentage of Students at Each Performance Level¹</i>				
	<i>Advanced</i>	<i>Proficient</i>	<i>Needs Improvement</i>	<i>Failing</i>
ENGLISH LANGUAGE ARTS				
2006	16	54	24	7
2005	22	42	25	11
2004	19	43	27	11
2003	20	41	28	11
2002	19	40	27	14
2001	15	36	31	18
2000	7	29	30	34
1999	4	30	34	32
1998	5	33	34	28
MATHEMATICS				
2006	40	27	21	12
2005	34	27	24	15
2004	29	28	28	15
2003	24	27	29	20
2002	20	24	31	25
2001	18	27	30	25
2000	15	18	22	45
1999	9	15	23	53
1998	7	17	24	52

1. Percentages may not total 100 due to rounding. For the purpose of computing school, district, and state results, students who were absent with or without a medically documented excuse from any subject area MCAS test were not included in performance results but were counted as non-participants for that subject area.



Students Attaining the Competency Determination



Student Enrollment and Percent of Students Attaining the Competency Determination: Classes of 2003, 2004, 2005, 2006, and 2007

		Grade 10 Test	Retest 1	Retest 2	Retest 3	Retest 4+5
Class of 2003	% Earning CD	68%	76%	81%	90%	95%
	Enrollment	68,118 (MCAS 2001)	63,767 (Oct. 2001)	63,767 (Oct. 2001)	60,742 (Oct. 2002)	59,823 (Adj. Oct. 2002)
Class of 2004	% Earning CD	70%	84%	87%	93%	96%
	Enrollment	67,343 (MCAS 2002)	66,472 (Oct. 2002)	66,472 (Oct. 2002)	62,266 (Oct. 2003)	61,424 (Adj. Oct. 2003)
Class of 2005	% Earning CD	75%	84%	88%	92%	94%
	Enrollment	69,981 (MCAS 2003)	69,263 (Oct. 2003)	69,263 (Oct. 2003)	65,285 (Oct. 2004)	65,165 (Adj. Oct. 2004)
Class of 2006	% Earning CD	82%	87%	90%	93%	95%
	Enrollment	71,038 (MCAS 2004)	70,610 (Oct. 2004)	69,425 (Adj. Oct. 2004)	66,975 (Oct. 2005)	66,757 (Adj. Oct. 2005)
Class of 2007	% Earning CD	82%	87%	91%		
	Enrollment	72,680 (MCAS 2005)	72,623 (Oct. 2005)	70,771 (Adj. Oct. 2005)		

MCAS Performance Appeals: July 2005 - June 2006

Overview

Massachusetts' public high school students in the Class of 2003 were the first graduating class required to meet the state's Competency Determination standard as a condition for high school graduation. While most of the graduates in the Classes of 2003, 2004 and 2005 met the standard by passing the test or retests, more than 3,000 students earned a Competency Determination through the MCAS Performance Appeals process.

The Performance Appeals process was established by the Board of Education in 2002 for the purpose of providing students who could not meet the Competency Determination standard by passing the Grade 10 MCAS English Language Arts and/or Mathematics Tests, even after several test-taking tries, with an opportunity to present evidence indicating that they indeed possess the required knowledge and skills, as demonstrated through other measures, to meet the academic standard required for graduation.

The regulations governing the MCAS Performance Appeals process require that two criteria need to be satisfied in the appeal:

- (1) the student must first meet **four eligibility** requirements: 3-test minimum participation, minimum test score of 216, minimum school attendance rate of 95% and participation in remediation. Upon establishing eligibility, the student must then demonstrate
- (2) academic **performance** equivalent to or exceeding the passing level, by comparing his or her GPAs (grade point averages) to a cohort of classmates who passed the tests, or through portfolios or work samples.

The regulations provide for an impartial Appeals Board comprised of public high school educators appointed by the Commissioner to review appeals and make recommendations to the Commissioner. The Performance Appeals Board generally meets monthly to review performance appeals. Another committee of high school math and English educators meets 3 times annually to review portfolio and work sample appeals submitted on behalf of students who do not have large enough "cohorts" of classmates with whom their GPAs can be compared.

Outreach

During the period of July 2005-June 2006, the Department of Education conducted performance appeals workshops across the Commonwealth to inform high school educators about the filing process. Additional outreach efforts included numerous meetings with state superintendents and advocacy groups. A telephone hotline, 781-338-3333, and an email address, mcasappeals@doe.mass.edu, responded to hundreds of inquiries, and a performance appeals website at www.doe.mass.edu/mcasappeals/, continues to provide educators, students and parents with up-to-date advisories, information and filing tips.

Summary of Performance Appeals Activity for the Period July 2005-June 2006

This summary reflects data on MCAS performance appeals submitted and reviewed between July 2005 and June 2006 for students in the Classes of 2006, 2005 and for those in the Classes of 2004 and 2003 who have not yet received their diplomas.

- Between July 2005 and June 2006, a total of 834 appeals were submitted, and 562 (67%) were granted. For the same period between July 2004 and June 2005, nearly 1,000 appeals were submitted and of those, 68% were granted.
- For this period, 423 (51%) of all appeals submitted were for students with disabilities; 264 (62%) of those appeals were granted.
- Of 227 English Language Arts appeals submitted, 157 (69%) were granted. Of 610 mathematics appeals submitted, 405 (66%) were granted.

Overall, since 2002, nearly 5,000 appeals have been submitted and nearly 70% have been granted. Approximately 80% of all appeals submitted have been in the area of mathematics.

Waivers

Between July 2005 and June 2006, a total of 506 requests to waive one or more of the eligibility requirements was made by superintendents of schools. There are no waivers for the performance standard. Given justification by the superintendent, the Commissioner approved a majority of the eligibility waiver requests as follows:

- 66 requests to waive the 3-test minimum participation (generally related to students who transferred into the school district during the senior year). 43 waivers were approved
- 432 requests to waive the 95% school attendance rule. 411 were approved (for illness or extraordinary hardship)
- 8 requests to waive participation in remediation (generally due to illness). All were approved
- 8 requests to waive the 216 minimum test-score requirement for non-disabled students. None was approved. (This eligibility requirement has been eliminated as of November 2006.)

NAEP

In 2005, state-level National Assessment for Educational Progress (NAEP) tests were administered in reading, mathematics, and science at grades 4 and 8. When examining average scaled scores, Massachusetts students scored first in the nation in reading at both grades, tied for first in mathematics at both grades, and tied for first in science at grade 4 and tied for second in science at grade 8.

The following table lists the top performing states on the 2005 NAEP tests according to the ordinal rank of the percent of students in each state that scored at or above the *Proficient* level.

2005 NAEP Results				
Top Performing States				
Percent of Students Scoring <i>Proficient</i> and above				
READING	Grade 4		Grade 8	
	Massachusetts	44	Massachusetts	44
	New Hampshire	39	Maine	38
	Vermont	39	New Hampshire	38
	Connecticut	38	New Jersey	38
	Minnesota	38	Vermont	37
	New Jersey	37	Minnesota	37
	Virginia	37	North Dakota	37
	<i>(NATION)</i>	<i>(30)</i>	<i>(NATION)</i>	<i>(29)</i>
MATHEMATICS	Grade 4		Grade 8	
	Massachusetts	49	Massachusetts	43
	Minnesota	47	Minnesota	43
	New Hampshire	47	Vermont	38
	Kansas	47	South Dakota	36
	New Jersey	45	Montana	36
	Vermont	44	Washington	36
	Wyoming	43	New Jersey	36
	<i>(NATION)</i>	<i>(35)</i>	<i>(NATION)</i>	<i>(28)</i>
SCIENCE	Grade 4		Grade 8	
	Virginia	40	North Dakota	43
	Massachusetts	38	Montana	42
	Vermont	38	South Dakota	41
	New Hampshire	37	Vermont	41
	Montana	37	Massachusetts	41
	North Dakota	36	New Hampshire	41
	Maine	36	Minnesota	39
	<i>(NATION)</i>	<i>(27)</i>	<i>(NATION)</i>	<i>(27)</i>

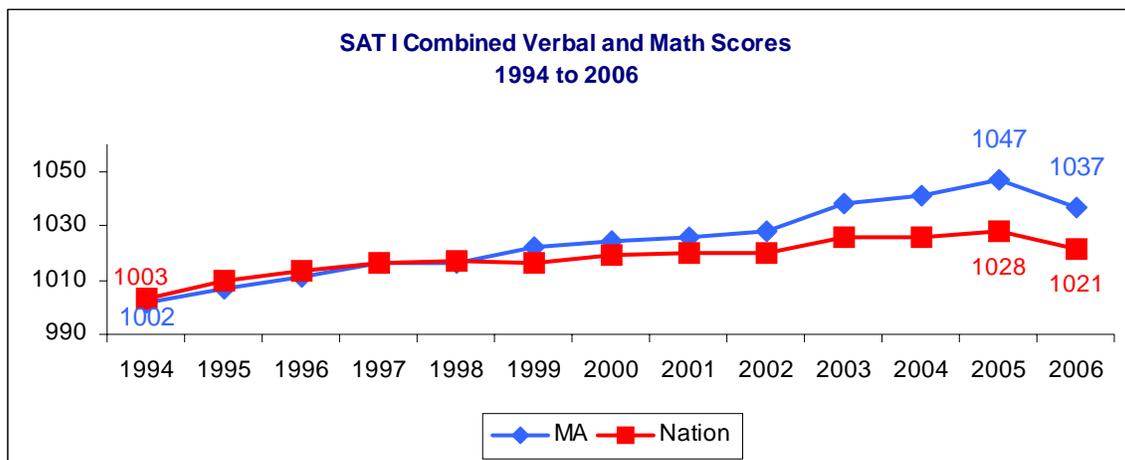
SAT

In 2006, Massachusetts students had the highest math score of any state with more than 80 percent of students participating on the 2006 SAT, but ultimately showed an overall decline in performance on both the critical reading and math exams.

