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## The Massachusetts Board of Elementary and Secondary Education

### Board Documents - Wednesday, September 10, 2008

Regular Meeting Agenda  
 Board of Elementary and Secondary Education  
 75 Pleasant Street  
 Malden, MA 02148  
 Wednesday, September 10, 2008  
 9:00 a.m.

#### [Briefing](#)

**Comments from the Chair**  
**Comments from the Commissioner**  
**Comments from the Secretary**  
**Statements from the Public**

#### Routine Business:

Approval of the Minutes of the June 25, 2008 Regular Meeting and the August 11, 2008 Special Meeting - **Vote**

#### Items for Discussion and Action:

1. [Process and Timelines for FY2010 Budget](#) - **Discussion**
2. [MCAS Performance Appeals: Proposed Amendments to Regulation 603 CMR 30.05 \(Science Tests\)](#) - **Discussion and Vote to Adopt Emergency Regulations**
3. [Advisory Council Appointments and Annual Reports](#) - **Discussion**
4. Charter Schools: [Amendments and Approvals for Phoenix Charter Academy, Pioneer Valley Chinese Immersion Charter School, and SABIS International Charter School](#) - **Discussion and Vote**
5. [District and School Reviews: New Legislation and Next Steps](#) - **Discussion**
6. [Board Mission Statement ; Revised Department Goals and Priorities](#) - **Discussion**
7. Update on National Mathematics Advisory Panel - **Discussion**
8. [Report on State Student Advisory Council Leadership Conference](#) - **Discussion**
9. [Report on Grants Approved by Commissioner since June 2008: Authorization to Commissioner](#) - **Vote**

#### Other Items for Information:

10. Education-Related News Clippings
11. [Tentative Schedule for Release of 2008 MCAS Results and AYP Determinations](#)

12. [Informational Memo on Process for MCAS Contract, 2010-2014](#)
13. [Evaluation Report on Four Commonwealth Pilot Schools: Executive Summary](#)
14. College Board SAT 2008 State Profile Report for Massachusetts
15. Directions to the Meeting

last updated: September 9, 2008

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## The Massachusetts Board of Elementary and Secondary Education

### State Budget Cycle and Fiscal Year Spending Requirements - Information for the Board/Department of Elementary and Secondary Education

#### July

- State Fiscal Year begins July 1st.

#### August

- The State's previous fiscal year's accounts payable period starts July 1st and closes August 31st.

#### September

- The Executive Office for Administration and Finance (ANF) disseminates State Spending Plans to all executive agencies to identify planned spending for all state appropriations. ANF uses these plans to develop baseline budgets for subsequent fiscal years.
- **Secretary of Education holds budget hearings for the three education agencies.**
- Spending plans are completed by the Budget Office of the Department of Elementary and Secondary Education (Department) in conjunction with the Commissioner and Associate Commissioners and submitted to Secretary of Education and ANF for review and approval.
- **Preliminary discussion of the next year's budget, including budget framework and timelines.**
- Chair of the Board of Elementary and Secondary Education (Board) appoints members to a budget committee. The committee works with the Commissioner and senior staff to develop an initial maintenance budget for the October Board meeting.

#### October

- **Initial discussion of Board budget request with discussions on budget priorities and new program initiatives.**
- **Board develops two budgets: a maintenance budget within the budget target set by the Secretary of Education, and a second budget with Board priorities, identifying program expansion if additional revenues are projected to be available in the next fiscal year.**
- Secretary for Administration and Finance must certify current fiscal year revenues. If projected revenues do not meet original estimates, the Governor can implement budget reduction measures (9C budget reductions.)

#### November

- **Detailed discussion of Board budget requests and vote to adopt both budgets. The Board must vote on/approve its budget requests at this meeting to meet statutory budget timelines.**

- Secretary of Education reviews and approves Department's current fiscal year spending plans and ANF gives final approval. ANF also determines a funding estimate based on the analysis of spending plan submissions.
- **Board submits its budget requests to Secretary of Education.**

#### **December**

- House and Senate Ways and Means Committees and ANF conduct a consensus revenue hearing to project the next fiscal year's revenues. This consensus revenue total is used by the Department of Revenue to distribute the next year's "Cherry Sheet" estimates to every city and town.
- Status of State's initial "fiscal condition" is finalized based on above spending and revenue assumptions.
- **Board Chair and Commissioner meet with Secretary of Education to discuss education funding in House 1.**
- **Governor's House 1 Budget is in the final stage of development and the Secretary meets with the Governor and ANF officials to discuss education funding.**

#### **January**

- **Governor submits House 1 to the Legislature on the fourth Wednesday of January.**
- House and Senate Ways and Means Committees request subsequent fiscal year maintenance budget data from all state agencies.

#### **February**

- Second-half review (Mid-Year Review) of Department spending to identify any projected deficiencies or any projected surpluses.
- ANF performs an end of year review and works closely with the Secretary and Department to identify any deficiencies, exposures, surpluses, etc.

#### **March**

- **Joint House and Senate Ways and Means Committee conducts budget hearings, generally held across the Commonwealth in mid-March.**

#### **April**

- **House Ways and Means Committee Budget submitted to the House of Representatives for debate and adoption. The debate and adoption is generally completed in one week.**
- **The final House Budget is then sent to the Senate.**

#### **May**

- **Senate Ways and Means Committee Budget submitted to the Senate for debate and adoption, generally completed in one week.**
- **Final Senate Budget passed, and the House and Senate Budgets are sent to the Conference Committee.**

#### **June**

- **Conference Committee members selected.**
- **Conference Committee Budget submitted to House and Senate for concurrence.**
- **Conference Committee Budget passed by the House and Senate and sent to the Governor for his signature.**

State Fiscal Year ends June 30th.

## July

- **The Governor has ten days to sign the budget into law. The annual budget is commonly referred to as the General Appropriation Act (GAA.) The Governor has line item veto authority that he may exercise.**
- **The Legislature may vote to override any or all of the Governor's vetoes. The Legislature needs a two-thirds majority to override any/all vetoes. The Legislature's override authority is not bound by any time constraints.**

### **Please Note: Budget Items and Dates are in Bold Text**

Prepared by the Department of Elementary and Secondary Education, September 8, 2008

last updated: September 9, 2008

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## The Massachusetts Board of Elementary and Secondary Education

### Recommendation to Revise the MCAS Performance Appeals Regulations for Science and Technology/Engineering

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: August 29, 2008

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At the June 2008 Board meeting, I presented you with the 2008 MCAS Performance Appeals Annual Report. As part of that report, I identified the need to amend the performance appeals regulations to add Science and Technology/Engineering to the appeals process. As you know, beginning with the class of 2010, state regulation [603 CMR 30.03\(3\)](#) requires students to meet or exceed the state standard in Science and Technology/Engineering in addition to English Language Arts (ELA) and Mathematics as a condition for high school graduation.

To help inform the recommendation that I am bringing to you this month, I named an eleven-member working group that included three Board members (Jeff Howard, Ruth Kaplan, and AJ Fajnzylber) and eight local educators. A list of the members and their affiliations is attached. The working group met at the Department on July 31, 2008. Several Department staff also participated in that meeting, including Deputy Commissioner Jeffrey Nellhaus who facilitated the discussion. I appreciate the working group's thoughtful consideration of the issues, which was very helpful in shaping my recommendation to the Board.

I recommend that the Board vote at the September 10th meeting to amend the MCAS Performance Appeals Regulations, [603 CMR 30.05](#), to make available a performance appeal for eligible students with respect to the high school Science and Technology/Engineering MCAS tests. This would be in addition to the performance appeal that already exists for the grade 10 ELA and Mathematics MCAS tests.

This memo presents a summary of the current MCAS performance appeals process, the recommendations of the working group, and the rationale for the approach I am proposing. I would encourage the Board to adopt the amendments as emergency regulations, which means they would take effect immediately and be available to eligible students early in the school year. (The usual course of adopting regulations entails about a three-month delay until they take effect.) Under the Administrative Procedure Act, the emergency regulations would remain in effect for no more than three months, during which time we would seek public comment and then bring the amendments back to the Board for a final vote.

## Background on MCAS Performance Appeals

Massachusetts public high school students in the Class of 2003 were the first graduating class required to meet the state's Competency Determination standard in ELA and mathematics as a condition for high school graduation. The MCAS Performance Appeals process, established by the Board in 2002, provides students with a fair and reasonable opportunity to demonstrate that they possess the required knowledge and skills to meet the academic standard required for graduation even though they have not passed the MCAS tests in ELA and/or mathematics.

