

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

**October 30, 2007
8:35 a.m. – 12:50 p.m.**

**Randolph High School
70 Memorial Parkway
Randolph, Massachusetts**

Members of the Board of Education Present:

Paul Reville, Chairman, Worcester
Ann J. Reale, Vice Chair, Commissioner of Early Education and Care, Boston
Christopher R. Anderson, Westford
Harneen Chernow, Jamaica Plain
Thomas E. Fortmann, Lexington
Ruth Kaplan, Brookline
Clantha McCurdy (for Patricia Plummer, Chancellor of Higher Education)
Zachary Tsetsos, Chair, Student Advisory Council, Oxford

Jeffrey Nellhaus, Acting Commissioner of Education, Secretary to the Board

Member of the Board of Education Absent:

Sandra L. Stotsky, Brookline

Chairman Paul Reville called the meeting to order at 8:35 a.m.

Comments from the Chairman

Chairman Reville said the Board was meeting at Randolph High School to call attention to the fiscal difficulties that Randolph and other communities are experiencing. The chairman noted that while the Legislature and the Administration have sole authority over school finance, the Board takes seriously its role as steward of the accountability system. He said the Department of Education has launched a study to identify the causes of budgetary problems affecting the schools in communities around the state.

Chairman Reville noted that given the Board's interests and scope of work, the time requirements for Board meetings are likely to increase in the future.

The chairman said that he recently made a number of well-received visits on behalf of the Board to meet with leaders on Beacon Hill and with editorial boards.

Chairman Reville said the recruitment phase of the search for a new commissioner of education has begun. The Board's search consultant, the National Association of State Boards of Education (NASBE), will accept applications through November 30, 2007. The Board hopes to appoint a new commissioner in January 2008.

The chairman noted that the November 27, 2007 meeting would be held at a school involved in the extended learning time initiative.

Comments from the Public

- Kathy Haire, a parent of a Randolph High School student, addressed the Board on the budget constraints in the Randolph Public Schools.
- Donna Wreskinky, a theater educator, addressed the Board on MassCore.
- Barry Shauck, an assistant professor for the arts at Boston University, addressed the Board on MassCore.
- Anita Walker, executive director of the Massachusetts Cultural Council, addressed the Board on MassCore.
- Ward Mooney, founder of Crystal Capital, addressed the Board on MassCore.
- Marilyn Seigel from Citizens for Public Schools addressed the Board on the Board's FY 2009 budget proposal.
- Kharis McLaughlin and Jean McGuire of METCO, Inc. addressed the Board on the Board's FY 2009 budget proposal.

Presentation by Randolph School Officials

The chairman welcomed Randolph Superintendent of Schools Richard Silverman. Superintendent Silverman welcomed the Board to Randolph and introduced the members of the panel. Panelists included:

- Karen Manning, president of the Randolph Education Association, and a grade 5 teacher and assistant principal;
- Larry Azer, chairman of the Randolph School Committee;
- Mary Fernandes, president of the Randolph Chamber of Commerce;
- Anthony Price, a parent;
- Keisha Johnson, the student president of the Randolph High School senior class;
- Paul Connors, chairman of the Randolph Board of Selectmen.

Superintendent Silverman gave an overview of the district's fiscal difficulties that have led to budget cuts and program reductions. The superintendent discussed the town's changing demographics, and the increasing divide between the people who make decisions in the town and the people in the schools. Superintendent Silverman noted that Proposition 2 ½ has made it virtually impossible to increase revenues at the local level. The superintendent made a PowerPoint presentation to Board members to detail the reduction in services throughout the Randolph Public Schools.

The other panelists then addressed the Board. Ms. Manning said that due to budget cuts, nearly every employee in the school system has taken on more than one job. Mr. Azer said that three Proposition 2 ½ override votes have failed in the past four years. Mr. Azer also noted that while it was encouraging that the most recent override failed by only 400 votes last March, a mere 19 percent of school parents participated in that vote. Ms. Manning discussed the town's changing demographics, and said the town took a long

time to embrace that change and devise a strategic plan built on community input. Mr. Price discussed his involvement as a parent on the strategic planning committee. Ms. Johnson said the budget cuts have affected the daily lives of students, from the elimination of all junior varsity and freshman sports, to the elimination of school buses, to larger class sizes and less personal attention, to the demoralization of students. Mr. Connors said that a contract buyout in excess of \$500,000 to the former superintendent of schools had resulted in a lack of confidence from the community.