After 14 years of steady progress, 2006 results showed that the state's students dropped seven points in reading to an average of 513, dropped three points in math to an average of 524, and scored a 510 on the new Writing exam. National results also dropped five points in reading to an average of 503, dropped two points in math to an average of 518, and students averaged 497 on the Writing exam.

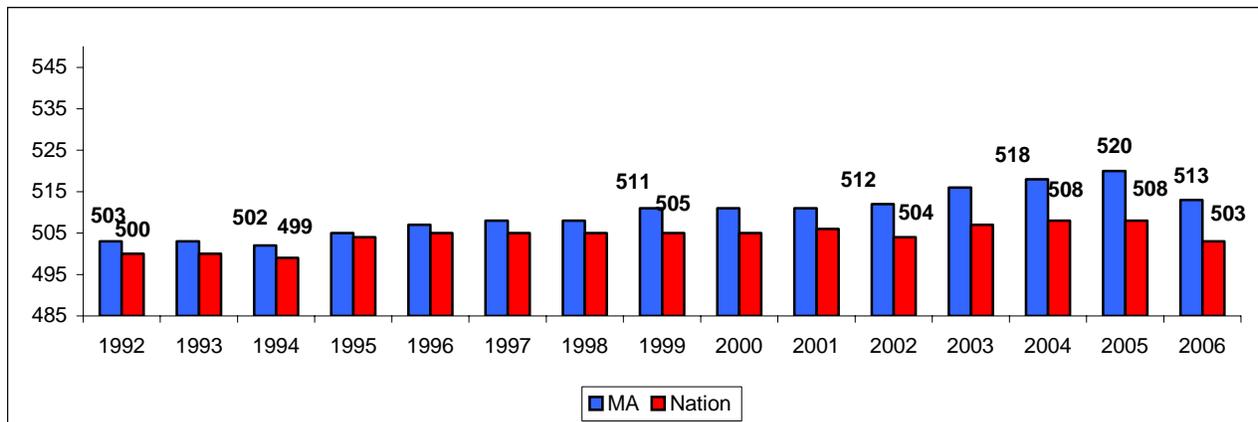
The 2006 SAT was the first ever to include a Writing component in addition to the Reading and Math tests, adding an additional 45 minutes to the testing time. College Board officials said some of the national decline in performance could be either test fatigue, or a result of some students choosing to retain their 2005 results and not re-take the test in 2006. For more information on the SAT, please visit the College Board website: www.collegeboard.com

Massachusetts Mean SAT Scores



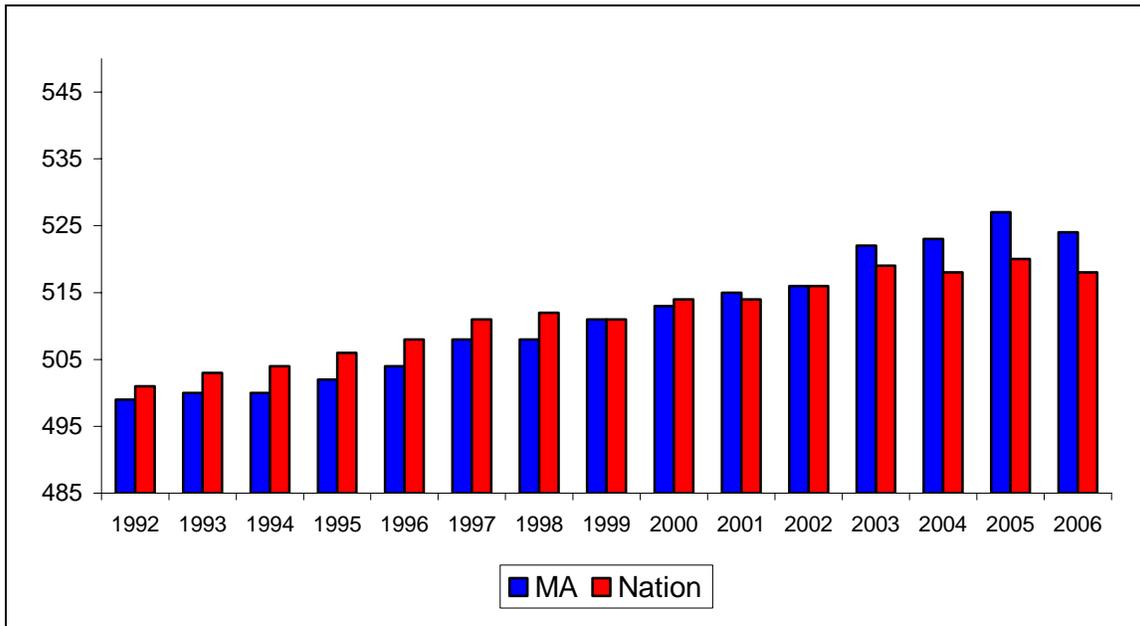
*SAT results include students tested from both public and private schools in Massachusetts.

15-Year Improvement on SAT Verbal* (1992-2006)

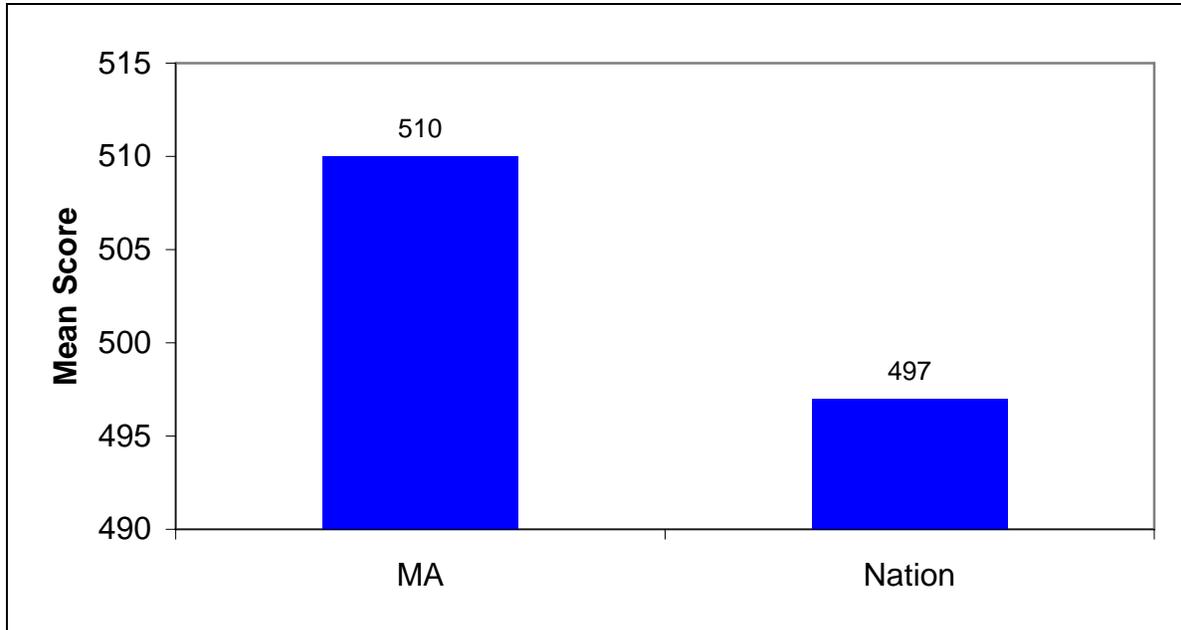


* Beginning in 2006, the SAT Verbal section is now called *Critical Reading*

15-Year Improvement on SAT Mathematics (1992-2006)



2006 SAT I – Writing Scores



Student Indicators

In addition to test scores, the Department collects data on other indicators that relate to student success. For example, the attendance rate slightly increased from the previous year to 94.5%. The number and rate of both Out-of-School and In-School suspensions decreased from the 2004-05 school year to the 2005-06 school year.



Department definitions for the various indicators are listed below the table.

Summary Student Indicators 2005-06 School Year

Attendance Rate	94.5	Suspensions	
Average number of days absent	9.4	Out-of-School	56,467
		Rate per 100	5.8
Number of HS Graduates*	59,665	In-School	33,708
Plans of HS Graduates		Rate per 100	3.4
College		Students Retained in Grade*	22,834
4- Year Private	31.0%	Rate per 100	2.6
4- Year Public	26.4%	Grade 9-12 Dropouts**	10,633
2- Year Private	2.2%	Rate per 100	3.7
2- Year Public	18.1%		
Other Post-Secondary	2.6%		
Work	11.0%		
Military	1.6%		
Other	1.0%		
Unknown	6.1%		

*Data reported for Retentions and Plans of HS Graduates are from SY 2004-05.

**Data reported for Dropouts are from SY 2003-04.

Definitions

Attendance

The Attendance Rate indicates the average percentage of days in attendance for students enrolled in all grades. $\text{Attendance Rate} = (\text{Number of Days in Attendance} / \text{Days in Membership}) * 100$

Average Number of Days Absent

The average of all the days absent by all students enrolled.

High School Graduate

A student who has met the state's Competency Determination standards in English Language Arts and math as well as fulfilled all local graduation requirements.

Note: Data reported on the Plans of High School Graduates represents the reported **intentions** of high school graduates and may not reflect what students actually do after graduating from high school.

