

A Changing Bureaucracy

The History of the Massachusetts Department of Elementary and Secondary Education

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Executive Summary

In a time when state education agencies have more responsibility than ever before for implementing education policy and holding localities to account for student achievement, the Massachusetts Department of Elementary and Secondary Education (DESE) is an interesting case study. For the past 20 years, the Commonwealth has been a leader in education reform, and the DESE has played an important role in helping Massachusetts earn that title. Since the *Massachusetts Education Reform Act* (MERA) of 1993, the Department, under the direction of the Board of Elementary and Secondary Education (BESE) and state Legislature, has drafted and implemented state standards and assessments, come to oversee one of the most respected public school authorization processes in the country, and put in place comparatively rigorous teacher testing and certification processes. To accomplish these policy results, the DESE has worked diligently to secure buy-in from an often reluctant education field.

At the same time, however, DESE has experienced its fair share of challenges. In recent years the Legislature has moved two major programs from the Department to other agencies, largely because of concerns about the DESE's ability to oversee activity and spending at the local level. Moreover, it is unclear if the Department is equipped to handle some of the new functions it has taken on in recent years, such as school accountability audits, which were once housed in an independent arm of the agency. Opinions of those in the field indicate that the DESE may not have sufficient capacity to properly oversee failing schools, for example. These issues, coupled with a new bureaucratic structure, which subsumes the Department into an Executive Office of Education (EOE), translate into significant changes within the agency—changes that some in the field think weaken the agency considerably.

Drawing from an extensive analysis of policy documents, press reports, and over 35 hours

of interviews with policymakers and current and former leaders within DESE and other state education agencies, the following work provides a brief history of the agency, with a focus on its responsibilities in the post-education reform era. It further discusses the crafting and implementation of those specific reforms that have helped Massachusetts' students rise to lead the nation in achievement. This work goes on to assess the "second wave" of education reform in Massachusetts in the context of the lessons of the past 20 years. It concludes with a set of recommendations for the Department, all of which aim to keep DESE focused on what it has done so successfully in the past—implementing policies that work to provide a higher quality of education for students and families across the Commonwealth.

Introduction

On January 10, 2010, headlines proclaimed an historic moment in Massachusetts education reform. Governor Deval Patrick signed a bill into law that promised “to give all students access to a world-class education” and “strengthen [the] state’s ability to access \$250 million in federal funds.” That law, known as *An Act Relative to the Achievement Gap*, established new, in-district charter-like schools, known as “innovation schools,” lifted the cap on charter public schools in the Commonwealth’s lowest-performing school districts, and granted the Massachusetts Department of Elementary and Secondary Education new authority to “intervene in underperforming and chronically underperforming schools.”¹

Some of these changes, such as the lift in the charter public school cap, are likely to help the Commonwealth reform education, as they embrace proven methods. Massachusetts boasts some of the highest performing charter public schools in the country.² All of these changes came, in part, as a response to pressure the federal government had exerted on state education agencies to drastically improve the delivery and quality of education.³

The pressure has effected positive reforms in Massachusetts by forcing a reluctant Legislature and executive branch to implement reforms unpopular with teachers’ unions, school committees, and superintendents’ organizations.⁴ But federal initiatives such as *No Child Left Behind* (NCLB) and *Race to the Top* (RTTT) are forcing state education agencies to take on massive new responsibilities they may not be equipped to handle. Although the responsibilities of state education agencies, more commonly known as state departments of education, have been steadily increasing since the 1990s,⁵ the rate of increase has been more rapid since the turn of the century.

In a recent report, the Center for American Progress points out that “what was once a low-

profile job of managing federal aid, providing curricular guidance, and ensuring compliance with various legal obligations is now a far more visible and politically fraught task.” State education agencies, which as recently as the 1980s were overwhelmingly focused on doling out federal monies and ensuring that local districts complied with the terms of federal grants, are now charged with creating state-wide standards and assessments, holding schools accountable for student performance, and turning around low-performing schools. “These changes have put immense stress on agencies... Yet it is not at all clear that [they] are prepared for this demanding new role or that their leaders are equipped for the challenge.”⁶

Most departments of education across the country, including in Massachusetts, have undergone immense and rapid policy changes without being subject to much research analysis or public scrutiny of how well they have performed their various new roles. Few have stopped to ask:

- How has the role of state education agencies changed in recent decades?
- Do these agencies have the capacity to fulfill their various new responsibilities?
- What do they do well and where have they struggled?

Massachusetts’ Department of Elementary and Secondary Education provides an interesting case study, because the Commonwealth is often cited as a national education reform leader. Known for rigorous state standards and assessments and one of the strongest charter school authorizing processes in the country,⁷ Massachusetts’ DESE should be well positioned to lead what some now refer to as the “second wave”⁸ of education reform, one focused on the use of data to drive teaching and learning, an active state role in turning around low-performing schools, and increasing the number of charter schools.

Massachusetts is also interesting because even without federal pressure, educational decision-

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making authority has become increasingly centralized in recent years. In 2008, Governor Patrick reestablished the Executive Office of Education and placed the DESE and its governing board the Board of Elementary and Secondary Education under its purview, fundamentally changing the relationship between DESE, its board, its commissioner and the Executive Office.⁹ In a state in which K-12 education policy has traditionally been driven by the legislative branch, this move has led some to question what the impact of the new Executive Office of Education will be and how it will affect DESE's functioning and the commissioner's role.

This major governance change is just one of the recent events that make DESE ripe for examination. Despite the Commonwealth and the Department's educational success, there is also evidence that DESE has long had difficulty managing budgets. In the past decade the Legislature has relieved the DESE of two major responsibilities: the School Building Assistance program (SBA) and certain aspects of state-provided early childhood education, in part because the Department could not account for unauthorized expenditures in these areas.¹⁰ Also problematic is evidence that charter school authorization in Massachusetts has recently become politicized, calling into question the integrity of a process that has, since the 1990s, been viewed as a national model.¹¹ These events, in addition to unprecedented state and federal policy changes, make this the time to take a close look at the Department, its responsibilities, and how those responsibilities could change going forward.

Drawing upon the research literature, press accounts, publicly available government data, over 25 lengthy interviews with past and current Massachusetts education policy-makers, the following pages examine the Massachusetts Department of Elementary and Secondary Education and Board of Elementary and Secondary Education. It does so with an eye

toward understanding how the DESE is governed and how well equipped it is to use its new authorities to serve the children and families of the Commonwealth.

The first part of this report looks closely at the background, structure, and function of the DESE in an attempt to understand how the agency has operated, how it currently operates, and what challenges, if any, the structure and operation of DESE pose for its ability to effectively exercise its increased authority. The second part recounts the recent history of the Department, especially its role in implementing the first wave of education reform, which came in the form of the *1993 Massachusetts Education Reform Act*. In doing so, this work uncovers some of DESE's strengths and weaknesses in an attempt to highlight potential obstacles to successfully implementing the second wave of reform.

These analyses lay the groundwork for recommendations about how the Commonwealth might move forward with the next wave of reform. The recommendations also address how the DESE and the Commonwealth might think beyond education reform to the creation of a state education agency with a sharper focus on fewer things so it might continue to improve the quality and delivery of education for all Massachusetts children and families.

Part I: Operation of the Massachusetts Department of Elementary and Secondary Education

IA. Historical Overview

*Having no other mines to work, Massachusetts has mined into the human intellect; and from its limitless resources, she has won more sustaining and endearing prosperity and happiness than if she had been founded on a stratification of silver and gold, reaching deeper down than geology has yet penetrated.*¹²

– Horace Mann

To understand the history and context of education in Massachusetts, it is necessary to go back to the beginning. The Commonwealth has been a leader in education reform since its very inception. Massachusetts is home to the world’s oldest written constitution and one of the few state constitutions in the United States to specifically mention education and its role in the lives of citizens. In writing the constitution of Massachusetts, John Adams recognized that “Wisdom and knowledge, as well as virtue” are necessary for the “preservation of the rights and liberties of the people.” He wrote:

it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar-schools in the towns.¹³

Thus in the 19th century, when Horace Mann became the first secretary to the nation’s first state Board of Education, Massachusetts had already set precedent: The Commonwealth was home to the nation’s first school, the Boston Latin School.¹⁴

Mann was appointed the Commonwealth’s (and the nation’s) first secretary of education in 1837,

and “in 1852, Massachusetts became the first state to pass compulsory school attendance laws.” By 1918 all states required children to receive an education, but the road to implementation of compulsory education was not an easy one and Mann, now revered as the “father of public education,” had many critics.¹⁵

Many state religious leaders, for example, feared that Mann’s agenda, which called for the creation of a new state entity to establish and oversee public schools, omitted the voices of common men from the common school. In one of many articles on the topic in the *Princeton Review*, Frederick Packard, one of Mann’s most vocal critics, wrote in 1841:

We most earnestly protest against the doctrines which appear to find favour in some of our oldest and most influential states, and those states in which the machinery of education seems to be most expressly and efficiently in motion. . . we protest against the interference of the government with the matter and manner of instruction, and especially against annexing any condition of its grants, that shall affect in the slightest degree the independence of the whole district or of the teacher whom they employ—and least of all on the subject of religious instruction.¹⁶

As Boston University Professor and education historian Charles Glenn points out, the problem with which Packard and others were so concerned “was in fact directly related to an increasing state role” in education. These men feared that district schools that had once been “highly localized” would be corrupted by the new state entity. Mann and his supporters, Packard charged, were wrongly using common schools as a means “of forging a new social unity... to mold citizens who would share common loyalties and beliefs free of the diverse sectarian convictions which, they believed, were accountable for the misery of human history.”¹⁷

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Therefore, questions about the state role in education have existed since the establishment of the common school system. The tension between local autonomy and state authority has eased with time and, to an extent, with the growth of federal involvement in education, but the idea that a government entity might not have the capacity to serve the best interests of diverse groups is a constant theme throughout the Commonwealth's educational history to the present day.¹⁸

Despite his critics, Mann clearly succeeded in his common school agenda and in establishing the state education entity that would oversee a system of diverse, localized schools. Under his leadership, not only as a member of the state Board but also as a former member of the Massachusetts Legislature, public education in the Commonwealth and in the country became a common good—one overseen by common entities, state education agencies (and a single federal one).¹⁹

The entity, however, took time to grow. In the early days of the Massachusetts state Board of Education, Mann was in many ways a “one-man band.” Although he did take pains to ensure that his Board included members who disagreed with components of the common school agenda—a move that some claim is increasingly uncommon in Massachusetts education policy today²⁰—in his position as secretary, Mann interpreted education policy in the Commonwealth. In his role as advocate for the common school he also made sure that such policies were implemented.²¹

Given these responsibilities, Mann played a role that was analogous to today's commissioner of education in addition to that of secretary, though the commissioner position did not officially exist until the 20th century. As former secretary of education and education historian Joseph Cronin describes, “Mann's role eventually evolved into the commissioner position.”²² Today, the commissioner remains secretary to the BESE.

For all the new ground that, with Mann's leadership, Massachusetts broke in K-12 public

education, it was clear even early on that the provision of education itself was a difficult thing for a state to do well; educational opportunity has always been uneven. The 1918-19 special commission on education was typical in finding that the two major problems confronting the schools were the need “for a more liberal policy on the part of the State in the support of education,” and “the sharp disparity in school spending in different districts.”²³ Despite the gravity of these claims, little was done as a result of the commission's finding, and well into the 1960s business proceeded as usual in the Commonwealth, with almost all authority for education funding and decision-making concentrated at the local level.

The 1960s, however, brought a new era in education reform at both the national and state levels. In 1965, Congress passed the *Elementary and Secondary Education Act*, (ESEA), which funneled unprecedented amounts of federal money to the local level.²⁴ Title I of that act, which is currently known as *No Child Left Behind*, allocates federal funding to schools with concentrations of students living in poverty. It now accounts for billions²⁵ of dollars in annual education spending.

But even before ESEA became law, the state role in education was slowly expanding. Spurred on by the launch of *Sputnik 1* in 1957 and the perceived threat of the Soviet Union, Massachusetts legislators, much like their federal counterparts, were inclined to take action to assess the educational opportunities being extended to all citizens. In 1962 the Legislature commissioned a study of education in the Commonwealth, the first since Mann was secretary over 100 years earlier. The mandate of the Willis-Harrington Commission “went beyond that of any other education study in the history of the state: it was all-encompassing, involving an analysis of every aspect of public learning in Massachusetts.”²⁶

Although the commission's result was to reveal several major deficiencies, including underfunding of the Commonwealth's school aid

formula, a low state contribution in comparison to other states, and even deficient curricula in some localities, the commission's key proposal was to reorganize the Board into "two distinct entities, a Board of Public School Education and a Board of Higher Education." The new public school Board was given increased powers, including the power to evaluate and "recommend changes" to the school aid formula, and the "authority to set minimum educational standards for all courses."²⁷

As in cities and school districts across the nation, Massachusetts in the 1970s and early 1980s focused much of its energies on providing equality of educational opportunity for students. In the 1970s, the drive for racial justice in the state's schools came first in the form of federal mandates to integrate schools—the result in Boston, especially, was violent. State officials responded, in part, by devising voluntary plans for school choice, encouraging local districts to allow parents their choice of schools within-district schools. Racial justice was not the only focus of the state at the time. Indeed, between 1973 and 1985, the state also focused its energy on implementing the *Individuals with Disabilities Act* (IDEA).²⁸

In part because the 1970s and early 1980s were so focused on the implementation of sweeping federal mandates, the Board and the Department did little to address the more nuanced issues—those related to student achievement—cited in the Willis-Harrington Commission's report. "Despite the extensive effort and general optimism that characterized the Willis-Harrington Commission through the mid-1960s... education policy, as reflected in the classrooms of the Commonwealth, was virtually unchanged."²⁹

The limited impact of legislative policy at the school level was perhaps a reflection of the Department of Education's unwillingness or inability during that time to insert itself into local politics. Although policies and programs mandated by the federal government and the state Legislature had to be implemented broadly,

the state stopped short of actually reaching into schools. This is why, despite having "developed the nation's largest program of promoting racial and social integration"³⁰ during this time, the Commonwealth and the Department of Education failed to "address issues of inequitable funding at the local level and of curriculum and instruction."

Even when in the Massachusetts House of Representatives' Education Committee commissioned a 1980s study that revealed the quality of education in Massachusetts to be much the same as it was at the time of the Willis-Harrington Commission, the Legislature took little action to remedy the problems of finance and curriculum. Although they did pass an Education Act, its main thrust was to set a base salary for teachers.³¹

It was not until the early 1980s that the 1918-19 education commission's concerns would finally be addressed. A larger push for reform at the federal level, which came in response to reports such as *A Nation at Risk*,³² was accompanied by two important Massachusetts legislative acts, which set the stage for larger 1990s reforms. Chapter 188 increased teacher salaries but, more importantly, established two tests of student achievement: The Massachusetts Educational Assessment Program (MEAP) and the Basic Skills Test. The Basic Skills Test, which established a minimum level of competency for students, was soon abolished in favor of MEAP. The MEAP test was a precursor to the Massachusetts Comprehensive Assessment System (MCAS),³³ which, in the 1990s, would couple tests of minimum competency with accountability for outcomes, among other things. In addition to Chapter 188, the legislature also passed Chapter 727. According to former Secretary of Education, Michael Sentance, Chapter 727 was also a "prototype for the Massachusetts Education Reform Act in that it established Carnegie Schools, which were supposed to be innovative alternatives to existing public schools."³⁴

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Although the 1980s reforms were comparatively short-lived and did little to hold districts, schools, and students accountable for performance, they did require that teacher candidates be tested on the content addressed in the MEAP examination. Moreover, these reforms marked an important shift in the Commonwealth's education policy dialogue. The Massachusetts business community (and the Massachusetts Business Alliance for Education (MBAE), which was then headed by John Rennie the founding chairman of the MBAE and the Chairman & CEO of Pacer Systems, Inc.) began to actively call for a broad outline for education reform focusing on workforce development skills and additional state funding.³⁵ That call was simultaneously being led by the Legislature and the Governor. Embraced by then-Governor William Weld and key legislators such as Senator Thomas Birmingham, Representative Mark Roosevelt, and Senate President William Bulger, a brand of education reform that held schools and districts accountable for academic standards and assessment outcomes, while at the same time offering more equitable state funding that would enable struggling districts to better address student needs was gaining political traction by the early 1990s.³⁶

Further pushing reform along was *McDuffy v. The Executive Office of Education*, a lawsuit initiated in the 1970s³⁷ on the heels of precedent-setting lawsuits that pushed education reform in places like Kentucky and San Antonio, Texas. The families that brought *McDuffy* "alleged that the school finance system violated the education clause of the Massachusetts Constitution," which states "in part that "[i]t shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish... the public schools and grammar schools in the towns."³⁸ In brief, the families argued, because property poor districts could not afford to raise the same taxes as their wealthier counterparts, children in those districts received an inferior education.

"In its decision, the [Massachusetts] Supreme Judicial Court (SJC) held that the education

clause is not merely aspirational or hortatory, but... imposes on the Commonwealth an enforceable duty to provide an education for all its children, rich and poor, in every city and town through the public schools."³⁹ Just days before the Supreme Judicial Court announced its ruling, the Legislature passed the landmark *Massachusetts Education Reform Act of 1993*.⁴⁰ Crafted in part out of a desire to preempt a court-mandated remedy, the MERA called for sweeping education reform and concentrated an unprecedented amount of responsibility for the provision of education within the education bureaucracy.⁴¹

In comparison to efforts that came before it, the *Massachusetts Education Reform Act of 1993* was powerful. It addressed everything from inadequacies in school funding at the state and local level to inconsistencies among academic curricula and disparities in student achievement. It also ensured that the delivery of education in Massachusetts would never again be the same.