Chairman Reville asked the panel how the district prioritizes cuts, and how the enrollment decline has affected where cuts were made. Superintendent Silverman said that budgetary decisions are made collaboratively between the school committee and the school administration, and every effort is made to maintain services that are closest to students. The chairman also asked how budget cuts have affected course offerings. Superintendent Silverman noted that Ms. Johnson, a high school senior, is able to take only four classes this year, and must fill her schedule with two study halls.

Board member Thomas Fortmann asked the panel to explain apparent inconsistencies between the budget graph and Chapter 70 aid in the PowerPoint presentation. Mr. Azer said other municipal costs for public safety and health have increased and left many town departments understaffed. Board member Fortmann expressed concern that the town was cutting the school budget annually in response to Chapter 70 increases, resulting in level funding.

Board member Chris Anderson noted that the Legislature is a key partner, and that the town and district must work closely with their state legislators.

Board member Harnen Chernow asked about the Board's role and responsibility. Chairman Reville said the Board wants to understand the situation better to inform its own discussion of the FY 2009 budget proposal, which is one way that the Board can make policy recommendations.

The chairman thanked the panelists for their participation and said the discussion would help to inform the Board's FY 2009 budget proposal and policy recommendations.

Comments from the Governor's Education Advisor

The chairman welcomed Dana Mohler-Faria, Governor Patrick's education advisor. Dr. Mohler-Faria commended the Board for coming to Randolph and highlighting the problems this school district and others are facing. He said the Governor's Readiness Project is reviewing long-term solutions.

Supports for Students

Chairman Reville said this was the first in a series of discussions on how the Department could strengthen its work with other agencies and organizations to help schools provide various kinds of supports, beyond high quality instruction, to enable more students to succeed. To guide the Board's discussion, the chairman welcomed Rick Weissbourd, a

lecturer on education at Harvard University's Graduate School of Education and Kennedy School of Government.

Dr. Weissbourd said that while there are examples of well-crafted school-based services, typically those services are not well integrated and do not address the most common problems. He described a number of "quiet" problems in schools, including: (1) students with behavioral problems and teachers who need constructive strategies for dealing with them; (2) students whose families move frequently; (3) students with undetected or untreated vision and hearing problems; (4) students who are sleep deprived; and (5) students whose parents have some form of depression. Dr. Weissbourd said many of these problems are pervasive but fixable, notably the 20 to 25 percent of children in some schools with undetected vision problems. He advocated better data tracking systems to document and understand these problems. Dr. Weissbourd also noted that caring, connected relationships are essential among parents, children, and teachers – and that strong instruction is the most powerful social service that schools can provide.

Board member Ann Reale said that a comprehensive educational system would provide a unified system of support for children and families. She said that having the commissioners serve on the three boards that oversee the state's educational system – the Boards of Early Education and Care, Education, and Higher Education – is a key to having a comprehensive state system. She advocated for creating a connected information technology system to show data and all services that families are receiving from the state.

In response to questions from members, Dr. Weissbourd said that schools need to have the capacity to identify and address the problems he described. He noted that poor instruction often aggravates students' behavioral problems. He encourages schools to use proven professional development programs, and favors the use of an instructional leadership team that includes a school social worker. Board member Chris Anderson suggested that the Department look into the Walker School's model for teacher training and professional development around behavioral issues.

Chairman Reville said the Board would continue its consideration of supports for students in its budget deliberations and at future meetings.

Approval of the Minutes

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the minutes of the September 27, 2007 regular meeting.

The vote was unanimous.

MassCore

Acting Commissioner Nellhaus presented the latest version of MassCore, the proposed recommended high school course of study aimed at increasing the number of graduates who are well prepared for college and the workplace. It describes a list of subject area credits, courses, and other learning opportunities that students should complete in high school. The Acting Commissioner said that MassCore would be a recommendation rather than a mandate, and it could be coupled with incentives for students and schools.

Acting Commissioner Nellhaus explained that the Department revised the proposed MassCore in response to comments from the field. One change was to clarify that a unit means a full-year course of study. Another change added the arts to the recommended Core. In addition, MassCore would recommend three years of lab sciences, even though the admission requirement for higher education currently is three years of science, two of which must include lab work.

Acting Commissioner Nellhaus reiterated that MassCore would not be mandated; rather it would serve as a recommended course of study for high school students. He said the Department could collect data each year and report on the percent of students who complete the recommended course of study. The Acting Commissioner said that the Certificate of Mastery is one of the possible incentives for encouraging schools to adopt MassCore and students to pursue the recommended courses.