District superintendents are responsible for filing performance appeals on behalf of students. A student must first satisfy the eligibility criteria, which includes taking the grade 10 MCAS test in the subject area of the appeal at least three times, maintaining a 95 percent attendance rate in the prior year and the year of the appeal, and participating in MCAS tutoring or other academic support services. Once the eligibility requirements have been satisfied, superintendents can submit either a cohort or a portfolio appeal for the student.

A *cohort appeal* compares the student's grade point average to the grade point average (GPA) of a cohort of at least 6 other students who took the same sequence of courses in grades 10 and 11 in that subject area. The students who make up the appellant student's cohort must have earned a passing score in the 220-228 range on the grade 10 MCAS test in the subject area of the appeal. To be granted an appeal, the appellant student's GPA must equal or exceed the median GPA of the comparison cohort, or fall within two standard errors of the mean GPA of the cohort. An Appeals Board comprised of public high school educators appointed by the Commissioner meets monthly to review cohort performance appeals and make recommendations to the Commissioner.

When it is not possible to create a cohort of at least 6 other students, superintendents may file a *portfolio appeal* of the student's current and/or cumulative work in the subject area of the appeal. To be granted an appeal, a student's portfolio must demonstrate a comparable level of performance to that of a student who has passed the grade 10 MCAS test in the subject area of the appeal. A panel of experts in ELA and mathematics reviews each portfolio and makes individual determinations in each subject area. Portfolio appeals are reviewed three times annually, typically in November, April, and June.

Based on the evidence presented and the recommendation of the MCAS Appeals Board, the Commissioner decides whether to grant or deny the appeal or request additional information from the superintendent. If the evidence indicates that a student has not yet met the minimum academic standard for the Competency Determination, the student is denied the appeal and encouraged to continue coursework in ELA and/or mathematics in order to meet the standard. While most of the graduates in the classes of 2003-2007 (roughly 301,000 students) met the standard by passing the grade 10 MCAS tests or retests, more than 2,800 students have earned a Competency Determination through the MCAS Performance Appeals process, including approximately 335 students who earned it through appeals in both English language arts and mathematics.

The recommended changes to the appeals regulations will have no impact on the current appeals process for English Language Arts and Mathematics, other than to clarify that a student granted a performance appeal in ELA or Mathematics still needs to demonstrate proficiency or complete an Educational Proficiency Plan in order to meet the Competency Determination standard.

## Working Group's Recommendations

The working group first reviewed the current appeals process and eligibility requirements that all students must meet in order to file an appeal. Next, the group was asked to focus specifically on the eligibility requirements to file an appeal in science only. We do not plan to change the method for determining whether students have met the passing standard,

except for the fact that we will be using grade point averages from one course (the course associated with the test the student failed) rather than two courses as used by the current system (i.e. grades 10 and 11 English and/or mathematics).

Accordingly, the working group's discussion focused on the number of MCAS test attempts a student must complete in Science and Technology/Engineering before a student becomes eligible to file an appeal. After a thoughtful discussion about whether students should be required to take one or two science tests to be eligible to file an appeal, the working group recommended that students should be able to file an appeal in science after taking one test and not passing.

I concur with the working group's recommendation that we implement a "one test attempt" eligibility requirement for students who wish to file an appeal in Science and Technology/Engineering. My recommendation is based on the following rationale:

#### **Rationale for "One Test" Eligibility Requirement to File a Science Performance Appeal**

##### **1. *ELA and Mathematics are Cumulative Tests Whereas Science Tests are End-of Course Tests***

The Massachusetts Curriculum Framework standards in ELA and mathematics are *cumulative* in nature. Each successive grade level's standards reinforce and build upon the standards from earlier grade levels. Accordingly, while the grade 10 MCAS ELA and Mathematics tests focus primarily on grade 9 and 10 standards, assessment questions assume students have acquired knowledge and skills taught in earlier grades. Similarly, ELA and mathematics learning standards for grades 11 and 12 reinforce and build upon previous grade level standards in those areas. Thus, students who do not pass the ELA and/or Mathematics tests in grade 10 can strengthen their knowledge and skills in those areas through coursework in grade 11. Additionally they have two opportunities to pass an equivalent test to the one they failed in grade 10 during the eleventh grade. Therefore, current regulations require that students make three attempts to pass the grade 10 tests before they are eligible for an appeal.

By contrast, high school level MCAS Science tests are end-of-course tests. They are based on standards that are unique to each subject (physics, technology/engineering, biology, chemistry). The science standards in each subject do not reinforce and build on each other in the same way that ELA and math standards do from grade to grade. This means that students who fail a science test on their first attempt, but pass the course in that area, will likely take a *different* course and a *different* test (consistent with their most current course), if necessary, the following year. The working group thought it would be reasonable for a student to be eligible for an appeal before having to take a *different* test from the one they first failed. It should be noted that students whose appeals are denied would have to take a second test to be eligible for a second appeal. For example, if a student fails his/her Biology test in grade 9, and then files an appeal in grade 10 but is denied the appeal, he/she must take another test in grade 10 in order to be eligible for a second appeal. The second test could be in either the same area he/she failed the first time or a different area, consistent with the most recent course they took.

##### **2. *Demanding Testing Load at the High School Level***

While the working group acknowledged some benefits of requiring students to take more than one MCAS test in science in order to be eligible for an appeal, the group noted that high school students and teachers are already experiencing a demanding testing load, including MCAS tests in English Language Arts, Mathematics, Science, and U.S. History, MCAS retest opportunities in English Language Arts and Mathematics, tests required for students with Educational Proficiency Plans, and PSAT, SAT, and AP tests. The working group was particularly concerned that the Department be sensitive to the testing burden on educators and students.



### 3. *Impact on Students in Vocational-Technical Education Programs*

Requiring that students make two test attempts in science would create a greater challenge for students in vocational-technical programs than in academic programs. Most vocational-technical programs teach students academic coursework in scheduled "blocks". One block is equivalent to one-half year of coursework. Most students in vocational-technical programs take one block of science a year and, therefore, require two years to complete a full-year course. If we make two test attempts the eligibility requirement, vocational-technical schools will likely respond by requiring students to take two science blocks each year, and would likely constrain the amount of time students spend in vocational/technical coursework.

#### **Additional Eligibility Requirements**

In addition to taking at least one MCAS test in science to be eligible for an appeal, the working group recommended that students: (1) meet the same attendance requirement of 95 percent during the year that the appeal is filed and the previous year, and (2) be required to enroll in a science course during the year in which they file an appeal in science - as an MCAS appeal cannot be filed until MCAS results are available, appeals cannot be filed until the school year following the administration of the test.

#### **Next Steps**

Students in the class of 2010, who are high school juniors in the current (2008-09) school year, should have the option of an MCAS performance appeal in science available to them as soon as possible. For that reason, I propose that the Board adopt these amendments as emergency regulations at this month's meeting. Under the Administrative Procedure Act, emergency regulations take effect upon adoption, a period for public comment follows, and then the agency reviews the regulations and takes final action on them within three months. The regulations expire at the end of three months if the agency does not take further action.

I recommend that the Board vote this month to adopt the proposed amendments to 603 CMR 30.05 as emergency regulations. We will invite public comment on the amendments through October 31 and then we will bring them back to the Board at the November meeting for a final vote. Deputy Commissioner Jeffrey Nellhaus and General Counsel Rhoda Schneider will be at our meeting to answer any questions you may have about the proposed amendments or the regulatory process.



Performance Appeals Working Group Membership List

last updated: June 3, 2008

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## The Massachusetts Board of Elementary and Secondary Education

### Advisory Council Membership: Reappointments and New Appointments

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: August 29, 2008

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Massachusetts General Laws Chapter 15, Section 1G directs the Board to establish advisory councils in a number of different areas. In the 2008-2009 school year there will be 17 advisory councils to the Board of Elementary and Secondary Education, including the newly established advisory council on school and district accountability and assistance. The continuing councils are: adult basic education, arts education, community service learning, educational personnel, educational technology, English language learners/bilingual education, gifted and talented education, global education, interdisciplinary health education and human services, life management skills, mathematics and science education, parent and community education and involvement, racial imbalance, special education, technology/engineering education, and vocational technical education.

The purpose of the advisory councils is to advise the Commissioner and the Board on matters pertinent to the implementation of Education Reform in the Commonwealth and to provide programmatic recommendations, as councils deem necessary, to accomplish the goals and priorities established by the Board and the Department or to meet federal or state requirements. The councils have a minimum of 10 and a maximum of 25 members with the number determined by the Department, unless specified in law. Members are appointed for a term of three years and may be appointed for a second consecutive three-year term. The members serving on councils may be school committee members, school superintendents, professional educators, parents or students. The statute calls for councils to have a reasonable balance of members representing business, labor, civic, educational, parental and professional groups, striving for diversity and geographic balance. The Commissioner appoints the chairperson or co-chairs for each council.