In brief, the MERA established:⁴²

- a foundation budget, or minimum level of per-pupil funding, for every school district
- a highly progressive funding formula known as Chapter 70 to ensure that each locality can reach the foundation budget level
- curriculum standards in core academic subjects and state assessments to monitor student progress on those standards
- a high-stakes graduation requirement for all students, in the form of a high school exit examination
- tests of teachers' skills and subject matter knowledge for initial licensure
- alternative pathways to certification for teachers
- more autonomy for individual school leaders and principals (principals would no longer have tenure or collective bargaining rights)
- the creation of charter public schools.

Since education reform, Massachusetts has made impressive strides in improving the quality of its K-12 public education system. It is now often cited as a leader in and an example for nationwide education reform.⁴³ The MERA, with its careful implementation, put the Commonwealth on a new path, one that was focused on access to quality educational opportunities for students and accountability for outcomes as opposed to mere inputs.

In forging that path, the MERA also significantly changed the role of the Board of Education and the role and authority of the Department of Education. More than that, according to former Commissioner of Education Robert Antonucci, “it changed the culture of education in Massachusetts.”⁴⁴

The state Department of Education, an agency that had historically functioned as a bureaucracy focused on ensuring local compliance with state and federal education regulations, was forced to focus on establishing guidelines for change and holding localities accountable for making change. “. . . no longer focused on inputs, inputs, inputs—the new role of the Department was to level the playing field, deal with equity, and get more resources to districts,”⁴⁵ according to one former superintendent.

This is not to say educational inputs didn’t matter. Although tied seriously to results for the first time in Massachusetts history, the MERA represented an enormous financial investment in public schools; the Commonwealth and local governments have spent approximately \$100 billion state and local dollars since 1993, not including more than \$11 billion dollars in new school building allocations.⁴⁶

In part because the Commonwealth’s expanded role, especially with regard to academic standards and assessment, it can be difficult to understand how Massachusetts, through the Board and the DESE, has interpreted its responsibilities and ultimately effected change since 1993. There is also little account of what has happened *within*

the DESE since education reform, especially when it comes to the agency’s make-up the day-to-day work its employees perform.

To that end, an overview of the Department’s function, structure, and work as it is today and as it was prior to education reform is useful. Although (as will be discussed in greater detail below) not all components of the MERA were implemented successfully or even implemented at all, the DESE (then known as the Department of Education) and BESE (then still called the Board of Education) played a significant role in getting the major components of education reform right. An understanding of how they did so (and where they didn’t) can prove useful for putting the Commonwealth on track for an even more successful second wave of education reform.

IB. Governance, Structure, and Function of DESE

There shall be within the executive office of education a Department of elementary and secondary education, hereinafter called the Department, which shall be under the supervision and management of a commissioner of elementary and secondary education, hereinafter called the commissioner. Said commissioner shall be [elected by the Board of education and appointed by the secretary of education] and shall devote full time to the duties of the office.

The commissioner, with the approval of the Board of elementary and secondary education, hereinafter called the Board, shall establish such bureaus and other offices and employ such staff and consultants as may be necessary for the proper and efficient administration of the Department. . . the commissioner shall be the secretary to the Board, its chief executive officer and the chief state school officer for elementary and secondary education.⁴⁷

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As currently configured, the Department of Elementary and Secondary Education exists as an entity within the Executive Office of Education, which is headed by a secretary appointed by the governor (since 2008, this post has been held by S. Paul Reville). The secretary, a political appointment, sits as a voting member (*ex officio*) on each of three separate boards of education: the Board of Elementary and Secondary Education (BESE), the Board of Higher Education (BHE), and the Board of Early Education and Care (BEEC). Like the DESE, the boards of higher education and early education and care each have corresponding departments and commissioners.⁴⁸

The DESE is headed by the commissioner of education (currently Mitchell D. Chester), who, in theory, serves the Board⁴⁹ that appoints him or her. The role of the 11 voting members of the Board of Elementary and Secondary Education, 10 of whom are appointed by the governor,⁵⁰ including the secretary of education and the Board's chair, is to create and/or interpret education policy in the Commonwealth. The role of the DESE is to administer state and federal funding, implement education policy, and ensure that localities are compliant with state and federal education regulations.

Since its inception in the 20th century, DESE has been governed by the state Board of Education (now BESE), which was established in 1837. In some ways, the Department was an outgrowth of the Board, in that early secretaries of education in Massachusetts performed the same kind of work as today's commissioners of education. As Charles Glenn describes it, "Horace Mann *was* the Department" before the Department of Education was officially established.⁵¹

Although at times in its history the Board has actively used its power to instruct the DESE, until the 1990s it tended to allow the Department a very active role in interpreting and implementing education policy. Prior to the MERA and the appointment of the controversial president of Boston University John Silber as

Board chairman, "The Board tended to do the minimum, undertaking no analyses and focusing on enforcement and compliance,"⁵² notes former state Secretary of Education Michael Sentance.

The role of the secretary of education and the Executive Office of Education, which the secretary heads, has evolved even more than the role of the Board in Massachusetts. Although the office of secretary of education dates to 1837 when the Board was established, it was not until the 1970s that the Commonwealth reorganized into a cabinet form of government with both a secretary of education (a political appointment) and a commissioner of education (a professional appointment). In the 1970s, the office of secretary was "largely advisory, though a bully pulpit." Abolished in the 1980s under Governor Edward King, the position was resurrected in a different form in 1991 during the Weld administration.⁵³ Weld's move, like governors before and after him, came out of a desire to "have more direct executive control over educational policymaking"—the presence of an executive office allows the administration greater authority over the activities of both the Board and the DESE.⁵⁴

Weld's was the first Executive Office of the post-education reform era. Governor Deval Patrick's is the second. Though the offices share the same name, their responsibilities differ.

Under Weld, the Executive Office of Education operated independently of other education bureaucracies, such as the Department of Education.⁵⁵ The office was also lean in comparison to other bureaucracies, housing only 18-20 employees in 1996. Weld's Executive Office "[took] over the state education department's legal, legislative, personnel, audit, and budgetary functions, along with the accompanying staff." In an attempt to allow the Department to focus more closely on day-to-day delivery of public education, "the commissioner and the state Board of Education retain[ed] control of core-curriculum development and other academic duties."⁵⁶

Despite the importance of its duties and even some marked successes—such as the conception and implementation of what has come to be recognized as a gold standard for charter school authorizing⁵⁷—in 1995-1996, Governor Weld and legislative leadership abolished the Executive Office they had established just a few years before in an attempt to streamline state government. In that move, and to the chagrin of some legislators and policy-makers, “many of the duties of the Executive Office, such as charter school authorizing were subsumed by the Department.”⁵⁸

Weld’s was not the last failed attempt to concentrate some degree of control over the education bureaucracy in the governor’s office. In 2002-2003, Governor Mitt Romney sought to re-establish the Executive Office of Education, “elevating the [position of secretary of education] to cabinet-level status,” and giving a new secretary oversight of “primary, secondary, and higher education.”⁵⁹ His designee for the position was Peter Nessen, a former Weld administration official and private sector consultant.⁶⁰ Romney’s attempt to create a new secretariat failed, as prominent policymakers argued against it to the Legislature, citing the importance of “insulating educational policy from the ebb and flow of politics,” and the danger of creating “a competing center of power that vies with and against the state’s Chief State School Officer, the Commissioner of Education, and the State Education Agency, the Department of Education.”⁶¹

One vocal public critic of Romney’s plan was current Secretary of Education S. Paul Reville, who is cited above. Just six years after the Romney proposal was defeated, Governor Patrick constituted his own Executive Office of Education, which Reville heads.

When Governor Patrick re-established the Executive Office of Education it was with the stated purpose of ensuring “seamless delivery of education from pre-kindergarten through higher education.” In its reconfiguration, the Executive

Office subsumed the DESE, along with the Departments of Higher Education and Early Childhood Education and Care. The Executive Office sets budgets for all three agencies. This responsibility, among others, ensures a different relationship between DESE and EOE than that which existed during EOE’s previous iteration.

Importantly, Governor Patrick also expanded the BESE from 9 to 11 members in 2008,⁶² a move not at all unprecedented in the Commonwealth’s education policy making. When Weld took office the BESE had 17 members, but was reduced to nine with the advent of education reform. The sentiment was that a Board had to be of “manageable size if it was to be effective.”⁶³

Prior to his confirmation as Patrick’s Secretary of Education, Reville noted that while “he remains skeptical of an ‘all powerful education czar,’ he supports Patrick’s proposal [for a new Executive Office of Education] because it is ‘respectful of keeping some distance between the political process and the education policy-making process.’”⁶⁴ At the time, Reville was also quoted as saying that he was comfortable with Patrick’s proposal because the Governor’s ideas about education are “identical” to his own.⁶⁵

The current governance structure has implications for all aspects of education, from coordinating a historically uncoordinated system of early education, K-12 education, and higher education,⁶⁶ to the DESE’s role in vetting charter school applications. And while some of EOE’s new initiatives,⁶⁷ such as attempts to better align all levels of the education system, have been lauded as a strong attempt to “get the whole education community talking to one another,”⁶⁸ the current office has not been without controversy, some of which will be discussed below.

The specific undertakings of the Executive Office of Education aside, some in the Commonwealth are concerned that the current governance structure makes the Governor’s authority over education policy too broad.⁶⁹ Not only does he or she appoint all but one member of the BESE,

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which in turn appoints the commissioner, but the Governor also appoints the secretary, who is a member of the Board and in many ways the commissioner's boss. The secretary may also reject the Board's recommendation for commissioner.

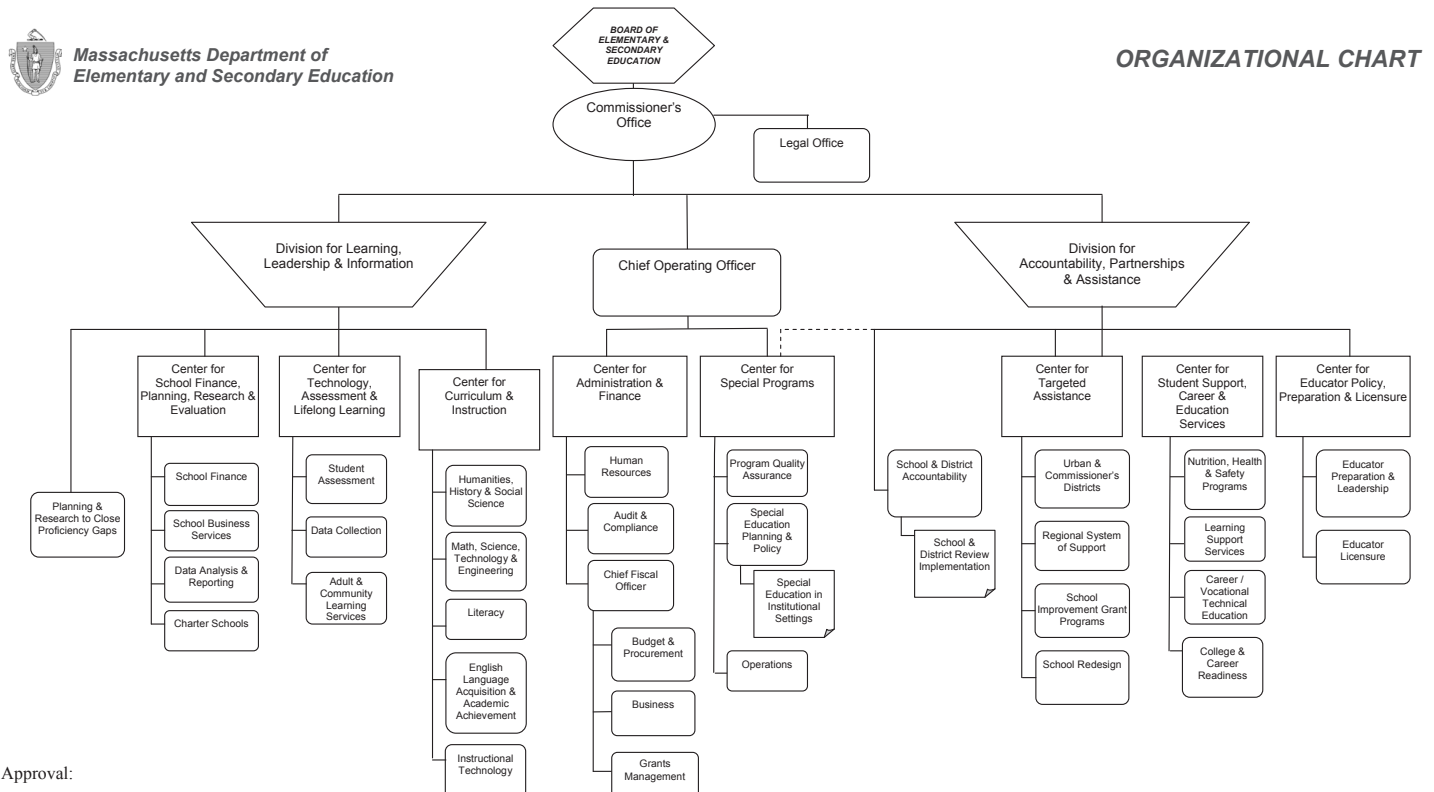
The impact a governor can have under this arrangement is clear to the field. According to Tom Gosnell, president of the Massachusetts Federation of Teachers (MFT):

The structure is much different under [Governor] Patrick than it was under [Governor] Romney. Under Romney, without a secretary, the commissioner was very powerful. Under the current structure the governor and the secretary are very powerful, and this has an impact on the Department. Under Romney, professional educators were very unhappy, there was a view that the

BESE did not care about "the field," that the commissioner might have been sympathetic but was constrained by the Board. Under Patrick, Board members have more sympathy for what is going on in "the field."⁷⁰

In an era when the state has more responsibility for the financing and functioning of schools than ever before and when federal funding of state education initiatives is highly dependent upon compliance on the part of the state Department, an arrangement that provides the executive branch with more authority over educational decision-making and more influence over the DESE might make intuitive sense. On the other hand, the current arrangement has exposed some of the dangers inherent in concentrating political authority within the Executive Office and the Board. It also calls into question the extent of the BESE's independence in educational decision-making and signals a shift in a state where

Chart 1: Department of Elementary and Secondary Education Organizational Chart



Approval:

Mitchell D. Chester
Commissioner

Date

education reform has traditionally been led by a strong legislative branch. From Horace Mann (the former President of the Senate) to figures like former Representative Mark Roosevelt and former Senate President Thomas Birmingham, two of the three architects of the MERA, it is the Legislature, not the Executive Office, that has taken the lead on education reform.

IC. Responsibilities and Staffing

Notwithstanding its governance, the Department of Elementary and Secondary Education has a number of responsibilities when it comes to implementing state education policy. In addition to ensuring that local districts comply with state and federal regulations, one of the DESE’s primary responsibilities is to distribute the state and federal monies that often accompany those regulations. Therefore when DESE is described, as it often is, as a state agency focused on compliance, it is because many of its staff are responsible for ensuring that state and federal funds are being distributed and spent appropriately at the local level.⁷¹

In practical terms, this means that much of the agency’s budget is “pass-through,” or state and

federal money the agency itself does not control and is simply passed on from one agency (such as the United States Department of Education) to another (local school districts). The agency is also responsible for teacher licensure and certification, K-12 education programming (including vocational-technical education), development of state curriculum standards and examinations, authorization and evaluation of charter public schools, teacher preparation, and oversight of programs for students with language and other special educational needs. While many of these functions are compliance-oriented, some, such as the development of state and curriculum standards, require significant research, development, and greater authority for effecting change concentrated at the state level.

One of the newest DESE functions, which is the result of significant changes in federal education policy, is the collection and publication of data on student performance on the Massachusetts Comprehensive Assessment System (MCAS). The Commonwealth uses examinations and student achievement data derived from the tests to determine which schools are helping students achieve at acceptable levels and which are not.

Chart 2: Full-Time Equivalent Employees by Secretariat



■ A Changing Bureaucracy

Increasingly in recent years, the Commonwealth has been charged with the oversight of underperforming schools and with guiding and supporting those schools in their efforts to improve.⁷² These functions will be addressed in greater detail below in the section that addresses state-level accountability systems.

DESE carries out all its functions with a comparatively small staff of approximately 514 people. As the second largest department in the education secretariat, DESE has about half as many employees as the University of Massachusetts. What is most telling about DESE staffing, however, is that the number of agency employees has changed comparatively little in the past 20 years, the length of time for which staffing data are available.⁷³

This is notable, as the responsibility of the DESE has increased considerably over that time. Former Secretary of Education Joseph Cronin recalls that during his tenure (in the 1970s), the Department was much larger than it is today, though its responsibilities were fewer, more local, and more diffuse. “When I was secretary,” notes Cronin, “DOE had over 700 employees, all in the regional offices, each office with 30 or 40 people. It is saved a bit by technology, by outsourcing test development, and by an increase in the number of federal grants, but still, the difference is impressive.”

According to former school superintendent and state accountability official Joe Rappa, the centralization of DESE offices was advocated by Governor Weld and then-Commissioner Robert Antonucci:

Antonucci wanted to close down the regional centers, and the statewide recession and a need to save money provided the excuse to do that. The move created some angst and bad will among ‘regional center refugees’, but that was offset by Antonucci’s active management style. He was an aggressive commissioner who threatened the bureaucracy, and on the heels of these changes came education

reform. It was Antonucci who [greatly] reduced the number of employees in the Department, putting it in a better position to be “the hammer” behind education reform.

Two things in particular stand out about the Department’s size during education reform. First, DESE accomplished what it did in the 1990s and at the turn of the 21st century with a comparatively lean staff, suggesting that the girth of a bureaucracy could have an inverse relationship to its effectiveness at the local and school levels. Further, it is of note that the size of the Department has in fact decreased and remained relatively consistent during the past decade.