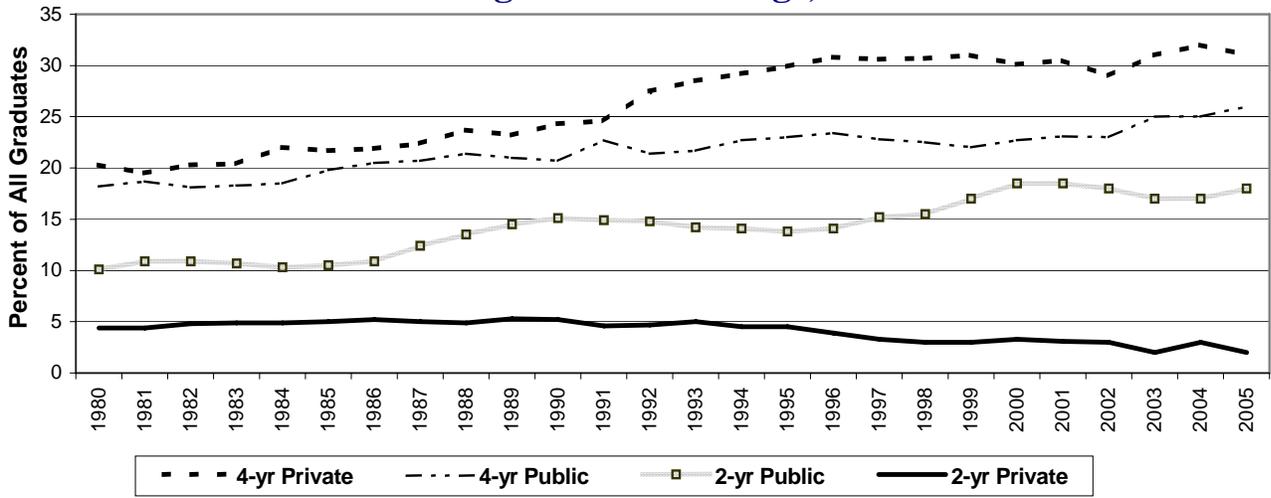
Plans of High School Graduates: Class of 2005



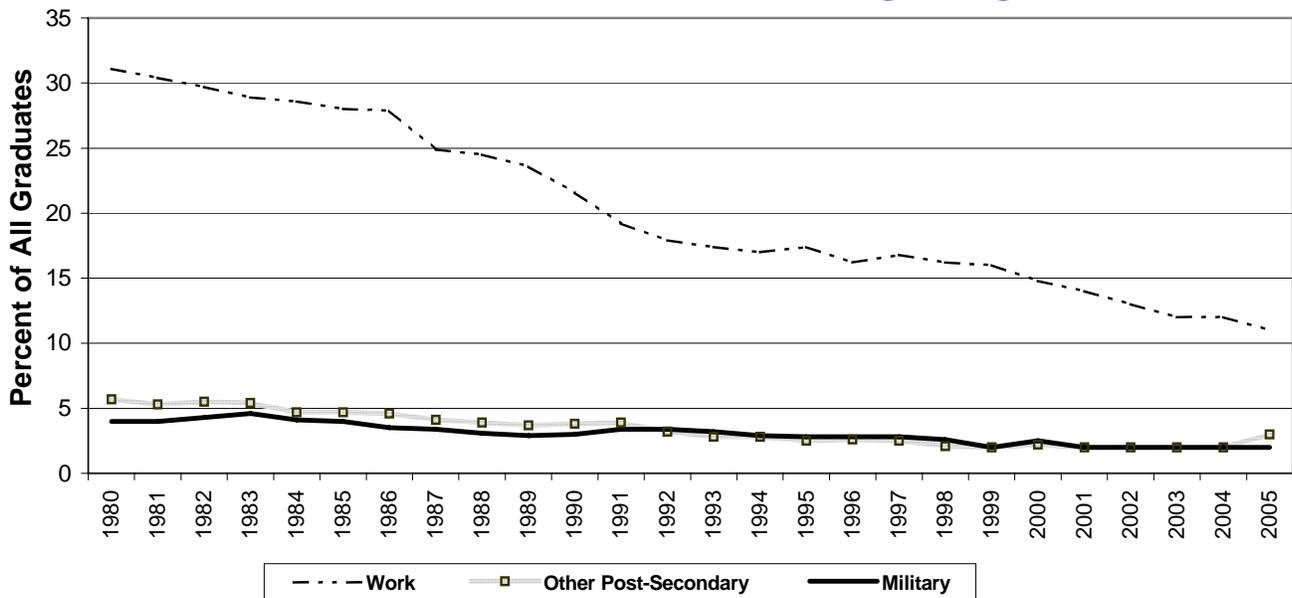
Number	Percentage of Graduates by Plans									
	Public College		Private College		OPS*	Military	Work	Other	Plans	
	2-Yr	4-Yr	2-Yr	4-Yr					Unknown	
Total 59,665	18.1	26.4	2.2	31.0	2.6	1.6	11.0	1.0	6.1	
Gender										
Male 29,238	17.2	24.7	2.1	27.5	3.0	2.8	14.7	1.1	6.9	
Female 30,427	19.0	28.0	2.3	34.3	2.2	0.5	7.4	0.9	5.4	
Race/Ethnicity										
Afr. Am. 4,638	21.1	20.2	3.7	22.1	1.3	0.7	8.3	0.9	21.7	
Asian 2,953	14.7	29.0	2.1	39.5	1.1	0.8	5.7	0.6	6.5	
Hispanic 4,532	29.6	13.7	6.6	12.5	3.1	2.5	15.5	2.0	14.5	
Nat Am. 173	21.4	17.9	2.9	25.4	2.3	3.5	15.0	1.2	10.4	
White 47,369	16.9	28.1	1.6	33.1	2.8	1.7	11.1	0.9	3.8	

* Other Post-Secondary

Graduates Planning to Attend College, 1980-2005



Graduates with Plans Other than Attending College, 1980-2005



Grade 9-12 Dropout Rates 1999-2004

Definition of a Dropout

The Department reports a dropout measure that was developed by the U.S. Department of Education. A dropout is defined as a student in grades 9-12 who leaves school prior to graduation for reasons other than transfer to another school, and does not re-enroll before the following October 1.

	1999	2000	2001	2002	2003	2004
Total Dropouts (#)	9,188	9,199	9,380	8,422	9,389	10,633
Overall Rate	3.6	3.5	3.5	3.1	3.3	3.7
Gender						
Male	4.0	4.0	4.1	3.5	3.9	4.6
Female	3.1	2.9	2.8	2.6	2.8	3.2
Race						
African American	6.7	6.1	6.1	4.9	5.7	6.3
Asian	3.6	4.0	3.9	2.3	2.5	2.7
Hispanic	9.8	8.2	8.0	7.3	7.4	8.2
Native American	4.0	4.2	3.2	3.7	4.8	6.4
White	2.5	2.6	2.6	2.4	2.6	2.8
Grade						
9	3.1	3.1	3.3	2.9	3.2	2.6
10	3.8	3.7	3.5	3.1	3.4	3.7
11	4.3	3.9	4.0	3.3	3.3	4.0
12	3.1	3.1	3.1	2.9	3.5	4.8

Grade Retention Rates 2000-2005

Definition of a Retention

A student retention is defined as a student who was reported to have repeated the grade in which he or she was enrolled during the previous school year.

	2000	2001	2002	2003	2004	2005
Total Retentions (#)	24,467	24,650	24,539	25,398	23,098	22,234
Overall Rate	2.5	2.5	2.5	2.6	2.6	2.6
Gender						
Male	3.0	3.0	2.9	3.0	3.1	3.0
Female	2.0	2.0	2.0	2.1	2.1	2.1
Race						
African American	5.3	6.0	5.9	5.0	5.9	5.9
Asian	3.2	2.6	2.7	2.3	2.4	2.3
Hispanic	5.7	5.6	5.8	5.3	5.9	6.0
Native American	3.5	2.8	2.7	3.4	3.6	3.3
White	1.7	1.7	1.6	1.9	1.7	1.7
Grade						
1	3.9	3.7	3.8	4.1	4.1	3.8
2	1.9	1.7	1.7	2.0	1.9	1.7
3	1.3	1.7	1.6	2.0	1.6	1.5
4	0.7	0.7	0.8	0.9	0.8	0.7
5	0.5	0.5	0.5	0.9	0.6	0.6
6	1.0	1.2	1.2	1.5	1.0	1.2
7	1.8	1.7	1.5	1.7	1.8	1.7
8	1.5	1.5	1.4	1.3	1.4	1.3
9	8.1	8.3	8.4	8.1	8.0	8.1
10	4.7	4.3	4.7	4.0	4.2	4.2
11	3.6	3.2	3.1	2.9	3.1	3.2
12	1.8	2.0	1.7	1.6	2.1	2.2

* The Department no longer reports retention data for grades PK and K.



Section 3: What does the Massachusetts public school system look like?

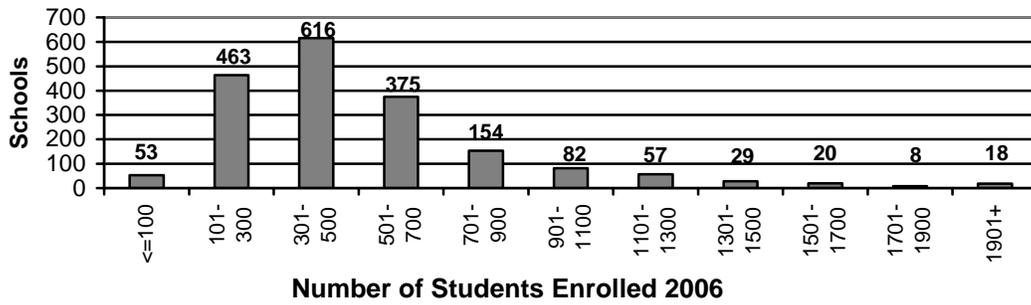
The Commonwealth is comprised of 388 school districts. The majority of the school districts in Massachusetts are relatively small in size; 58 percent of our school districts serve fewer than 2,000 students.