The chairman said that the Board will vote on MassCore at the November 27, 2007 regular meeting.

Board of Education Budget Proposal for FY 2009

The Board had a preliminary discussion on its budget proposal for FY 2009. Acting Commissioner Nellhaus said the Department has organized the budget proposal to reflect strategic initiatives in four main categories – support for students; support for educators; support for schools and districts; and state leadership. Chairman Reville said the Board would have a more detailed discussion on the budget at its special meeting on November 1st. The Board will vote on its budget proposal at the November 27, 2007 regular meeting.

Commissioner's Recommendations on 15 Underperforming Schools

The Board heard Acting Commissioner Nellhaus's recommendations on 15 schools designated as "underperforming" between 2000 and 2004 that have remained in this status, now called *Commonwealth Priority Schools*. The Acting Commissioner reviewed the three actions that the Board could take for each school: (1) remove it from the list of underperforming schools if it has made enough improvement; (2) keep it in underperforming status; or (3) move it into a higher status level of chronically underperforming, now called *Priority 1*.

One school is closing at the end of June 2008. Of the 14 remaining, the Acting Commissioner is recommending that four should no longer be designated as Commonwealth Priority Schools in light of the progress they have made, four should remain in Commonwealth Priority Schools status, and six should be moved to *Priority 1*

status because their performance levels and improvement are significantly below target. The fourteen schools and recommended action are:

- No longer identified as Commonwealth Priority Schools:
Arlington Elementary School (Lawrence), Laurel Lake Elementary School (Fall River), Liberty Elementary School (Springfield), Washington Elementary School (Springfield).
- Remain in Commonwealth Priority Status:
Lucy Stone Elementary School (Boston), Elihu Greenwood Elementary School (Boston), Michael J. Perkins Elementary School (Boston), James J. Sullivan Middle School (Lowell).
- Commonwealth Priority Schools “Priority 1” Status:
Arlington Middle School (Lawrence), John Lynch Middle School (Holyoke), Gerena Elementary School (Springfield), Homer Street Elementary School (Springfield), M. Marcus Kiley Middle School (Springfield), White Street Elementary School (Springfield).

The chairman asked about the implications from a services standpoint for a Commonwealth Priority School that is moved into “Priority 1” Status. Lynda Foisy of the Department’s Accountability and Targeted Assistance unit said those schools would move to the head of the line in terms of support they would receive from the Department. That support could include a turnaround partner or the opportunity to become a Commonwealth Pilot School. Schools that remain in underperforming status are supposed to become the first priority of a district. In addition, those schools’ principals are in National Institute for School Leaders (NISL) training, and the schools receive \$25,000 to implement their plan.

Board member Christopher Anderson said the Department should encourage Commonwealth Priority Schools to consider becoming Commonwealth Pilot Schools. Board member Harnen Chernow said she would like the Board to get more information on Commonwealth Pilot Schools before there is a significant expansion.

The Board is scheduled to vote on the recommendations at the November 27, 2007 regular meeting.

Board member Christopher Anderson had to leave the meeting at 12:30 p.m.

Regional School District Regulations

Acting Commissioner Nellhaus reviewed proposed amendments to the Board’s regulations on regional school districts (603 CMR 41.00) to establish the procedures to be followed under the state law that directs the commissioner to assume operation of a regional school district whose member towns have not adopted a budget by December 1st.

On a motion duly moved and seconded, it was:

VOTED: that the Board of Education, in accordance with G.L. c. 69, § 1B, hereby amend the Regional School District Regulations, 603 CMR 41.00, as presented by the Commissioner. The amendments concern procedures for when the Commissioner assumes the operation of a regional school district, pursuant to G.L. c. 71, § 16B, in the event that the member towns do not approve a budget for the district by December 1.

Further, in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, the Board finds that the immediate adoption of these regulations is necessary for the preservation of the public welfare, in order to implement provisions of state law that affect students and school districts immediately, and that observance of the requirements of prior notice and public comment would be contrary to the public interest. The Board directs the Commissioner to provide notice and an opportunity for public comment on the emergency regulations, in accordance with the requirements of G.L. c. 30A, § 3, within the next three months.

The vote was unanimous.

The amendments were adopted as emergency regulations so that they would take effect before December 1st. The Board will solicit public comment on the amendments in accordance with the Administrative Procedure Act, and will vote in January 2008 on whether to make them permanent.

Charter Schools

The Board discussed the renewal of charters for four charter schools: Abby Kelley Foster Charter Public School in Worcester, Foxborough Regional Charter School in Foxborough, Mystic Valley Regional Charter School in Malden, and Sturgis Charter Public School in Hyannis.