This consistency derives in part from the fact that Department staff is often dedicated to programs funded by money that flows through the Department, either in the form of federal grants or state legislative earmarks. Thus, the Department has little ability to expand of its own volition or even out of necessity.⁷⁴ Understanding this aspect of the education bureaucracy requires an understanding of the agency’s budgets and finances, which is an exercise in ascertaining the functioning of a bureaucracy—something just as difficult as it is necessary.

ID. Funding and Finance of the Department

The reality for any commissioner of education, according to former Commissioner Robert Antonucci is that the agency is “a big ATM.” During his tenure, Antonucci notes, the Department had a “budget of over \$3 billion, most of which was ‘pass-through,’” or money that was already dedicated in the form of state programs or federal grants.⁷⁵ Little has changed since Antonucci’s time; in fiscal year 2010 DESE had a budget of just over \$4.3 billion, the vast majority of which (over \$3.8 billion) went directly to cities and towns in the form of Chapter 70 aid to local school districts.

Chapter 70 funding has been the biggest line item in the DESE’s budget since the Supreme

Chart 3: Education Secretariat Budget FY06-FY10

Education Secretariat	FY06 GAA	FY07 GAA	FY08 GAA	FY09 GAA	FY09 Expended	FY10 GAA
Executive Office of Education	0	0	0	932	859	8,541
Department of Early Education and Care	462,624	497,542	529,452	585,118	558,855	537,293
Department of Elementary and Secondary Education	3,775,708	4,043,940	4,304,340	4,565,039	4,110,586	4,309,113
Board of Higher Education	101,772	110,495	114,799	120,415	114,761	103,344
University of Massachusetts	413,907	448,724	474,727	497,966	470,865	411,898
State Colleges	189,048	206,985	215,790	222,565	210,170	185,823
Community Colleges	211,118	225,966	240,716	244,885	231,141	204,542
TOTAL	5,154,177	5,533,653	5,879,824	6,236,920	5,697,237	5,760,554

Judicial Court’s *McDuffy* decision.⁷⁶ Designed “to assure fair and adequate minimum per student funding for public schools in the commonwealth by defining a foundation budget,” Chapter 70 provides state funding to cities and towns that cannot, via the property taxes they raise, meet the minimum acceptable foundation budget as determined by a state formula.⁷⁷

Over the past 18 years, Chapter 70 funding has grown substantially and been the major source of the increase in the DESE’s overall budget. Indeed, the second and third largest budget line items pale in comparison: DESE’s responsibility for reimbursing special education residential schools amounts to \$140,113 and its share of reimbursements to cities and towns that lose students to charter schools amounts to \$79,752.⁷⁸

Massachusetts’s commitment to equitable funding for all students through the Chapter 70 formula has ensured the Commonwealth’s standing as one of few states in which poor districts spend more per pupil than their wealthier counterparts.⁷⁹ As researchers Jamie Gass and Grant Wynn pointed out in a 2006 report for Pioneer Institute:⁸⁰

From FY1993 to FY2005, the Chapter 70 aid for the Boston Public Schools increased 238 percent, from \$59 million in FY1993 to \$200 million in FY2005. The total Chapter 70 aid distributed to the Boston Public Schools from FY1993 to FY2005 was \$1.93 billion.

The dramatic increase in state education spending aside, there has been, since the inception of the MERA, only a slight increase in the DESE’s overall budget. That increase, notes former Commissioner David Driscoll, was intended in part to enable the Department to craft academic standards and assessments. “Over time,” however, “the Department’s budget has been cut, and there has not been a real increase in quite a while.”⁸¹

With so much of its budget dedicated from the outset, the reality is that the agency itself controls very little money. Chapter 70 notwithstanding, the majority of the money that those working in the Department benefit from or distribute comes in the form of 43 federal grants that inform how the agency is staffed, what those staff do, and what programs can be implemented either at the state or local level, sometimes with oversight from the Commonwealth.⁸² Although federal grants

Chart 4: Chapter 70 Funding 1993-2011

	Foundation Enrollment	Foundation Budget	Required Net School Spending	Chapter 70 Aid	Chapter 70 Aid Per Pupil
FY93	809,496	4,514,508,999	4,287,184,895	1,288,777,773	1,592
FY94	820,455	4,571,643,823	4,426,319,980	1,432,831,982	1,746
FY95	836,475	4,828,222,382	4,746,121,750	1,622,681,700	1,940
FY96	860,308	5,093,115,632	4,975,877,024	1,831,653,335	2,129
FY97	879,473	5,319,278,089	5,266,811,346	2,061,572,182	2,344
FY98	901,876	5,599,662,778	5,628,913,332	2,288,742,702	2,538
FY99	918,553	5,917,571,880	6,054,466,099	2,566,134,016	2,794
FY00	936,372	6,053,537,060	6,475,651,360	2,803,307,931	2,994
FY01	947,684	6,349,115,355	6,815,406,089	2,989,965,282	3,155
FY02	958,669	6,739,035,894	7,225,349,634	3,212,701,904	3,351
FY03	964,154	6,942,909,844	7,452,025,819	3,258,475,120	3,380
FY04	963,766	7,066,778,674	7,444,478,447	3,110,796,259	3,228
FY05	959,291	7,276,011,746	7,717,900,249	3,182,954,601	3,318
FY06	955,486	7,551,933,454	7,988,990,015	3,288,603,062	3,442
FY07	951,287	8,014,672,861	8,399,194,818	3,505,192,039	3,685
FY08	949,580	8,406,096,436	8,728,682,766	3,725,343,327	3,923
FY09	944,224	8,811,314,229	8,657,696,403	3,536,496,064	3,745
FY10	940,985	9,088,557,473	9,132,909,041	3,869,526,145	4,112
FY11	938,333	8,921,047,970	9,176,281,197	3,850,884,455	4,104

are occasionally worded in a way that allows the Department some control over distribution, the majority are very specific.

For example, in 2010 the Commonwealth received roughly \$900 million in federal education grants and had discretion over about \$200 million. Discretion usually comes in the form of deciding which school or district will receive an award, although the federal government normally details which population of students is to be served.⁸³ Of course, it is important to note, in terms of understanding how the Department functions, that even when DESE has some discretion over how federal monies are spent, DESE staff paid by federal grants remain dedicated to their grant work and not to the elective work of the Department.

Much of the \$700 million (in 2010) the DESE did not control never passes through the Department at all. For example, Title I monies, targeted to schools with concentrated populations of students who live in poverty, pass directly from the federal government to localities. It is only after the distribution of these and other federally provided funds that DESE becomes responsible for ensuring that localities use these monies as they are supposed to, according to federal regulations.⁸⁴

The vast majority of the Department's budget that is dedicated to specific functions or simply passes through means the commissioner has little autonomy to dedicate resources and staff to programs and activities as he or she sees fit. As former Commissioner David Driscoll notes, the lack of state control was even more common prior to the 1990s and education reform. It was

also purposeful. “This is the way the forefathers wanted it—local control was the norm and the state role in education was limited.” The importance of local control and the way that it was and, to an extent, still is reflected in education budgets is one of the reasons the Department has historically functioned as a regulatory agency—something that localities have often resented and that state level policymakers have found frustrating.

With regard to the agency’s day-to-day operations, an inability to directly control funding and therefore functioning means grants and state legislation determine the number of staff the Department can support and what the staff do. If the Department, for example, has a federal grant to support school improvement at the local level, staff paid from that grant may only focus on activities related to school improvement at the local level. One of the major consequences of such an arrangement is that “decisions can be incredibly driven by funding. Ninety percent of what the agency does is determined by the legislature or the federal government, which is not a formula for flexibility and creativity.”⁸⁵ Nor is it a formula for ensuring that the state can provide continuity of programming. In tough fiscal times, schools and districts experience drastic budget cuts, and the DESE does as well. According to current Commissioner of Education Mitchell Chester, “as federal money disappears,” the ability of the Department to hire and maintain experts that can support work in the field also disappears. Of current concern, for example, is the “Department’s ability to maintain staff with expertise in early childhood education reading programs,” which are integral to providing pre-school and elementary school-aged children with a foundation for learning.⁸⁶

Given this, it is somewhat impressive that the agency has, since the 1990s, been significantly more involved in reforming education (as opposed to exclusively focused on compliance) than it was before that time. According to some in the field, education reform gave the Department and the BESE a “bully pulpit” from which to operate.

“On the one hand,” notes Robert Antonucci, “much of the agency’s budget is ‘pass-through’ money. But, on the other hand, the commissioner can be the biggest advocate for education in state. He or she can make decisions in concert with the right authorities.”⁸⁷

Put another way, the increased authority state education reform gave to the Department resulted in a more activist mentality. Former BESE chairman James Peyser credits former Commissioner Driscoll, for example, with being “adept at reallocating some of the existing money to support reform efforts.” Commissioner Driscoll was able to use money that the state allocated and federal grants in a way that prioritized the goals of the Department, allowing him to implement programs that he and the Board felt necessary without asking for additional funding from the state.⁸⁸ According to Driscoll, by concentrating on soliciting the federal grants local districts would most benefit from, the DESE was able to inform change at the local level. During his tenure, for example, the Commonwealth secured additional grants for math and science that were then passed on to localities.⁸⁹

Another way the Department has been able to have a large impact with a relatively limited budget (and the relatively limited staffing that accompanies it) is by hiring contractors to complete work that would prove too overwhelming, arduous, or expensive for the bureaucracy. The Department does not, for example, create, score, or compile the data generated by the annual Massachusetts Comprehensive Assessment System student assessments. Although the Department has worked diligently over the years to create the standards to which these assessment are aligned, and although teachers and other members of the field participate directly in the creation of test items, the agency currently has a five-year \$146 million contract with New Hampshire-based Measured Progress to “develop, administer, score, and report [MCAS results].”⁹⁰ Contracting out such responsibilities is a common practice in the age of standards-based reform. Awarding

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such contracts can be a way to control cost (clear budgets are set at the outset) and ensure quality—Measured Progress and companies like it can focus exclusively on the business of test development and reporting; state agencies cannot.

Of course, the business of contracting out hasn't always been straightforward for the Department. The recent conviction of former Massachusetts Speaker of the House Salvatore DiMasi, who received kickbacks from the Burlington, Massachusetts-based software corporation Cognos in exchange for ensuring that the company received contracts with both DESE and the Commonwealth's Department of Administration and Finance, has garnered the Department unwanted attention in recent months, even though DESE had no knowledge of DiMasi's illegal activities.

In 2005, as he explains it, Commissioner David Driscoll began searching for appropriate software to help DESE develop a data warehouse that would allow school officials to have more comprehensive and detailed access to state assessment results. The software, already in use in other states, would do everything from “empower educators to zoom in on specific student details” as related to individual MCAS questions or “get a broad view of a statewide population's progress across subject areas.”⁹¹ Such software was necessary, according to former secretary of education Joseph Cronin, “to reduce the burden” of processing reports, every year, for every school district in the state. In this sense, the award of a \$4.5 million software contract to Cognos held promise.⁹²

Ultimately, though, the award resulted in unwanted press for DESE. Driscoll was not in any way implicated in the wrongdoing, but he was called to testify in DiMasi's trial, with prosecutors arguing that that “once Driscoll expressed an interest in [procuring] software, the former speaker [DiMasi] made sure that \$4.5 million stayed in the budget, and that Cognos got the deal.”⁹³

Though the DiMasi scandal did not raise any questions about wrongdoing at DESE or on the part of the former Commissioner, it did recall past challenges for the Department with regard to oversight of the state funds it controls. In another technology-related incident earlier in the decade, the Department was audited for “incurring as much as \$3.9 million in unnecessary and wasteful expenses, \$4.9 million in undocumented or inadequately documented expenses, hundreds of thousands of dollars in questionable expenses, and noncompliance with state laws and regulations relative to the procurement of goods and services and the use of consultants.”⁹⁴

In brief, in 2001 the state auditor found that the consultants hired by the Department to revamp its “computer systems and technology programs” used state funds to pay for unapproved expenses. The audit, along with an internal DESE investigation, revealed that “these deficiencies (in expenditures) were the result of DOE's failure to establish adequate internal controls within its [information technology] IT ‘cluster.’” Once the state auditor's fieldwork was completed, DESE made many changes to its IT cluster, including a reorganization of staff and the establishment of a new chief operating officer who would report directly to the commissioner, and hiring an outside consulting firm to help DESE identify procedural issues in IT.⁹⁵

As DESE's proposed remedies for its IT expenditures suggest, oversight issues within the Department seem to stem from the large number of diverse programs the it manages and the difficulty inherent in tracking the activities of every program, especially when many of those activities occur outside of the agency. This was certainly the case when, in 2001, the state auditor also found that the Department had failed to properly manage a number of early childhood education grants it was responsible for overseeing in local districts.

At the time, the Department had responsibility for seven early childhood education programs.

Some of the programs, such as Head Start, were funded with federal grants and others with state money. Under one of the state-funded programs, Community Partnerships for Children, the Department was required to monitor the way in which localities used the funds provided to them. The state auditor found that the state had failed to properly account for “approximately \$10 million in funding... from 1996-1999”⁹⁶ and that localities had misused the funds provided by the Commonwealth in a variety of ways, such as buying “furniture, equipment, and supplies, instead of using it to help educate low-income children.”⁹⁷ Although the Department was not aware that certain localities were misusing the funds, it had not been diligent in its verification of local reporting.

According to a 2008 case study by the Rennie Center for Education and Policy, one of the challenges the Department faced in the late 1990s was that the Early Learning Services division, which managed early childhood education programs, was comparatively small and easily overshadowed by the significant demands that accompanied the implementation of MERA. This reality, coupled with the clear difficulties DESE had in overseeing early childhood education programs in addition to those intended exclusively for K-12 education, in part prompted 2005 legislation that created the Department of Early Education and Care.⁹⁸

These incidents suggest that DESE, like most bureaucracies, functions best when it is lean and focused on a few initiatives. Perhaps the best argument for this is the case of the School Building Assistance (SBA) program, which posed an enormous budgetary problem for the Department for decades; one that was ultimately passed on to taxpayers:

Created in 1948 to provide municipalities with financial assistance to build schools for the “Baby Boom” generation, SBA provided a base reimbursement rate of 33 percent of the cost of construction for regional schools and 25 percent for individual school districts,

adjusted upward based on a community’s property wealth.⁹⁹

Of the various problems that riddled the SBA program over time, the largest was that the Department would approve local building projects without having money in the program’s budget to pay for them. The process the Department had established over time was one in which program staff would rely heavily on the “local assertion” of why new construction was needed and what the cost of construction would be. No specific method for projecting enrollment, the biggest determinant of whether new school buildings would be needed and what they might look like, was used. Moreover, once the Department completed the long but not necessarily comprehensive process of submitting an application for new construction in a locality, the locality would be given approval to proceed with planning and construction. “No mention [was] made of the fact that the Board of Education should approve the project before funding [was] assured, or that the BOE could reject the project regardless of DOE staff opinion.” Of course, Department staff had no reason to believe that the Board would reject a proposal. It rarely, if ever, did.¹⁰⁰

The result of such drastic mismanagement over an extended period was that in 2000 the Department owed localities over \$6 billion: “\$4.1 billion for projects that were underway for which the reimbursement process had begun and another \$2 billion to buy out the waiting list of 126 projects.”¹⁰¹ By the time the program was abolished in 2004 and the Massachusetts School Building Authority was established in its place, it “had amassed \$11 billion in outstanding obligations with no clear funding source and had built up a 10 to 15 year list of projects that were waiting for state reimbursement.”¹⁰²

By most accounts an improvement on the School Building Assistance program housed in DESE, the new School Building Authority has clear processes in place. It “has implemented a

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rolling, five-year capital plan for approvals of new projects, eliminating the old wait list and allowing for local and state funds to be used when an approved project actually needs the cash.” The Authority is also adequately staffed to handle the significant responsibility of providing appropriate learning environments for the children of the Commonwealth, a luxury that even the state auditor noted DESE did not have.¹⁰³

It is of note that in the past eight years, two major programs once housed in DESE have been moved to new and completely separate agencies, and any new responsibilities with which the Department is charged should be assessed in light not only in terms of the Department’s successes but also in terms of these missteps. To some in the Commonwealth, the Department’s inability to effectively oversee some of its programs is indication that the bureaucracy views itself as more autonomous than it really is (as the Inspector General notes “we’ve had a lot of contact with the Department over the years”).¹⁰⁴ Others, including former DESE employees, note that some of the issues that have plagued the Department, especially in terms of budgets, are the result of nothing more than a bureaucracy that has been asked to do too much with too little.

Former DESE officials and senior staff say the Department is, in many areas, woefully understaffed, making it difficult for employees who oversee large programs to account for everything that happens in those programs at the local level. “It can be difficult working in a department and getting things done, because the money is always tied up,” notes former DESE deputy commissioner and current executive director of the MATCH Charter Public High School, Alan Safran.¹⁰⁵ It’s also important to recognize that the agency’s tendency to focus on compliance can prevent staff from being proactive in the creation of better processes for ensuring programmatic success. “There can be a mindset at the agency that is entirely bureaucratic,” notes former Secretary of Education Michael Sentance. That mindset encourages “compliance as an

acceptable minimum” and fails to account for the importance of strategy and process.¹⁰⁶

Moving forward, especially with some of the sweeping initiatives included under federal grant programs such as *Race to the Top*, these issues and tendencies within the Department should be carefully weighed against the demands of the federal government and local needs.

That said, for all of the challenges it has weathered in recent decades, there are several areas in which the Department has achieved notable success. In large part that success has stemmed from the presence of proactive leadership focused on improving education throughout the Commonwealth, thereby doing what is best for all students, especially those who have historically had the least access to high quality education.

Part II. Education Reform and the Department of Elementary and Secondary Education, 1992-2010

IIA. Standards and Assessments for Student Achievement

The story of Massachusetts Education Reform has largely been one of success for the Department of Elementary and Secondary Education. By advocating for legislative change and working closely with successive governors and boards that were sometimes driven by very strong personalities, the Department has, since the 1993 MERA, ensured that key aspects of reform were implemented comprehensively and with a great degree of input (though not always a lack of resistance) from the education field.