A Department administrator and liaison work with each council chairperson in scheduling the council meetings, generally four to ten per year, depending on the needs and business of the council. The meetings are open to the public and are posted on the Department's advisory council website. Each council submits an annual report to the Commissioner on current issues that are relevant to the goals and objectives of the Board and Department. I am including the compilation of the 2007-2008 Advisory Councils Annual Reports in the appendix.

Invitations to apply for appointment to a 2008-2009 advisory council were posted in the Commissioner's update and disseminated by Department administrators and advisory council liaisons through council activities. Applications were

encouraged from educators, parents, students, community members, school committee members, higher education personnel, and business leaders who have demonstrated interest in and commitment to educational improvement as well as the knowledge, skills, and experience in the subject matter of the advisory council of interest. The Department received more than 100 applications by the July 31st deadline. All applications have been reviewed by advisory council administrators and liaisons and senior staff.

I am submitting the attached list of recommendations for your consideration. I recommend that the Board vote to appoint or reappoint the nominees as indicated. The categories represent the stage of membership:

- "Maintains" - members who are in years 1 to 3 of either their first or second term or are designated members by statute - provided for informational purposes
- "Reappoints" - applicants recommended to serve a second three year term
- "Recommends" - applicants nominated to serve their first three year term

Following the vote of the Board, I have scheduled an All Advisory Councils meeting on Monday, November 3, 2008 at the Hogan Campus Center at Holy Cross College in Worcester. Maura Banta, Chairwoman to the Board, and I will meet with advisory council chairs, provide a new member orientation, give the Commissioner's address and charge to the councils, and recognize council members who have completed their service. Board members are welcome to attend. There will be time for individual advisory councils to meet following a buffet luncheon. More details will follow.

  [2008-2009 Candidates for Appointment to the Massachusetts Board of Education Advisory Councils](#)

  [Advisory Councils to the Massachusetts Board of Elementary and Secondary Education, Annual Report](#)

last updated: September 3, 2008

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## The Massachusetts Board of Elementary and Secondary Education

### Charter Schools - Approval of Charter Amendment Request for Phoenix Charter Academy

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: September 3, 2008

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Pursuant to the Charter School Regulations, 603 CMR 1.11(1), the Board of Elementary and Secondary Education (Board) must approve major changes to the material terms of a school's charter, including changes to a school's chartered region and location of facilities, if such change involves relocating or expanding to another municipality.

Phoenix Charter Academy (PCA) is a regional Commonwealth charter school beginning its third year of operation and is currently chartered to serve the districts of Chelsea, Lynn, and Revere. The Board of Trustees of PCA requests approval for two related charter amendments: (1) to add the district of Everett to the charter school's region; and (2) to relocate the school's facility from Chelsea to one that is located in both Chelsea and Everett.

PCA's current facility is insufficient to meet the needs of the school's growing student body. The new facility, which is located in both Chelsea and Everett, has enough space to meet all of the school's future growth needs, and PCA intends for this site to be its permanent home. In particular, the new space has adequate accessible space to house the daycare services provided to the school's teenage parents. PCA's request to include the city of Everett in its region is due to this unusual situation.

As required by 603 CMR 1.11(5), for amendment requests that seek to change a charter school's region or the municipality of its location, the Department solicited written comment from the superintendents of affected school districts. The Superintendent of the Chelsea Public Schools submitted an endorsement of the school's amendment request, stating that "our experience with the Phoenix Charter Academy has been consistently positive and complementary to the mission of the Chelsea Public Schools."

The Department has reviewed these requests, and they appear reasonable and consistent with the charter school statute and regulations. I recommend that the Board approve these requests as presented. If you have any questions regarding these amendments, please contact Mary Street, Director of Charter Schools, at 781-338-3200; Jeff Wulfson, Associate Commissioner, at 781-338-6500; or me.



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## The Massachusetts Board of Elementary and Secondary Education

### Charter Schools - Approval of Loan beyond Charter Term for Pioneer Valley Chinese Immersion Charter School

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: August 22, 2008

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Under the charter school statute, G.L. c. 71, § 89(j)(6), a charter school may incur temporary debt in anticipation of receipt of funds, but requires approval of the Board of Elementary and Secondary Education (Board) if it wishes to agree to repayment terms that exceed the duration of the school's charter. Pioneer Valley Chinese Immersion Charter School requests approval to enter into financing agreements that extend beyond the term of the school's current charter.

#### Proposed Loan

Pioneer Valley Chinese Immersion Charter School (PVC I) is a Commonwealth charter school beginning its second year of operation. The PVC I Board of Trustees requests the Board's approval to enter into loan agreements for up to \$2.5 million for a 40 year term in order to exercise an option to purchase the facility it is currently leasing in Hadley. The school is seeking to access the United States Department of Agriculture (USDA), Rural Development Community Programs, which provides a direct loan for one-third of the sale price and guarantees the remaining financing provided by a commercial bank.

The school expects to realize cost savings and increased financial stability by purchasing the building instead of leasing. The Hadley site is large enough to meet anticipated expansion requirements.

PVC I is currently working with Easthampton Savings Bank, which expects to lend the school two-thirds of the roughly \$2.5 million purchase price at commercially competitive rates, with the loan guaranteed by the USDA.

All parties, including USDA and the Easthampton Savings Bank, have acknowledged in writing their understanding that the Commonwealth of Massachusetts, including but not limited to the Board and the Department of Elementary and Secondary Education, provides no representations or guarantees with respect to these loans and has no liability for any portion of the loans. They have also acknowledged in writing that specifically and without limitation, the Board's approval of the loan has no impact on any action that the Board may choose to take in the future with respect to

probation, revocation, or renewal of the school's charter. The proposed motion approving this loan agreement request is explicitly conditioned upon the inclusion of this language in the loan agreements themselves. These written acknowledgements will be required of any new lenders should there be changes.

The Department has reviewed this request, and it appears reasonable and consistent with the charter school statute and regulations. With the safeguards explained above and agreed to in writing by the schools and its lenders, I recommend that the Board approve this request as presented.

#### **Possible Future Delegation**

This agenda item comes to the Board for approval pursuant to G.L. c. 71, § 89(6), which states that "notwithstanding any law to the contrary, the terms of repayment of any charter school's debt shall not exceed the duration of the school's charter without the approval of the board." Each year, the Charter School Office receives approximately four requests of this nature, each of which are placed on the Board's agenda and require a vote. The Board's votes do not serve as approval of the actual terms of the loan negotiated by the school, but rather the language regarding representations and limitations. Because this is standard language and a fairly routine process, the Board might wish to consider delegating approval to the Commissioner now that the Board has explicit authority to delegate such functions to the Commissioner under G.L. c. 15, § 1F ("The board may delegate its authority or any portion thereof to the commissioner whenever in its judgment such delegation may be necessary or desirable. The commissioner shall exercise such delegated powers and duties with the full authority of the board."). The Commissioner would inform the Board of any action taken pursuant to his delegated authority.

If you have any questions regarding this amendment or wish to see the school's full request, please contact Mary Street, Director of Charter Schools, at 781-338-3200; Jeff Wulfson, Associate Commissioner, at 781-338-6500; or me.

last updated: September 3, 2008

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## 21st Century Community Learning Centers (CCLC) Grant Program

(Federally funded through NCLB Title IVB - Fund Code 647)

### Charter Schools - Approval of Loan Beyond Charter Term and Approval of Charter Amendment for SABIS International Charter School

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: August 22, 2008

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Under the charter school statute, G.L. c. 71, § 89(j)(6), a charter school may incur temporary debt in anticipation of receipt of funds but requires approval of the Board of Elementary and Secondary Education (Board) if it wishes to agree to repayment terms that exceed the duration of the school's charter. In addition, pursuant to 603 CMR 1.11(1), the Board must approve major changes in the material terms of a school's charter, including changes to a school's contract with an "education management organization that is providing or planning to provide substantially all the school's educational services."

SABIS International Charter School (SICS) requests the Board's approval for two related requests:

1. to enter into financing agreements that extend beyond the term of the school's current charter; and
2. to make several changes to the management contract between SICS and Springfield Educational Management, LLC (SEM), the school's educational management organization.

SABIS International Charter School, located at 160 Joan Street in Springfield, is a Commonwealth charter school beginning its fourteenth year of operation. SICS currently leases a facility owned by Springfield Property Management, LLC (SPM). SICS currently contracts with SEM for substantially all of the school's educational services. Both SPM and SEM are affiliates of SABIS Educational Systems, Inc.

