

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

**December 21, 2004
9:15 a.m. - 12:35 p.m.**

**Massachusetts Department of Education
350 Main Street, Malden, Massachusetts**

Members of the Board of Education Present:

James A. Peyser, Chairman, Milton
J. Richard Crowley, Vice-Chairman, Andover
Judith Gill, Chancellor, Board of Higher Education, by Patricia Plummer, designee
Emily Levine, Chair, Student Advisory Council, Leeds
Roberta Schaefer, Worcester
Abigail Thernstrom, Lexington
Henry M. Thomas, III, Springfield

David P. Driscoll, Commissioner of Education, Secretary to the Board

Member of the Board of Education Absent:

Harneen Chernow, Jamaica Plain

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

Comments from the Commissioner

Commissioner David P. Driscoll opened the meeting by distributing the Report of the Massachusetts Early Education and Care Council. Chapter 205 of the Acts of 2004 established the Department of Early Education and Care to serve "as the lead agency for the administration of all public and private early education and care programs and services..." The new Department of Early Education and Care takes effect July 1, 2005. The Early Education and Care Council (comprised of the Commissioners of Education, Office of Child Care Services, and Public Health) was charged by Section 344 of the FY 05 state budget with developing a comprehensive transition plan to consolidate existing programs of early

education and care into the new Department. In addition, the Council was to make recommendations on the new Department's policies and procedures and submit them as part of its report. Commissioner Driscoll noted that the new Commissioner of Early Education and Care will serve as a member of the Board of Education.

Statements from the Public

- Marilyn Segal of Citizens for Public Schools addressed the Board on Roxbury Charter High School.
- Dr. Omar Reid, Chair of the Roxbury Charter High School Board of Trustees, addressed the Board on Roxbury Charter High School.
- Skedrich Gavin of 15th Inc. addressed the Board on Roxbury Charter High School.
- Chuck Turner of the Boston City Council addressed the Board on Roxbury Charter High School.
- Elizabeth Garrant, a parent of a Roxbury Charter High School student, addressed the Board on Roxbury Charter High School.
- Jacqueline Rhodes, a parent of a Roxbury Charter High School student, addressed the Board on Roxbury Charter High School.

Approval of the Minutes

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the minutes of the November 23, 2004 regular meeting as presented by the Commissioner.

The vote was unanimous.

1. Roxbury Charter High School

The Board had a lengthy discussion on the Commissioner's recommendation to revoke the charter of the Roxbury Charter High School for Business, Finance and Entrepreneurship. The Board granted the school a Commonwealth charter in 2002, and the school opened in September 2003. Commissioner Driscoll noted that the school went through two rounds of applications before the Board granted a charter to the school. The school's curriculum focus is on business, finance and entrepreneurship for students in grades 9 through 12. Roxbury Charter High School is currently in its second year of operation, with an enrollment of 107 students, rather than the 175 projected in the school's original growth plan.

Commissioner Driscoll reviewed the evidence on which he based his recommendation, citing that the school is not financially viable and that its governance and administrative structure is not providing sufficient oversight to the operations of the school. Commissioner Driscoll said that while he had initially wanted to close the school immediately, the outpouring of support from parents, community leaders and legislators convinced him that allowing the students to finish out the school year was the better option.

Chairman Peyser said that in addition to the school's financial problems, the school faces other challenges, including high teacher turnover and compliance issues. He said that the school is in danger of becoming insolvent. Chairman Peyser commended Commissioner Driscoll for bringing this issue to the forefront, and presented a revised motion, which the Commissioner endorsed, to begin revocation proceedings and allow the Commissioner to require the school to take any actions he deems necessary to enable the school to finish out the academic year. Chairman Peyser noted that the objective is not to sustain the school indefinitely, but rather to ensure that students have an adequate education for the rest of the school year, and that they are able to transition into new schools at the end of the academic year. The revocation is conditional on the right of the school's board of trustees to request an administrative hearing on the decision. Chairman Peyser said this action is a reasonable alternative to closure.

Board member Abigail Thernstrom asked why the school was unable to enroll the expected number of students. She noted that other charter schools with an extended school day and school year have not had difficulty in recruiting students. Board Vice Chairman Rick Crowley said that a financial shortfall is almost inevitable over the next six months. Chairman Peyser said that the findings give the Board little confidence that the school can continue beyond June of 2005. Board member Henry Thomas, III said based on the facts, the Commissioner had a fiduciary duty to recommend that the school's charter be revoked. Mr. Thomas asked if the motion allowed for the possibility that the school could turn itself around over the next six months, even though that possibility seems remote based on the facts. Chairman Peyser responded that the vote on revocation of the charter takes effect on June 30, so the Board could reconsider its vote prior to June 30, 2005.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89; General Laws chapter 30A, section 13; and 603 CMR 1.00, hereby state its intent to revoke the public school charter granted to the Roxbury Charter High School effective June 30, 2005, based upon the information presented by the Commissioner regarding the school's performance.

Provided, that the revocation of the charter shall be conditional on the right of the board of trustees of the Roxbury Charter High School to request an administrative hearing in accordance with General Laws chapter 30A, section 13 and 801 CMR 1.00; provided further, that any such request for a hearing shall be in writing, addressed to the Board of Education, and must be received within 15 days of the school's receipt of the notice of the Board's December 21st action. If the Board does not receive a request for a hearing from the school within the 15-day period, the Board's conditional action on revocation of the charter shall become final at the end of the 15-day period.

