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The Massachusetts Board of Education

Board in Brief

Tuesday, February 25, 2003

This is "Board in Brief," issued at the request of Commissioner David Driscoll to bring you up to date on Board of Education matters. This is a report on the regular meeting held on Tuesday, February 25, 2003 at the Department of Education in Malden.

Commissioner Driscoll opened the meeting by reporting on the results of the most recent MCAS performance appeals. The Commissioner reported that 112 (58%) of the 193 appeals filed were granted during the latest appeal period, November 25, 2002 to January 23, 2003. Overall, 53% of the 595 appeals that were submitted to the Department have been granted. The Commissioner stated that the MCAS retest results for December will be released on March 3.

Commissioner Driscoll reported that the Governor plans to release his FY04 budget on Wednesday, February 26. The Governor's budget will be available on the Department's website.

School Building Assistance

Commissioner Driscoll gave an update on FY03 capital project applications and the moratorium on new project approvals. He said School Building Assistance is now a \$5.5 billion program, and it would take 17 years and another \$5 billion to reach all the projects on the current waiting list. The regulations specify that the Commissioner's placement of a project on the waiting list is not a guarantee of funding. The Commissioner said he understands that many projects are vital, but the moratorium is necessary so that the Governor and Legislature can address the overall financial impact of this project on the state budget.

The Board voted on several School Building Assistance issues:

- The Board voted to approve the final grant amounts for 25 capital projects, based on close-out audits. SBA grants are initially based on estimated costs, and subsequently adjusted to reflect the eligible costs actually incurred, up to the amount of the project cost limit.
- The Board voted to waive the project cost limits for projects in Lowell and Revere, consistent with its policy limiting cost waivers to five percent for constricted urban sites.
- The Board voted to approve amendments to the School Construction Regulations. The amendments require an environmental site assessment process for all new sites not currently in use for educational purposes. The amendments also include a construction site signage requirement and some technical wording changes to correct or clarify existing provisions.
- The Board voted to solicit public comment on the annual update of the School Building Assistance cost factors. The proposal would increase the cost standards by 0.5%. The Board also will solicit comment on the findings of a recent Beacon Hill Institute study on the use of project labor agreements, although no regulatory change is being proposed at this time. The proposed cost factors will be brought back to the Board for a final vote in the spring.
- The Board voted to approve the School Building Assistance annual report. It will be forwarded to the Governor and Legislature as required under the School Building Assistance Act.

Programs for English Language Education

Proposed Regulations on Education Programs for English Learners

The Board voted to send the proposed Regulations Governing the Education of English Learners out for public comment. The proposed regulations replace the current Transitional Bilingual Education regulations and are based on Question 2, the new law governing education programs for English learners. It replaces the transitional bilingual education (TBE) law as of the start of the 2003-04 school year. A draft guidance document regarding Question 2 and its implementation is posted on the Department's website at www.question2@doe.mass.edu. The Commissioner said the Department is working with local school districts to address the professional development needs of teachers in sheltered English immersion programs under the new law. At the conclusion of the public comment period, the regulations will be presented to the Board for a final vote in April.

Proposed English Language Proficiency Benchmarks and Outcomes

The Board voted to solicit public comment on the draft English Language Proficiency Benchmarks and Outcomes. The document was drafted through a collaborative effort of Department staff with expertise in second language acquisition and an advisory committee of local educators who serve students with limited English proficiency. It is intended to guide and support teachers and others in developing effective English language curriculum and instruction for students with limited English proficiency. The benchmarks and outcomes also will serve as the basis for developing a new state English Proficiency Assessment, as required by the federal No Child Left Behind Act and Question 2. The Board will vote on the final document in April, after the public comment period.

Proposed Amendments to Educator Licensure Regulations (603 CMR 7.00)

The Board voted to solicit public comment on proposed amendments to the Educator Licensure Regulations, relating to new licensure standards for the Teacher of English Language Learners. The Commissioner expects to bring these regulations back to the Board for final approval in April.

Charter Schools

At the start of the meeting Chairman Peyser stated he has met all state ethics requirements by making full disclosure to the Governor and the public of any facts that might lead to the appearance of a conflict relating to charter schools. He said he has had no role in the Department's or Commissioner's recommendations on new charters or charter renewals, and based on the Ethics Commission's guidance he can participate in the Board's deliberations and decisions on these matters.

Commissioner Driscoll spoke about the "architecture" of the charter school process, noting that it is meant to enhance standards-based education. He said the financial constraints on school districts have led many to express concern about the award of new charters this year, and he is sensitive to that concern. The Commissioner said he too would hesitate to recommend new charters if the Governor were not proposing some fiscal relief for school districts. He commented that the outpouring of parent and community support for public schools is impressive, and it indicates the progress that has been made through education reform. The Commissioner made clear that the process of reviewing charter applicants has been consistent and rigorous, and in fact most applicants are rejected. He said he stands by his recommendations to award charters for five new schools, only one of which would open in 2003.

Chairman Peyser said he and the Commissioner will continue to work with the Governor and the Legislature to provide funding to districts when a charter school opens in their community. He added that the Board's action is not a referendum on charter schools; it is a narrow decision on whether the charter applications have been thoroughly reviewed by the Department and whether they meet the high standards the Board has set.

- **Award of New Charters**

The Board voted 6-1 to approve charters for five schools. The five new charter schools are: Berkshire Arts and Technology Charter School (regional) in North Adams, Boston Preparatory Charter School in Boston, Excel Academy Charter School (regional) in Boston, Hill View Montessori Charter School in Haverhill, and Salem Academy Charter School in Salem. Only the Excel Academy Charter School is scheduled to open in 2003; all the others plan to open in 2004.

- **Renewal of Charters**

The Board voted 6-0, with one abstention, to approve five charter school renewals. The charter renewals are for Abby Kelley Foster Regional Charter School in Worcester, Health Careers

Academy Charter School in Boston, New Leadership Horace Mann Charter School in Springfield, Rising Tide Charter School in Plymouth, and SABIS Foxborough Regional Charter School in Foxborough. Chairman Peyser commented that all five schools are strong organizationally and have strong indicators of student performance. He added that expectations and accountability for student performance are increasing for all charter schools and regular public schools.

Improvement Plan from English High School, Boston

The Board voted to accept the improvement plan presented by English High School in Boston. Associate Commissioner Juliane Dow, Boston Deputy Superintendent Janet Williams, and English High School Principal Jose Duarte appeared before the Board to present the plan. Under the Regulations on Under-Performing Schools and School Districts, schools that have been declared under-performing must submit plans for improving student achievement to the Board. The Department evaluates each plan based on a rubric developed for this purpose as well as the detailed fact-finding report that identifies the school's areas of strength and weakness. The Commissioner then makes a recommendation to the Board as to whether to accept the plan.

Approval of Federal Grants

The Board voted to approve \$460,000 in grants under the federal Secondary School Reading Grant Program. The program supports middle schools, high schools, and vocational schools in developing a school-wide approach to improving reading achievement.

Next Meeting

The next regularly scheduled meeting of the Board of Education will be held on Tuesday, March 25, 2003 at the Department of Education.

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