

NEW ENGLAND ASSOCIATION OF SCHOOLS & COLLEGES, INC.

JACOB LUDES, III
Executive Director and
Chief Executive Officer
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January 13, 2006

Ms. Carla Scuzzarella
Principal
Beverly High School
100 Sohier Road
Beverly, MA 0 1915

Dear Ms. Scuzzarella:

Please find enclosed the report of the Appeals Committee for Beverly High School held on Wednesday, January 4, 2006. The report will be considered by the Board of Trustees on Thursday, March 16, 2006. Please be advised that the Appeals Committee thoroughly considered all of the information provided by Beverly High School.

The NEASC appeals procedures state in Section 7 that the decision rendered by the board shall be final and is not subject to appeal. Be assured that NEASC President Philip Austin will notify you in writing of the decision reached on March 16, 2006.

Sincerely,

Jacob Ludes, III

Copy: Philip Austin, President, NEASC
James Mooney, President-elect, NEASC
William Durgin, Secretary-Treasurer, NEASC
Pamela Gray-Bennett, Director, CPSS
C. Thomas Swaim, Legal Counsel, NEASC
Judith Cronin, President, Beverly School Committee
James J. Hayes, Ed.D. Superintendent of Schools
William Scanlon, Mayor, City of Beverly

New England Association of Schools and Colleges, Inc.

Report of the Appeal Committee

Regarding

Beverly High School, Beverly, Massachusetts

Members of the Committee

Marie Diamond, Chair

Michael Longo

Allen Fossbender

David Roach

Not present:

Richard Carmelich

Decision Appealed

The Commission on Public Secondary Schools of the New England Association of Schools and Colleges voted, at the June 26- 27, 2005 commission meeting, to recommend to the Board of Trustees that the accreditation of Beverly High School be terminated.

Facts

On March 23-24, 2003, the Commission on Public Secondary Schools recommended that Beverly High School be placed on probation because of significant deficiencies in its adherence to the commission's Standards for Accreditation, specifically the standards on Curriculum, Instruction, and Community Resources for Learning. Monitoring by the commission ensued. At the June 26-27, 2005 meeting the Commission on Public Secondary Schools voted that it be recommended to the Board of Trustees that Beverly High School be terminated from membership because of its continued failure to adhere to the Standards for Accreditation on Curriculum, Instruction, and Community Resources for Learning.

Basis of the Appeal

The appeal by Beverly High School is based on the following claims:

1. There was a departure by the Commission from the procedures established by written policy or agreement or by recognized custom;
2. The Commission cited factually incorrect information as a basis for its decision;
3. Bias on the part of the Commission's professional staff prejudiced the evaluation or other review of the institution's status or affiliation; and
4. The adverse recommendation is of an arbitrary and capricious nature.

On November 30, 2005, Beverly High School filed a notice of intent to appeal including the appeal document (dated November 29, 2005). The document includes a cover letter and a twenty-five page appeal statement.

On December 21, 2005, the Commission on Public Secondary Schools issued its response to the appeal of Beverly High School. The response is thirty-six pages in length and includes several un-numbered attachments.

The Appeals Committee

The Appeals Committee met on January 4, 2006. The committee reviewed and considered the following documents:

- The appeal package submitted by Beverly High School
- The response to the appeal submitted by the Commission on Public Secondary Schools.
- The By-Laws of the Association
- The Policy on the Appeal of Adverse Actions

In its deliberations, the Appeals Committee focused on the key points presented by Beverly High School and the response of the commission.

Grounds for Appeal Cited by Beverly High School

A. Departure by the Commission from the procedures established by written policy or agreement or by recognized custom

Beverly High School begins its testimony with an allegation that the Commission has departed from its standard practice in voting to terminate the school's accreditation. The Appeals Committee reviewed the testimony and evidence provided by both Beverly High School and the Commission, and determined that the process followed by the Commission was consistent with established policy and procedures. The Commission followed a deliberate and logical sequence of steps in this process. After review of the report of the decennial visit in 2000, Beverly High School received a warning from the Commission for the Standard on Community Resources. This warning was continued by the Commission in September 2001 upon receipt of the school's first progress report. In January 2003, subsequent to the two-year progress report, the Commission deferred further action pending a directed Commission visit. The Commission voted to recommend probation in May 2003 upon receipt of the report of the visit. Based upon the evidence presented, there was no "show cause" from Beverly High School arguing or criticizing the finding or procedures associated with this recommendation. However, in March 2003, Beverly High School Principal Foye provided additional information for the Commission relative to the substandard condition of the facility and testimony from faculty members relative to its detrimental effect on teaching and learning. The result was a vote by the Commission to place Beverly High School on probation in May 2003. Probation continued from May 2003, with an additional progress report in June 2004, and a third progress report in September 2004. Once again, there was no "show cause" from Beverly High School. After the five-year progress report and an additional on-site visit in June 2005, the Commission voted to recommend termination of the school's accreditation and offered Beverly High School the opportunity to "show cause" as to why the Commission should not move forward with termination of its accreditation. In September 2005, the Commission voted to reaffirm the June 2005 vote to terminate Beverly High School's accreditation after reviewing information provided by the school. It should be noted that in the intervening years between March 2003 and September 2005, Beverly High School never sufficiently refuted what Principal Foye said about the facility problems in his March 2003 letter.