Types of School Districts and Public Schools

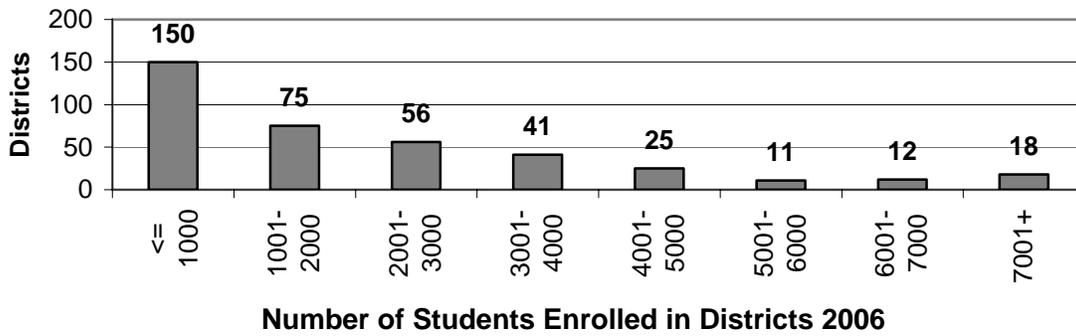
Type of Operational School District		Type of Public School	
City/Town Regular Districts	245	Elementary	1,194
Academic Regional Districts	55	Middle/Junior	326
Vocational Technical Regional Districts	26	Secondary	340
County Agriculture	3	Other Configurations	15
Independent Vocational Technical	1	Total	1,875
Charter Schools			
Commonwealth	50		
Horace Mann	8		
Total	388		
Educational Collaboratives*	32		

*Educational Collaboratives are not included in the count of Total Operational School Districts.

Massachusetts Schools by Size



Massachusetts School Districts by Size



Teachers

The Commonwealth has a strong and dedicated force of over 73,000 educators in its public schools. Over the past three years, the student/teacher ratio has declined slightly. Since 2004, more than 1,000 teachers have been added to the public schools of Massachusetts.

Teacher Data in Massachusetts Public Schools 2004-2006

	2004	2005	2006
Total Teachers (#)	72,062	73,394	73,593
Total Teachers in Core Academic Areas (#)	59,622	57,522	62,301
Teachers Licensed in Teaching Assignment (%)	93.9	93.9	94.4
Core Academic Teachers Identified as Highly Qualified (%)	93.9	93.0	93.8
Student/Teacher Ratio	13.6 to 1	13.3 to 1	13.2 to 1

Definitions

Total # of Teachers

Total number of teachers employed by the district/school, measured in "full-time equivalency".

Percent of Teachers Licensed in Teaching Assignment

The percentage of teachers who are licensed with Preliminary, Initial or Professional licensure to teach in the area(s) in which they are teaching.

Total # of Teachers in Core Academic Areas

The total number of teachers measured in "full-time equivalency", teaching in the core academic subject areas (English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography) as defined by the No Child Left Behind Act of 2001 (NCLB).

Percent of Core Academic Teachers Identified as Highly Qualified

The percentage of staff, measured in "full-time equivalency", teaching core academic areas that meet the NCLB definition of highly-qualified. To meet the definition, teachers must hold a valid Massachusetts license and demonstrate subject matter competency in the areas they teach.

Student/Teacher Ratio

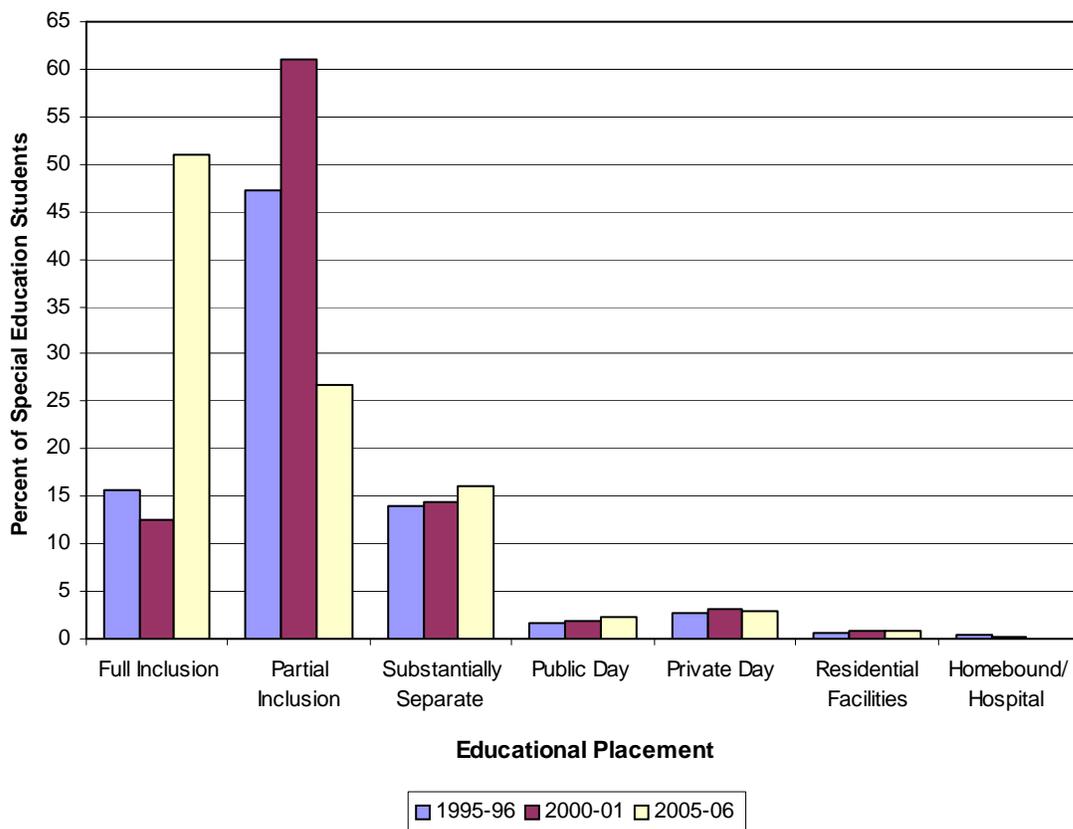
The October 1 student enrollment compared to the total number of teachers.

Trends in Special Education Enrollment by Placement

Definition of a Special Education Student

A school age child in a public or non-public school setting who, because of a disability consisting of a developmental delay or any intellectual, sensory, neurological, emotional, communication, physical, specific learning or health impairment or combination thereof, is unable to progress effectively in regular education and requires special education services, including a school age child who requires only a related service or related services if said service or services are required to ensure access of the child with a disability to the general education curriculum.

Special Education Students by Placement 1996, 2001, 2006



Placement Categories

Full Inclusion – All ages, special education services outside the general education classroom less than 21% of the time.

Partial Inclusion - All ages, special education services outside the general education classroom 21% to 60% of the time.

Substantially Separate – All ages, special education services outside the general education classroom more than 60% of the time.

Public Separate Day School – All ages.

Private Separate Day School – All ages.

Residential Facilities – All ages.

Homebound/Hospital – All ages.

Section 4: How are the Board and Department of Education working to improve teaching and learning in Massachusetts?



Board of Education Highlights

In school year 2005-06, the Department of Education distributed a total of \$719,767,031 in grant funds from 106 different grant programs. Of that total, \$148,848,345 was state and federal discretionary monies that were approved by the Board of Education. The balance, \$570,918,686, represents federal and state entitlement or allocation funding that was distributed on the basis of formulas, and did not require formal Board approval.

Following is a month-by-month summary of Board of Education votes and policy discussions.

July 2005

- Introduced new Board members Ann Reale, Commissioner of Early Education and Care, and Jonathan Urbach, Chair of the State Student Advisory Council.
- Discussed proposed policy on dissection and dissection alternative activities.
- Took a final vote not to renew the charter for the Frederick Douglass Charter School.
- Approved amendments to regulations on access to student records by non-custodial parents.

September 2005

- Took a final vote to revoke the charter for the Roxbury Charter High School.
- Re-elected Richard Crowley of Andover as Vice-Chair of the Board.
- Discussed the annual report on Adequate Yearly Progress.
- Declared the Henry Lord Middle School in Fall River as chronically under-performing.
- Discussed improvement plans from two schools in Worcester.

October 2005

- Approved the Board's FY 07 budget proposal.
- Discussed the Competency Determination standard and ways to move more students to proficiency and increase their readiness for college, careers and citizenship.

- Declared the Dr. William R. Peck Middle School in Holyoke to be chronically under-performing.
- Retained Academy Middle School (Fitchburg) and Putnam Vocational-Technical High School (Springfield) as under-performing.
- Declared that the Mt. Pleasant Elementary School in New Bedford is no longer under-performing.
- Adopted the revised policy on dissection and dissection alternative activities.
- Adopted amendments to the Student Records Regulations.
- Approved appointments and reappointments to the Board's 16 advisory councils.

November 2005

- Deferred action on improvement plans from three under-performing schools: Normandin Middle School (New Bedford); Springfield Academy for Excellence (Springfield); and Brightwood School (Springfield).
- Retained English High School (Boston) as under-performing.
- Discussed the Turnaround Plan submitted by the Southbridge Public Schools.
- Received the final report on the Lawrence Partnership Agreement.
- Received an award from the Horace Mann League of America, recognizing the Board for its leadership in implementing education reform.

December 2005

- Discussed ways to accelerate effective state intervention in under-performing schools.
- Approved the Turnaround Plan submitted by the Southbridge Public Schools.
- Renewed the charters for Codman Academy Charter Public School (Boston) and Pioneer Valley Performing Arts Charter Public School (South Hadley).

January 2006

- Adopted revised science and technology/engineering standards for high school, covering the disciplines of biology, chemistry, earth/space science, introductory physics, and technology/engineering.
- Renewed the charter of Murdoch Middle Charter Public School (Chelmsford), and renewed, with conditions, the charter of Benjamin Banneker Charter Public School (Cambridge).
- Introduced newly appointed Board member Christopher Anderson of Westford.

February 2006

- Elected Ann Reale as Vice-Chair of the Board.
- Discussed the Massachusetts National Governors Association High School Redesign Grant, an interagency initiative to increase high school graduation and college- and work-readiness rates.
- Continued discussion of the Competency Determination standard for high school graduation.
- Awarded Commonwealth charters to three new schools scheduled to open in 2007: Fall River Maritime Academy Public Charter School (Fall River); Pioneer Charter School of Science (for students from Chelsea, Everett, and Revere); and New Bedford Global Learning Charter School (New Bedford).
- Approved renewals for two charter schools: Academy of Strategic Learning Charter School (Amesbury) and Seven Hills Charter Public School (Worcester).