#### Loan Approval Request

The SICS Board of Trustees requests the Board's approval to enter into loan agreements for up to \$35 million for a period of up to 30 years. With this financing, the school intends to acquire its current facility from Springfield Property Management for \$25.5 million and to construct an addition to the school for approximately \$4.5 million.

The school expects to realize cost savings and increased financial stability by purchasing the building instead of leasing.

The proposed building addition will contain approximately 12 classrooms to better accommodate the school's maximum enrollment of 1,574 students. This facility expansion will also allow SICS to provide educational services to additional students above the current enrollment of approximately 1,520, including students from the school's waitlist of over 2,000 names.

SICS intends to secure permanent, mortgage-backed financing from PNC Capital Markets LLC (PNC), which will involve the issuance of tax-exempt bonds by the Massachusetts Development Finance Agency (MDFA). PNC will underwrite the transaction and fixed rate, tax-exempt bonds will be marketed to institutional investors.

PNC has acknowledged in writing its understanding that the Commonwealth of Massachusetts, including but not limited to the Board and the Department of Elementary and Secondary Education, provides no representations or guarantees with respect to these loans and has no liability for any portion of the loans. They have also acknowledged in writing that specifically and without limitation, the Board's approval of the loan has no impact on any action that the Board may choose to take in the future with respect to probation, revocation, or renewal of the school's charter. The proposed motion approving this loan agreement request is explicitly conditioned upon the inclusion of this language in the loan agreements themselves. These written acknowledgements will be required of any new lenders should there be changes. In addition, MDFA includes standard language in its public offering statements informing investors that they must rely solely on the underlying borrower's ability to repay the debt.

#### **Charter Amendment Request (Changes to Management Contract)**

The SICS Board of Trustees requests approval to amend its current management contract agreement with Springfield Education Management, LLC (SEM), which is concurrent with the school's current charter term, June 20, 2010. All proposed changes to the management contract are related to the compensation paid to SEM and will not impact any elements of the school's educational program. Specifically, three changes are being requested.

- Under the current contract, SEM is entitled to 100% of any operating surpluses generated by SICS as an additional management fee and SEM is correspondingly required to bear sole financial responsibility for any operating deficits. Under the proposed amended contract, for the year ending June 30, 2008, SEM will be entitled to 50% of any operating surplus, with SICS keeping the remaining 50%. Thereafter, SICS shall keep 100% of any operating surpluses and will be responsible for any operating deficits.
- Under the current contract, SICS pays annual management and license fees to SEM, equal to a total of 12% of gross actual charter tuition receipts. Under the proposed, amended contract, this fee will increase from 12% to 13%. Additionally, this total fee is increased to 14% for any year in which SICS has an operating surplus that exceeds \$500,000.

The SICS board requests approval of these changes in order to use projected operating surpluses to support debt service costs for the planned purchase and expansion of the school's current facilities. Even though the base management and license fees will increase under the proposed contract amendment, the school expects to realize significant savings because SEM will not longer receive operating surpluses. A pro-forma budget projection provided by the school indicates that, between FY08 and FY14, the school will save approximately \$2.3 million in total management and license fees paid to SEM under the proposed amended contract. In addition, obtaining and building equity through the purchase of its facility will provide SICS with a tangible and valuable asset that will add financial stability to the school. Both SICS and SEM have indicated that they will execute the amendment to the management contract as presented, upon receiving Board approval.

#### **Recommendation**



The Department has reviewed both of these requests, and they appear reasonable and consistent with the charter school statute and regulations. With the safeguards explained above and agreed to by SICS, I recommend that the Board approve these requests as presented.

If you have any questions regarding this amendment or wish to see the school's full request, please contact Mary Street, Director of Charter Schools, at 781-338-3200; Jeff Wulfson, Associate Commissioner, at 781-338-6500; or me.

last updated: September 3, 2008

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*Massachusetts Department of  
Elementary & Secondary Education*

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## The Massachusetts Board of Elementary and Secondary Education

### District and School Reviews - New Legislation and Next Steps

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: August 29, 2008

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On August 14, 2008, Governor Patrick signed legislation assigning responsibility for district and school accountability to the Department of Elementary and Secondary Education, under standards to be established by the Board. (See *An Act Relative to School District Accountability*, attached). The structure outlined in the new law replaces the former Office of Educational Quality and Accountability and its board, the Educational Management Audit Council. This memo outlines the responsibilities that now belong to the Department and Board of Elementary and Secondary Education, as well as initial steps underway to assume these responsibilities in a manner that will accelerate and strengthen district and school improvement efforts.

#### THE LEGISLATION: HIGHLIGHTS OF ROLES & RESPONSIBILITIES

##### *Department of Elementary and Secondary Education*

The Department is to establish an office of school and district accountability. The Commissioner is to appoint a single individual to oversee the office as well as the Department's targeted assistance and intervention efforts to ensure that the auditing and assistance functions are aligned to promote collaboration and communication. By consolidating the auditing/ accountability functions and targeted assistance/intervention within the Department of Elementary and Secondary Education, the new law provides us with the opportunity to work with schools and districts more effectively and efficiently. I have assigned responsibility for leading the Department's work in this area to Deputy Commissioner Karla Brooks Baehr

##### *Office of school and district accountability*

- Review and report on the efforts of schools, charter schools, and school districts as they work to improve the academic achievement of their students.
- Ensure that school and district review teams include experienced practitioners.
- Perform at least 40 school district audits annually.
  - At least 75% in districts whose students achieve at low levels either absolutely or relative to districts that

- educate similar student populations.
- The remainder divided equally between districts whose students achieve at high levels relative to districts that educate similar student populations and randomly selected districts.
- Ensure that no school or district is audited during statewide assessments or within 9 months of another comprehensive review from the Department or accrediting agency.
- Perform school district audits per specifications in the legislation.
- Complete at least 15 school district audits in 2009.

The new law is fairly detailed in describing the responsibilities of the office of school and district accountability. It is less detailed on the question of targeted assistance and intervention for underperforming schools and districts, focusing on the mandate to "ensure that the auditing and assistance functions of the Department are aligned." A major part of our work this year will be not only to assume responsibility for all district and school reviews but also to strengthen our capacity to intervene and provide support to schools and districts.

#### *Other responsibilities of the Department*

- Compile a report of best practices each year and distribute it to all school districts.
- Annually collect current personnel contracts and collective bargaining agreements from each school district and charter school, in a form and manner prescribed by the Commissioner.
- Transmit audit findings to the district superintendent, school committee, Secretary of Education, Board of Elementary and Secondary Education, Attorney General, Legislature, and a local public library in the audited district.

#### *Advisory council on school and district accountability and assistance*

The legislation requires creation of a 15-member advisory council that will:

- Review and advise the Department and Board on the policies and practices of the office of school and district accountability
- Develop and administer through the Department a post-audit survey of audited school districts and an annual survey to any schools and districts receiving technical assistance.
- Present its findings and recommendations to the Board at least two times annually.
- Review and comment on all regulations relative to the accountability and assistance program areas before Board approval.

The Board appoints members of the advisory council upon recommendation of the Commissioner. The Commissioner must recommend:

- 6 members selected from among three nominees offered by identified stakeholder groups:
  - Massachusetts Association of School Superintendents
  - Massachusetts Teachers Association and the American Federation of Teachers of Massachusetts
  - Massachusetts Secondary School Administrators Association
  - Massachusetts Elementary Principals Association
  - Massachusetts Association of School Committees, and
  - Massachusetts Charter Public School Association
- 1 representative of business/industry "with a demonstrated commitment to education"
- 8 at large members with "demonstrated record of achievement or academic expertise" in areas related to

accountability and assistance

The council is expected to meet at least four times annually, and must be convened by November 1, 2008.

#### ***Board of Elementary and Secondary Education***

The new legislation gives the Board four major responsibilities:

- Appoint members of the advisory council on school and district accountability, and receive the advisory council's findings and recommendations at least two times annually.
- Establish the process and standards for school and district audits conducted by the office of school and district accountability. In establishing these standards, the Board is expected to promote efficiency and coordination and also consider the findings and recommendations of the advisory council.
- Review and approve the protocols for the audit of schools, charter schools, and school districts, including regional school districts.
- Review school district audit reports and act on the Commissioner's recommendations for action.

The new legislation does not change the Board's existing authority under the state laws on underperforming schools and districts or any of the other general powers and duties of the Board.

Several members of our Board are familiar with - or actually served on - the Educational Management Audit Council (EMAC). The new legislation replaces the statute that had established the EMAC and its Office of Educational Quality and Accountability. The EMAC had five specific duties: (1) establish annual goals for the Office of Educational Quality and Accountability, (2) review and approve protocols for the audit of schools, charter schools, and school districts, including regional school districts, (3) review the findings of audits and inspections, (4) appoint a director for the Office of Educational Quality and Accountability and review his performance, and (5) make recommendations to facilitate school improvement to state and local officials. The new legislation refashions these duties and splits them up among the Board and the Commissioner, as well as creating the new advisory council.