Board member Ruth Kaplan expressed a concern that the enrollment of students with special needs and limited English proficient students in some of these charter schools does not match that in the sending districts. Mary Street, the Department's Director of Charter Schools, responded that charter schools are schools of choice, and the Department reviews their compliance with laws on special education and English language learners.

Board member Thomas Fortmann noted that he recently visited Abby Kelley Foster Charter Public School and was impressed. He asked whether the governance issues involving Mystic Valley Regional Charter School had been resolved. Director of Charter Schools Mary Street said that the Attorney General's Office enforces the open meeting law, and the Department will continue working with the school on these issues.

On a motion duly moved 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 grant a renewal of a public school charter to the following school for the five-year period from July 1, 2008 through June 30, 2013, as recommended by the Commissioner:

Commonwealth Charter School (regional):

Abby Kelley Foster Charter Public School

Location: Worcester

Districts in Region: Auburn, Leicester, Millbury, Oxford, Shrewsbury, Sutton, Worcester

Number of students: 1,426

Grade levels: Kindergarten through 12

Abby Kelley Foster Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.

VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2008 through June 30, 2013, as recommended by the Commissioner:

Commonwealth Charter School (regional):

Foxborough Regional Charter School

Location: Foxborough

Districts in Region: Attleboro, Avon, Brockton, Canton, Foxborough, Mansfield, Medfield, Medway, Millis, Norfolk, North Attleboro, Norton, Norwood, Plainville, Sharon, Stoughton, Walpole, West Bridgewater, Wrentham

Number of students: 1,200

Grade levels: Kindergarten through 12

Foxborough Regional Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.

VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2008 through June 30, 2013, as recommended by the Commissioner:

Commonwealth Charter School (regional):

Mystic Valley Regional Charter School

Location: Malden

Districts in Region: Everett, Malden, Medford, Melrose, Stoneham, Wakefield

Number of students: 1,400

Grade levels: Kindergarten through 12

Mystic Valley Regional Charter School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.

VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby grant a renewal of a public school charter to the following school for the five-year period from July 1, 2008 through June 30, 2013, as recommended by the Commissioner:

Commonwealth Charter School (regional):

Sturgis Charter Public School

Location: Hyannis

Districts in Region: Barnstable, Bourne, Carver, Chatham, Dennis-Yarmouth, Falmouth, Harwich, Mashpee, Nauset, Plymouth, Provincetown, Sandwich, Wareham

Number of students: 425

Grade levels: 9 through 12

Sturgis Charter Public School shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.

The vote was unanimous.

The Board discussed a charter amendment proposed by Uphams Corner Charter School in Boston related to changes in its leadership structure and curriculum model.

On a motion duly moved and seconded, it was:

VOTED: that the Board of Education, in accordance with General Laws Chapter 71, §89 and 603 CMR 1.00, hereby amend the charter granted to Uphams Corner Charter School (leadership structure and curriculum model or whole school design), as presented by the Acting Commissioner.

The vote was 6:0:1. Harneen Chernow abstained.

The Board considered a request from Abby Kelley Foster Charter Public School to incur temporary debt beyond the term of the school's charter. Neither the Commonwealth nor the Board or Department of Education has any liability for the loan and the extended term does not affect any action the Board might choose to take in the future with respect to the school's charter.

On a motion duly moved and seconded, it was:

VOTED: that the Board of Education, in accordance with General Laws chapter 71, section 89(j)(6), approve the request of the Board of Trustees of the Abby Kelley Foster Charter Public School to enter into proposed loan agreements that extend beyond the terms of the school's current charter and are not to exceed thirty years. The Board's approval is explicitly conditioned upon the inclusion of the language that follows in the loan agreements as executed by the school and its lender(s).

The [parties] explicitly acknowledge and agree that the Commonwealth, including but not limited to the Board and the Department of Education, has no liability for any portion of the loans and provides no representations or guarantees with respect to these loans. Furthermore, the [parties] explicitly acknowledge and agree that the Board's approval has no impact on any action the Board may choose to take in the future with respect to probation, revocation, or renewal of the school's charter.

The vote was unanimous.

Advisory Council Appointments

The chairman asked for and received the Board's consent to waive its bylaw in order to have the discussion and vote to appoint members to its 15 active advisory councils at the October 30, 2007 meeting.