The Beverly High School testimony asserts that there is no connection between the facility issues and the Standards for Curriculum and Instruction, particularly in view of its student achievement gains.

The April 3, 2003 letter from the Commission provides a clear connection between the Standard on Community Resources and the Standards on Curriculum and Instruction. In fact, the

Commission adopted many of the points articulated by Principal Foye (March 2003) relative to the profound negative impact of the facility on curriculum and instruction. The chart included on page 5 in Beverly High School's appeal document illustrates that some schools that are currently on probation are cited for the Standards on Community Resources, Curriculum, and Instruction but that other schools are cited for deficiencies in Community Resources and different Standards. However, this does not contradict the Commission's decision since the burden of proof for correction of deficiencies with a Standard rests with the school. Some of these schools may have been able to affirm that the facility does not have a detrimental effect on the Curriculum and Instruction Standards but rather these schools have health and safety concerns or problems with other Standards. Moreover, Beverly High School has stated that it will not correct deficiencies that exist at this time with the school's science labs and inadequate technology because the school is considering options that would involve a complete renovation project or construction of a new academic wing. The substandard labs and lack of ample technology are areas that the Appeals Committee believes impact curriculum and instruction. Moreover, Beverly has not developed a formal plan of action for renovation/construction based upon the evidence presented.

Beverly contends that the Commission did not provide Beverly High School with a reasonable time period to correct the facility deficiencies. In its October 3, 2005 letter, the Commission clearly states that it requires a "demonstration of steps taken to resolve identified problems in a reasonable period of time." This time period to correct the identified deficiencies actually began in 1997 with the Secondary School Needs Study by Strekalovsky and Hoit that clearly indicated serious facility issues. In fact, there was a second study in 2002 with detailed and compelling information relative to the facility, yet Beverly High School did not move forward with any solutions. When the Appeals Committee reviewed the list of other high schools with facility problems, it was apparent that those schools had developed a specific plan and timelines to rectify the problems. Based on the reviewed list, the timeline established by the Commission for Beverly High School is consistent with the timelines established for the other schools. It has been five years since Beverly High School received a warning for the Standard on Community Resources yet there is no agreement on which option to pursue to remedy the situation. Moreover, there is no evidence of a feasibility study, the development of schematics, a site selection, or secured funding.

In its testimony, Beverly High School claims that the Commission has departed from its established practice of placing schools on probation and then monitoring their progress. The Commission does have a practice of continuing schools on probation with a facilities concern if the school has moved forward with a plan of action and the necessary funding. In its own report, the school is not able to identify exactly what problems were corrected with the 2.6 million dollars Beverly High School states were spent to rectify many of the school's deficiencies, and the school still has significant problems that do negatively impact teaching and learning. In addition, the Appeals Committee did not find any evidence that Beverly High School has a formal plan of action to address the major facilities problems.

Beverly High School asserts that the Commission is too prescriptive in terms of the resolution of the facility problems. The school also indicates that "no reasonable organization would invest significant funds into such projects when the end product will be demolished in four years." In the meantime, a generation of students will not have the opportunity to benefit from appropriate science labs and the infusion of technology that can improve or enhance teaching and learning.

B. The Commission cited factually incorrect information as a basis for its decision and which is of such significance as to affect materially the Commission's adverse recommendation.

The Beverly appeal enumerates the steps that Beverly High School has made in rectifying the facility deficiencies. In its correspondence to the school, the Commission has recognized and commended the repairs that have been made. However, the evidence also points out that the repairs do not reach the threshold needed to address the serious problems that still exist. There is no guarantee at this time that a renovation or construction project will come to fruition. The absence of a definitive plan and the related funding indicate that the substandard conditions that currently exist continue to negatively impact teaching and learning at Beverly High School.

The Appeals Committee believes that the evidence has proven that facility deficiencies such as the inadequate science labs and the inadequate technology do affect teaching and learning. That is the core of the issue, not academic achievement. One could also question whether those students who have performed at commendable levels of achievement might have made even greater gains with the additional possibilities provided with a better facility. However, based on the evidence provided, the Appeals Committee does not agree with the statement in the October 3, 2005 Commission letter relative to the "pervasive culture of low standards..." quoted in Beverly's appeal document. Nonetheless, it is a fact, based on the evidence, that the inadequacies of the facility that still have not been addressed do affect teaching and learning.

Beverly High School questions the determination that progress toward resolving facility deficiencies were identified by Commission visits to the school since the visits were made by Dr. Pamela Gray-Bennett. The Appeals Committee does recognize Beverly's argument that Dr. Gray-Bennett did not interview students and teachers during her visits to the school. However, the purpose of the visits was to acquire basic facility information and the facility deficiencies were still in existence. It was also clear that infrastructure work was not going to be completed until a decision was made relative to a major renovation or a construction project.