#### **NEXT STEPS**

\$2.9 million has been appropriated for the Department to assume these new responsibilities, an amount equal to the FY08 budget for the Office of Educational Quality and Accountability. Key next steps include:

- Seek nominations for members of the advisory council. I expect to present nominations to the Board for action at its October meeting.
- Convene the first meeting of the advisory council by November 1, 2008. (Since November 1st is a Saturday, the council's first meeting is scheduled for Monday, November 3rd.)
- Hire a senior manager and staff for the office and make a decision about where the office will be located in the Department's current and future buildings.
- Decide on the work plan for the first year.
- Determine which districts will be reviewed this year, early enough to provide ample notification to district staff.
- Develop and bring for Board review and action proposed standards for school district audits and reviews in time to begin audits in early 2009.

Bringing responsibility for all district and school accountability work within the Department affords us a new opportunity to accelerate and sustain school improvement. We will be able to engage with districts more effectively as critical partners in creating the conditions necessary for effective and lasting school turnaround. Each district's capacity

and effectiveness in addressing the needs of its schools - particularly those where student performance is low and/or stagnant - will be at the center of the coordinated accountability and targeted assistance system we will build. With that focus, we can expect more sustainable school improvement.

Deputy Commissioner Karla Brooks Baehr and I will be pleased to respond to your questions at the September 10th meeting. At the Board's October meeting, we will present a progress report on this work and also ask the Board to appoint members of the advisory council. We welcome your suggestions for advisory council nominees.

Enclosure: *An Act Relative to School District Accountability*

**Attachment to Board Memo**

**Chapter 311 of the Acts of 2008**

**AN ACT RELATIVE TO SCHOOL DISTRICT ACCOUNTABILITY**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to promote forthwith high academic achievement throughout the commonwealth's public schools, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Section 1G of chapter 15 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 2, the word "life" and inserting in place thereof the following words: - school and district accountability and assistance; life.

**SECTION 2.** Said section 1G of said chapter 15, as so appearing, is hereby further amended by inserting after the second paragraph the following 2 paragraphs:

The members of the advisory council on school and district accountability and assistance shall consist of 15 members: 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Association of School Superintendents, 1 of whom shall be selected from a list of 3 nominees offered jointly by the Massachusetts Teachers Association and the American Federation of Teachers of Massachusetts, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Secondary School Administrators' Association, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Elementary School Principals' Association, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Association of School Committees, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Charter Public School Association, 1 of whom shall be a representative of a business or an industry with a demonstrated commitment to education and 8 of whom shall be individuals with a demonstrated record of achievement or academic expertise in: education administration; education or business finance and management; the use of student achievement data to improve instruction and administration; the conduct or use of school and district audits and evaluations; educator evaluation and professional development; or other areas of expertise in education reforms established by chapter 71 of the acts of 1993. The advisory council members shall be recommended by the commissioner and appointed by the board.

The council shall meet no less than 4 times annually to review and advise the department and board on the policies and practices of the office of school and district accountability established by section 55A of chapter 15 and the targeted assistance and intervention efforts of the department, established by chapter 69 and the accountability provisions of federal law. The council shall develop and administer, through the department, a post-audit survey to audited school

districts and an annual survey to any schools and districts receiving technical assistance under said chapter 69. The council shall present its findings and recommendations to the board no less than 2 times annually. The council shall have the opportunity to review and comment on all regulations relative to the accountability and assistance program areas before board approval.

**SECTION 3.** Said chapter 15 is hereby further amended by striking out section 55A, as so appearing, and inserting in place thereof the following section:

Section 55A. In order to support the commissioner, department and board in fulfilling their duties under the provisions of chapter 69, including sections 1J and 1K, there shall be within the department an office of school and district accountability, hereinafter referred to as the office. The office shall provide a mechanism to review and report on the efforts of schools, charter schools and school districts, including regional school districts, to improve the academic achievement of their students and shall inform and assist the board and department in fulfilling their broader responsibilities to promote high levels of achievement in the schools and districts of the commonwealth.

The office shall be under the direction and supervision of 1 individual who shall be appointed by the commissioner. This individual shall also be responsible for the direction and supervision of the targeted assistance and intervention efforts of the department under chapter 69, such assistance efforts as the commissioner deems necessary to correct deficiencies identified by the office and compliance with the accountability provisions of federal law. This individual shall ensure that the auditing and assistance functions of the department are aligned to promote collaboration and communication across the auditing and assistance functions. The office shall ensure that school and district review teams include experienced practitioners in the field of education, but no member shall have been previously or currently employed by the school, district or charter school being reviewed or so employed by a district, charter school or education collaborative serving a common student population with the school, district or charter school being reviewed.

The office shall act as an auditing body objectively reviewing the results of educational measurements and tests conducted by or for the department in implementing chapter 71 of the acts of 1993. The office shall perform not less than 40 school district audits annually, not less than 75 per cent of which shall be in districts whose students achieve at low levels either in absolute terms or relative to districts that educate similar student populations. The remainder of the audits shall be divided equally among districts whose students achieve at high levels relative to districts that educate similar student populations and randomly selected districts. The office shall ensure that no school or district is audited during the administration of any statewide assessments, and shall coordinate with other entities in the department to ensure that a school or district is not subject to multiple comprehensive audits or reviews by the department or any accrediting body within a 9 month period unless the board specifically votes to do so on an emergency basis.

The office shall have the following duties relative to school district audits: (1) objectively review the accuracy of the school and district reports by conducting or contracting for periodic program and fiscal audits as necessary; (2) undertake inspections of schools, charter schools and school districts, including regional school districts, to evaluate efforts to improve and support the quality of instruction and administration; (3) review the district's MCAS success plan, so-called, if any, submitted to the department pursuant to section 1I and evaluate the implementation of that plan; (4) review the district's implementation of any MCAS grants received to develop or enhance academic support services for students scoring in level 1 or 2; (5) evaluate the alignment of curriculum and professional development plans with the state curriculum and assessments; (6) review the progress of overall student achievement and; (7) evaluate student performance, school and district management, overall district governance and any other areas deemed necessary by the office. Such audits shall be in accordance with standards established by the board of elementary and secondary education, pursuant to section 1B of chapter 69. Following the school district audit, the office shall produce a

comprehensive report detailing its findings and observations which the commissioner shall present to the board along with any recommendations for necessary action to be taken by the board. After the board's receipt of the report, the commissioner shall issue recommendations to districts not requiring further action pursuant to sections 1J and 1K of said chapter 69 relative to methods for improving any deficiencies identified by the office. The recommendations shall be transmitted to the reviewed district's superintendent and school committee within 90 days of the board's receipt of the report. The office shall support the commissioner and the board in carrying out their duties under sections 1J and 1K of chapter 69. Nothing in this section shall be construed as limiting the ability of the department to contract with individuals, external partners or other entities to support the assistance functions established by said sections 1J and 1K of said chapter 69.

The office shall annually compile a report of best practices from the list of audits conducted that year and distribute the compiled list to all school districts in the commonwealth.

For the purposes of any inspection or audit, the office shall have access to all necessary papers, vouchers, books and records pertaining to a school, including a charter school, a school district or a regional school district. In establishing protocols for the conduct of school or district audits, the office shall, to the extent practicable, minimize the administrative burden on schools and districts by using existing, recently compiled or readily available data sources. Schools, school districts and school personnel shall cooperate with the office for any inspection or audit conducted pursuant to this section including, but not limited to, participating in interviews and producing books and documents. Each school district, including regional school districts, and charter schools shall annually file with the office, on or before October 1, a copy of its current personnel contracts and collective bargaining agreements in a form and manner prescribed by the commissioner. The office shall ensure that any noncompliance with law, misfeasance or malfeasance shall be referred to the commissioner for appropriate action.

The department shall transmit the office's findings, audit reports, recommendations and follow-up reports to the secretary of education, the board of elementary and secondary education, the attorney general and a local public library in the audited districts. The department shall report to the general court the results of its findings, audit reports, recommendations and follow-up reports and file such reports with the clerks of the house of representatives and the senate, who shall forward the same to the senate president, the speaker of the house of representatives, the joint committee on education and the house and senate committees on ways and means.