On a motion duly moved and seconded, it was:

VOTED: that the Board of Education, in accordance with General Laws Chapter 15, § 1G, hereby appoint the Advisory Council members as recommended by the Commissioner. Unless otherwise specified, appointed members shall serve for a three-year term, concluding November 1, 2010.

The vote was unanimous.

Grants

The Board reviewed state and federal grants totaling \$330,000 under the following programs: School Redesign: Expanded Learning Time, planning grants (\$230,000 – state funds); Perkins IV Leadership Academy (\$20,000 – federal funds); and Charter School Dissemination Program (\$80,000 – federal funds).

On a motion duly made and seconded, it was:

VOTED: that the Board of Education approve the grants as presented by the Acting Commissioner.

The vote was 6:0:1. Chairman Reville abstained.

Chairman Reville announced that the next regular meeting of the Board will be held on Tuesday, November 27, 2007 at a location to be determined.

On a motion duly moved and seconded, it was:

VOTED: that the meeting adjourn at 12:50 p.m., subject to the call of the Chairman.

The vote was unanimous.

Respectfully submitted,

Jeffrey Nellhaus
Acting Commissioner of Education
and Secretary to the Board

**Minutes of the Meeting of the Massachusetts Board of Education's
Ad Hoc Committee on Public Comment**

**October 30, 2007
1:15 p.m. – 2:30 p.m.**

**Randolph High School
70 Memorial Parkway
Randolph, Massachusetts**

Members of the Board of Education Present:

Thomas E. Fortmann, Lexington
Ruth Kaplan, Brookline

Also Present:

Rhoda E. Schneider, General Counsel
Jonathan Considine, External Relations Coordinator
Carline Gele, Assistant to the Commissioner

Board member Ruth Kaplan called the meeting to order at 1:15 p.m. She said that the purpose of the ad hoc committee would be to review the Board's current policies and practices with regard to public comment and to make recommendations to the Board.

Members of the ad hoc committee agreed that public comment is a valuable component of the regular meetings of the Board. Members discussed issues including limits on the number of speakers and time allocated per speaker, guidelines currently in place to restrict testimony to agenda items, and the process and deadlines for prospective speakers to submit requests to address the Board.

The ad hoc committee will work with Department staff to draft a revised policy on public comment, which it will then present to the full Board at a future regular meeting.

On a motion duly moved and seconded, it was:

**VOTED: that the meeting adjourn at 2:30 p.m., subject to the call of the
Chairman.**

The vote was unanimous.

Respectfully submitted,

Rhoda E. Schneider
General Counsel

**Minutes of the Special Meeting of the Massachusetts Board of Education
November 1, 2007
2:30 p.m. – 3:55 p.m.**

**Charles River Room
One Ashburton Place, Room 1002
Boston, Massachusetts**

Members of the Board of Education Present:

Paul Reville, Chairman, Worcester
Ann J. Reale, Vice Chair, Commissioner of Early Education and Care, Boston
Christopher R. Anderson, Westford
Thomas E. Fortmann, Lexington (via telephone)
Ruth Kaplan, Brookline

Jeffrey Nellhaus, Acting Commissioner of Education, Secretary to the Board

Members of the Board of Education Absent:

Harneen Chernow, Jamaica Plain
Patricia F. Plummer, Chancellor, Board of Higher Education, Boston
Sandra L. Stotsky, Brookline
Zachary Tsetsos, Chair, Student Advisory Council, Oxford

Chairman Reville called the meeting to order at 2:30 p.m.

Chairman Reville noted that he recently met with the Secretary of Administration and Finance. The chairman said that the secretary's advice for the Board was to submit a budget proposal in a timely fashion in order to have an influence on House 1, and where increases were called for, to package those increases into priority areas in order to present a clearer message.

Acting Commissioner Nellhaus reviewed the proposed FY 2009 budget recommendations for Board members and drew attention to those areas that called for substantial increases from FY 2008. The acting commissioner said that the FY 2009 budget proposal totaled \$4.7 billion, which represented an increase of \$428 million over FY 2008, or just under 10 percent.

Board members then engaged in the discussion. Department senior staff responded to questions from members regarding specific program areas or line items.

The Chairman said that the Board would continue its discussion and vote on the proposed budget at the November 27, 2007 regular meeting. He thanked Board members and Department staff for their participation in the special meeting.

On a motion duly moved and seconded, it was:

**VOTED: that the meeting adjourn at 3:55 p.m., subject to the call of the
Chairman.**

The vote was unanimous.

Respectfully submitted,

Jeffrey Nellhaus
Acting Commissioner of Education
and Secretary to the Board