The business of education reform, especially in the 1990s, focused on five key things:

- Academic standards for what students should know;
- State assessments to measure student knowledge of those standards;

- Strong state requirements for teacher licensure;
- State accountability for outcomes at the district level; and
- Educational innovations, such as charter schools

Because these key things speak to what the state expects teachers and students to know and be able to do, education reform in many ways necessitated a shift in the Department’s culture. Going against what might be called the nature of a bureaucracy, the DESE has been forced, at least in some respects, to become less focused on inputs and compliance and more focused on outputs and academic outcomes.

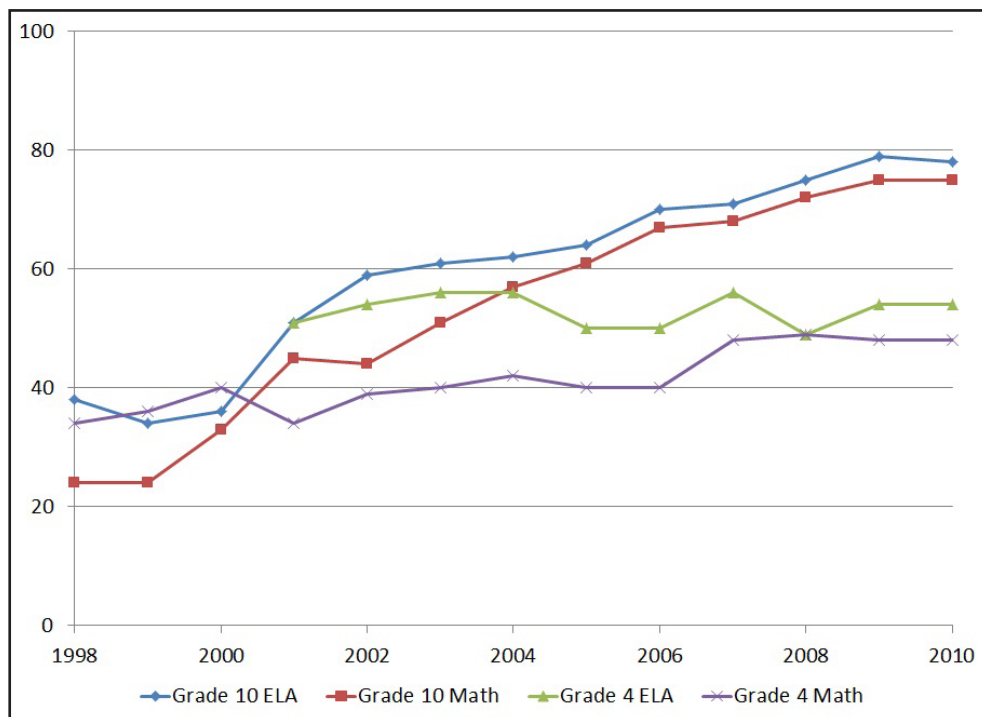
As the only state agency currently responsible for student and teacher outcomes, the DESE and its Board have, over the years, worked relentlessly for education reform. That work has paid off. Today, Massachusetts’s students rank at or near the top on both national on and international exams. Moreover, although the Commonwealth still has

a long way to go in closing achievement gaps between its white and Asian students and their African American and Hispanic counterparts, the progress that all student groups have made since the first assessment was given under the Massachusetts Comprehensive Assessment System (MCAS) is quite notable.

Since its first administration in 1998, student achievement on MCAS has increased significantly in mathematics and English language arts (ELA). Likewise, since 1992 Massachusetts students have outscored their national and international counterparts on standardized examinations of achievement.

The National Assessment of Educational Progress (NAEP) is a norm-referenced test used by the federal government to track student achievement; it is often referred to as the “Nation’s Report Card.” Massachusetts students have achieved marked increases in NAEP scores in reading and mathematics since 1998, the year the MCAS standards and assessments for math and ELA were fully implemented. Between 1996 and

Chart 5: MCAS Percent Scoring Proficient or Above, ELA and Math, Grades 4 and 10



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Chart 6: NAEP Reading Scores, 4th and 8th Grades, MA and all U.S. Public Schools

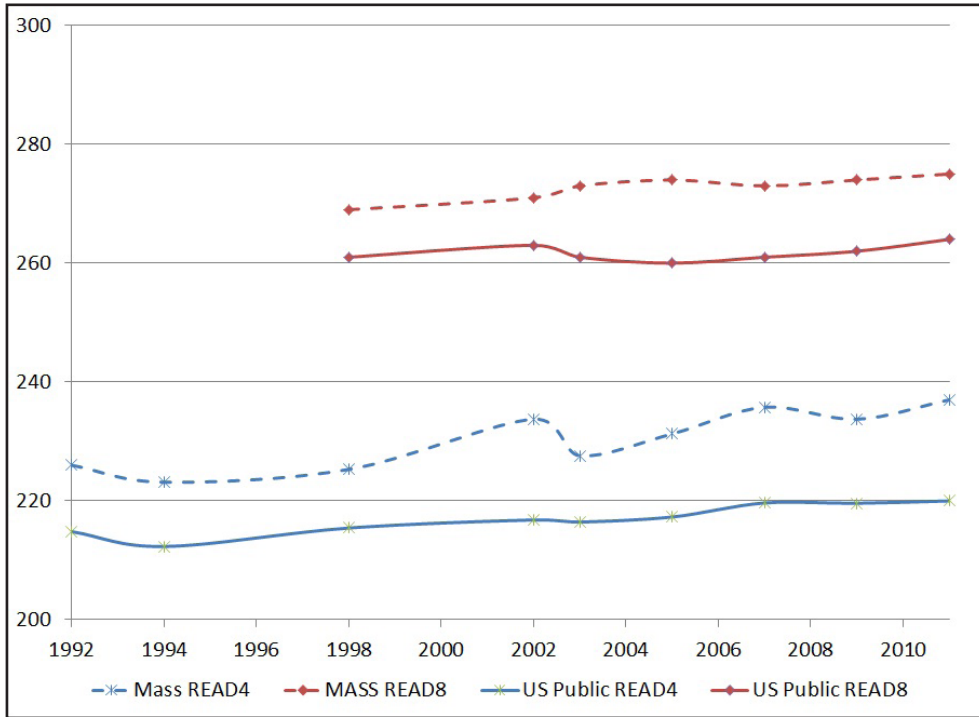
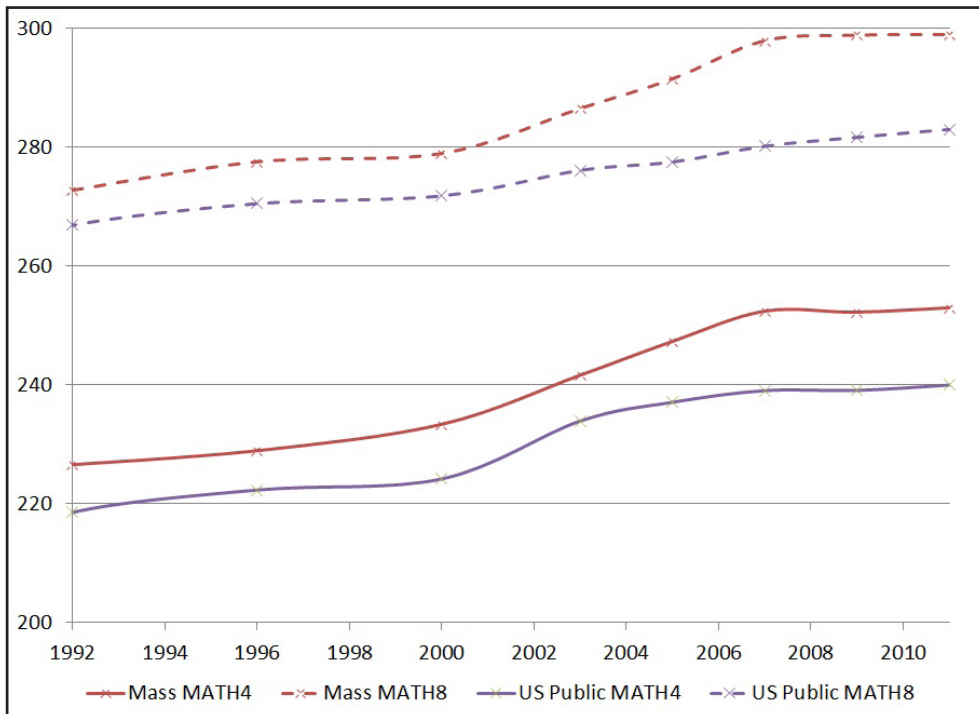


Chart 7: NAEP Math Scores, 4th and 8th Grade, MA and all U.S. Public Schools



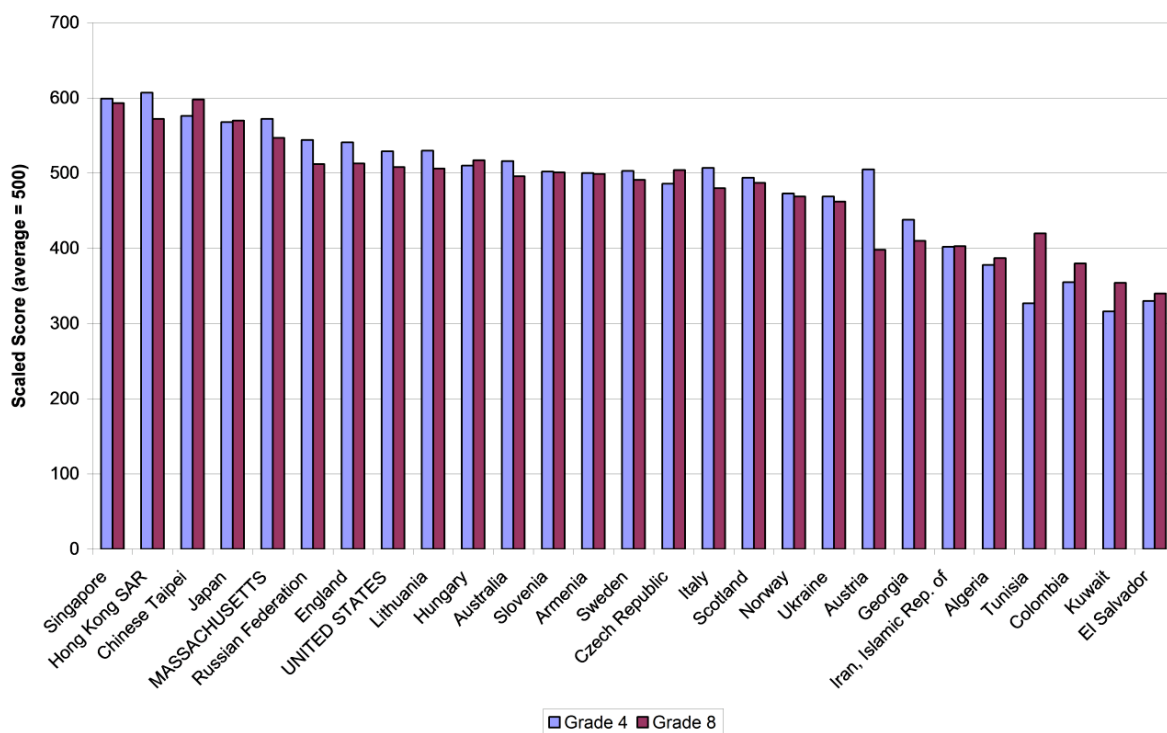
2011, NAEP scores for the Commonwealth’s fourth-graders increased by 24 points in math. At the same time, the Commonwealth’s eighth-graders improved by 21 points. Massachusetts students have also excelled in recent years on the NAEP writing assessment, scoring third on the 2007 assessment, behind only New Jersey and Connecticut.¹⁰⁷

The Commonwealth has seen similar positive trends on international tests of student achievement. On the 2007 Trends in International Math and Science Study (TIMSS), Massachusetts students not only outscored their counterparts in the United States, they also outscored their counterparts in most of the 36 participating countries. Whereas the US ranked 11th and 8th in fourth grade math and science respectively, Massachusetts’s scores place the Commonwealth on par with the top five performing TIMSS countries: If Massachusetts were a country, its students would have ranked 4th in fourth-grade science and 2nd in fourth-grade mathematics on the 2007 test. The chart below gives complete

information for Massachusetts and US scores on the 8th grade mathematics and science tests as well.

This successful trend on standardized examinations is also apparent on the OECD’s Programme for International Student Assessment (PISA) examinations. Although Massachusetts students do not participate in PISA as a discrete group, a report published by the Harvard University Program on Education Policy and Governance used student performance on NAEP to predict how student populations in individual states would have done on PISA. That report estimated that on the 2009 PISA examination, Massachusetts students would have been a top scoring group in mathematics, performing at similar levels as their counterparts in countries that had top scores on PISA overall, countries such as Japan and the Netherlands. On average, U.S. students scored much lower on the PISA, ranking near the middle of all participating countries and on par with students in places such as Latvia, Poland, and the United Kingdom.ⁱ

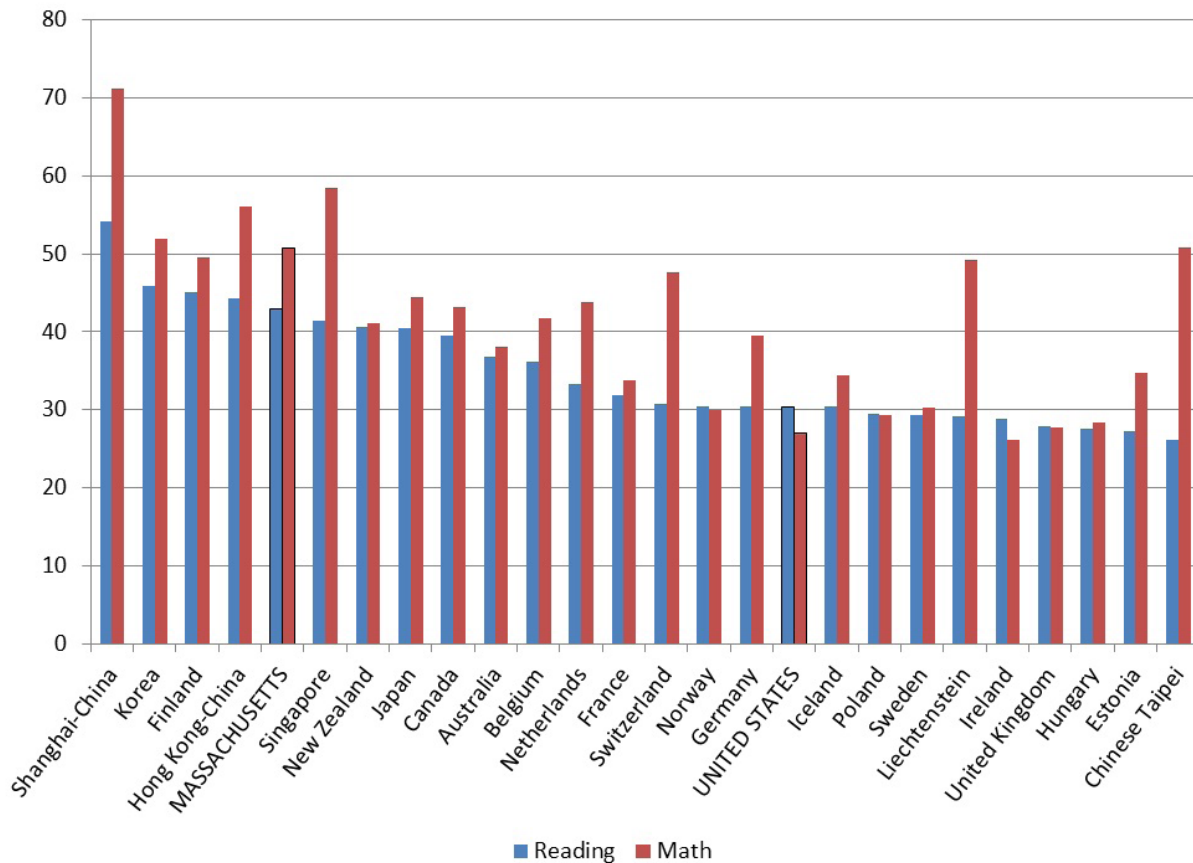
Chart 8: 2007 TIMSS Math Scores, Grades 4 and 8



ⁱPeterson et. al (2011), “Globally Challenged: Are US Students Ready to Compete?” Harvard Program on Education, Policy and Governance, Report no. 1103.

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Chart 9: 2009 PISA Percent Proficient or Above, Reading and Math (estimate for MA)



While it is difficult to posit a direct causal relationship between these trends in student achievement and the MERA, the opinions of a diverse array of practitioners and policymakers suggest that the existence of a relationship between the two is now widely accepted. Although open to new forms of assessment, especially in certain subject areas, Paul Toner, President of the Massachusetts Teachers Association (MTA) notes that MERA and the Department have done a lot of good for the Commonwealth’s children. “We have high standards, an aligned curriculum ... and our test is better than the rest.”¹⁰⁸ Elizabeth Pauley, formerly of DESE and now of the Boston Foundation, agrees: “In Massachusetts there has been constancy of leadership and an unrelenting focus on the standards... it is now a national conversation about teaching and standards and quality—we thought about it early—there are many things that DESE can claim as success.”¹⁰⁹

But early on, success was hardly a foregone conclusion. When MERA was passed in 1993, one of the first things the Department¹¹⁰ had to consider was what standards for learning, which would eventually be assessed on statewide criterion-referenced examinations, would look like. In the years that followed, the effort to create the high standards Massachusetts has today often took the form of a pitched battle, one that included disagreements between DESE leadership and outside professional educational organizations, between Board and the DESE, and even among Board members.