March 2006

- Created a subcommittee of the Board to consider options for raising the Competency Determination standard.
- Discussed the issue of teacher training with a panel of educational and business leaders.

- Approved charter renewals for the Martha's Vineyard Public Charter School (West Tisbury) and Prospect Hill Academy Charter School (Somerville).
- Discussed proposed regulatory amendments setting standards for students to earn the Certificate of Occupational Proficiency.

April 2006

- Discussed the Department of Education's new Strategic Plan.
- Continued discussion on ways to strengthen accountability and improvement for under-performing schools.
- Reviewed proposed regulatory amendments to eliminate an unintended barrier to recruiting and licensing English language development teachers

May 2006

- Held a special meeting on proposed changes to the accountability system for under-performing schools.
- Continued discussion on proposed changes to the Competency Determination standard to focus on proficiency and college readiness.

June 2006

- Amended Vocational-Technical Education regulations to establish standards for the Certificate of Occupational Proficiency and for programs of study and methods of instruction, referencing Vocational Technical Education frameworks in 43 occupational areas.
- Discussed and invited public comment on proposed Regulations on the Competency Determination and Certificate of Mastery, and on proposed Regulations on Under-Performing Schools and School Districts
- Approved amendments to the Educator Licensure Regulations for the English Language Learners / English as a Second Language license.

Department of Education Initiatives

The following section summarizes some significant new and continuing initiatives of the Department of Education that support the goal of getting all students to proficient and beyond. For more comprehensive information on the many programs and initiatives of the Department, please see www.doe.mass.edu

Conclusion of the Lawrence Partnership Agreement.

The Department of Education/Lawrence Public Schools Partnership Agreement, first signed in January 1998 and extended twice since then, expired in August 2005. The actions outlined in the agreement have been accomplished. During the years of the partnership, Lawrence built four new schools, including a new high school, and regained its high school accreditation.

Content Institutes.

In the summer of 2005, the Department offered 37 free graduate-level content institutes, providing professional development to more than 900 K-12 educators.

Expanded Learning Time Grants.

The Department awarded state grant funds to 16 districts to begin planning strategies to increase learning time by at least 30 percent at selected schools in their districts. Five districts will open a total of ten redesigned schools in September 2006.

Launch of the Department of Early Education and Care.

The new Department of Early Education and Care opened on July 1, 2005. Merging the functions of the former Office of Child Care Services and Early Learning Services at the Department of Education, the new agency is responsible for licensing all early education and care programs; providing financial assistance for child care for low-income families; and providing professional development for early education staff. The agency is overseen by the Board of Early Education and Care, which appointed Ann Reale as its first Commissioner.

MassONE.

The Department relaunched the Massachusetts Online Network for Educators (MassONE), which replaces the state's Virtual Education Space (VES). MassONE provides teachers with free, useful tools, including a searchable database of the Massachusetts curriculum frameworks, an online lesson planner, and a searchable database of thousands of educational resources to assist in teaching and learning.

Urban Superintendents Network.

The Urban Superintendents Network, convened 6 years ago with 22 urban districts participating, continues today through monthly meetings held in collaboration with the Department of Education. The Network provides opportunities for superintendents to share experiences and effective strategies relevant to their districts' needs. The Network was active throughout FY06 in promoting leadership training opportunities and professional development. It has been an important agent in creating leadership development opportunities through the design of the NISL training for urban leaders, discussed below.

Plans for National Institute for School Leaders (NISL) Leadership Training.

The Department of Education, in cooperation with the Urban Superintendents Network, has launched an urban leadership development initiative to train urban leaders. Massachusetts is the first state to implement statewide the leadership training curriculum offered by the National Institute for School Leaders (NISL). This heavily researched and field-tested program is a part of a strategic plan to assist school districts in leadership development efforts. The intent is to build capacity through distributed

leadership, increase recruitment and retention of effective leaders, and, most importantly, improve student achievement by increasing the quality of instructional leaders.

To ensure that the NISL training is tied to the needs of students in urban districts, the Department has arranged for the training to focus not only on instruction in literacy and mathematics, but also on instruction tailored to the needs of English Language Learners. In 2005, the first cohort of 53 principals completed Phase I of trainer preparation and are developing plans to deliver the NISL program back in their home districts, with some outreach to leaders in surrounding, smaller districts. The Department also arranged for Phase I NISL training to be delivered to every principal and district leader in Holyoke as part of the Department's assistance to the state's first underperforming district.

Work with Turnaround Partners.

The Department of Education continues to identify and contract with prospective providers who are qualified to support underperforming schools and districts. These organizations and individuals will contribute to improving student achievement by providing training and support for targeted needs or in a broader role as a turnaround partner.

The Department has established contracts with turnaround partners for the underperforming districts of Holyoke, Winchendon and Southbridge, as well as with three chronically underperforming schools: Kuss Middle School and Henry Lord Middle School, both in Fall River, and Dr. William Peck Middle School in Holyoke.

The Department has continued to support underperforming schools and districts through a grant program. These grants allow schools and districts to design and implement initiatives targeted at particular needs to improve student performance that cannot otherwise be supported within the regular budget. The Department has also provided our own staff, where needed and appropriate, to support efforts that assist in turning around underperforming schools and districts.

State Scholars Initiative (SSI)

In April 2006, Massachusetts was chosen as one of eight new states to participate in the State Scholars Initiative (SSI.) The SSI is a national business/education partnership effort working to increase the number of students who take a rigorous curriculum in high school. Massachusetts will receive \$300,000 over a two-year period to implement SSI and plans to work with five pilot sites: Chicopee Comprehensive High School, Chicopee High School, North High School in Worcester, Burlington High School, and Assabet Valley Regional Vocational High School.



State Intervention in Underperforming Schools

Overview

The Massachusetts Department of Education's Accountability and Targeted Assistance Center maintains and manages the state's School and District Accountability System. Results from the Massachusetts Comprehensive Assessment System (MCAS) are used to identify public schools that require state intervention in order to ensure improvements in student performance, and to identify schools with exemplary performance and improvement. Schools and districts that fail to meet state performance and improvement standards are reviewed to determine under-performance and assess whether state intervention is needed to direct improvement efforts. State intervention in underperforming schools is a multi-step process, outlined below. At any given point in the school year, schools are in different phases of the school review process. Some may be identified for initial review, while others are at the end of their plan implementation and undergo a Two Year Follow-Up Review. Schools showing significant improvement in their students' performance in Mathematics and English Language Arts are eligible for designation as Commonwealth Compass Schools.

In December 2005, the Board of Education began to discuss the review and revision of the school and district accountability system and targeted assistance processes. At that meeting, the Board discussed their timeline and plan for review of the proposed system. From January through June of 2006, Department staff held several meetings with representatives of membership organizations, school district leadership, advocacy organizations and partner consultants to discuss and develop proposed changes to the accountability system. During this time, participants had the opportunity to express their views and concerns around the accountability system and its revisions.

The five major proposed changes considered in the new regulations were: 1) Accelerate the time line for underperforming identification; 2) Outline actions necessary to determine the quantity and type of assistance needed to improve underperforming schools; 3) Articulate a shared vision of essential components of effective schools; 4) Establish formal partnerships for assisting underperforming schools and 5) Establish a State Review Panel to evaluate school improvement plans of underperforming schools. Draft regulatory amendments were submitted to the Board at their June meeting, where they voted 7 to 1 to solicit public comment through September 15, 2006. Throughout this process, the accountability system continued to function as described below.

1. Identifying Accountability Status under NCLB

On an annual basis, the Department issues Adequate Yearly Progress (AYP) determinations for every public school and school district in Massachusetts. The performance and improvement data for each school and district, together with data on MCAS participation, student attendance, and high school

graduation rates, is compiled and analyzed to determine, for each school, whether students in the aggregate and student subgroups within the school have made AYP toward the achievement of state performance targets. AYP determinations are used to assign each school an Accountability Status. The category to which a school is assigned is based on its AYP determinations over multiple years and defines the required course of school, district and/or state action that must be taken to improve student performance. Accountability status categories include Identified for Improvement, Corrective Action and Restructuring. Schools that make AYP in a subject for all student groups for two or more consecutive years are assigned to the No Status category. A district or school may be placed in an accountability status on the basis of the performance and improvement profile of students in the aggregate or of one or more student subgroups over two or more years in English language arts and/or mathematics.

Based on 2005-06 data, 1772 schools received AYP determinations. 206 schools were identified for improvement in the aggregate; 176 schools were identified for improvement for subgroups. Forty-nine schools were identified for corrective action in the aggregate and 139 schools were identified for corrective action for subgroups. Fifty-nine schools were identified for restructuring, seven for both subjects, 17 just for ELA, and 35 just for math.

2. Panel Reviews

The Regulations on Underperforming Schools and School Districts, 603 CMR 2.00, provide that schools with persistently low performance and failure to make AYP over time are referred for a School Panel Review in late fall/early winter of each year to determine whether state intervention is needed in order to improve student performance.

Panels consisting of educational practitioners, a consultant and a Department staff member, look more closely at the school's performance data, student participation and staff profile data, and other information. The panels then visit the schools for a day of observation, interviews and meetings with faculty and school and district leaders to determine whether the school is implementing a sound plan for improvement and whether the conditions are in place to support improved student performance. Following careful review of data and the Panel Report on these two key questions, the Commissioner may issue a determination of underperformance.

When School Panel Review leads to a determination that the school is underperforming, the Department offers Targeted Assistance in the form of

- a series of specific interventions, including identification of reasons for low student performance and professional development needs, and training and support for data-driven school improvement planning,
- close ongoing supervision and support of implementation of the plan over a two year period, and
- measures of the effectiveness of the planned improvement initiatives based on results.