Provided, further, that the Board authorize the Commissioner to impose such conditions on the school and its board of trustees, in accordance with 603 CMR 1.13 (5), as he determines are necessary to enable the school to complete the current school year. In connection with determining and imposing such conditions on the school, the Commissioner shall confer with an advisory committee that he

shall establish in consultation with parents of students at the Roxbury Charter High School and community leaders.

The vote was unanimous.

2. District Performance Updates on North Adams and Keefe Tech

The Board heard an update from Educational Quality and Accountability (EQA) Executive Director Joe Rappa that both the North Adams school district and the South Middlesex Regional Vocational Technical School (Keefe Tech) have begun making improvements in the year since they were placed on "watch" by the Board of Education. In November 2003, the Board decided a declaration of under-performance for these two districts should not be necessary to prompt or support their improvement initiatives. At that time, the Board placed the districts on watch for 12-18 months so that EQA could monitor their progress in addressing the serious deficiencies that EQA had identified. At this month's meeting, Dr. Rappa stated that both districts are engaged in the performance improvement mapping process with the Department of Education. He said EQA will continue to monitor both districts on a regular basis during this school year, and will report back to the Commissioner after the 2005 MCAS results are released next fall.

3. Proposed Amendments to Educator Licensure Regulations (603 CMR 7.00)

The Board continued its discussion on proposed amendments to Educator Licensure Regulations. At the November 2004 meeting, the Board indicated its strong interest in simplifying the requirements for educator licensure to attract qualified applicants to the profession without lowering standards. With the assistance of Associate Commissioner Bob Bickerton, Commissioner Driscoll led the Board through an initial discussion of the basic elements of the licensure system. The Board will have a further discussion of possible revisions to the current system at a future meeting. The Commissioner also presented some proposed amendments to the current regulations to make them more logical and easier for candidates to navigate while the Board and Department work towards a long-term overhaul of the statute and regulations.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L. c. 69 s. 1B and c. 71, s. 38G, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c. 30A, s. 3, to solicit public comment on proposed amendments to the Regulations for Educator Licensure and Preparation Program Approval, 603 CMR 7.00, as presented by the Commissioner.

The vote was unanimous.

4. Proposed Amendments to Special Education Regulations (603 CMR 28.00)

The Board reviewed proposed amendments to the state's special education regulations. The proposed amendments address issues that have been raised in the last four years by parents and schools, as well as the recently reauthorized federal Individuals with Disabilities Education Act (IDEA). While some of the changes are technical in nature, others are more substantive and reflect the guiding principles of strengthening educational practice and procedure, and closing the gaps in school district responsibility for special education for certain students, including those who are homeless or are not residing with their parents. Commissioner Driscoll distributed a letter from Education Committee co-chairs Sen. Robert Antonioni and Rep. Marie St. Fleur, concerning two of the proposed amendments defining "placement" and describing "stay put" rights. The Commissioner and State Director for Special Education Marcia Mittnacht said they will flag these issues in the notice of public comment.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L. c. 69 s. 1B and G.L. c. 71B, hereby authorize the Commissioner to proceed in accordance with the Administrative Procedure Act, G.L. c. 30A, s. 3, to solicit public comment on proposed amendments to 603 CMR 28.00 (Special Education Regulations), as presented by the Commissioner.

The vote was unanimous. After the comment period, the proposed amendments will come back to the Board for final action in the spring of 2005.

5. Other Charter School Matters

The Board had an initial discussion of renewal of the charters for Lowell Middlesex Academy Charter School and the Hilltown Cooperative Charter School in Haydenville. Both schools have been in operation for ten years. The Board will vote on renewal of these charters at the January 2005 meeting.

The Board discussed amendments to charters requested by the boards of trustees of three charter schools. Community Charter School of Cambridge requested to enroll students from Cambridge at a rate consistent with its planned growth over the term of its charter. Excel Academy Charter School requested to add a fifth grade, and Framingham Community Charter School requested to become a regional charter school. The Board deferred action on a request from Boston Renaissance Charter School for amendment of its charter, and asked for additional information from the charter school relating to the changes.

On a motion duly made and seconded, it was:

VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89 and 603 CMR 1.00, hereby amend the charter granted to Community Charter School of Cambridge (staging of enrollment of Cambridge students) as presented by the Commissioner.

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 and 603 CMR 1.00, hereby amend the charter granted to Framingham Community Charter School (regional charter school) as presented by the Commissioner.

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 and 603 CMR 1.00, hereby amend the charter granted to Excel Academy Charter School (addition of 5th grade to grade span) as presented by the Commissioner.

The motion passed 5:0. Chairman Peyser abstained from the discussion and vote on the Excel Academy Charter School amendment.

6. Approval of Grants

The Board discussed grants totaling \$1,021,662 under four federally-funded programs (early childhood career development, Even Start family literacy, charter school dissemination and 21st Century Community Learning Centers after-school programs) and two state-funded programs (academic support services during the school year and during the summer).

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 12:35 p.m., subject to the call of the Chairman.

Respectfully submitted,

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