Under sections 29 and 85 of the 1993 MERA, the Legislature charged the Department with developing “academic standards and curriculum frameworks in the core subjects—mathematics, science and technology, history and social science, English, foreign language and the arts.” The law also established a competency determination, which means Massachusetts students have to

Chart 10: Standards and Assessment for Student Achievement: Timeline

1994	Development of English language arts and math standards begins
1995	BESE approves math and science curriculum but rejects ELA frameworks
1996	Boston University President John Silber appointed BESE chair
1997	New draft of English language arts curriculum frameworks approved
1998	First administration of MCAS assessment
1999	John Silber resigns and James Peyser appointed BESE chair
2000	BESE approves revised version of math curriculum framework
2001	BESE approves revised version of English language arts curriculum framework
2002	BESE approves revised version of science and technology/engineering curriculum framework
2003	BESE approves revised version of U.S. history and social science curriculum frameworks
2010	Massachusetts adopts the Common Core State Standards in ELA and math

pass the MCAS examination to graduate from high school.

As Sandra Stotsky, senior associate commissioner at DESE from 1999-2003 puts it:

In 1993, everything had to be done. We had to design curriculum frameworks for first English, math, and science, and then history and social science. We developed traveling groups of educators to go around the state and find out what should be included in the curriculum frameworks, and we were aware that we had to get going with the standards because the assessments would need to be developed and out in 1998.¹¹¹

The work of surveying educators in the field and developing standards and curriculum frameworks began in earnest under BESE chairman Martin Kaplan and Commissioner Robert Antonucci, and it was clear from the outset that the duo had some expectations for the standards. In 1995 the BESE rejected the first full drafts of the ELA frameworks, which were seen as low quality and not representative of content that could be assessed on a state examination.¹¹²

Although such concern for high standards would ultimately prove important to the long-term success of education reform, in late 1995/early 1996, rejection of the ELA standards further slowed the already halting pace at which

the Board and DESE were implementing the 1993 MERA. It was frustration over the pace of implementation, particularly when it came to tests for teacher licensure,¹¹³ that led Governor Weld in 1995 to appoint his opponent in the 1990 gubernatorial election, Boston University President John Silber, to chair the Board.¹¹⁴

According to published reports at the time, “in naming Silber, Weld praised his former rival as someone who ‘doesn’t speak plastic, . . . someone willing to rattle the cushy coach the education monopoly has been riding in far too long.’”¹¹⁵ Silber agreed to the appointment under the condition that Weld reduce the size of the BESE from 17 to 9, a number he saw as manageable and more able to come to agreement and set direction on education reform.¹¹⁶ Although, controversial, Silber’s appointment held promise, as one newspaper reporter put it, that through “sheer force of his famous will” Silber could speed up the slow pace of MERA implementation.

Indeed, by the time of Silber’s appointment, the Board and DESE were under great pressure to ensure that standards for teaching and learning would be approved and in place in time for the first administration of MCAS testing. *The Boston Globe* editorial page noted:

It was bad enough that Weld gave in to pressure from John Silber, his new chairman of the State Board of Education, to reduce

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the size of the Board from 17 to 9. The rationale was that the pace of school reform was too slow and that the large Board tended to accommodate the lowest common denominator. Little consideration was given to maintaining continuity as the Board addressed critical issues.

A month has passed since the old Board was disbanded, and now it is the governor who is lagging. It is important that Weld choose a Board committed to education reform, one that reflects the commonwealth's diversity of views, cultures and regional interests. It is also critical, however, that a Board be in place to provide input on new curriculum frameworks, testing programs and other reform initiatives. If students are to meet the high graduation standards set for them in the 1993 Education Reform Act, these initiatives must be finalized as quickly as possible.¹¹⁷

While Silber's leadership of the Board helped to lay the foundation for some of the important work the BESE would accomplish after his resignation, he was a very controversial leader. Respected for his strong record on academic rigor, commitment to early childhood education, and for undertaking a historic partnership between Boston University and the Chelsea, Massachusetts public schools, Silber was also known for his strong opinions and even stronger personality. Many times, former Board members note, "the Board under Silber was tense and prone to infighting."¹¹⁸

Indeed, upon his appointment, Silber immediately found himself at odds with several Board members. One example of a situation in which Silber and other members disagreed revolved around creation of the MCAS tests. Silber thought it might be unnecessary to go through the extensive process of creating a criterion-referenced test when other, less costly options were already available:¹¹⁹

They had hired a firm in New Hampshire to create the MCAS, and I said let's cancel this—let's cancel this right now. There is the

Iowa test and the Stanford test, and we can use either of those excellent tests for much less money—we don't need to write a new test, we can use one that has national standards and gives us some credible information, and we will know how our results will compare with other places but certain members of the Board would not listen—even though every contract can be canceled, they did not want to cancel the assessment contract.¹²⁰

But not all Silber's disagreements with his Board revolved around issues of logistics and politics. Some were philosophical. Silber and his colleague, then Dean of the Boston University School of Education Edwin Delattre, who was also a Board member, often had sharp exchanges with other members over the content of the curriculum standards. Both wanted a rigorous, content-based approach—a focus that "would really stick, and redirect the conversation away from workforce [development-style] reform."¹²¹

With regard to academic content, it was, perhaps, on the history curriculum that Silber and his allies most sharply differed with other members of the Board. On the board members, Silber and Delattre, as well as non-board member and Boston University scholar Paul Gagnon fought for an emphasis on World History, while Board members Abigail Thernstrom, Roberta Schaefer, and James Peyser pushed for an emphasis on United States history. It was, in part, this particular impasse that would ultimately lead to Silber's resignation as chairman.¹²²

Despite his many clashes with other Board members and reputation for being "constantly at war with the Department," Silber did help push the policy discussion around education reform. It was during his tenure that the Commonwealth's English language arts standards were finalized,¹²³ and he did redirect the state's education policy discussions on academic standards, teacher testing, and school district accountability. As former Secretary of Education Michael Sentance, who by his own account did not always agree with

Silber’s policies or management style, points out, “in that era there was a fear and a belief that rigor mattered in Massachusetts. This drove activity and change in the field.”¹²⁴

It is important to note, however, that Silber’s often-combative style, even with his own Board, prevented him from *implementing* the reforms that would ultimately grow from the discussions he spurred. After Silber resigned, the difficult work of crafting reforms for academic standards, teachers testing, and school district accountability fell to the Board members that remained. Some of Silber’s staunchest opponents on the Board, notably Roberta Schaefer and Abigail Thernstrom, are credited, along with Silber’s successor as chairman, James Peyser, with doing the tough work of pushing reforms through, often in the face of opposition from the field and institutional players. It was largely due to the hard work of these individuals and others that Massachusetts became known for its high quality academic standards, student assessments, teacher tests, and charter school authorization processes.

By 1996 the Department had math, science, and ELA standards in hand and was ready to develop, under the direction of then-assistant commissioner Jeffrey Nellhaus,¹²⁵ the first round of MCAS examinations that would be administered in 1998. The ELA frameworks and standards, perhaps more than any other content area, represent the “content that students should know and the skills that they should have as opposed to difficult to measure ‘pedagogical ideals,’” notes Sandra Stotsky, under whose leadership the standards were written.¹²⁶

In addition to the battle over history standards, which had not been written in the same comparatively timely manner as the ELA standards, by 1999 Silber was at the center of another controversy—what *Education Week* called the “standoff” between Silber and at least five members of the Board over the appointment of a new commissioner of education following

the 1998 resignation of Robert Antonucci. Those members, according to *Education Week* “could not be swayed” to appoint Silber’s choice, James Peyser, over David Driscoll. With his resignation (in early 1999), Silber ended the deadlock among the Board and ultimately paved the way for it to hire *interim* Commissioner of Education David Driscoll permanently for [the commissioner] position.” Silber’s choice, James Peyser, took over as chairman of the BESE.¹²⁷

Silber only left his post as chair after securing within the DESE the Office of Academic Affairs, which was to be led by someone with a strong academic and research background and would exist to safeguard standards and assessment quality in Massachusetts.¹²⁸ According to Sandra Stotsky, who would come to head the office in May 1999, this was the birth of an emphasis on the research function of the Department, a function that would become increasingly important into the 21st century, particularly as DESE strives to put the considerable data generated by MCAS to use.

Just prior to Silber’s resignation and as the first round of mandated assessments approached in 1998, there was tension in the field and some degree of fear with regard to what teachers, students, and school leaders could expect of the MCAS. There was also a sense that the state curriculum frameworks had not been in place long enough to guarantee that students would be exposed to the material on which they would be tested. Current MTA President Paul Toner, who was a teacher in the Cambridge Public Schools when MCAS was first administered, remembers “getting e-mails and letters around the curriculum frameworks” and that there was “very good teacher involvement in the development of MCAS.” He also notes, however, that many in the field felt the first administration of MCAS was unfair in that the test itself was not well aligned with the curriculum frameworks.¹²⁹

Results from the first round of MCAS tests in 1998 test support this assertion. Although the

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Department considered the scores a baseline and the passing the tests would not become a graduation requirement until 2003, *The Boston Globe* at the time called the first round of results “dismal,” and educators complained that any student success was only evidence of teaching to the test.¹³⁰

It would take time to ensure that not only was the test well aligned with state frameworks, but that the curriculum frameworks, standards, and assessments were understood and even accepted by those in the field. In this sense, the appointment of David Driscoll as commissioner in 1999, coupled with the James Peyser’s appointment as chairman of the BESE, was an integral moment in the history of Massachusetts education reform.

Much like his predecessor and former boss, Robert Antonucci, Driscoll, who had been a superintendent before becoming Antonucci’s deputy commissioner, had great credibility with the field. Importantly, Driscoll was also a very strong education reform advocate and a believer in the importance of standards and assessments as ways to ensure that all children were being provided with a high-quality education.

Driscoll, notes former BESE member Roberta Schaefer, “had a way with educators—they didn’t question him because he had been one of them. He was also true to his word in that he had every confidence that the more we gave it, the more people would get used to education reform.”¹³¹ Members of the field also echo this sentiment, according to Kathleen Skinner, director of the Massachusetts Teachers Association Director of the Center for Education Policy and Practice: “when commissioner Driscoll was in charge, there was a real open door policy.”¹³²

For as much as Driscoll could rely on his credibility with the field in his effort to help educators and school leaders understand the importance of education reform, he could also rely on a strong relationship with Board members and especially BESE Chairman James Peyser, whose management style not only posed a stark

contrast to Silber’s but, along with Roberta Schaefer and Abigail Thernstrom, was “potent” in combination with Driscoll’s leadership at DESE.¹³³ Peyser, Schaefer, and Thernstrom were able to push hard reforms such as implementing the MCAS graduation requirements outlined by the Legislature, usually with the full backing of the Board and with Driscoll’s considerable help from within the Department and the field.

Once standards and assessments had been put in place by the late 1990s, the work, according to Peyser, became that of “walking the line between hard-liners and districts,” and continuing to convince the field that education reform would work for them and for students. Three things, notes Peyser, stand as examples of the balance the Board and DESE attempted to strike.

First was the decision to set the initial MCAS 10th grade cut (or passing) score at “needs improvement,” rather than “proficient” (in 2006 this was changed so that a score of “proficient” was required to pass the MCAS). The second was the requirement that districts provide remediation plans and extra help (funded by the Commonwealth) for students who fail to pass MCAS on their first try. This attempt to support students was eventually accompanied by an appeals process for students who came close to passing and had otherwise strong academic records. Finally, during Peyser’s tenure as BESE chair, the Board and DESE developed “alternative pathways” to graduation for students who completed 12th grade without a diploma; such students might, for example, have access to community college programs.¹³⁴

By the time Peyser stepped down as BESE Chairman in 2006, the field, it seemed, had been widely convinced and student achievement in Massachusetts had risen and was continuing to rise.

From Peyser, Schaefer, and Thernstrom’s time on the Board until 2010, Massachusetts was consistently cited for having some of the nation’s strongest academic standards. So it was no

surprise that the National Governor's Association (NGA) and Council of Chief State School Officers (CCSSO) drew upon the Commonwealth's expertise in developing national English and math standards known as the Common Core State Standards.¹³⁵ But the adoption of the Common Core State Standards Initiative (CCSSI) itself has not been an easy process in Massachusetts.

In the first round of the federal *Race to the Top* competition, Massachusetts was not awarded funding and ranked 13th of the 16 states named as finalists. Although the Commonwealth was cited for weak teacher evaluation processes that aren't linked to incentives, among other things, failure to adopt the Common Core was also a key component of the RTTT review committee's decision.¹³⁶

Many in the Commonwealth, including Pioneer Institute and key players in the development and passage of the 1993 MERA, such as former Governor William Weld and former Senate President Thomas Birmingham, were publicly opposed to the state's adoption of CCSSI which they perceived as inferior to the Commonwealth's current academic standards and step towards discarding MCAS testing. In 2010, Pioneer Institute published four white papers, all of which were co-authored by Sandra Stotsky, the former DESE senior associate commissioner responsible for the development of academic standards and a member of the Common Core Validation Committee for Massachusetts.

The papers tracked each draft of the Common Core standards as they were released and described the results of independent analyses conducted by Stotsky and two colleagues. One of those analyses, conducted by Stotsky and Ze'ev Wurman (former senior policy adviser with the United States Department of Education and member of the commission that evaluated the Common Core Standards for California) compared Common Core to the current Massachusetts and California standards. That analysis concluded: "Common Core's standards will not prep more U.S. students

for authentic college-level work than (current) standards in Massachusetts and California."¹³⁷ In another paper, co-authored with Stanford University Professor of Mathematics *Emeritus* James Milgram (also a member of California's Common Core Validation Committee), the authors concluded that Common Core's college and career readiness standards may decrease student achievement in mathematics, since they will not provide a strong basis for the creation of rigorous assessments.¹³⁸

Warnings from Stotsky and her co-authors aside, the EOE, DESE, and the BESE, upon reviewing the draft national standards, urged that they be adopted, citing three major evaluations in addition to a public survey, an internal DESE comparison of the standards, and reports from panels of Massachusetts educators. The three major evaluations cited were conducted by the Massachusetts Business Alliance for Education, the Fordham Institute, and Achieve, Inc., and all concluded that the Common Core Standards are equal to or better than the Massachusetts Curriculum Frameworks. Key Massachusetts education policymakers, including former commissioners Antonucci and Driscoll, also supported the decision to adopt Common Core.¹³⁹

Despite calls to keep the Massachusetts curriculum frameworks and efforts to stall the Board's vote on the matter, on July 21, 2010 the BESE "unanimously adopted" (CCSSI dissenter and Massachusetts BESE member Sandra Stotsky was absent) the new national standards. This ultimately helped Massachusetts receive a RTTT award in the competition's second round, despite claims from Secretary Reville that the move was not "a trade-off to secure federal funding," but something that "is unequivocally in the best interests of Massachusetts students."¹⁴⁰

Whether Secretary Reville is correct that adoption of Common Core will ultimately advance the interests of students in the Commonwealth is something that will not be known for a decade after the first national assessments aligned to

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the CCSSI are administered in 2014. But the quality of the curricula is not the only thing that concerns Common Core opponents. Some also cite conflicts of interest inherent in the process of adoption process.

Three of the aforementioned CCSSI evaluations on which Commissioner Chester relied to make his recommendation on the Common Core were all funded by the Bill & Melinda Gates Foundation. Since, critics assert, the Gates Foundation paid to develop the national standards themselves, these evaluations should be “subjected to a higher level of scrutiny.”¹⁴¹ Indeed, even noted education reformers, such as former Assistant Secretary of Education under George H.W. Bush, Diane Ravitch, question the influence of major philanthropic organizations on the adoption of initiatives such as the Common Core. In a recent book, Ravitch notes that the Gates Foundation exercises “vast influence over American education because of... strategic investments in school reform.”¹⁴² Of course, questions about the influence of Gates and other foundations are part of a larger national conversation and not unique to Massachusetts.

Detractors also assert that DESE did not make an adequate effort to explore two additional facets, the legality and cost, of CCSSI before agreeing to sign on to the initiative. In a report sponsored by Pioneer Institute, the Federalist Society, the American Principles Project, and the Pacific Research Institute of California, two former top federal Department of Education lawyers argue that the DOE has “exceed(ed) its statutory authority” by granting states conditional waivers under NCLB in exchange for their agreement to adopt “college- and career-ready standards” and to participate in in one of two state consortia that received a grant under the Race to the Top competition.” The authors suggest that a congressional hearing is in order to determine whether or not DOE is, in fact, out of compliance with federal law.¹⁴³

Also disconcerting to opponents of the Commonwealth’s decision to sign on to the Common Core is the cost of doing so, which, they say, was not explored publicly prior to DESE’s announcement. A second analysis sponsored by the aforementioned group and led by Theodore Rebarber estimates that “states are likely to incur \$10.5 billion in one-time costs.” Detractors in Massachusetts, especially, question whether such an investment is wise, given the proven success of MCAS.¹⁴⁴

IIB. Professional Standards for Teachers and Teacher Licensure

The story of how curriculum frameworks and assessments were developed was only part of the story of education reform in the mid-1990s. The MERA also mandated a new accountability system for teachers by creating an assessment that teachers and administrators would have to pass to obtain licensure. Like MCAS, the Massachusetts Test of Educator Licensure (MTEL), which includes a test of communication and literacy skills and a subject-matter test, was first administered in 1998.