**SECTION 4.** Section 1B of chapter 69 of the General Laws, as most recently amended by section 95 of chapter 27 of the acts of 2008, is hereby further amended by inserting after the fourth paragraph the following paragraph:

The board shall establish the process and standards for school and district audits and reviews conducted by the office of school and district accountability established by section 55A of chapter 15. In establishing such process and standards, the board shall promote efficiency and coordination with other audit, evaluation and reporting requirements established by the board and department and shall also consider the findings and recommendations of the advisory council on school and district accountability and assistance, pursuant to section 1G of chapter 15. The board shall review and approve the protocols for the audit of schools, charter schools and school districts, including regional school districts, pursuant to this chapter.

**SECTION 5.** Section 1J of said chapter 69, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 13, the word "shall" and inserting in place thereof the following words: - , pursuant to section 55A of chapter 15, shall.

**SECTION 6.** Section 1K of said chapter 69, as so appearing, is hereby amended by striking out, in line 4, the word "to", and inserting in place thereof the following words: - , pursuant to section 55A of chapter 15, to.

**SECTION 7.** Section 7A of chapter 71A of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words "office of educational quality and accountability" and inserting in place thereof the following word: - department.

**SECTION 8.** Notwithstanding section 3 of this act, for fiscal year 2009, the office of school and district accountability shall perform not less than 15 school district audits.

**SECTION 9.** On or before November 1, 2008, the department of elementary and secondary education shall convene the advisory council on school and district accountability and assistance, established by section 1G of chapter 15 of the General Laws.

*Approved August 14, 2008*

last updated: September 3, 2008

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## The Massachusetts Board of Elementary and Secondary Education

### DRAFT MISSION STATEMENT

September 2008

The mission of the Massachusetts Board of Elementary and Secondary Education is to strengthen the Commonwealth's public education system so that every student is prepared to succeed in postsecondary education, compete in the global economy, and understand the rights and responsibilities of American citizens.

last updated: September 3, 2008

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## The Massachusetts Board of Elementary and Secondary Education

### Revised Department goals and priorities

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: September 3, 2008

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Attached are the Department's working goals and priorities for 2008-2010, revised based on suggestions made by Board members at the August 11 retreat and subsequent discussion with senior staff. They address the issues raised most frequently by stakeholders and the Board throughout my first months as commissioner.

This by no means represents all of the Department's work for this year, but rather the work that is most likely to command the Board's and my own attention in the next 12 to 18 months. I intend this as a flexible document that senior staff and I will revisit periodically through the year to help us maintain focus on our most important tasks.

Thank you all for your vital contributions in shaping the agency's work for the coming years. We will continue to seek your input and direction as work is completed and priorities change.

  [Commissioner's Working Goals and Priorities, 2008–2010](#)

last updated: September 3, 2008

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## The Massachusetts Board of Elementary and Secondary Education

### Report on State Student Advisory Council Leadership Conference

Board member AJ Fajnzyblber, chair of the State Student Advisory Council, will give a brief report on the council's summer leadership conference.

The State Student Advisory Council (SSAC) conference was held at Endicott College in Beverly, MA, August 5 - 8, 2008. The conference was attended by 50 student delegates, alternates, regional chairs and regional recorders from across the Commonwealth. Department staff from the Center for Student Support, Career & Education Services organized and conducted the conference assisted by seven former SSAC members representing the graduating classes of 2008 & 2007. Topics included: Group & Team Building Activities, Diversity, Overview of Education/Whose Job is it?, Intro to Readiness Project and Readiness Challenges, Communication, Intro to Research, Student Rights & Responsibilities, Legislative/Budget Process, Leadership, Facilitation, Time Management, and a Conversation with Commissioner Chester.

Participants were introduced to the functions of the Department and Board of Elementary & Secondary Education as well as their roles as members of an advisory council to the Board. The overall theme of the conference was the Readiness Report and the SSAC's role in its implementation. Participants read and commented on the Readiness Report, worked in small groups to research the challenges presented in the report, and provided initial feedback on the recommendations of the report.

last updated: September 3, 2008

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## The Massachusetts Board of Elementary and Secondary Education

### Report on Grants Approved by Commissioner since June 2008; Authorization to Commissioner

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: September 3, 2008

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The state budget takes effect on July 1st, but the Board typically does not meet in July. For that reason, in June the Board votes a standard motion to authorize the Commissioner to approve grants between the June meeting and the next regular Board meeting. Enclosed is a report on the competitive grants that I approved this summer, under the authority that the Board granted to me at the June 25th meeting. I reviewed and approved 272 grants totaling \$19,736,062 under 30 different state and federal competitive grant programs.

I found the approval process to be very informative as I met with the Department administrator and staff responsible for each of the program areas. We reviewed the recommended grantees and discussed the reasons that others were not being recommended. Once I had approved a grant program's recommended recipients, we posted the awards on our website as soon as possible (generally within 24 hours) so that implementation plans and activities could begin immediately. Our staff was able to inform applicants that were not successful and provide feedback on strengths and weaknesses in a timely manner. This quick turnaround allowed both those that were successful and those that were not to make or adjust their plans for the upcoming school year. This process has allowed us to be more responsive to our constituents and to help them get services underway earlier in the school year. This is especially useful for state-funded grants that have an end date of June 30th.

This month I am again requesting that the Board authorize me to approve grants between the September 10th meeting and the regular meeting of the Board on October 21st. This will allow us to meet the state requirement to award \$5.4 million in After-School and Out-of-School Time grants by September 30, 2008. We are currently reviewing 204 proposals (totaling over \$17 million in requested funding) that we received for this program. The authorization vote will also allow us to meet the federal requirement to obligate by September 30th funds that we received in July for a nutrition grant program. In addition, there may be some other grant programs that should, if possible, begin before the end of October. I will report to the Board in October on any grants that I approve. A motion is enclosed.



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27	28	1	2	3	4	5
6	7	8	9	10	11	12

## 2008 MCAS and AYP Reporting Schedule

All dates are tentative.

Date	Event	Event Type	Mode of Delivery
8/15	Public release of 2008 MCAS Test Items	MCAS	<a href="#">ESE MCAS website</a>
9/16	Public release of state-level MCAS results (grades 3-10 ELA and Mathematics, grades 5 and 8 Science and Technology/Engineering, and grades 9 & 10 High School Science and Technology/Engineering)	MCAS	Press release & <a href="#">ESE MCAS website</a>
9/19	Public release of lists of schools expected to be identified for improvement, corrective action, or restructuring based on preliminary 2008 Adequate Yearly Progress (AYP) data.	AYP	<a href="#">ESE School &amp; District Accountability (SDA) website</a>
9/24	Public release of school and district MCAS performance level results for grades 3-10 ELA and Mathematics, grades 5 and 8 Science and Technology/Engineering, and grades 9 & 10 High School Science and Technology/Engineering	MCAS	<a href="#">ESE School &amp; District Profiles website</a>
9/24	Public release of school and district AYP reports, including pre-K to grade 2 schools and other special cases	AYP	<a href="#">ESE School &amp; District Profiles website</a>

Last Updated: August 25, 2008

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## Massachusetts Comprehensive Assessment System

### MCAS Contract: 2010-2014

To: Members of the Massachusetts Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: August 29, 2008

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The Massachusetts Comprehensive Assessment System (MCAS) plays a central role in helping all of the stakeholders in our education system—students, parents, teachers, administrators, policy leaders, and the public—understand our successes and challenges in preparing students for higher education, work, and engaged citizenship.

As you may know, the Department procures the services of a contractor to assist in all facets of the MCAS program, including item and test development, production of test materials and test-related publications, administration (including support to schools), scoring, data and psychometric analyses, and reporting of results. The current contract, held by Measured Progress of Dover, NH, began on January 1, 2004, and will expire on December 31, 2008. This contract is being extended to December 31, 2009, in order to support a successful transition to a new contractor, in the event that this is necessary. The next contract will be for the period from January 1, 2010, to December 31, 2014. I am writing to provide an update on the steps the Department is taking to rebid the MCAS contract, including our outreach to stakeholders and our exploration of options for alternative means of assessing what students know and are able to do.

#### Brief Overview of the MCAS Tests

MCAS tests are developed to align with the Massachusetts Curriculum Frameworks content standards. The tests are composed of multiple-choice and constructed-response items; on average 40 percent of a student's total score is derived from the constructed-response items.

The tests are administered annually in English language arts and mathematics at grades 3-8, science and technology/engineering at grades 5 and 8, and history and social science at grades 5 and 7. At the high school level, MCAS tests are administered in ELA and mathematics at grade 10, science and technology/engineering at grades 9/10 (*students choose Biology, Chemistry, Introductory Physics, or Technology/Engineering*), and United States History at grades 10/11. In addition, retest opportunities are provided for the high school ELA, mathematics, and science and technology/engineering tests, which students must pass in order to earn a Competency Determination.