Twenty-eight schools with an Accountability Status of Corrective Action or Restructuring in English language arts and/or mathematics underwent Panel Reviews in the winter of 2005-06. Of the 28, the following 26 schools were found to be underperforming:

Fairview Middle School – Chicopee
Harriet T. Healey Elementary School – Fall River
William S. Greene Elementary School – Fall River

Great Fall Middle School – Gill-Montague
Holbrook Junior-Senior High School – Holbrook
Abraham Lincoln Elementary School – New Bedford
George H. Dunbar Elementary School – New Bedford
Randolph Community School – Randolph
Lincoln Elementary School – Springfield
Samuel Bowles Elementary School – Springfield
South Middle School- Westfield
Burncoat Middle School – Worcester
Burncoat Street Elementary School – Worcester
Chandler Community School – Worcester
Chandler Magnet School – Worcester
Forest Grove Middle School – Worcester
Lincoln Street Elementary School – Worcester
Sullivan Middle School – Worcester
John Winthrop Elementary School – Boston
Mary E. Curley Middle School – Boston
Solomon Lewenberg Middle School – Boston
William Russell Elementary School – Boston
William Monroe Trotter Elementary School – Boston
Agassiz School – Boston
James J. Chittick Elementary School – Boston
John Marshall Elementary School - Boston

Following panel reviews, determinations of underperformance at the following schools were deferred pending 2006 MCAS results:

John M. Tobin Elementary School – Cambridge
Newton Elementary School – Greenfield
Charlotte Murkland Elementary School – Lowell

3. Diagnostic Fact Finding Review

Once designated, underperforming schools participate in a diagnostic Fact Finding Review, which serves as a needs assessment in preparation for improvement planning. A Fact Finding Team of educational consultants and practitioners spend three and a half days reviewing data and information at the school, including the Panel Review Report, and interacting with school leaders and staff. The purposes of the Fact Finding Reviews are to:

- provide an in-depth diagnosis of the school's strengths and areas for improvement by focusing on the causes / reasons for low student performance,
- make specific priority recommendations for the development of the school's improvement plan.

The Fact Finding Team's judgments are guided by a protocol that addresses curriculum, instruction and assessment, school leadership, school climate and organizational structure, and district support for improvement initiatives at the school. Evidence is collected through observations of teaching and learning, interviews of faculty, students, families, administrators, district personnel and other school stakeholders and through the review of documents, including testing information, curriculum documents, and student work. The Fact Finding Report provides clear identification of strengths and

weaknesses and priority recommendations for areas upon which the school should focus in planning for improvement.

The 26 schools found to be underperforming in fall of 2005 were scheduled for Fact Finding Reviews in 2006. The following nine schools underwent Fact Finding Reviews in the spring of 2006: John Marshall Elementary School in Boston; Fairview Middle School in Chicopee; Great Falls School in Gill-Montague; Holbrook Junior-Senior High School in Holbrook; Abraham Lincoln School in New Bedford; Randolph Community Middle School in Randolph; Lincoln and Samuel Bowles Schools in Springfield and South Middle School in Westfield. The remaining 17 schools will undergo Fact Finding reviews in the fall of 2006.

4. Targeted Assistance/Intervention Provided to Underperforming Schools

Underperforming schools receive a \$25,000 grant to support planning and school improvement efforts. Funds may be used for salaries, stipends, contracts, consultants, materials and travel for training to support planning and professional development identified in the school improvement plans. Funds granted for use in the 2005-2006 school year were used to pay teacher stipends to work after school and weekends on development of improvement plans, including data analysis and action planning. Additionally, teacher teams convene regularly to examine cumulative evidence of plan implementation and review benchmark data including assessment results. Stipends are paid to teachers participating in professional development to interpret student assessment results and to learn how to use these results to differentiate instruction for students in their classrooms. Funds are also used to purchase math software to supplement the existing math program as well as supplies to support the implementation of the new math curriculum.

5. District Plan for School Intervention

Using the Fact Finding Report and other data and information, the district and school leadership team from each of the schools participated in facilitated work sessions, where Department technical assistance staff and data analysts guided the planning team through an inquiry-based process designed to help them develop a sound plan for improving student performance at their school, and identify professional development needs. The retreats were scheduled during the summer and fall and culminated in the presentation of the school improvement plans to the Board of Education.

Eight schools found underperforming in winter 2005, referenced above, participated in planning retreats that began in June of 2006.

6. Implementation Guidance and Support

Once the School Improvement Plans are accepted by the Board of Education, the underperforming schools are expected to implement the plan to improve student performance over the next two years.

During that time, staff from the School and District Intervention (SDI) unit at the Department offer ongoing oversight and support, including regular periodic visits to the school to meet with leaders and staff and observe planned initiatives underway in the school and the classroom. When needed, SDI staff are joined by staff from the Math, Science, Reading and Office of English Language Acquisition units.

In FY 2006, implementation guidance and support was provided to 30 schools. These schools received between \$10,000 and \$30,000, depending on enrollment. These grants were funded by a combination of state and federal resources.

7. Follow-up Panel Reviews

Two years after a school is declared underperforming, and has been actively implementing a sound plan for improvement, Follow-Up Panel Reviews are conducted in each school to assess the school's progress. After considering the original Review Panel's and the Follow-Up Panel's findings, the Department determines whether the school has faithfully implemented its improvement plan and the adequacy of improved student performance. The Commissioner uses these reports, along with other student performance data, to determine whether the school will exit its status of underperforming, remain in underperforming status, or be declared chronically underperforming.

Based on the Two-year Follow-up Review, underperforming schools that have implemented their School Improvement Plan (SIP) approved by the Board of Education and where students have shown significant progress on MCAS, exit underperforming status. Schools that have implemented their SIP but shown marginal progress may be retained in underperforming status to ensure continued state oversight and support. Schools that have been unable to implement the improvement initiatives in the SIP and where students did not show Adequate Yearly Progress (AYP) are found chronically underperforming. To date, two schools from New Bedford have exited underperforming status: the Roosevelt Middle School and Mt. Pleasant Elementary School.

In winter/spring 2006, three underperforming schools (designated in 2004) participated in a Two-year Follow-up Panel Review. Those schools were:

Perkins Elementary School – Boston
Sullivan Middle School - Lowell
Washington Street Elementary School - Springfield

Final determinations will be made in Fall 2006, after review of the latest MCAS results.

Reports submitted to the Commissioner from each stage of the School Performance Evaluation Process, including School Panel Review Reports, Fact Finding Reports, and Two-Year Follow-up Review Reports are available on the Department of Education web site by cohort year at <http://www.doe.mass.edu/sda/review/>

8. Identifying schools showing significant improvement

The Department also uses the School and District Accountability System to identify schools showing significant improvement in their students' performance in English language arts and mathematics. To date, 60 schools have been designated as Commonwealth Compass Schools. They include elementary, middle, vocational, and comprehensive high schools across the state.

In 2005, 12 schools were selected as Commonwealth Compass Schools:

Andover High School – Andover
Community Day Charter School – Lawrence

Framingham High School – Framingham
Franklin Avenue Elementary School – Westfield

H. H. Galligan Elementary School – Taunton
Sarah Greenwood Elementary School – Boston
Lynnfield High School – Lynnfield
Mill Swan Communications Center – Worcester

Lawrence Pingree Elementary School – Weymouth
South Street Elementary School – Fitchburg
Thompson Elementary School – Arlington
Turkey Hill Middle School - Lunenburg

Each of the 12 schools selected as 2005 Commonwealth Compass School received a \$10,000 grant and special recognition at a public event at the Great Hall of the State House in October. To further promote sharing and dissemination of effective practices, each of the 2005 Compass Schools has also hosted two on-site events where educators from other schools across the Commonwealth observe and discuss the practices implemented in the Compass Schools. In 2006, schools will be selected for Commonwealth Compass School status on the basis of performance and improvement evidenced by MCAS results.

Significant Litigation in 2005-2006

Following are summaries of some significant litigation involving the Board, Department and Commissioner of Education in FY 2006 (July 1, 2005 – June 30, 2006).

1. Holden v. Wachusett Regional School District Comm., 445 Mass. 656 (2005)

In December 2005, the Massachusetts Supreme Judicial Court issued a unanimous decision upholding the Commissioner's authority to approve or disapprove amendments to regional school district agreements. The court further held that the Board of Education's regulation on approval of regional school district agreements is fully consistent with statutory authority and was properly promulgated, and that the Commissioner properly exercised his authority in declining to approve a proposed amendment to the Wachusett Regional School District agreement.



The proposed amendment to the regional agreement had been adopted by four of the five member towns. It would have required the fifth and poorest town, Rutland, to pay far more than its per student share of the excess amount that the regional school committee voted to spend each year. The Commissioner declined to approve the proposed amendment, stating that it was contrary to the intent of the regional school district statute and school finance system under the Education Reform Act, it created an unreasonable and unjustifiable burden on a minority of member towns, and it was arithmetically ambiguous. The SJC upheld the Commissioner's authority and action in every respect.

Particularly notable in this decision is the court's strong language supporting the authority and discretion of the Commissioner and Board of Education in carrying out the purposes of state education laws. The court reasoned that the authority and discretion of the Commissioner and the Board are extensive because the Commonwealth has ultimate responsibility for the quality of public elementary and secondary education. Relying on the broad legislative grant of authority to the Board, the court stated that "the board [has] far-reaching power 'to withhold state and federal funds from school committees which fail to comply with the provisions of law relative to the operation of the public schools or any regulation' and [is] require[d] . . . to ensure 'that all school committees comply with all laws relating to the operation of the public schools.'"

The full text of the Supreme Judicial Court's decision in the *Holden* case is available at: <http://www.masslaw.com/signup/opinion.cfm?recID=120636>.

2. Student 1, et al. v. Mass. Board of Education, et al., Suffolk Super. Ct. No. 03-0071 (May 2006 settlement)

In May 2006, the sole remaining legal challenge against the state's high school graduation requirement was settled. The settlement upholds the Commonwealth's right to hold all students to a uniform high

standard. The Department of Education and the Attorney General's Office worked with the plaintiffs in this case since 2004 to arrive at the settlement, leading to a stipulation of dismissal of the case.