The tests were controversial from their inception. Proponents argued that the MTEL would ensure that only highly qualified graduates enter the field. Detractors, among them the Commonwealth’s two teachers unions, argued that a state-specific test was unnecessary and would make it difficult for teachers from other parts of the country to come to Massachusetts to teach. That argument is still made today. “We don’t have a problem with new people coming into the profession taking a test,” says Paul Toner, MTA President, but why not use a common measure like PRAXIS?¹⁴⁵

The argument for PRAXIS probably seemed like a good one when, after the first administration of the test in 1998, 59 percent of the 1,776 would-be educators who took the literacy and communication and subject-area tests failed.¹⁴⁶ The high failure rate made national headlines and complaints from the field abounded—many

teachers argued that the Department had given the impression the tests wouldn't count.¹⁴⁷ Recognizing these complaints, DESE nonetheless did not honor them as a reason to abandon or even change the examination. The Department and Board insisted that the test was high quality and meant to be a challenge for teachers, who should have to demonstrate subject matter knowledge before going into the Commonwealth's classrooms. In a 1998 statement, Commissioner *ad interim*, Frank Haydu, made this point clear:

The teacher test is an integral part of education reform in Massachusetts. Students can meet high standards only if teachers are well-qualified to teach them. The teacher test, which is mandated by state law in Massachusetts, is one way to assure that teachers are prepared with the subject area knowledge they must have to be effective in the classroom.¹⁴⁸

This position got a boost when a 1999 Education Trust survey of the 44 existing state examinations of teacher skills called Massachusetts' skills test a "bright spot" among examinations that were neither rigorous nor a good indicator of the skills incoming teachers need. The MTEL skills test stood out as a strong measure of what we should expect teachers to know and be able to do.¹⁴⁹ In its examination of subject matter knowledge tests, the Education Trust authors found that most of the elementary tests surveyed "required only high school, or even middle school, knowledge to pass."

Sandra Stotsky also became known for her work on the MTEL subject matter tests after 2000, revising some of the original tests and creating new ones. Today, the MTEL remains one of the nation's most rigorous teacher induction examinations, and pass rates have improved drastically over time. According to DESE report, in 74 percent of first time examinees passed both the reading and writing subtests in the communication and literacy skills domain in 2011, and 68 percent passed both vocational and technical literacy skills subtests.¹⁵⁰ Though some

subject-area tests remain more difficult than others, there is a growing consensus that these examinations are important; most schools of education in the Commonwealth now require that teachers pass the examinations before they are even admitted to study, and many policymakers consider low pass rates on some subject-area tests to be reflective of a lack of adequate subject area preparation provided by institutions of higher learning.¹⁵¹

In addition to driving change in schools of education, MTEL is also credited with spurring improvements in student academic achievement. In a 2009 Pioneer Institute policy brief, Sandra Stotsky wrote, "Among the causes of the gains in K-12 student achievement in the past decade are the improvements in teacher preparation that can be directly linked to implementation of the MTEL, beginning with the first administration of the Communication and Literacy Skills Test and the subject-area tests in 1998."¹⁵²

As central as it is to teacher licensure in Massachusetts, the MTEL is only one of several new processes the MERA required the Commonwealth to establish. In addition to MTEL, Massachusetts has created new regulations to certify and re-certify school personnel. It has also developed alternative certification programs for teaching personnel.¹⁵³

Currently, the Commonwealth offers three types of licenses: academic, vocational/technical, and adult basic education. It also offers several pathways to obtaining each license, including: 1) preliminary licenses, which serve people who have not completed an educator preparation program but have a bachelor's degree and have passed the MTEL; 2) a temporary licenses, for people coming to Massachusetts from other states who have not yet taken the MTEL; and 3) initial licenses, which lead to professional licenses. Both of which require completion of a bachelor's degree and an approved educator preparation program, in addition to a passing score on the MTEL. Additionally, the state requires that all

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teachers recertify after five calendar years by completing approved professional development work.¹⁵⁴

Unfortunately, unlike the MTEL, the certification and recertification process in Massachusetts has not been seen as a great success by teachers, policymakers or others in the field. This is in large part because the process is perceived as slow, cumbersome, and especially unfriendly to out-of-state teachers looking for work in Massachusetts. Alan Safran, formerly of DESE and now Executive Director of Boston's MATCH Charter Public High School, describes the teacher certification and recertification processes as "backlogged." "The state," says Safran, "doesn't have enough staff for licensure, which leads to long waits and creates a terrible image in the eyes of teachers..."¹⁵⁵

The one area of teacher certification in which Massachusetts has been somewhat aggressive is in creating alternative routes for teachers. Soon after the failure of almost 60 percent of teachers on the first administration of the MTEL in 1998, many of the Department's top officials, including Commissioner David Driscoll and Associate Commissioner Frank Haydu, understood that part of what the Commonwealth needed to do was "recruit new and different people to teaching."¹⁵⁶

To that end, the Department created several new programs, including the Massachusetts Initiative for New Teachers (MINT, which is now a federally funded program) and the 12-62 program, which received initial financial support from the Legislature and was designed to do everything from recruit middle and high school students to teaching to allow retirees to come into the classroom without losing benefits. Under 12-62, the Department also established a signing bonus for exceptionally qualified candidates. According to Elizabeth Pauley, such programs, especially at the turn of the century, gave the Department "a lot to be proud of." Department and legislative leaders, she notes, "didn't just talk about broadening the definition of teacher preparation and considering the role of practice

in preparation, they put money behind it."¹⁵⁷

The MTEL and the programs Pauley mentions are two major successes of education reform – even if some of them are no longer in existence – and the DESE should be lauded for their success. Overarching issues with other aspects of teacher licensure, however, especially those related to certification backlogs and the lengthy recertification process, paint the DESE as an overburdened and overly burdensome bureaucracy, unable to simultaneously execute all the tasks with which it is charged. Not only, as Alan Safran pointed out, does this often put the Department in an adversarial position with one of the key groups it was created to serve—teachers—it also sometimes baffles the public and taxpayers affected by its lumbering pace, which can only partially be blamed on staffing needs and patterns.

According to Michael Sentance, getting the licensure process right and eliminating the backlog is doable. "Look to other administrations, look at the budget line item, look at the number of people each year who are applying."¹⁵⁸ In an education policy climate where the DESE will be expected to take on responsibilities that are both wider and deeper than those with which it is currently charged—everything from teacher evaluation to school turnaround—it is in fact important to know what can be done, what cannot, and why. Some aspects of teacher certification, especially those related to ensuring that the Commonwealth gets qualified instructors into its highest-needs classrooms, represent opportunities for great improvement at the Department.

In some ways, DESE's issues with processing paperwork in a timely manner act as reminders that the agency is a bureaucracy and bureaucracies are notoriously slow to react to the needs of their constituents. Considering this, much of what DESE has accomplished, especially since the advent of education reform, is laudable. Many of the programs discussed here, which were mandated by the Legislature and housed in DESE,

have contributed to the Commonwealth's ascent to a leadership position in education reform. It is also important to realize that these programs, as well as the standards and assessments that came with MERA, might have made little difference without proper oversight and accountability for implementation and results at the local level.

The accountability component of education reform has been—perhaps not surprisingly—one of the most difficult to implement consistently. Since the early 1990s, and even in recent years, there has been debate about the DESE's practical role (if any) in holding districts accountable for performance and what form that accountability should take. If the creation of standards and assessments under education reform are in many ways the story of education reform itself, efforts to implement real accountability for standards and assessment are a parallel but different narrative.

IIC. School District Accountability

In today's education reform climate, accountability is at once disparaged and taken as a given; standards and assessments to test student knowledge of those standards are rendered meaningless without some form of punishments, incentives, and/or rewards. As John Bishop, a leading education sociologist, noted over 20 years ago: "the key to motivation is recognizing and rewarding student achievement."¹⁵⁹ Likewise, when curricula are not being delivered in a way that facilitates learning, the only way to change it is by holding accountable those who are responsible for the failure.

Holding school districts to account for student learning was at the heart of education reform. The Commonwealth made a great investment in districts when it established the Chapter 70 funding formula and it expected to see a return on that investment in the form of improved student performance. "Accountability is a "key component of standards-based education reform... intended to spur academic achievement for all students by applying pressure and consequences

to public schools and school districts."¹⁶⁰

For all the important and hard work that was accomplished around standards, assessment, and teacher testing in the early days of reform, the authors of MERA did not foresee some of the "capacity problems" the Commonwealth would experience when it came to accountability.¹⁶¹ Holding districts accountable means checking on whether localities are engaged in the work of education reform and how they are performing that work.

Section 29 of MERA (M.G.L. Chapter 69, Sections 1J and 1K) assigns accountability functions to the Board and the Commissioner of Education. The BESE was to define what failure means at the district level, approve remedial plans for chronically underperforming districts, and "designate a receiver to take over a district when it is chronically underperforming."¹⁶² When, after the first administration of MCAS, the BESE began to define and implement accountability practices, it was becoming clear not only that some districts were underperforming but also that some localities were not allocating resources in a way that aligned with the goals of education reform. In an attempt to hold such localities accountable for their actions and to improve student performance in those districts, between 1993 and 1997 several different state bodies, including the BESE, the state auditor, and the DESE played sometimes overlapping roles in school district oversight.

In 1997, Governor William Weld established the Education Management Accountability Board (EMAB) in an attempt to define and centralize authority for MERA's accountability mandates. Executive order no. 393 stated:

Whereas nearly one billion dollars have been invested in Massachusetts schools in order to improve student learning over the past four years; and whereas recent state standardized assessments have raised legitimate questions about the use of education reform funds and about the commitment to school improvement in some school districts; and whereas the

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people of the Commonwealth deserve to have an accounting of the performance of school districts. Now, therefore, I, William F. Weld, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me as Supreme Executive Magistrate, do hereby order as follows: An Educational Management Accountability Board (“Board”) is hereby established to review, investigate and report on the expenditure of funds by school districts, including regional school districts, consistent with the goals of improving student achievement.¹⁶³

Between 1998 and 2000, EMAB “reviewed the implementation of Education Reform in 22 districts and produced both individual and district reports.” It coexisted with the Accountability and Targeted Assistance division of DESE, which was working to implement policies being created by the BESE. In an attempt to bring both accountability functions under one umbrella and ensure that the accountability agency would operate independently of DESE, in 2000 Governor Paul Cellucci created the Office of Educational Quality and Accountability (EQA), which was governed by a five-member Education Management Accountability Council (EMAC)¹⁶⁴ appointed by the governor.¹⁶⁵ That five-member council was chaired by then-BESE chairman James Peyser and included members such as former Massachusetts state Representative and MERA co-author Mark Roosevelt, current BESE chair Maura Banta, BESE member Jeffery Howard, and education researcher and former President of the American Board for Certification of Teacher Excellence, Kathleen Madigan.

According to Joe Rappa, executive director of EQA, the agency’s role:

was to give credence to the notion that districts would be accountable for results and for the education of their students, not just for filing paperwork. From 2001 to 2004 the agency field tested and developed a process for inspecting districts, a process that utilized

reporting models from Texas and Florida. By 2005 the agency had become a model for what district accountability could be.

As conceived by the Legislature, EQA “was solely a fact-finding entity, and did not offer recommendations for remediation or provide technical assistance. Instead, EQA provided school districts with data upon which they could base decisions and take action toward improvement.”¹⁶⁶

EQA was unique in the nation in that it exclusively concentrated on district as opposed to school accountability.¹⁶⁷ Because a focus on holding individual schools accountable for outcomes became the norm under *No Child Left Behind*, the office represented an additional layer of accountability. Some of the results of EQA’s work were comprehensive, district-by-district analyses of school district “leadership; curriculum and instruction; assessment and evaluation systems; student academic support systems; human resource management and professional development; and financial systems and efficient asset management.”¹⁶⁸

In a 2006 paper Pioneer Institute, described EQA’s processes as follows:

Each year, the EQA analyzes district data for all schools and school districts in the Commonwealth. Approximately 50 to 60 districts are then selected for further review and on-site visits. Those selected include urban, suburban, and rural districts, as well as regional, vocational-technical, and single-community K-12 districts. Sixty percent of the districts selected for further review are “low” performing, or significantly below the state average performance level on the MCAS tests. The remaining 40 percent are selected randomly. Districts are generally not re-visited if their number is chosen a second time, unless there are compelling reasons to do so. A small minority of the districts, approximately three percent, is reviewed at the request of superintendents, school

committees, or local officials. The EQA honors these requests as funds permit.¹⁶⁹

Beginning in 2002, EQA conducted comprehensive audits of more than 175 school districts.¹⁷⁰ Those audits revealed that only a handful of districts had fully implemented the Massachusetts curriculum frameworks in a manner consistent with the spirit of the MERA. Perhaps more importantly, they also revealed that school district performance wasn't always dependent upon districts' relative wealth or the amount of resources localities could provide to schools. In fact, districts throughout Massachusetts failed to align curriculum in a way that would improve student results on MCAS, and EQA data allowed the Commonwealth to understand which of those districts might be candidates for state takeover.¹⁷¹

This is not to say that property tax-poor districts didn't continue to have problems after the MERA became law. A review of EQA data in 2006 found that 76 Massachusetts districts that had "received the most Chapter 70 aid between FY1993 and FY2005" still performed "poorly on the MCAS test."¹⁷² Thus, one important role EQA played was to point out that in the post-education reform era, the Commonwealth was not getting a very good return its Chapter 70 investment.

Some¹⁷³ argue that it is because of the data it gathered, which shed light on the failure of so many districts, that many in the field, especially the Commonwealth's two teachers' unions, the Massachusetts School Committee Association (MASC) and the Massachusetts Association of School Superintendents (MASS), criticized EQA for "adding yet one more requirement on districts already burdened by overregulation." The MASS, in particular, argued that EQA should not function as an independent agency, should be returned to the DESE, and be limited to evaluating only districts "with a clear and consistent history of underperformance."¹⁷⁴

In 2008, MASS's wish was granted when Governor Deval Patrick signed a bill abolishing

EQA and assigning its major functions to DESE.¹⁷⁵ According to a 2008 editorial in *The Boston Globe*, the Governor abolished EQA, in part, out of a desire to streamline responsibility for school accountability and do away with a system that had been criticized for being unnecessarily confusing.¹⁷⁶ The DESE's Division of School and District Accountability and Assistance is an extension of the entity that operated in parallel with EQA from 2002-2009.¹⁷⁷

The Department's expanded office is overseen by a senior-level administrator. By law, it audits "40 school districts annually, 75 percent of which [are] low-performing districts," and the rest of which are high performing and randomly selected. The office reports to a 13-member advisory panel consisting of nominees from "teachers unions, school superintendent and administrators' associations, the Massachusetts Association of School Committees and 7 members with expertise in education administration, teacher evaluation and professional development and the use of student achievement data."¹⁷⁸

Critics of housing a weaker version of EQA in DESE (among whom Pioneer Institute was one of the most vocal) point out that it was EQA's independence from the Department that made it effective. They argue that the make-up of the current office's advisory panel and weaker quality reports amounts to "the fox guarding the accountability henhouse."¹⁷⁹

The Division of School and District Accountability and Assistance's role is different from EQA's not only because the current office has a broader charge than EQA did—EQA focused on data gathering and accountability, not assistance—but because it is more focused on auditing underperforming districts.¹⁸⁰ Despite these differences, according to Joe Rappa, the audit process that the current office uses is "largely unchanged" from what EQA created. Indeed, questions about the current office go more to its ultimate function than to the processes and procedures it employs.

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According to DESE:

The Massachusetts School and District Accountability and Assistance System is designed to gauge the progress of schools and districts toward helping all students in the Commonwealth achieve grade level proficiency in English language arts and mathematics by 2014, the principal goal of the federal *No Child Left Behind Act* (NCLB). The system enables policymakers, parents, and the public to assess the effectiveness and monitor the improvement of all public schools and districts, hold school leaders accountable for that performance and improvement, and identify where State intervention is needed.

State assistance is delivered through a cohort approach based on the size and type of school districts. The assistance is tailored to meet district needs and is designed to use research based approaches to enhance districts' capacity to improve school performance.¹⁸²

While the DESE does house a wealth of publicly available data on school district performance that drives the Department's identification of districts needing additional or even "targeted" assistance to help all students meet proficiency on MCAS, the effectiveness of the assistance currently provided is unclear. According to former Secretary of Education Michael Sentance, "If we went back to the MCAS scores of 1998, 2005, and, for example, the past year, who are the bottom 10? They are the same schools." The question, according to Sentance, is why hasn't the DESE assistance been effective, especially when, "in the very same communities, we have charter schools that are performing very well?"¹⁸³ Paul Toner, president of the Massachusetts Teachers Association concurs: "it seems that the Department should be in the role of providing [technical] assistance, but it doesn't really know how to do that well yet."¹⁸⁴

While it is clear that the School and District and Accountability System is working to address the needs of chronically underperforming

districts though a tiered system that provides increasingly targeted support based on the extent of a district's under- performance,¹⁸⁵ the extent to which that support is effectively coordinated with accountability is less clear. Confusion on that question extends to the field. As Alan Safran puts it: "we have to decide, are we a support or accountability agency?"¹⁸⁶

According to Commissioner Mitchell Chester, DESE needs to be both. "I am an advocate for having both functions in the agency." However, the Commissioner also notes that the agency does not have the capacity to do both or even one of these things in the manner that EQA, did. Simply put, he says, "EQA had three times the budget of the current office in the Department."¹⁸⁷

To this end, Chester notes, he is working to reposition the Department to be more focused on working with districts as an agent of improvement, school accountability and turnaround, and less focused on working with individual schools. The agency is working, according to Chester, "to create a robust district component of school reform."¹⁸⁸

Chester's recognition of DESE's limited capacity gets to the heart of the larger question: How can the Commonwealth ensure that the DESE can focus on the things it does best? While there is evidence to suggest, especially when it comes to charter schooling, that the Commonwealth does know how to hold schools accountable, there is little to suggest that charter school-style accountability is being used for the Commonwealth's traditional public schools and districts. When it comes to traditional public schools, the state relies little on its own accountability system and largely on the accountability mechanisms it was mandated to create under the federal *No Child Left Behind Act*.¹⁸⁹ To this end, a deeper look at how Massachusetts charter schools have flourished can be helpful in understanding how the DESE might do a better job of holding all districts accountable for student outcomes.