Under the close direction of the Department, the contractor is responsible for annually developing multiple forms of

each content/grade-level test. Multiple forms are necessary in order to field test items for future tests and to provide access to accommodated forms (e.g., Braille, large-print) to students with disabilities. Over 400 unique test forms are developed and administered each year.

#### **Outreach to Stakeholders:**

This spring, Kit Viator, Director of Student Assessment, met with various stakeholders to solicit feedback on the current program and recommendations for changes for the future. The groups consulted this spring include the Massachusetts Association of School Superintendents, the Massachusetts Elementary School Principals Association, the Massachusetts Secondary School Administrators' Association, and Mass Partners for Public Schools (which includes the associations listed above in addition to the American Federation of Teachers/MA, the Massachusetts Teachers Association, the Massachusetts Parent-Teacher Association, and the Massachusetts Association of School Committees). The Department is also currently collecting feedback from principals and superintendents through an online survey.

Based on all feedback collected to date, there appears to be overwhelming support for three major areas of improvement:

- more timely reporting of student results;
- reduction in the amount of testing time required for students; and
- reporting of student results that provide information on each student's progress from year to year.

We plan to include these as core features of the future program in the Request for Responses (RFR).

Other possible improvements and expansions, such as formative assessments, performance assessments, portfolio assessments, and online testing, have also been discussed. In general, there has been interest expressed in an assessment system that: (1) connects more directly to the day-to-day work in which teachers and students engage; (2) reduces the impulse of some schools and teachers to narrow the curriculum; and (3) measures performance on content standards that cannot easily or directly be evaluated via the current MCAS tests.

While these comments suggest the need to explore options such as performance tasks and other curriculum-embedded activities, concerns have also been expressed that expanding the program to include these types of assessments might impinge upon local prerogatives and exacerbate the resource and time demands already imposed on schools by the state's student assessment program.

#### **The Next Generation of MCAS**

The MCAS testing program has been an important component of Education Reform in Massachusetts, and for a decade, has served the Commonwealth well. The upcoming release of the MCAS RFR provides an opportunity to make program improvements in response to stakeholders' interests, to reflect the vision and goals outlined by the Governor's Readiness Project and the Board's 21st Century Skills Task Force, to develop an assessment system that is viewed by teachers as integral to their daily instructional activities, and to ensure that we are measuring the knowledge and skills students need to meet the challenges of the 21st century.

One challenge we face is to pursue new opportunities for the program in an uncertain fiscal environment. We will need to find creative ways to implement the current program, without sacrificing its quality and value, while saving money.

Accordingly, we will construct the MCAS RFR in a way that preserves and improves the foundation of the current program and establishes the opportunity to pursue new capabilities. The RFR will begin with a primary program

section that covers all of the core elements required by state and federal law, followed by separate and severable sections that seek responses for other possible new components of the testing program. Separate budgets will be required for each section. Some of the options for which we expect to seek responses are:

- curriculum-embedded projects that would be scored locally;
- online high school science tests that open up new possibilities for assessing inquiry and other laboratory related competencies;
- a formative assessment system aligned with Curriculum Framework standards.

We will carefully consider these and other options as we review responses to the RFR.

I will keep the Board informed of additional developments as we prepare to release the RFR, and receive and evaluate proposals for the next generation of our Massachusetts Comprehensive Assessment System.

last updated: June 3, 2008

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## The Massachusetts Board of Elementary and Secondary Education

### Year one report on the Commonwealth Pilot School initiative

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: August 29, 2008

In March 2007, the Board gave four urban schools that would otherwise have been designated as chronically underperforming the opportunity to convert to Commonwealth Pilot Schools. Under the Commonwealth Pilot School structure, the schools accepted increased autonomy along with increased accountability for improving school performance. The participating schools-Academy Middle School in Fitchburg, John J. Duggan Middle School in Springfield, Roger L. Putnam Vocational School in Springfield, and The English High School in Boston-have just completed their first year in the new program.

As part of the conversion process, the Department contracted with the Donahue Institute at the University of Massachusetts to conduct an evaluation of program implementation in these schools. The Board received an interim report from Donahue on this initiative in April, covering program implementation through January 2008. Donahue is now completing a final report for year one, documenting baseline data on each school, program implementation, and findings and lessons learned from the first year of the program. The executive summary of this report is attached; the full version of the report will be made available on our website (<http://www.doe.mass.edu/research/reports/>) by mid-September.



Board Version Executive Summary

last updated: September 3, 2008

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## The Massachusetts Board of Elementary and Secondary Education

### Briefing for the September 10, 2008 Regular Meeting of the Board of Elementary and Secondary Education

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: September 2, 2008

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The next regular meeting of the Board of Elementary and Secondary Education will be on Wednesday, September 10, 2008, at the Department of Elementary and Secondary Education in Malden. The meeting will start at 9 a.m. and adjourn by 1 p.m. If you need overnight accommodations or any additional information about the schedule, please call Belinda Wilson at (781) 338-3118.

#### Overview

Our business agenda includes review of the process and timelines for the FY2010 budget, a vote on amending the MCAS performance appeals regulations to make available performance appeals in Science and Technology/Engineering, discussion of advisory council appointments, presentation and discussion on the new legislation on district and school reviews, and continuing discussion of the Board's mission statement and the Department's priorities and goals for 2008-2010. Other items on our agenda are votes on charter school amendments and approvals, updates on the work of the National Mathematics Advisory Panel and the State Student Advisory Council, and grants.

Arthur Stellar, Superintendent of Schools in Taunton, will make a presentation to the Board during the public comment period on behalf of the Horace Mann League of the United States of America, on whose board of directors Dr. Stellar serves. Also, the Board is having a luncheon to honor former Board member/chair Chris Anderson immediately following the Board's regular meeting.

#### Regular Meeting

##### Comments from the Chair

Maura O. Banta, Board chair, will welcome the Board to her first regular meeting as chair. She will brief the Board on current issues and activities.

Under the Board's by-laws, the September meeting is the annual meeting of the Board, at which the vice-chair is elected. Chair Banta will call for nominations from Board members and then conduct the election. The vice-chair presides over meetings when the chair is not available.

## Comments from the Commissioner

### 1. **Massachusetts named to AAFA state honor roll.**

I am pleased to report that the Asthma and Allergy Foundation of America (AAFA) has named Massachusetts to its first annual State Honor Roll of Asthma and Allergy Policies for Schools. The report identifies states with the most comprehensive statewide policies supporting people with asthma, food allergies, and related allergic diseases in elementary and secondary schools. Massachusetts is one of six states that the AAFA considers to be worthy of this recognition. Kudos to John Bynoe, Associate Commissioner for Student Support Programs, Katie Millett, Administrator for Nutrition, Health, and Other Programs, and their many colleagues and partners within and beyond the Department of Elementary and Secondary Education. You will find more information about the AAFA state honor roll and a profile of the Massachusetts programs and initiatives at [http://www.aafa.org/display.cfm?id=5\\_105&cont=649](http://www.aafa.org/display.cfm?id=5_105&cont=649).

### 2. **October meetings.**

At the Board's planning retreat on August 11th, members expressed interest in setting aside time for in-depth discussions of policy issues. In keeping with that idea, we will hold a special meeting on Monday evening, October 20, 2008, focusing on the state system of accountability and assistance. Our regular meeting will take place on Tuesday morning, October 21st, in Holyoke. We will send you details on location and time of the meetings as soon as the arrangements are made.

### 3. **Annual report.**

We are putting the finishing touches on our annual report for FY 2008. The report will include key data and major decisions and actions of the Board and the Department from July 2007- June 2008. I expect to send the report to Board members electronically in the next couple of weeks, after we add in the most recent MCAS data. Following the Board's review and acceptance of the annual report, we will distribute copies to the Governor and the Legislature and post the report on our website.

### 4. **Teacher preparation in mathematics.**

In April 2007, the Board took a significant step to improve students' proficiency in mathematics by amending the educator licensure regulations to strengthen preparation and licensing of elementary and special education teachers to teach mathematics. As a result, the regulations now specify the subject matter knowledge requirements in mathematics, focusing on outcomes rather than coursework. These changes are reflected in the Massachusetts Tests of Educator Licensure (MTEL) by means of a revised general curriculum test with a separately scored mathematics subtest that will become operational in March 2009. The two-year period from the Board's adoption of the new regulations to the first administration of the new test has provided teacher candidates, educator preparation program faculty, and others with time to prepare for the new requirement. To assist in the preparation, our MTEL test contractor has posted a practice general curriculum mathematics subtest at: [http://www.mtel.nesinc.com/PDFs/MA\\_FLD003\\_SubtestII\\_PRACTICE\\_TEST.pdf](http://www.mtel.nesinc.com/PDFs/MA_FLD003_SubtestII_PRACTICE_TEST.pdf).