The settlement maintains the competency determination standard for high school graduation. That standard requires all students, beginning with the class of 2003, to meet local graduation requirements and meet or exceed the score established by the Board of Education on both the English Language Arts and Mathematics grade 10 MCAS exams in order to earn a Massachusetts high school diploma. The settlement includes several provisions aimed at helping students meet the standard and improving the quality of education statewide. Among them:

- Taking additional steps to ensure that students with disabilities have access to the curriculum taught to all students;
- Developing guidance for school districts on improving classroom instruction for limited English proficient students;
- Eliminating the requirement that students earn a minimum score of 216 on the grade 10 MCAS exam to qualify for a performance appeal, while maintaining the same rigorous and substantive standards for evaluating that appeal;
- Requiring school districts to notify students who leave without having earned the competency determination that there are post-high school opportunities to learn the necessary material and retake the MCAS exams; and
- Taking steps to reduce the number of students who drop out of school, including setting a state standard for a "high school graduation rate" and sponsoring statewide conferences on strategies for dropout prevention.

3. *Gregory P. Lee v. Department of Education, Suffolk Super. Ct. No. 05-0937 (February 15, 2006)*

The Superior Court (Judge Elizabeth Fahey) upheld the legality of the Department of Education's process for reviewing and denying applications for educator licensure based on an applicant's educational qualifications and moral character. The court affirmed the Department's position that an applicant for an educator license has no statutory or constitutional right to an adjudicatory hearing or judicial review when the agency declines to grant an initial license based on the applicant not having met the requirements for licensure. In contrast, revocation of an existing license requires the agency to give the license holder the opportunity for an adjudicatory hearing before taking final action, and the license holder may appeal an adverse decision to Superior Court.

The Superior Court held that the state Administrative Procedure Act and the educator licensure statute do not require an agency hearing in the context of license applications, and there is no constitutional right to such a hearing because the applicant does not yet have a protected property interest in a license. The court also held that the provision in the educator licensure statute, M.G.L. c.71, § 38G, requiring applicants to have "sound moral character" is not unconstitutionally vague.

4. *McCarthy v. Driscoll, Suffolk Super. Ct. No. 05-2125 (March 20, 2006)*

The Superior Court (Judge Janet Sanders) upheld the authority of the Board and Commissioner of Education to establish licensure standards for superintendents of vocational-technical school districts, specifically including superintendents of independent agricultural and technical schools. The court directed the entry of a judgment declaring that the Commissioner acted within his authority when he

invalidated the appointment of the plaintiff as the superintendent of Essex Agricultural and Technical High School because the plaintiff did not meet the licensure standards.

5. *School Committee of Hudson, School Committee of Marlborough, and School Committee of Maynard v. Board and Commissioner of Education, Middlesex Super. Ct. No. 04-1155 (Aug. 11, 2005)*

In February 2004, on recommendation of the Commissioner, the Board of Education voted to grant a charter to the Advanced Math and Science Academy Charter School (AMSA) in Marlborough. In March 2004, the school committees of Hudson, Marlborough, and Maynard filed suit in Superior Court against the Board and Commissioner and sought reversal of the Board's decision to grant a charter to AMSA. Among other claims, the school committees alleged that the Board and the Commissioner failed to comply with statutory mandates.

In August 2005, the Superior Court (Judge Stephen Neel) dismissed all of the school committees' claims. The court determined that relief was not available under the Commonwealth's administrative procedure act, M.G.L. c. 30A, or the Commonwealth's certiorari statute, M.G.L. c. 249, § 4, because the Board's granting of a charter does not occur as the result of an adjudicatory proceeding that is quasi-judicial or judicial in nature. The court also determined that the plaintiffs were not entitled to judgment under the declaratory judgment statute, M.G.L. c. 231A, because they did not challenge the alleged defects in the award of AMSA's charter as "consistently repeated." The decision affirmed that the AMSA Charter School holds a valid charter granted by the Board. The charter school opened in September 2005.

The school committees subsequently sought, and were denied, reconsideration of the Superior Court's decision. They then appealed the Superior Court's decision and requested direct appellate review in the Massachusetts Supreme Judicial Court. The appeal is pending in the Supreme Judicial Court, which is expected to hear oral argument early in 2007.

6. *Commonwealth of Massachusetts v. Roxbury Charter High Public School, Suffolk Super. Ct. No. 2005-4052-F (Dec. 20, 2005)*

In September 2005, after seven days of hearing, the Board of Education voted to adopt the recommended decision of its hearing officer to revoke the charter granted to the Roxbury Charter High Public School (RCHPS). The Board's decision was based on the school's lack of financial viability, its serious and ongoing organizational problems, and its failure to adhere to the terms of its charter. While RCHPS did not seek judicial review of the Board's revocation decision, it nonetheless remained open. As a result, on September 22, 2005, the Commonwealth filed an action seeking the school's immediate closure and, after a number of legal proceedings and an appeal, a single justice of the Massachusetts Appeals Court (Laurence, J.) stayed the Board's action until December 23, 2005.

On December 20, 2005, following briefing and argument by the parties, the Superior Court (Judge Geraldine Hines) affirmed the Board's revocation decision effective December 23, 2005. In its decision, the court "conclude[s] that the Board's decision is supported by the substantial evidence in the Hearing Officer's findings and that the Board was within its statutory discretion in revoking the School's charter." In support of its conclusion, the court states that "there is no dispute that the School experienced serious financial difficulties that threatened its viability;" that "the evidence also establishes that the School struggled with governance and management issues;" and that "the School did not meet its obligations under the Charter."

In March 2006, RCHPS appealed the Superior Court's decision. The appeal is pending in the Massachusetts Appeals Court, which is expected to hear oral argument sometime in 2007.

7. *Burton v. Town of Littleton*, 426 F. 3d 9 (1st Cir. 2005)

Although the Commissioner of Education was not a party to this case, the decision in the *Burton* case provides helpful guidance to state and local and education officials. In *Burton*, the school district terminated a newly hired teacher after she was accused of hitting a fifth grader, an accusation that appears to have been false. The opinion of the U.S. Court of Appeals for the First Circuit (by Justice Sandra Lynch) analyzed whether Littleton, the public sector employer, had disseminated a false and defamatory impression about the teacher's discharge when the superintendent sent a copy of the termination letter to the Commissioner of Education. The opinion distinguished the superintendent's duty to shield public employee personnel records from public disclosure (citing the holding of the Massachusetts Supreme Judicial Court in the *Wakefield* case, decided in 2000), from a superintendent's duty in "communicating appropriate concerns about teachers to the Commissioner in his capacity as a licensing authority." The Court affirmed the Commissioner's broad statutory authority in educator licensing matters, and endorsed the superintendent's authority to report misconduct to the Commissioner that "could potentially affect licensure," even before the superintendent's obligation to report educator misconduct was specified in a Board of Education regulation.

The Massachusetts Board of Education

The following is a listing of Board of Education members that served during the 2005-2006 school year. For a listing of Board of Education members at the time of this report's publication, please refer to the inside front cover.



James A. Peyser, Chairman
New Schools Venture Fund
15 Court Street
Suite 420
Boston, MA 02108

James A. Peyser is a partner with New Schools Venture Fund, and is chairman of the Massachusetts Board of Education. Mr. Peyser was appointed to the Board of Education by Governor William Weld in 1996 and became its chairman in 1999. Prior to joining the Governor's staff under Jane Swift in 2001 and serving as education advisor to Governor Romney, Mr. Peyser worked for nearly eight years as executive director of Pioneer Institute for Public Policy Research, a Boston-based think tank. He took a four-month leave of absence from Pioneer in 1995 to serve as Under Secretary of Education and Special Assistant to Governor Weld for Charter Schools. Prior to joining Pioneer in 1993, Mr. Peyser worked for more than seven years at Teradyne Inc., a world leader in the manufacture of electronic test systems. Mr. Peyser also served for three years in Washington, D.C. as director of the Export Task Force, a bi-partisan congressional caucus on international trade.

Mr. Peyser holds a Master of Arts in Law and Diplomacy from The Fletcher School (Tufts University) and a Bachelor of Arts from Colgate University. He is a member of the board of overseers of WGBH, is a former member of the board of directors of Boston Partners in Education, and served as the first chairman of the Educational Management Audit Council.. He also serves on the policy board of the National Council on Teacher Quality.



J. Richard Crowley, (Vice-Chairman: Served until January 2006)
One Keystone Way
Andover, MA 01810

Mr. Crowley is the President of Keystone Consulting, which provides financial and operational management services to businesses. He founded Keystone Consulting in 1995 after 17 years of experience, including being Chief Operating Officer of LittlePoint Corporation in Wakefield, Senior Vice President of Trans Financial Services in Boston, and Chief Financial Officer of The Crosby Vandenberg Group in Boston. Mr. Crowley obtained his CPA while at Price Waterhouse in Boston. He received a Bachelor of Arts in economics from Providence College and attended the Cornell Graduate School of Business. Mr. Crowley is also a board member of the Andover Little League in addition to coaching soccer and Little League baseball. He teaches confirmation students at St. Augustine's in Andover.



Ann J. Reale, (Vice-Chair: Elected in February 2006)

Commissioner
Department of Early Education and Care
600 Washington Street, 6th Floor
Boston, MA 02111

Ann J. Reale is the first Commissioner of the Department of Early Education and Care, which will build a new, coordinated, comprehensive system of early education and care in Massachusetts. Commissioner Reale served as Senior Policy Advisor to Governor Romney from 2003-2005. Ms. Reale held a number of positions in the Executive Office for Administration and Finance from 1996-2003, including Undersecretary and Acting Chief Financial Officer (2002-2003) and State Budget Director and Assistant Secretary (1999-2002). Commissioner Reale holds a master's degree in public administration from Syracuse University, and a BA in Economics from the University of Massachusetts, Amherst.