IID. Charter Public Schools

Despite what some have characterized as a move away from independently administered accountability in the Commonwealth's traditional public schools, Massachusetts has historically been very successful at holding its charter schools accountable for results. Charters are a discrete attempt to provide alternative educational options for students and families, but the schools are still required to live up to state and federal expectations for student performance on standards and assessments, and they are in fact more accountable for outcomes than their traditional public school counterparts in the Massachusetts.

Charters schools were established under MERA (chapter 71, section 89). These public schools may not discriminate as to whom they accept and they are granted greater autonomy in exchange for being held accountable for outcomes. Any person or organization in the Commonwealth may apply to establish a charter school, though only those approved by the BESE are authorized. Charters are governed by individual boards and exist on the basis of an agreement with the Commonwealth, which carefully evaluates the schools every five years to ensure they are living up to the terms of their charters (or agreements). Schools that do not live up to their agreements are shut down by the state.¹⁹⁰ The charters established under MERA were Commonwealth charter schools, which operate with complete independence from local school committees. Horace Mann charter schools, established in 1997, must be approved by the local school committee as well as the BESE, and Horace Mann teachers remain part of the local collective bargaining unit.¹⁹¹

Charter public schools have been a clear success in Massachusetts. They exist across the Commonwealth but tend to be concentrated in urban centers and serve mainly poor, minority and especially African-American students who have struggled in comparison to their wealthier white counterparts. Although charter school

students currently account for only 2.9 percent of the overall Massachusetts student population,¹⁹² recent legislation raised an existing cap on charters in certain high-need districts. In 2010 the BESE authorized 16 new charters in communities such as Boston, Brockton, Springfield, and Lawrence.¹⁹³ The recent legislation was passed in part because federal grant money under *Race to the Top* was contingent upon states proving that they operate charter-friendly policy environments. However, the cap raise was also a response to great demand for charters on the part of parents and students. In 2010, there were 26,708 students on charter school waiting lists across the Commonwealth, Almost equal to the 27,393 students enrolled in Massachusetts charter schools.¹⁹⁴

Families are demanding more charter schools for a reason. In recent years, charter students have outperformed their peers in traditional public schools on MCAS. Charter schools also cite better graduation and college attendance rates.¹⁹⁵ Indeed, in 2006 and 2009, two studies, one performed by the DESE and the other by Harvard and MIT researchers for the Boston Foundation, found that charter school students not only outperform their district school peers, they also outperform students in Boston pilot schools.¹⁹⁶ Pilots are Boston schools that are part of the district but have some of the freedoms of charter schools, including the ability to implement an extended school day and year and innovative missions and curricula. While pilot school teachers may be exempt from some teachers' union provisions, one of the major differences between charter schools (which operate as their own districts) and pilot schools is that charters, by and large, are not unionized.

The success of Massachusetts's charter schools is most often attributed to the Commonwealth's rigorous authorizing process. In the immediate post-education reform era, authority for charter schools did not rest in the DESE. Instead, the secretary of education had authority for charter authorization.¹⁹⁷

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In the early days of charter schooling, the inclination of the Executive Office under then-Secretary Piedad Robertson was to authorize a wide variety of charter schools. After the first group of charters were authorized in 1994 and opened in 1995, the Commonwealth was surprised by some of the problems that new charters encountered, including financial mismanagement. The disappointment that accompanied the first round of authorizations, coupled with the reality that the Commonwealth would soon hit MERA's cap of 25 charter schools, forced the Executive Office to take a more conservative approach to authorizing.¹⁹⁸

According to former Charter School Office official Jose Afonso, this conservative approach was process-oriented and rigorous. "Only proposals that were the most financially viable and that held the most promise for raising student achievement were authorized."¹⁹⁹ Once this approach was institutionalized, the difference in the quality of Commonwealth's charter schools was clear. Even early on, some charters, like the Neighborhood House Charter School in Dorchester, showed great promise in terms of student test scores.²⁰⁰

The Commonwealth eventually closed several of the first group of charters for failing to live up to the terms of their charters. According to both state and national policymakers, such a willingness to hold charters to account for failure is part of what makes charter schools, especially those in urban centers, very successful at boosting student achievement.²⁰¹

An important turning point in charter school policy came in 1996 when then-Governor Weld, who had established the Executive Office of Education and given it responsibility for charter school authorizing, abolished the Executive Office and moved its charter school operation into the DESE.²⁰² Although the DESE's Charter School Office was supposed to operate with relative autonomy from the Department, even the symbolism of the move—which suggested

that charters were being overseen by the very bureaucracy they were conceived to circumvent—suggested a loss of much-needed autonomy.²⁰³

Nor was the move ultimately very comfortable for DESE officials, who inherited the scrutiny that accompanied responsibility for charter schools. From the start, charters had been very controversial in the field, and especially with the Commonwealth's two teachers unions and its superintendents' association, which didn't welcome the competition for public school students and argued that charters drained public schools of needed funds (an argument that, since 1997 and 2004 amendments to the charter school funding formula, is untrue.)²⁰⁴ According to David Driscoll, who was Commissioner of Education at the time, "When charters were under the Executive Office, the field didn't have to know where the commissioner stood on the issue."²⁰⁵ In other words, once the Charter School Office came to reside within the DESE, it was much more difficult for Driscoll (and his successors) to avoid having an opinion on the charter school issue. Commissioners who support charters too heartily risk credibility with the field.

In addition to the discomfort actors on both sides of the issue felt with the abolition of the Executive Office of Education, there was a very real concern that allowing the bureaucracy to govern charters would corrupt or at least denigrate the authorizing process. According to Ed Kirby, formerly of the Charter School Office, "the impact of the move was not immediately felt, but the move nonetheless quietly and gradually undermined the original chartering ethos of school autonomy through the growing burden of regulation and bureaucratic process."²⁰⁶ For as much as other components of education reform had forced the Department to become less focused on compliance, the agency was still, by nature, a bureaucracy.

Thus far, however, what is perceived as an overemphasis on compliance has not hurt charter school performance. What has hurt the charter movement, according to Jose Alfonso, is "a lack

of advocacy in the Charter School Office of the DESE.”²⁰⁷ It is not enough to simply authorize and hold charters accountable for their performance, say Alfonso and others, such as former secretary of education and one of the fathers of the charter authorization protocol, Michael Sentance, “the movement needs an advocate at the helm.”²⁰⁸ The kind of advocacy charters need is difficult for the DESE to engage in, of course, because the agency doesn’t want to be charged with treating charters differently than traditional public schools.

The result of such a lack of advocacy in the charter office resulted, for many years, in a failure to emphasize the importance of making charters more widely available by raising the charter schools cap and what James Peyser characterized as a “charter school brain drain.” In brief, talented charter leaders and would-be charter founders fled Massachusetts for more charter-friendly environments, such as New York City, where the number of schools was not pushing up against a cap that hampered the approval of charter school applications.²⁰⁹

Since their move to the DESE, however, a lack of advocacy has not been the only issue the charter school movement has faced. According to Inspector General Gregory Sullivan, the “charter authorization process appears to have been corrupted recently by political consideration on the part of the Commissioner.”²¹⁰

The Inspector General is explicitly referring to an incident involving the authorization of the Gloucester Community Arts Charter School in 2009. That year, a leaked electronic-mail between Reville and Commissioner of Education Mitchell Chester revealed that the secretary had urged the Commissioner to reconsider the DESE Charter School Office’s decision not to approve the Gloucester school. Reville’s electronic-mail warned that a failure to authorize something—Gloucester was one among many proposed charters that had been rejected—would make the administration “look hostile” to the charter movement and cost Patrick the support

of powerful allies.²¹¹ In the end, the charter was approved.²¹² The incident, notes the Inspector General, “undermined the very foundation of the chartering process” by “mar[ring] an otherwise highly regarded process, one that was known for transparency and the application of objective and clear criteria in a clear way.”²¹³

This breach was not the first time politics had affected charter authorization since the office was subsumed into DESE. In 2008, the BESE, under the leadership of then-chairman S. Paul Reville, for the first time rejected an application that the Commissioner of Education and his Charter School Office had recommended for approval. That school was to be managed by SABIS, a for-profit educational management organization.²¹⁴

In addition to exemplifying a danger inherent in subordinating DESE to the Executive Office of Education, the incidents also speak to the notion that DESE cannot or does not advocate for charter schools the way the independent body might or once did. As Jose Afonso, who worked in the Charter School Office both when it was in Governor Weld’s Executive Office of Education and after its move to DESE said, “the authorization process worked well when it was located in an independent outfit, now charters are a part of the regulatory establishment.”²¹⁵

Charter schools are a key part of education reform in Massachusetts that continues to grow in importance (as evidenced by the federal government making charter-friendly policies a criterion for states seeking *Race to the Top* funding). The success of the Massachusetts charter school movement is due to the rigorous authorization process put in place immediately after education reform took hold and when charter school authorization was housed in Governor Weld’s Executive Office of Education. The Charter School Office, was given “a lot of leeway and flexibility” at DESE under David Driscoll,²¹⁶ but it no longer seems to have that degree of flexibility. Part of the reason may be because the office could no longer be a vocal

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charter advocate for once it became a part of a larger educational bureaucracy. Moreover, without active supporters on the current Board of Elementary and Secondary Education, charters have fallen victim to state politics. Because of this and especially because charter schools are an integral component of the new federal education agenda, the Department should work to reinstate transparency and accountability to the charter authorization process.

III. School-Based Management and Teacher Evaluation

From implementing standards and building a world class assessment system to overseeing a national model for charter school authorization, the DESE and its Board deserve credit for building a system of public education that helps students achieve at levels that lead the nation. The DESE in particular was empowered to implement these and other needed reforms because the Massachusetts Legislature gave it the tools to do so. In many cases, DESE used those tools very well. However, there are some aspects of education reform that have not been actively promoted by the DESE, and it is important to understand why things such as school-based management and teacher evaluation did not receive more attention in the post-MERA era.

The 1993 MERA called for specific changes in the way Massachusetts schools were governed. These changes are often collectively referred to as a school-based management (SBM) approach.

[Education Reform] transferred the authority to make most staffing and operational decisions to the school principal. Within each school, the principal now has the authority to hire, evaluate, and, if necessary, dismiss teachers and other staff. In addition, within the framework established by the school committee, principals are now authorized to make all purchasing and curriculum decisions. As part of this transition, principals are expected to operate

as professional managers and are no longer included in collective bargaining units. To assist principals in managing this increased authority, Education Reform required every school to establish a school council. Each school council is co-chaired by the principal and consists of representatives from the parent group, teachers union, community, and, at the secondary level, students.²¹⁷

While MERA removed principals from collective bargaining units, the other provisions outlined above were not necessarily mandated; decisions, for example, related to hiring, firing, and teacher evaluations can, by law, be made by principals. But in the vast majority of cases, Massachusetts principals are still bound by collective bargaining agreements with local teachers unions, agreements the MERA did not dismantle.

Moreover, even though they have the authority to do so within a “framework established by the school committee,” few principals exercise much individual power when it comes to making purchasing and curriculum decisions. Instead, many such decisions are made at the central district office. Principals that do exercise the authority given to them under the MERA do so because they or someone in the district has advocated for and worked with the local school committee and teachers’ union to realize a shift to school-based management. Most have done so with very little input or guidance from the BESE or the DESE.

One of the few examples of such advocacy for a district-wide school-based management approach can be found in Barnstable, Massachusetts. Granted a Horace Mann charter in 1999, the Barnstable Horace Mann Charter School, under the leadership of then-principal Tom McDonald, experienced great success. Able to control the vast majority of his school’s budget once it converted to charter status, McDonald was free to make key decisions that affected instruction, including hiring decisions and decisions about providing extra curriculum and instruction in

areas where MCAS results showed that students were struggling.²¹⁸

In fact, Barnstable's first Horace Mann charter was so successful using the SBM model that the district applied for another charter and, eventually, with great cooperation from the school committee, empowered all schools within the district, charter and otherwise, to exercise the SBM powers MERA granted. Today, "all school principals in Barnstable, traditional public schools included, now control roughly 80 percent of their operating budget and have the autonomy to make and implement leadership and instructional decisions that can mean real change for students."²¹⁹

While smaller scale attempts to implement SBM have been made in some other Massachusetts communities such as Springfield, Barnstable stands out as the locality that has most comprehensively implemented SBM with the most fidelity to the spirit of MERA. Notably, Barnstable's SBM initiative was largely homegrown, spurred on by the receipt of a Horace Mann charter but implemented with little or no advice from the state.

Since SBM is meant to empower districts by allowing them more autonomy, it is not an initiative that should be spearheaded by a state agency. It is notable, however, that the DESE and Board have done very little to promote a shift to SBM in districts or to provide guidance to districts making that shift, despite the MERA's school-based management mandate.

The failure to promote SBM is, in some respects, a matter of priorities. In the post-education reform era, according to former BESE chair James Peyser, things that were perceived as far more important, such as the creation of standards and assessments, were prioritized. On the other hand, notes Michael Sentance, SBM is something that the "Department could encourage, but there is no impetus to do it—there is no constituency for it... School committees want to control things at the local level, and SBM amounts to a loss of

control."²²⁰ In brief, without an active demand for SBM, it could be that DESE has not found a good reason to advocate for the reform, knowing that it could rile school committees, and perhaps superintendents, across Massachusetts.

If a failure to prioritize implementation of a school-based management approach to education stemmed from the lack of a constituency to advocate for it, then teacher evaluation, one of the other MERA components that has not been well implemented, more likely stems from the presence of a large constituency that is opposed to it.

In 2010, Commissioner of Elementary and Secondary Education Mitchell Chester convened a task force charged with revising Regulations for the Evaluation of Teachers and Administrators. On June 28, 2011, the BESE voted to institute new teacher evaluation rules based in part on the task force's report.²²¹

Race to the Top's requirement that teacher evaluations be linked to student achievement, suddenly made a priority of an issue that had gone largely unaddressed since 1993, when the MERA mandated that the state devise a system for the evaluation of teachers and administrators that was separate from teacher certification. The 1993 guidelines, which included "a set of Principles for Effective Teaching and Administrative Leadership that serve as "best practice" guidelines for districts to use in establishing their own systems of evaluation," were meant to ensure that teachers and administrators were evaluated by district personnel on an ongoing basis. But meaningful evaluations have been rare.²²²

In a 2011 report, Teach Plus pointed out that:

"the majority of teachers [in the Commonwealth] are rarely observed and given constructive feedback. Evaluations are treated as a formality and they are not useful... and underperforming teachers are not given targeted professional development to significantly improve their practice."²²³

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Indeed, it is clear that the MERA's teacher evaluation provisions have for years been ignored in many districts and the Commonwealth has done little, if anything, to push districts to comply with the law. Boston has been cited as a major offender: in 2010, a report commissioned by the Massachusetts Business Alliance for Education found that "about half" of Boston's "approximately 5,000 teachers have not received an evaluation in the past two years, and a quarter of the city's 135 schools have not conducted evaluations during that period." The finding led Kate Walsh, President of the National Council on Teacher Quality, the group that conducted the study, to characterize the district as "utterly dysfunctional."²²⁴

Failure to engage in meaningful teacher evaluations is not only problematic because it ignores a basic tenet of the MERA, but also because research has shown time and again that effective teaching is the key to improving student outcomes.²²⁵ In this sense, much of the good the Department and the Board have done in terms of education reform is subverted by a failure to determine which teachers are serving students well and which are not.

In the early days of education reform, teacher evaluation, according to James Peyser, "was not even a topic of conversation... the Board and the Department were unclear as to the authority that the state really had, so the evaluation issue came up only around teacher testing and recertification." Moreover, when the issue did come up, some BESE members expressed concern that "a state-wide system wasn't the right way to do evaluation; it would be overly burdensome and bureaucratic."²²⁶

Of course, another possible reason for the failure to engage a meaningful system of statewide evaluations could be that teacher evaluation has been and still is a contentious issue with the state's two teachers unions. The Massachusetts Teachers Association supported the new rules approved by

the Board in June 2011, but the Massachusetts Federation of Teachers opposed it.²²⁷

While the reasons for the failure to ensure that a consistent, high quality teacher evaluation system is in place may be nuanced and various, it is clear that the Commonwealth is not leading the nation in this aspect of education reform and that, with a push from initiatives such as *Race to the Top*, state education policymakers should think quite seriously about designing and implementing a system that was first mandated in 1993.²²⁸ The Commissioner's latest task force represents one step in that direction. It includes the following recommendations for a new teacher and administrator evaluation system:²²⁹

1. Statewide Standards and Core Indicators for Effective Administrative Leadership and Teaching
2. Three Categories of Evidence to be used in every district evaluation system: (Multiple Measures of Student Learning, Growth and Achievement (including MCAS results), Judgments based on Observation and Artifacts of Professional Practice; Collection of Additional Evidence Relevant to one or more Standards;
3. Statewide Performance Rating Scale
4. 5-Step Evaluation Cycle differentiated by the educator's career stage and performance

Task force members not only note that implementation of a new statewide evaluation system is critical, but also that the recommendations made in their report are "vastly different" from the weak teacher and administrator evaluation regulations that are currently in place. They also realize that proper implementation of the system they recommend will require ample support from DESE:²³⁰

DESE must be willing and able to guide, support and monitor effective implementation at the district and school level. ESE has to put an unprecedented amount of time, thought and resources into this effort.

Task Force members are frustrated that they were unable to delve deeply into the many challenges of implementation and offer more than basic recommendations. They see the need for ESE to seek out stakeholders and others with expertise in implementing new performance management systems to provide guidance and candid feedback about its plans and progress.²³¹

The claim that DESE must put an “unprecedented” amount of time into ensuring the implementation of a high quality evaluation system is serious and implies that, until now, the Department has not paid sufficient attention to this component of the MERA, either because it was a difficult initiative on which to get buy-in from the field or because, as some of the interviewees quoted above suggest, other aspects of education reform took precedence.

School-based management and teacher evaluation are two major components of MERA that DESE and the Board have not emphasized since passage of the law. There are, of course, other components that constituents would have liked to see handled differently or better. As a state agency, DESE serves many different interest groups; it cannot please them all.