### 5. **Educational leadership development.**

The Department has been collaborating with the state professional associations for school and district administrators, the Educational Personnel Advisory Council, and the University of Massachusetts Center for Education Policy to review and strengthen the professional standards for administrators. Our work received a major boost in 2007 when the Wallace Foundation awarded \$6 million (\$2 million/year for three years) to the Department and the Boston and Springfield Public Schools to support these efforts. We plan to present more information on the educational leadership initiatives to the Board at your October 21st meeting. In the meantime, I am pleased to announce that the Wallace Foundation has selected Boston as the site for a forum on leadership standards and assessments on November 6-7, 2008, to highlight the district-state partnership. Board members will be invited to an event on the evening of November 6th. Details will follow.

### **Comments from the Secretary**

Secretary Paul Reville will update the Board on the work of the Executive Office of Education.

### **Items for Discussion and Action**

#### **1. Process and Timelines for FY2010 Budget - Discussion**

Now that we have the FY2009 state budget for the state fiscal year that began on July 1st, it is time to begin planning for the FY2010 budget. At this month's meeting we will review the anticipated calendar of the state budget cycle. In October the Board will have an initial discussion of budget priorities and program initiatives that the Board may wish to propose.

#### **2. MCAS Performance Appeals: Proposed Amendments to Regulation 603 CMR 30.05 (Science Tests) - Discussion and Vote to Adopt Emergency Regulations**

At the June 2008 Board meeting, you received the 2008 MCAS Performance Appeals Annual Report. This month, I am recommending that the Board amend the MCAS Performance Appeals Regulations, [603 CMR 30.05](#), to make available a performance appeal for eligible students with respect to the high school Science and Technology/Engineering MCAS tests. This would be in addition to the performance appeal that already exists for the grade 10 English Language Arts and Mathematics MCAS tests. The memo under Tab 2 presents a summary of the current MCAS performance appeals process, the recommendations of the working group that met in July to discuss this issue (the working group included Jeff Howard, Ruth Kaplan, and AJ Fajnzylber from the Board and eight local educators), and the rationale for the approach I am proposing. I would encourage the Board to adopt the amendments as emergency regulations, so that they would take effect immediately and make the performance appeals process available to eligible students early in the school year. Deputy Commissioner Jeff Nellhaus and General Counsel Rhoda Schneider will be at the meeting to answer your questions.

#### **3. Advisory Council Appointments and Annual Reports - Discussion**

The Massachusetts Education Reform Act of 1993 established advisory councils to advise the Commissioner and the Board on matters related to improving public education and student achievement. The advisory councils are made up of volunteers who work with us to improve public education by providing advice and comment in specific program areas such as Adult Basic Education, Arts Education, Community Service Learning, Educational Personnel, Educational Technology, English Language Learners/Bilingual Education, Gifted and Talented Education, Global Education, Interdisciplinary Health Education and Human Services, Life Skills Management, Mathematics-Science Education, Parent and Community Education and Involvement, Racial Imbalance, Special

Education, and Technology-Engineering Education. This month I am presenting proposed appointments and reappointments of members to various advisory councils. If Board members would like to suggest additional names for consideration, please let me know. The Board will vote on the appointments at the October 21st meeting. Also enclosed is a compilation of the 2008 annual reports from each of the advisory councils.

**4. Charter Schools: Amendments and Approvals for Phoenix Charter Academy, Pioneer Valley Chinese Immersion Charter School, and SABIS International Charter School - Discussion and Vote**

Pursuant to the charter school regulations, the Board must approve major changes in the material terms of a school's charter, including changes to a school's maximum enrollment; grades served; and location of facilities, if the change involves relocating or expanding to another municipality. Also, under the charter school statute, a charter school may incur temporary debt in anticipation of receipt of funds, but it requires approval of the Board if it wishes to agree to repayment terms that exceed the duration of the school's charter. The Commonwealth has no liability for any portion of these loans.

I recommend that the Board vote this month to approve a charter amendment request from Phoenix Charter Academy (region served and location of facility), an extended loan term requested by Pioneer Valley Chinese Immersion Charter School, and an extended loan term and a charter amendment (relating to management contract) requested by SABIS International Charter School. The enclosed memos provide details.

**5. District and School Reviews: New Legislation and Next Steps - Discussion**


Governor Patrick recently signed legislation assigning responsibility for district and school accountability to the Department of Elementary and Secondary Education, under standards to be established by the Board. The structure outlined in the new law replaces the former Office of Educational Quality and Accountability and its board, the Educational Management Audit Council. The memo under Tab 5 outlines the responsibilities that now belong to the Department and Board and includes a copy of the new law. At our meeting, Deputy Commissioner Karla Brooks Baehr and I will discuss with you the steps underway to assume these responsibilities in a manner that will accelerate and strengthen district and school improvement efforts.

**6. Board Mission Statement; Revised Department Goals and Priorities - Discussion**

Following the Board's special meeting/planning retreat on August 11th, the chair circulated a proposed mission statement based on the discussion we had. Several members suggested changes to the initial draft, which are reflected in the enclosed version.

Also, I have revised the Department's working goals and priorities for 2008-2010, taking into account suggestions from Board members at the August 11th retreat and subsequent discussion with senior staff. This is intended to be a working document that helps us to maintain focus on our most important tasks. We will revisit it periodically through the year.

**7. Update on National Mathematics Advisory Panel - Discussion**

At our April 2008 meeting, the Board heard a presentation on the final report of the National Mathematics Advisory Panel from Board member Sandra Stotsky and Professor Wilfried Schmid of Harvard University, both of whom served on the national panel. At our September 10th meeting, Sandra Stotsky will update us on the work of the advisory panel. The panel's report, "Foundations for Success," is posted at: 

**8. Report on State Student Advisory Council Leadership Conference - Discussion**

Board member AJ Fajnzyblber, chair of the State Student Advisory Council, will give a brief report on the council's summer leadership conference.

**9. Report on Grants Approved by Commissioner since June 2008; Authorization to Commissioner - Vote**

The state budget takes effect on July 1st, but the Board typically does not meet in July. For that reason, in June the Board votes a standard motion to authorize the Commissioner to approve grants between the June meeting and the next regular Board meeting. Enclosed under Tab 9 is a report on the competitive grants that I approved this summer, under the authority that the Board granted to me at the June 25th meeting. I reviewed and approved 272 grants totaling \$19,736,062 under 30 different state and federal competitive grant programs.

This month I am again requesting that the Board authorize me to approve grants between the September 10th meeting and the regular meeting of the Board on October 21st. This will allow us to meet the state requirement to award \$5.4 million in After-School and Out-of-School Time grants by September 30, 2008. It will also allow us to meet the federal requirement to obligate by September 30th funds that we received in July for a nutrition grant program. I will report to the Board in October on any grants that I approve. The motion is enclosed.

**Other Items for Information**

**10. Education-Related News Clippings**

Enclosed are several recent articles about education.

**11. Tentative Schedule for Release of 2008 MCAS Results and AYP Determinations**

We have posted on our website the tentative schedule for releasing 2008 MCAS results and Adequate Yearly Progress (AYP) determinations for schools and districts. A copy of the schedule is enclosed for your information.

**12. Process for MCAS Contract, 2010-2014**

The Department is in the process of procuring the services of a contractor to assist in all facets of the MCAS program when our current contract with Measured Progress concludes in December 2009. The memo under Tab 12 reports on the steps we are taking to rebid the contract, including our outreach to stakeholders and our exploration of options for alternative means of assessing what students know and are able to do.

**13. Evaluation Report on Four Commonwealth Pilot Schools: Executive Summary**

In March 2007, the Board voted to approve Commonwealth Pilot School status for four schools - the English High School in Boston, Academy Middle School in Fitchburg, and Duggan Middle School and Putnam Vocational-Technical High School in Springfield - in lieu of a declaration of chronic underperformance. The intent of the Commonwealth Pilot School model is to promote greater school-based decision-making authority while also complying with the stricter accountability expectations that would accompany a declaration of chronic underperformance. All four schools have completed their first year under this new model of governance. Enclosed is the executive summary of a report by the Donahue Institute at the University of Massachusetts

evaluating the first year of implementation.

#### 14. **College Board SAT 2008 State Profile Report for Massachusetts**

Board members received the recent press release summarizing the College Board SAT results for 2008 high school seniors. For those who are interested in more detail, we have enclosed the full College Board SAT State Profile Report for Massachusetts.

#### Directions to the Meeting

If you have questions about any agenda items, please call me. I look forward to seeing you in Malden on September 10th.

last updated: September 8, 2008

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