Christopher R. Anderson

Massachusetts High Technology Council, Inc.
1601 Trapelo Road
Waltham, MA 02451

Christopher R. Anderson is president of the Massachusetts High Technology Council, Inc. Before becoming president in January 2001, he served as the Council's vice president and general counsel. He joined the Council in 1984 and has helped shape state policies that have improved the business climate for the Massachusetts high technology industry. In June 2001, he was appointed to serve as a member of the Massachusetts Renewable Energy Trust Advisory Committee. In March 2001, he was appointed to serve as a member of the State Advisory Council to the Department of Employment and Training. Mr. Anderson graduated from Lexington High School in Lexington, MA. He holds a Bachelor of Arts degree from the University of Notre Dame, and a law degree from Suffolk University School of Law.



Harneen Chernow

Director of Education & Training
Massachusetts AFL-CIO
389 Main Street
Malden, MA 02148

Harneen Chernow became the Massachusetts AFL-CIO Director of Education and Training in October 1998. In this position she directs a team that coordinates labor's role in all workforce development initiatives, works with local union leadership to develop their capacity to participate in adult education and skills training efforts, and pursues labor's involvement in economic and workforce development projects that create and retain good jobs.

Prior to this position Ms. Chernow was the director of a joint labor/management project of SEIU Local 285 and unionized healthcare employers throughout Massachusetts for eight years. In this role Ms. Chernow coordinated job-redesign and job training programs, workplace literacy classes and designed career ladders for union members throughout the Commonwealth of Massachusetts. She also served on the Education Committee of SEIU's International Executive Board and the Mass Jobs Council.

Ms. Chernow is the recipient of the Massachusetts AFL-CIO Outstanding Service Award, the UMass Dartmouth Labor Education Center Fontera Memorial Award and the UMass Boston Labor Resource Center Foster-Kenney Award. She received her B.A. from Wellesley College and M.A. from University of California, Berkeley.



Judith I. Gill
Chancellor
Board of Higher Education
One Ashburton Place Room 1401
Boston, MA 02108

Dr. Judith I. Gill has served as Chancellor and Chief Executive Officer of the Massachusetts Board of Higher Education. As Chancellor, she is responsible for setting the state's public higher education agenda and coordinating the development and implementation of public policy for the 15 community, nine state, and five University campuses.

Working with the 11-member Board of Higher Education, Chancellor Gill has overseen the creation of a state-of-the-art data warehouse to guide assessment and system improvement, shaped the first performance measurement system for state and community colleges, developed a higher education formula budget, adopted a Strategic Plan for Capital Improvements on public campuses, and strengthened the ties between secondary and post-secondary institutions, especially in the areas of teacher preparation. She is strongly committed to a system of public higher education where institutions work collaboratively to address the important mission of providing accessible, affordable, quality higher education programs to meet the needs of the students and the Commonwealth.

As Vice Chancellor of the Board of Higher Education from 1995 through 1999, Dr. Gill was a senior advisor to the Chancellor on system-wide policy development and the Board's liaison with the Legislature. From 1989 to 1994, she was the Director of Research and Policy Analysis for the Western Interstate Commission for Higher Education (WICHE), during which time she also served as an adjunct faculty member in Higher Education Studies at Denver University. Dr. Gill's professional career began in 1972 as staff associate and legislative liaison for the University of Massachusetts.

Dr. Gill is a native of Brookline, Massachusetts, and a graduate of the University of Massachusetts Amherst. She also holds a master's degree in public administration from the University of Washington and a Ph.D. from the University of Michigan.



Roberta R. Schaefer
Worcester Regional Research Bureau
319 Main Street
Worcester, MA 01608

Roberta Schaefer is the founding executive director of the Worcester Regional Research Bureau which was established in 1985. Under her leadership, The Research Bureau has researched and written more than 135 studies and organized more than 140 forums on important public policy issues in the greater Worcester region. This work has educated both public officials and citizens alike and resulted in the adoption of many Research Bureau recommendations. She has taught Political Science at Assumption College, Clark University, Nichols College, and Rutgers University. She received her B.A. from Queens College of the City University of New York and earned her M.A. and Ph.D. in Political Science from the University of Chicago. Dr. Schaefer has been a member of the Massachusetts Board of Education since 1996 and served as Vice-Chairman for three of those years. She is also a director of the Worcester Regional Chamber of Commerce and the Greater Worcester Community Foundation, a incorporator of Bay State Savings Bank and the Worcester Art Museum, and a Trustee of the Governmental Research Association. She has co-edited two books (Sir Henry Taylor's *The Statesman and The Future of Cities*) and has authored several articles in professional journals.



Abigail M. Thernstrom
1445 Massachusetts Avenue
Lexington, MA 02420

Dr. Thernstrom is currently a Senior Fellow at the Manhattan Institute in New York and the Vice-Chair of the U.S. Commission for Civil Rights. She received her Ph.D. from the Department of Government, Harvard University, in 1975. Her newest book, "No Excuses: Closing the Racial Gap in Learning" was published by Simon & Schuster in 2003. It is co-authored with her husband, Harvard historian Stephan Thernstrom. Their 1997 work, "America in Black and White: One Nation Indivisible" (1997), was named one of the notable books of the year by the New York Times Book Review. She was a participant in President Clinton's first town meeting on race, and writes for a variety of journals and newspapers including *The New Republic* and the *Wall Street Journal*. Her frequent media appearances have included Fox News Sunday, Good Morning America, and ABC's Sunday morning "This Week with George Stephanopolous."



Henry M. Thomas, III
Urban League of Springfield
756 State Street
Springfield, MA 01109

Mr. Thomas is the President and Chief Executive Officer of the Urban League of Springfield, Inc. He has worked in the Urban League movement for twenty-nine years. He began as Youth and Education Director in 1971. In 1975 at age 25, he became the youngest person appointed as President/CEO of any Urban League affiliate. He also serves

as CEO of the Historic Camp Atwater, which is the oldest African American summer youth residential camp in the country. Mr. Thomas serves on a number of local and national boards and commissions. He is founder and current Chairman of the Board of Directors of the New Leadership Charter School, member of the American Camping Association board of trustees, Chairman of the Board of Trustees of the Springfield Cable Endowment, and former Chairman of the Springfield Fire Commission and Police Commission respectively. In addition, Mr. Thomas is a Visiting Professor at the University of Massachusetts and also at Curry College. He received a Bachelor of Arts in psychology and a Master's degree in human resource development from American International College, and holds a Juris Doctor from Western New England College of School Law.



Jonathan Urbach
Chair, State Student Advisory Council
c/o Massachusetts Department of Education
350 Main Street
Malden, MA 02148

Jonathan Urbach is the 2005-2006 Chair of the State Student Advisory Council, elected by fellow students in June 2005. Entering his senior year at Falmouth High School, Mr. Urbach has served as the chair of the budget workgroups at both the regional and state levels of the Student Advisory Council. Mr. Urbach volunteers at the Cape Cod Free Clinic, with a local fourth grade band, and at Woods Hole Oceanographic Institute. Mr. Urbach is a member of the National Honor Society and the National Music Honor Society.

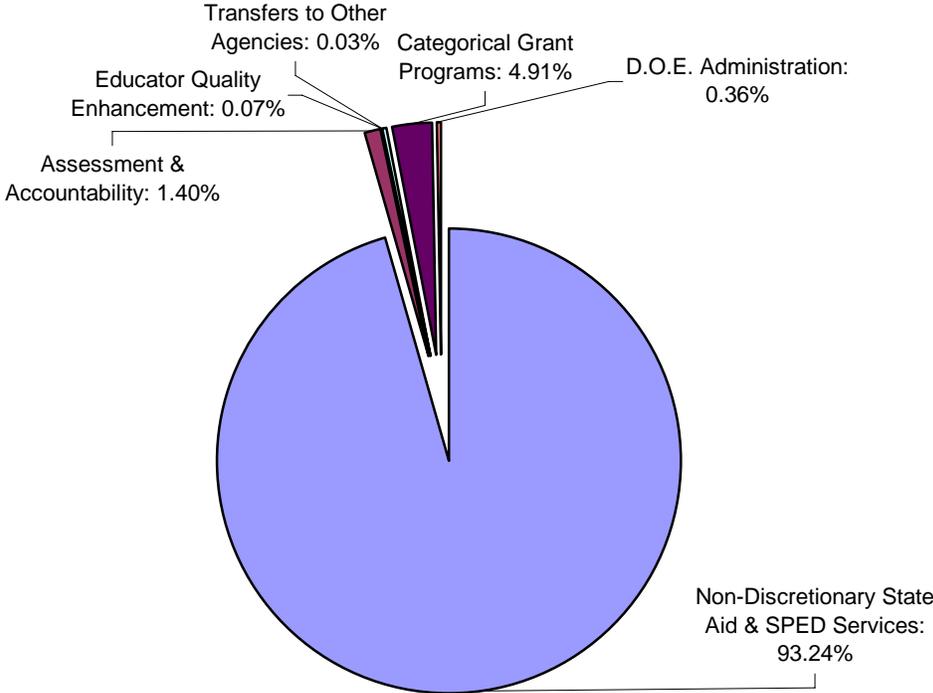


David P. Driscoll
Commissioner of Education
Massachusetts Department of Education
350 Main Street
Malden, MA 02148

Commissioner Driscoll has been in public education and educational leadership for more than 40 years. He received a Bachelor of Arts in mathematics from Boston College, a Master's Degree in Educational Administration from Salem State College, and a Doctorate in Educational Administration from Boston College. A former Mathematics teacher at the junior high school level in Somerville and at the senior high school in Melrose, he became Assistant Superintendent in Melrose in 1972 and Superintendent of Schools in Melrose in 1984. He served as the Melrose Superintendent for nine years until his appointment in 1993 as Deputy Commissioner of Education in Massachusetts. In July 1998 he was named Interim Commissioner of Education, and on March 10, 1999, he was appointed by the Board as Massachusetts' 22nd Commissioner of Education. Commissioner Driscoll has four children, all graduates of Melrose High School.

APPENDIX A: Department of Education Budget Information

DOE FY 2006 Budget Appropriation by Categories



**FY 2006 Administration Account Budget Summary
(\$9.8 Million)**