However, it is also important to recognize that the agency’s job is to serve its constituents by implementing, to the best of its ability, the tasks with which the Legislature charges it. When it fails to implement reforms or implements them poorly, it should be held to account. Indeed, in recent years, the Legislature has held DESE to account for some of its behavior by removing some of the programs under its purview, like early childhood education and school building assistance. This legislative action speaks volumes about what the Department does and does not do well and should provide the Legislature, the Executive Office of Education, and the Department with important information that can inform how the DESE is comprised and what it can and should be responsible for going forward.

Part III. The Next Wave of Education Reform

IIIA. Looking Back to Move Forward

In considering the so-called next wave of education reform, one discussed above and defined by federal incentives that entice states to emphasize programs for teacher evaluation and accountability, the increasingly important role of charter schools, and the turnaround of underperforming schools, among other things, it is important to draw upon the lessons of the MERA and its implementation. Though not perfect, implementation of the MERA was characterized by BESE and DESE efforts to give school districts the necessary tools—standards, assessments, and information about best practices with regard to both—to simultaneously implement the MERA and maintain their autonomy.

Working under commissioners who were, likewise, autonomous and well respected by the field made the process of education reform smoother and less threatening in a state that has long revered the idea of local control. District leaders felt, for example, that at the time “there was a real effort to keep districts involved and have an open door policy with the commissioner.”²³²

This is not to suggest that DESE has closed its doors in recent years or that the current commissioner is less well respected than his predecessors; instead, because the Department is now part of a much larger education bureaucracy, the Executive Office of Education, the distance between education decision makers and the field is greater. As a direct result of this, the BESE appears to be less influential and the position of commissioner of education is much different in 2011 than it was in the 1990s. Working within the EOE and under the new secretary of education, the new commissioner is, as Tom Gosnell notes, less powerful than his predecessors.²³³

While current Commissioner Mitchell Chester does not characterize his position in the same

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way as Gosnell, he does concede that the position is different than it was, noting that there are advantages and disadvantages to a larger education bureaucracy. “This has been a major discussion not just in Massachusetts but nationwide,” Chester notes. An elected school chief (the model used in some states) has “greater independence from the governor and state board.” On the other hand, when the chief state school officer is appointed, the governor has a better chance of creating an “impactful policy framework.”²³⁴

The current model’s advantages and disadvantages aside, one thing seems clear: under a weaker commissioner, many of the decisions regarding how to implement education reform are further growing an already substantial education bureaucracy and taking the Commonwealth back to a model of educational delivery that looks similar to what was in place pre-education reform. The best example of this is the establishment of “readiness centers” throughout the Commonwealth.

The Readiness Initiative is housed in the Executive Office of Education and seeks to establish regionalized “multipurpose and collaborative centers focused on improving the quality of teaching both across the education continuum and across Massachusetts.”²³⁵ Readiness centers are also intended to spur collaboration among early childhood education providers, higher education providers, and within and among school districts. Beyond a focus on teacher improvement, however, it is not entirely clear what the centers will do. According to an account in *The Boston Globe*, existing centers are still “building things as [they] fly,” and “deciding upon what kinds of collaborations to pursue.”²³⁶

While the proposed function of these centers is laudable and a direct response to the federal government’s call for a greater emphasis on teacher training and evaluation,²³⁷ the centers also grow the state education bureaucracy at a time when schools are struggling for resources

and student enrollment is decreasing. In recent years, Massachusetts public school enrollment has “declined by 2.5 percent... and [the decline] is likely to accelerate over the next decade.”²³⁸ In growing the local education bureaucracy at a time when the Commonwealth is seeing a decrease in students, the centers represent a potential strain on state resources.

Furthermore, in that they establish a state presence in regions and districts, these centers resemble the regional educational centers of the 1970s and 1980s. Though the current readiness centers are much smaller in scale, they are based on the idea that aspects of educational delivery, though overseen by the Commonwealth, can be delivered regionally instead of locally. By the time the regional centers of the 1970 and 80s were centralized at the state level, many had come to see them as fragmented, wasteful, and an impediment to coherent state-level reforms.²³⁹ As the Executive Office moves forward with the establishment of readiness centers, it should keep these characterizations in mind.

It is also important to note that the new regional centers call for collaboration with and a heavy reliance upon institutions of higher learning to deliver teacher training and evaluation programs.²⁴⁰ In recent years, schools of education have been widely criticized for providing teacher training approaches that are “out of step with the realities of the classroom.”²⁴¹ Though they will incorporate non-state entities, the very heavy presence of [state] institutions of higher education as “collaborative partners” in the regional centers, outweighs the presence of proven non-state organizations known for the delivery of effective teacher training and evaluation programs.²⁴²

The expansion of the education bureaucracy in the second wave of education reform is not limited to the establishment of regional centers. The second major project of the Executive Office of Education, the creation of innovation schools, also generates additional bureaucratic structures in an attempt to essentially create a smaller,

weaker version of the charter schools that were such a successful component of the MERA.

Innovation schools, according to the EOE, are “in-district and charter-like schools that will operate with greater autonomy and flexibility with regard to curriculum, staffing, budget, schedule/calendar, professional development, and district policies.”²⁴³ Meant to provide an innovative governance framework both for establishing new schools and turning around existing schools, the idea behind innovation schools is not new—they are essentially the same as Boston’s pilot schools and the in-district Horace Mann charter schools that the Legislature established in 1997.²⁴⁴

The political purposes of innovation schools seem clear: they allow the Commonwealth to respond to the federal government’s desire that states promote charter schools and charter-like initiatives without losing political favor with organizations such as the Commonwealth’s teachers unions and superintendents that have long been opposed to fully autonomous charter schools.²⁴⁵

The DESE’s role in overseeing innovation schools is simply to make grants, provide applicants with assistance, and collect and publish performance data. Unlike commonwealth charter schools, which are chartered by the state and overseen by the DESE’s Charter School Office, innovation schools remain within the local district and are subject to “local school committee and superintendent approval.”²⁴⁶ Whereas “[Secretary] Reville and other leaders hope innovation schools will attain similar success as many charter schools, which have some of the highest MCAS scores” in Massachusetts,²⁴⁷ it seems obvious that innovation schools are, at the outset, hampered by a lack of autonomy, which is the key ingredient to which many commonwealth charter schools attribute their success.

Indeed, as a May 2011 *Boston Globe* report indicated, many proposed innovation schools haven’t opened precisely because they have run up against traditional district bureaucracies.

“Preliminary plans for another 28 such [innovation] schools have been put forward, but more than a third lack support from local teachers unions, which could jeopardize the faculty approval required under the law. That effort has lagged noticeably in many of the state’s larger cities, where the uncertainty in the process may be deterring administrators from even trying.”²⁴⁸

In that what might otherwise be important attempts at education reform are being effectively hampered because they are running up against the education bureaucracy, a look at the lessons of the first wave of education reform is in order. Charter schools are a clear example of reform that is working for the Commonwealth. It would seem that creating in-district charters, which have been less effective than autonomous Commonwealth charters, would be a less desirable option were it not for the politically dicey prospect of once again raising the charter school cap, which was last raised only for underperforming districts as part of the same legislation that created innovation schools.

But the state politics of education are not the only politics at play in the next wave of reform. It is difficult to talk about the Commonwealth’s growing role in local educational decisions without talking about the increasing role of the federal government as well. Initiatives like *Race to the Top* and the Common Core State Standards Initiative (though sponsored by the Gates Foundation, Achieve, Inc., the National Governor’s Association, and the Council of Chief State School Officers rather than the federal government),²⁴⁹ provide states, Massachusetts included, with meaningful financial incentives to require certain local behaviors.

Some have also pointed out that one of the benefits of the *Race to the Top* competition is that it has forced Massachusetts to delineate its goals for education reform clearly, and in a manner that it has not been forced to do for some time.²⁵⁰ Among those goals, according to the RTTT Round II application,²⁵¹ are:

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- Attracting, developing, and retaining effective teachers
- Providing educators with the appropriate curricular and instructional resources and the tools necessary to support student achievement
- Concentrating the greatest instructional supports in the school's lowest-achieving schools
- Increasing dramatically the number of students who graduate from high school college and career ready.

In the name of equality of educational opportunity, these initiatives may be warranted and could, if implemented properly, help close achievement gaps and raise overall educational quality. However, if in implementing reforms the federal government mandates or requests, Massachusetts does not do so with an eye toward recent history, the Commonwealth runs the risk of returning to a time when it was not the leader in education reform that it is today.

IIIB. Conclusions

At the outset, it was noted that for the next wave of education reform to be as or even more successful than the first, it is necessary to have a basic understanding of the responsibilities, make-up, and functioning of the DESE, as well as an understanding of where the agency has succeeded and failed, especially with regard to implementation of the MERA. In describing aspects of the organization of the agency and in outlining components of education reform's history, this work has provided at least partial answers to the following questions:

- How has the role of the DESE changed with education reform?
- Does DESE have the capacity and ability to fulfill its various new responsibilities under the next wave of education reform?
- What does DESE do well?
- Where has it struggled?

It is quite clear that the role of the Massachusetts Department of Elementary and Secondary Education has changed dramatically over time. Once almost explicitly focused on compliance, the Department, since the passage of Education Reform in 1993, now has significant responsibilities for the creation of standards and assessments for students, teachers, and administrators; data collection; authorizing charter schools; and holding schools and districts accountable for student outcomes. The shift from a focus on inputs to a focus on educational outputs has profoundly changed the delivery of education in the Commonwealth, and the Department has a very important role to play not only in monitoring outputs but also in ensuring that outcomes are continually improving. In many cases, the Department has done well in its new responsibilities and its culture has changed accordingly.

However, vestiges of an older, compliance-focused Department remain, not only due to some of the DESE's required tasks but also because of a compliance-oriented mentality that continues to influence the bureaucracy's work. At times, this mentality contributes to the Department's struggles. Issues with approving teacher certification in a timely manner have real consequences and seem to stem more from the bureaucratic way the certification is organized than with a real lack of capacity at the Department. Moreover, some of the Department's issues with financial management stem in part from a bureaucratic mindset more concerned with ensuring that districts file the appropriate paperwork than with understanding what they are actually doing. As Kathleen Skinner of the MTA, notes: "The Department doesn't really have on-the-ground knowledge of the constituents it serves."²⁵² The problems that pervaded aspects of early childhood education programming when the Department had responsibility for it are examples of this. Had Department personnel been proactive rather than reactive in their approach, they might have uncovered much sooner that districts were

mismanaging funds that should have been going to students and families.

Generally speaking, managing what little funding it does control has not been easy for the Department, which in fact seems to function better when it is lean, especially in terms of staffing. It is notable that most of education reform's accomplishments occurred with a much smaller staff than the Department had in the pre-reform era, even though the agency's responsibilities under education reform were far greater.

As noted above, when the DESE's regional centers came to be housed under one roof in the early 1990s, Commissioner Antonucci cut the size of the Department drastically, reducing the number of staff to 700. Shortly thereafter, the DESE's responsibilities and budget grew—instead of an agency mainly focused on enforcing compliance with regulations, the DESE had to operate with an activist mentality, setting standards, crafting assessments, and gaining “buy-in” from the field on these and many other issues.

While the Department's success in key facets of education reform could be attributed to various things, including fundamental changes in agency leadership and culture, it is notable that Commissioners Antonucci and Driscoll, both known for their ability to convince the field that unpopular issues such as standards and assessment would ultimately serve the best interests of children and families, both saw a leaner Department as more effective.

This point, in particular, serves as a caution for the current move to expand the agency both by adding an additional layer of bureaucracy and oversight in the form of the Executive Office of Education and by layering on new educational programs such as readiness centers. Though the centers have laudable goals, such as “increasing teacher effectiveness” and “creating a truly coherent and seamless education system in the Commonwealth,” they provide the DESE and other agencies with yet another program to oversee. Given that the Department has been

relieved of programmatic duties in at least two key areas in recent years (ECE and SBA), it may make more sense to encourage the agency to focus on what it does well and build upon those things.

One example of building upon the successes of recent years would be to encourage the Department to more effectively utilize the enormous amount of data generated over the years from MCAS assessments. Using such data not only to inform instruction (which is already happening in many districts) but to shine a light on schools that are making real gains in closing achievement gaps, for example, and encouraging these schools to collaborate with their lower-performing counterparts might be a logical extension of the Department's current assistance and accountability functions.

To understand how the DESE will be successful in the second wave of education reform is to understand its capacity for success by looking to recent history. The bureaucracy, for example, may not be well equipped to handle minutia, but it does a good job of collaborating and overseeing contractors who are well suited to handle the minutia. The Department's work with assessment contractor Measured Progress is a good example of this. Moreover, with the right leadership in place, the Department is well positioned to be a conduit to the field, helping it see the big picture associated with reform initiatives such as standards and assessment or an increase in school choice for families.

To stretch the agency even further by layering on more responsibilities is to take the focus of its personnel off of what is important—the delivery of and accountability for high quality K-12 education. If the DESE remains lean and focused on this mission, it will likely be successful; if its staff and budget again become bloated, it will be less likely to do a handful of things well and more likely to do many things poorly.

IIIC. Recommendations for Change

Build on a strong history by setting clear and measurable goals:

With the MERA, Massachusetts unified the education and business communities and made clear to the people of the Commonwealth its expectations and methods for education reform. Amidst multiple federal mandates, hundreds of recommendations from the Readiness Project, and even the many initiatives delineated in the state's *Race to the Top* application, the Commonwealth's current reform goals are not clear. Working in a more focused manner, for example, from the basic goals for reform outlined in the Massachusetts *Race to the Top* application and concentrating on what it will take to meet those goals would be a step in the right direction for Massachusetts.

Clearly delineate the role of DESE and BESE with regard to school accountability and school turnaround:

DESE and BESE will most likely facilitate school turnaround by focusing on one component of the turnaround effort and doing it well. DESE in particular should be characterized as *either* an agency focused on accountability *or* an agency focused on support, and it should have the support that it needs, both in terms of budgets and personnel, to perform that function. If the Department attempts to perform both of these tasks, it runs the risk of doing neither one well. There is already precedent within the agency, both in the Charter School Office and the Division of School and District Accountability. Identifying districts that are not serving students according to a predetermined set of expectations, be they state or federal, is something the agency already knows how to do and could focus on doing even better. When districts are identified as in need of support, the agency could recommend them to an existing autonomous network of providers.

DESE should become a leader in the use of data to inform policies and programs:

The Commonwealth's School-to-College database, which will track students from Pre-K through higher education, has been stalled for years. With funding for significant data and technology infrastructure built into the *Race to the Top* plan, DESE has the opportunity to become a leader in using data to inform policy and program decisions—locally, regionally, and statewide.

Ensure that DESE and BESE retain enough autonomy to maintain credibility with the field and drive the implementation of education policy in a neutral manner:

In a Commonwealth where education reform had typically been driven by the Legislature, the existing bureaucratic structure and current events raise important questions about the autonomy of the DESE and BESE and the politics involved in implementing education reform initiatives. The perception that DESE and BESE work both to support educators and schools and to hold them accountable for clearly delineated expectations is important. Time and again, the DESE's (and the commissioner's) "credibility with the field" were cited as reasons for the successful implementation of MERA by interviewees from across the political spectrum. If Massachusetts is going to remain a leader in education reform, it needs buy-in from those most affected by it—teachers, parents, and students. Tying educational decision making so closely to the Governor increases the sheer amount of bureaucracy citizens have to navigate.

Keep DESE lean and focused on what it does best:

It is important to note that some of the Commonwealth's most effective education reforms were achieved with a comparatively small DESE. Although the Department's size will ebb and flow depending on federal involvement and the flow of federal dollars, allowing DESE staff to focus deeply on a limited number of initiatives instead of broadly on many initiatives seemed to facilitate the success of education

reform. After the passage of MERA in 1993, all available resources at DESE were focused on creating academic standards and assessments for students and teachers, which in turn allowed schools to focus on those things and allowed the DESE to hold schools and districts accountable for that focus.

Appendix I: List of State Regulations

603 CMR 1.00 Charter Schools

603 CMR 2.00 Underperforming Schools and School Districts

603 CMR 3.00: Private Occupational Schools

603 CMR 4.0 Vocational Education

*Massachusetts General Law Chapter 74
Selected Sections*

& 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines

603 CMR 5.00 Dispute Resolution Under Parental Notification Law

603 CMR 6.00 Teacher Quality Enhancement

603 CMR 7.00 Educator Licensure and Preparation Program Approval

603 CMR 8.00 Kindergartens: Minimum School Age

603 CMR 10.00 School Finance and Accountability

603 CMR 13.00 Certification of Supervisors of Attendance

603 CMR 14.00 Education of English Learners Regulations

603 CMR 17.00 Racial Imbalance And Magnet School Programs

603 CMR 18.00 Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs

603 CMR 23.00 Student Records

603 CMR 26.00 Access to Equal Educational Opportunity

603 CMR 27.00 Student Learning Time

603 CMR 28.00 Special Education Regulations

114.3 CMR 30.00 Division of Health Care Finance and Policy: Team Evaluation Services (Rate Setting)

603 CMR 30.00 Massachusetts Comprehensive Assessment System And Standards For Competency Determination

603 CMR 31.00 Massachusetts Certificate of Mastery

603 CMR 33.00 Anti-Hazing Reporting

603 CMR 35.00 Evaluation of Teachers and Administrators

603 CMR 38.00 School Construction

603 CMR 41.00 Regional School Districts

603 CMR 44.00 Recertification

603 CMR 45.00 Agricultural High Schools

603 CMR 46.00 Physical Restraint

603 CMR 47.00 Licensure of Adult Basic Education Teachers and Preparation Program Approval

603 CMR 48.00 Innovation Schools Regulations

603 CMR 49.00 Notification of Bullying and Retaliation

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Endnotes

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