Beverly High School asserts that \$2.6 million in capital improvements have been made to address health and safety issues at the school. However, the school has definitely been tardy in addressing the issues delineated by the Commission. The October 2005 letter from the Commission establishes the fact that substantive progress in addressing the areas that affect health and safety have not occurred. While the Appeals Committee will concede that some of the deficiencies enumerated do not rise to the issue of health and safety, overall, serious problems still exist that do affect health and safety for both students and staff.

In its testimony, Beverly disputes the timeline issues presented by the Commission. However, the Appeals Committee reiterates that, since the decennial report, a complete population of students has gone through the school and it appears that an entire new population of students will probably be exposed to some of the same major deficiencies in the facility as in the past before any remedy comes to fruition. In examining the evidence of schools with a similar status, it is apparent that the other schools have made a commitment of time and funding to correct the deficiencies. This has not occurred in the case of Beverly High School. While the Appeals Committee will not "take a side" as to whether there will be a remedy in either 2007 or 2009, the members of the committee can only comment on what is known. What is known is that substantive progress has not taken place. All the committee has at this time is assurances from school personnel that it will happen in the future - assurances that are not dissimilar to assurances of the past. To repeat earlier statements - there is no formal plan of action, no process, and no funding for a resolution to the facility problems.

Beverly takes issue with the contention from the Commission that there is no guarantee that the "project will come to fruition." Beverly uses the argument that the school has assurances from the state of

Massachusetts that it will be high on the priority list once the moratorium for significant funding is lifted because this high school does indeed have major health and safety issues. In pursuing this appeal, the members of the Appeals Committee believe that the school is now reversing its argument. The school can not refute the Commission's contention that major health and safety issues exist that affect teaching and learning on one hand, and then, in turn, declare that there is a guarantee that the project will come to fruition because the school will receive priority funding from the state for one and the same reason.

In its testimony, Beverly High School argues that it has made a variety of repairs to the facility and questions the urgency to complete all the identified problems. The issue of the urgency to resolve facility deficiencies is difficult to determine because of the inability of the school district or the city to document exactly what deficiencies were remedied with the 2 million dollars spent on repairs in the last few years. It is not clear how substantive the improvements were; the difference between what was expended and what is deficient remains substantial. It is perplexing to the members of the Appeals committee in its fact finding that 2 million dollars were spent on work that can not be delineated or documented by Beverly.

The impact on teaching and learning surfaces a number of times in Beverly's appeal. Prior to 2003, Beverly High School did not address those issues. The school district only became concerned about the connection between the facility and teaching and learning in August 2005 after the issue of termination of accreditation was broached. The Appeals Committee does acknowledge the 3.6 million dollars appropriated to fund a plan as a step toward a more comprehensive solution; however, the harmful impact on teaching and learning still exists.

C. Bias on the part of the Commission's professional staff prejudiced the evaluation or other review of the institution's status of affiliation, such bias being of such significance as to affect materially the Commission's adverse recommendation.

It is understandable that Beverly High School could have issue with comments in newspaper articles attributed to Dr. Gray-Bennett. However, there remains an irrefutable pattern of Beverly's response to the Commission's recommendations for the necessary improvements to maintain the status of continued accreditation. The Appeals Committee recognizes that Beverly High School charges Dr. Gray-Bennett with bias and that the school's contention that the bias affected the deliberations of the Commission. However, the Appeals Committee finds that there was considerable evidence available to the Commission in its decision-making process. The evidence presented to the Appeals Committee also indicates that the Commission dealt in the same manner with six other schools that were in similar situations. Those schools chose a different path and did something to rectify the situation. The preponderance of the evidence validates the findings of the Commission independent of any individual. The numerous correspondences from the Commission and the facts presented verify that the process used to reach a decision about accreditation for Beverly was consistent with the practices and procedures of the New England Association of Schools and Colleges.

D. The adverse recommendation is of an arbitrary and capricious nature.

The Appeals Committee concludes that steps by Beverly High School to address identified deficiencies of the facility were inadequate based on information available to the committee during its deliberations. This conclusion is based upon available documents and is the same conclusion communicated by the Commission. In terms of procedural steps, the reports from Beverly did not demonstrate substantial progress to address the major problems. The options presented by Beverly in 2005 were presumptive and speculative as opposed to plans that are clearly defined and implemented. Accordingly, the Appeals committee does not concur that the adverse recommendation was of an "arbitrary and capricious nature."

Decision

There are three major issues that the Appeals Committee used to make its final decision: 1) Beverly High School will not make the necessary repairs to the major deficiencies at this time because the school is still in the process of deciding how to address the problem; 2) Serious health and safety issues still exist at Beverly High School based on the evidence provided to the Appeals Committee; and, 3) The school does not have a formal plan of action at this time to address the problem

The Appeals Committee upholds the finding of the Commission that Beverly High School has failed to demonstrate reasonable progress resolving facilities deficiencies originally identified in the decennial evaluation report and that these deficiencies have a negative impact on teaching and learning as well as health and safety implications.

Conclusion

Therefore, the Appeals committee unanimously recommends to the Board of Trustees that the appeal of Beverly High School be denied.